

HEAD OFFICE

4 Carnavon Street
Private Mail Bag
GPO, Suva
Phone - General Office: 3300792, 3310183
Chief Executive Officer: 3305864
Fax: 3300115 | Email: complaints@consumersfiji.org

LAUTOKA/West

Suite 4 Popular Building
Vidilo Street
PO Box 5396, Lautoka
Phone: 6664987 | Fax: 6652846
Email: consumerltk@connect.com.fj

LABASA/North

Level 1, Lot 41 Raza Properties Ltd
Nasekula Road
PO Box 64, Labasa
Phone: 8812559 | Fax: 8812559
Email: colbs@connect.com.fj

FEATURE ARTICLE

26 June 2014

Justice of the Peace found to be not so exemplary

Michael Nand and a friend had approached a duly appointed Justice of the Peace (JP) at his office of business, seeking his assistance in witnessing a Third Party Transfer of ownership document. To Mr Nand's surprise, the JP reacted quite abruptly to their request for assistance, as these samples from his dialogue show:

a) *"Could you not find any other JP?"*

b) *"I have done a few of these types of witnessing since the morning, I am not here for such things as I need to earn some money."* This prompted the requesters to ask the JP whether he was charging money to witness as a JP, to which he replied: *"I am running a business to survive."*

c) *"You can go ahead and complain, it does not bother me and you can go to someone else to get it witnessed, I don't have time for such things."*

After receiving Mr Nand's complaint, two Consumer Council staff members visited the JP's office incognito, one requesting to have a copy of her passport certified and the other requesting to have a copy of her driver's license certified. The Council staff stated that the JP asked them the following questions:

a) *"Who told you I was here?"*

b) *"Can't you find someone else to certify your documents?"*

c) *"Is there no one else you can go to?"*

Both of the Consumer Council staff also confirmed that during their visit, the JP reeked quite strongly of alcohol. One of the Council staff also stated that the JP uttered vulgar language when she advised him who had directed her to his office.

The Council has since written to the JP, who had his solicitors respond denying everything that had happened and confirmed that he had voluntarily decided to resign as a JP.

Your rights

Be aware that Fiji's JPs are governed by a Code of Conduct, which is found in the *Handbook for Justices of the Peace* compiled by the Ministry of Justice. The appointment of any JP is made subject to the Code of Conduct, which establishes acceptable standards of conduct for JPs.

- 1. Access to Services** – Section 1 of the handbook provides that a JP must not unreasonably refuse to provide JP Services and must treat all persons seeking JP services with courtesy, dignity and respect. A JP must also deal with requests for JP services in a timely manner.
- 2. Code of Integrity** – Section 1 of the handbook states that JPs must carry out their duties in a proper manner and administer the law in so far as they are authorized and called upon to do so, without fear or favour, affection or ill-will, in accordance with their Judicial Oath and in the most conscientious manner possible.
- 3. JPs must not be paid**– Section 1 of the Handbook states that a JP must not benefit, in cash or kind, for any service as a Justice of the Peace.
- 4. Complaints** – you may raise a complaint against a JP if he has breached the code of conduct. Section 1 of the handbook also states that a JP must have a Complaints Form readily available should a member of public require one.

Your responsibilities:

- 1.** When visiting a JP, you need to take all the necessary documents with valid photo identification. You cannot sign any document on behalf of anyone else.
- 2.** Documents that need to be witnessed by a JP have to be signed **in front of** the JP. Do not sign the documents before you visit a JP.
- 3.** You have a responsibility to behave respectfully when seeking the services of a JP.

Remember, you may raise a complaint against a JP with the Council or with the Department of Justice.