

**Address by the Chief Justice Mr. Justice Anthony Gates  
at the swearing-in ceremony in High Court Criminal Court No. 1  
for newly appointed Justices of the Peace [JPs]  
and lay Commissioners for Oaths  
Friday 19<sup>th</sup> August 2011**

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Mr. Solicitor  
Madam Chief Registrar  
Newly sworn-in Justices of the Peace and lay Commissioners for Oaths  
Friends and family  
Ladies and Gentlemen

In the past little ceremony had been accorded to the occasion of the swearing-in of Justices of the Peace or of lay Commissioners for Oaths. But this is not quite the right emphasis for what is a commencement of significance to an important role in public service. I am happy to preside at a ceremony that pays due respect to the appointments you have received.

Justices of the Peace have a long history. They were first appointed in England in 1327. The appointment was made by the Lord Chancellor on behalf of the Crown in the name of the reigning monarch.

JPs are no longer asked to sit as Magistrates in Fiji over trials and to decide guilt. But they have various official duties. They are frequently asked to verify signatures and to have statutory declarations taken before them and to approve search warrants. Apart from search warrants, Commissioners for Oaths have similar duties. Often the police bring suspects after interview to a JP to record any complaints and to note any obvious injuries or signs of distress. JPs and Commissioners act gratuitously and receive no salary or fees for their work.

The vast majority of Commissioners for Oaths are legal practitioners who hold current practising certificates [section 144(3) of the Legal Practitioners Decree]. Lay Commissioners, that is non-lawyer Commissioners can be appointed by the Chief Justice pursuant to section 144(1) of the Decree. This is the category of Commissioners being appointed and sworn-in today. Such Commissioners are required in sufficient numbers throughout Fiji so that their services are available in places where lawyers may be hard to reach.

Amongst Commissioners duties are:

- a. The taking of affidavits and declarations to be sworn before them.
- b. Receiving production of documents
- c. Taking the examination of witnesses on interrogatories.
- d. Or for any other matters necessary for proceedings in any court.

Of these duties the most frequently demanded of the Commissioner is the taking of affidavits. I will not here go into that process today. Suffice to say it is a crucial task, what we call a quasi-judicial act, and more than just signing your name at the end of the affidavit.

As some of you will have realised, changes are occurring in this area. Much more information is maintained on file now as to who you are and as to your suitability for this appointment. A lengthy form had to be completed prior to your appointment and various checks made as a matter of consumer protection and in the public interest. Appointments now are usually limited to 3 years at a time. You will be required to keep records of the work you have carried out. Twice a year there will be whole day training sessions on various aspects of your work.

Your work is very important to the justice system and to the community at large. You are there to be helpful and to assist. Occasionally we hear complaints of persons who like to have the title JP or Commissioner for Oaths put on their letter head but who chase members of the public away when they come to seek their assistance. That is not good enough.

If, as I assume you are, you are a public spirited person and have a sense of obligation and duty to your community, you will be a success in your office. Act in good faith and avoid conflicts of interest. Act fairly, honestly, and act rightly, and Fiji's public will have much for which to thank you.

I congratulate you on your appointments. I wish you well in your duties and I thank you for offering your services to the public.

That ends this short ceremony.

The court will now adjourn.

18<sup>th</sup> August 2011

A.H.C.T. Gates  
**Chief Justice**