

Code of Conduct for Justices of the Peace

Schedule 1, Part 1 of the *Justices of the Peace Regulations 2006*

1— Justice must act within conditions of appointment

A justice must not breach, or fail to comply with, a condition of the justice's appointment.

2— Prohibition on soliciting or accepting fees, gifts etc. in connection with office of justice

- (a) A justice must not, whether directly or indirectly, solicit or accept any fee or reward from any person in connection with the office of justice.
- (b) In this clause—
reward includes any gift, gratuity, benefit or favour.

3— Conflict of interest and improper influence

- (a) A justice must not exercise the powers of a justice in respect of a matter in which the justice has a direct or indirect personal, family, financial or business interest.
- (b) A justice must not improperly influence, or attempt to influence, a person who seeks the services of a justice.

4— Administering oaths, taking affidavits, witnessing instruments, etc.

- (a) If, under an Act, it is provided—
 - (1) that a declaration may be made before a justice; or
 - (2) that an instrument may be signed or executed in the presence of, or be attested by, a justice,
 the justice taking the declaration, or witnessing or attesting to the instrument, must do so in accordance with any directions provided under the Act.
- (b) A justice must not—
 - (1) administer an oath or affirmation to a person; or
 - (2) take the declaration or affidavit of a person; or
 - (3) witness the signing or execution of an instrument, if the justice reasonably doubts that the person is legally or mentally competent to make the oath, affirmation, declaration or affidavit or to execute the document.

5— Justice must not divulge confidential information

A justice must not intentionally divulge information of a private, confidential or commercially sensitive nature obtained by the justice in carrying out official duties except—

- (a) as authorised or required by law; or
- (b) with the consent of the person from whom the information was obtained or to whom the information relates.

6— Restrictions on use of office or title of justice

- (a) A justice must not—
 - (1) use, or seek to use, the office of justice of the peace for the purpose of advancing the justice's business, commercial or personal interests; or
 - (2) use, or seek to use, the title of justice of the peace for the purpose of advancing the justice's business or commercial interest; or
 - (3) use, or seek to use, the office or title of justice of the peace in a manner, or for a purpose, that may bring the office of justice of the peace into disrepute.

- (b) Clause (a) does not apply to the use of the title of justice of the peace by a Member of Parliament or member of a council (having the same meaning as in the Local Government Act 1999) on a personal web site or social media page.

7— General conduct

- (a) A justice must not criticise or comment on the choice of a person as to whether the person takes an oath or makes an affirmation.
- (b) A justice must behave in a proper and courteous manner to any person who seeks the justice's services as a justice.
- (c) A justice must not engage in dishonest activities or conduct themselves in such a way as to bring the office of justice of the peace into disrepute.

8— Notice of certain information to be provided to the Attorney-General

- (a) A justice must, within 14 days after any of the following matters occurring:
 - (1) being charged with an offence (other than an offence that is expiable);
 - (2) the withdrawal, dismissal or discontinuance of a charge of an offence (other than an offence that is expiable) alleged to have been committed by the justice;
 - (3) being convicted or acquitted of an offence (other than an offence that is expiable);
 - (4) being found to have acted dishonestly by any court, tribunal, inquiry, regulatory agency or complaint handling or dispute resolution body;
 - (5) becoming bankrupt or applying as a debtor to take the benefit of the law relating to bankruptcy;
 - (6) being disqualified from managing or being involved in the management of any company under the Corporations Act 2001 of the Commonwealth,
 provide written notice of the details of the matter to the Attorney-General.
- (b) A justice must, within 28 days after a change in—
 - (1) the justice's name; or
 - (2) the justice's business or home address; or
 - (3) the telephone number on which the justice can be contacted during business
 - (4) hours or after business hours; or
 - (5) the justice's occupation,
 provide written notice of the change to the Attorney-General.
- (c) A justice must, as soon as practicable after becoming aware—
 - (1) that the justice will be absent from the State for a period expected to last at least 3 months; or
 - (2) that the justice will, for some other reason, be unable to carry out the justice's official duties as a justice for a period of at least 3 months,
 provide written notice of that information to the Attorney-General.

