

Honorary Justices Code of Conduct

Honorary Justices Regulations 2014 – Schedule Two

Schedule 2, Honorary Justices Regulations 2014

Introduction

- 1 This Code of Conduct prescribes the behaviour expected of bail justices and justices of the peace.
- 2 The Code is binding and a contravention may constitute grounds for removal from office.
- 3 In addition to the matters outlined in this Code, honorary justices must also comply with the Honorary Justices Act 2014 and the regulations made under the Act.

Conduct

- 4 An honorary justice must maintain and uphold the oath of office and discharge the functions of a bail justice or justice of the peace, as the case may be, in a courteous and timely manner, in accordance with the law and to the best of his or her ability.
- 5 An honorary justice must act, and be seen to act, with due care, diligence, honesty, integrity, respect, independence, impartiality and without prejudice or discrimination when performing his or her honorary justice functions.
- 6 An honorary justice must not behave in a manner that brings the office of bail justice or justice of the peace, as the case may be, into disrepute.
- 7 An honorary justice must not—
 - (a) purport to hold or exercise powers other than those conferred on him or her as an honorary justice;
 - (b) provide legal advice in his or her capacity as an honorary justice
 - (c) improperly influence or attempt to influence a person when performing his or her functions.
- 8 An honorary justice must not administer an oath or affirmation, or witness the signing or execution of a document if the honorary justice reasonably doubts that the person is legally or mentally competent to make the oath, affirmation, declaration or affidavit or to execute the document.

Conflicts of Interest

- 9 An honorary justice must disclose an actual or potential conflict of interest when performing his or her honorary justice functions and must not exercise the powers of an honorary justice where there is such a conflict of interest.

Competency and Knowledge

- 10 An honorary justice must maintain a competent knowledge of all laws applicable to the functions of a bail justice or justice of the peace, as the case may be.

Privacy

- 11 An honorary justice must not use, disclose or retain any information or documents obtained in the course of carrying out his or her functions as an honorary justice, other than for the purpose of performing those functions or as otherwise authorised or required by law.

Reasonably Active and Reasonably Available

- 12 In addition to the requirement under section 24 of the Act regarding availability and activity, an honorary justice must not unreasonably refuse to perform duties in relation to a matter where he or she is capable of performing those duties.
- 13 Unless there are exceptional circumstances, a justice of the peace is to make available, on the Department of Justice's public "Find a Justice of the Peace" Internet and telephone service, his or her name, the town or suburb where he or she is available to perform his or her duties, his or her hours of availability and a telephone number on which the justice of the peace may be contacted.

Use of Titles

- 14 An honorary justice must not use the title of bail justice or BJ, or justice of the peace or JP, as the case may be, to advertise or advance, or appear to advertise or advance, his or her business, commercial or personal interests.