

TASMANIA

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**JUSTICES OF THE PEACE (CODE OF CONDUCT)  
REGULATIONS 2019**

**STATUTORY RULES 2019, No. 33**

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**JUSTICES OF THE PEACE (CODE OF CONDUCT)  
REGULATIONS 2019**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Justices of the Peace Act 2018*.

Dated 18 June 2019.

C. WARNER  
Governor

By Her Excellency's Command,

ELISE ARCHER  
Minister for Justice

**1. Short title**

These regulations may be cited as the *Justices of the Peace (Code of Conduct) Regulations 2019*.

**2. Commencement**

These regulations take effect on 1 July 2019.

**3. Interpretation**

In these regulations –

*Act* means the *Justices of the Peace Act 2018*.

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**4. Code of conduct**

- (1) For the purposes of section 20(a) of the Act, a code of conduct that applies to all appointed justices is set out in Schedule 1.
- (2) The provisions of Schedule 1 comprise the code of conduct.

**SCHEDULE 1 – CODE OF CONDUCT FOR  
APPOINTED JUSTICES**

Regulation 4

**PART 1 – PRELIMINARY**

**1. Interpretation of code of conduct**

In this code of conduct –

*Act* means the *Justices of the Peace Act 2018*;

*service*, in relation to a Justice of the Peace,  
has the meaning given by clause 2.

**2. Meaning of service provided by Justice of the Peace**

A service is provided by a Justice of the Peace if  
he or she exercises a power, or performs a duty,  
of a Justice of the Peace for the benefit of  
another person.

**3. Application of code of conduct**

This code of conduct applies to all appointed  
justices.

**4. Purpose of code of conduct**

This code of conduct prescribes the behaviour  
expected of all appointed justices.

**5. Effect of contravention of code of conduct**

Under section 29(a) of the Act, serious or repeated breaches of this code of conduct by an appointed justice may result in his or her removal from the office of Justice of the Peace.

**PART 2 – CONDUCT OF APPOINTED JUSTICES**

**6. Providing Justice of the Peace services**

In addition to the requirement under section 19 of the Act for an appointed justice to be reasonably available to exercise his or her powers as a justice and reasonably active in doing so, an appointed justice –

- (a) must not unreasonably refuse to provide the services of a Justice of the Peace; and
- (b) must deal with requests for the services of a Justice of the Peace in a timely manner.

**7. General conduct**

- (1) An appointed justice must –
  - (a) respect and comply with the law; and
  - (b) conduct himself or herself in a manner that promotes public confidence in the integrity and independence of the office of Justice of the Peace.

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- (2) An appointed justice must behave in a respectful and courteous manner towards anyone who seeks his or her services as a Justice of the Peace.
- (3) An appointed justice must not –
  - (a) engage in any dishonest activities; or
  - (b) conduct himself or herself in such manner as to bring the office of Justice of the Peace into disrepute.
- (4) An appointed justice –
  - (a) must always act impartially in exercising his or her powers as a Justice of the Peace; and
  - (b) must not allow his or her conduct as a Justice of the Peace to be influenced by his or her political, business, family, social, religious or personal interests.
- (5) An appointed justice must not convey, or permit another person to convey, the impression that the justice is in a special position of influence by reason of being a Justice of the Peace.
- (6) An appointed justice must not use his or her office as Justice of the Peace for the purpose of benefitting his or her business, commercial or personal interests.
- (7) An appointed justice must give appropriate precedence to his or her duties as a Justice of the

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Peace without causing unreasonable detriment to his or her personal or business life.

- (8) An appointed justice must not purport to hold, or purport to exercise, as a Justice of the Peace a power that is not conferred on him or her as a Justice of the Peace by the Act or any other Act.

**8. Confidentiality**

- (1) An appointed justice must respect the confidentiality of a person to whom he or she provides the services of a Justice of the Peace.
- (2) An appointed justice must not, intentionally, reveal to another person or otherwise publish information –
- (a) that he or she obtained in providing services as a Justice of the Peace; and
  - (b) that is private, confidential or commercially sensitive.
- (3) Subclause (2) does not apply to the revealing or publication of information that is required or authorised by any Act or other law.

**9. Legal and notarial services and advice**

An appointed justice, in the course of providing the services of a Justice of the Peace to a person, must not provide –

- (a) legal advice to the person; or

- (b) notarial services or advice to the person.

*Note* Section 36 of the Act prohibits a Justice of the Peace from demanding, taking or accepting any fee, gratuity, patronage or reward for carrying out the duties of a Justice of the Peace. This does not include remuneration from an employer if the Justice of the Peace performs the duties of a Justice of the Peace as part of his or her employment. Contravening this section of the Act may result in a fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or both.

## **10. Conflict of interest**

- (1) For the purposes of this regulation, an appointed justice has a conflict of interest when providing the services of a Justice of the Peace if his or her personal, pecuniary or business interests interfere with, or may be perceived as interfering with, his or her independent and impartial provision of those services to, or in relation to, a person.
- (2) If –
- (a) an appointed justice is considering providing, or is providing, the services of a Justice of the Peace to, or in relation to, a person; and
  - (b) the appointed justice is aware, or becomes aware, that he or she has or may have a conflict of interest in the provision those services to, or in relation to, that person –

the appointed justice must disclose that conflict of interest or possible conflict of interest to that

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person and disqualify himself or herself from providing, or continuing to provide, those services.

**11. Knowledge and competence**

An appointed justice must be familiar with, and comply with, the provisions of –

- (a) the Act; and
- (b) these regulations; and
- (c) any other regulations made under the Act; and
- (d) any other law having effect in relation to appointed justices; and
- (e) any guidelines issued under the Act and applying in relation to appointed justices.

*Note* Section 18 of the Act requires appointed justices to undertake and complete training or professional development –

- (a) prescribed by the regulations; or
- (b) required by the Secretary of the Department.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 26 June 2019.

These regulations are administered in the Department of Justice.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations prescribe a code of conduct for all appointed Justices of the Peace.