

From the Department of Justice

# Conflict of Interest

Over the past months the Department of Justice has received a number of enquiries from both appointed Justices of the Peace and members of the wider public. Several concerns have been raised, particularly in relation to how someone would know if there was a conflict of interest in relation to the official duties of a Justice of the Peace.

## Definitions

A conflict of interest is a situation arising from a conflict between the performance of the official duties and a personal interest. A conflict of interest may be actual, perceived or potential.

- **Actual:** means there is a conflict between the person's official duties and their personal interest.
- **Perceived:** means when a reasonable person, knowing the facts, would consider that a conflict of interest may exist.
- **Potential:** means where someone has a personal interest that could conflict with their official duties in the future.

Personal interests can include private, professional or business interests of a person or persons that they have a close association with. Examples can include – real estate, assets, income, liabilities, or involvement in memberships, religious/cultural groups, sporting affiliations, and personal relationships.

## Common Examples

It is very likely during your appointment as a Justice of the Peace that you will be faced with times when you need to consider if there is a conflict interest, this can include -

- Family or friends asking you to witness or sign documents.
- Signing documents for customers/clients of a business in which you are also employed.
- Issuing a search warrant for someone you know or where you have a personal interest in the outcome.

A perceived conflict of interest can be just as important as an actual conflict of interest. This perception of conflict leads to a lack of public confidence in yours and the office of the Justices of the Peace integrity. When thinking about a conflict of interest it is valuable to think about how the situation may look to an outsider.

Justices of the Peace are expected to act as impartial and unbiased witnesses or certifiers of documents. The *Justices of the Peace Code of Conduct Regulations 2019* set out clear expectations for the behavior and conduct of Justices of the Peace. For more information on conflict of interest, please see the factsheet on the Department of Justice's Justice of the Peace Resource page - <https://www.justice.tas.gov.au/resources-for-justices-of-the-peace>