

Conflicts of Interest

Justices of the Peace

The following fact sheet provides information for Justices of the Peace on identifying and managing conflicts of interest when providing their services.

What is a Conflict of Interest?

A conflict of interest may arise when your personal or private interest differs from your formal duties as a Justice of the Peace. Conflicts of interest can be seen to influence a person's judgement or impartiality and need to be managed appropriately to maintain the integrity of the Office of Justice of the Peace.

Code of Conduct

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 behaviour and conduct of Justices of the Peace.

Section 10 of the Code of Conduct provides:

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



Do I have a conflict of interest?

When determining whether you have a conflict of interest you should consider the following:

- Have you regularly assisted the person in the past and does knowing them affect your impartiality?
- Does your private interest conflict with your public duties?
- Could you benefit from delivering your services?
- Would others view your involvement as inappropriate?
- If questioned by the public would there be consequences as a result?
- Do you have a personal bias on the issue that affects your impartiality?

If you answered yes to any of the above, you could be perceived to have a conflict of interest.

Common examples

Conflicts of interest are not uncommon and you are likely to come across them over the course of providing your services. Some common examples include:

- Family or friends asking you to witness or sign documents.
- Signing documents for your employer that will benefit you as a result.
- Witnessing or certifying a document for yourself.
- Issuing a search warrant for someone you know or an instance where you have personal interest in the outcome.
- Using social media to advocate or criticise individuals before the courts, comments on laws, sentencing, the judiciary or magistracy or any other highly political issues.

How do I manage my conflict of interest?

Given the provisions of the [Justices of the Peace \(Code of Conduct\) Regulations 2019](#), if there is any conflict of interest, whether actual, perceived or potential, a Justice of the Peace should disclose the conflict of interest, and remove themselves from the situation. If you are ever in doubt and think you may have a conflict of interest, you should decline to provide your services.

Contact

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