



ROYAL VICTORIAN ASSOCIATION OF HONORARY JUSTICES



PROFESSIONAL STANDARDS

Introduction

Appointees to the offices of Justice of the Peace and Bail Justice come from various and representative sectors of our community and consequently from a variety of vocations, educational and cultural backgrounds and achievements. This could be regarded as influencing the manner in which they might carry out their duties.

This paper provides basic guidelines for the performance of duties by Honorary Justices to ensure that a high and consistent standard of behaviour is maintained.

In addition to what is set out in this paper, regard should be given to the law and to policy documents prepared by the Department of Justice and the Royal Victorian Association of Honorary Justices.

The office of Honorary Justice has been in existence for eight hundred years, but will only survive in the future through beneficial and necessary service to the community. It is therefore necessary to maintain a positive community perception of the office and to make appropriate changes to the manner in which officers carry out their duties.

Although the office is honorary, Justices of the Peace and Bail Justices must carry out their duties in a professional manner and fulfil all lawful obligations.

Factors to be considered in detail

1. OATH OF OFFICE

The oath of office includes the obligation to administer the law 'without fear or favour.' It is vital that justice is done and is seen to be done. A perception of bias for or against any person is not acceptable.

2. OATH OF ALLEGIANCE

The oath of allegiance obliges Bail Justices and Justices of the Peace to uphold the common law and law made by Parliament.

3. ETHICS AND CONDUCT

This area is covered by publications and documents of both the Department of Justice and the Royal Victorian Association of Honorary Justices. They set standards that are perceived as necessary to maintain appropriate respect for the office of Honorary Justice.

From time to time breaches of these codes of behaviour may occur which require investigation and subsequent action.

Any member aware of such breaches or allegations of such breaches is duty bound initially to bring the matter before the Association's ethics committee.

The actions and conduct of individual Justices not only reflects on themselves, but also on others holding such offices. This is why it is essential to act in accordance with proper standards.

A courteous, knowledgeable and fair approach is most effective in establishing and

maintaining the necessary authority for carrying out the duties of an Honorary Justice with appropriate dignity.

4. EDUCATION AND TRAINING

It is essential that Honorary Justices receive constant education and training, both formally and informally. This will ensure that the service that Justices offer to the wider community is undertaken by properly trained people. Unless this is done, there is the danger that Honorary Justices will cease to relate to community needs and become part of history.

It is the responsibility of Justices to be involved in the formal training sessions that are offered from time to time.

Informal training is made available through special interest groups and peer group discussions as well as through seminars on related issues.

Honorary Justices are informed of the details of legislative change by both the Department of Justice and the Association. The Association should be asked to advise on interpretative concerns as soon as these may arise.

5. GENERAL MANNER BEARING AND ATTITUDE

The publicity given to Honorary Justices through media coverage is often adverse or, at best negative. Because of this it becomes all the more important that the manner, bearing and attitude displayed by Honorary Justices should correct any misconceptions by the general community and leave a positive impression of the office. This public perception is formed from all the experiences people have of Honorary Justices in both their official and private capacities.

The service required of an Honorary Justice usually relates to a serious and important event in which the community member is involved. This includes even the more straightforward witnessing of documents. The environment, therefore, as well as the process of dealing with the matter, must reflect the professionalism and dignity necessary to leave the community member with a feeling of satisfaction and understanding. Failure to achieve this may jeopardise the perception of the relevance of the office and contribute to the introduction of alternative methods of dealing with matters that are now the concern of Honorary Justices. Even in the more serious case of dealing with the removal of a person's liberty, it is generally possible to have the defendant understand the reasons for the decision and reluctantly accept it as just. The adoption of appropriate professional standards will ensure a maximisation of positive results.

Where the service is provided in the Honorary Justice's work or home environment, special attention should be given to ensure that the facilities are private and away from members of the family, pets and other distracting influences. The highest dignity should be afforded the situation.

In the case of remand hearings similar principles should be applied to ensure that both the Honorary Justice and the facilities are clean, neat and tidy and afforded the dignity and respect of any other Court.

The impression left on the participants as a result of the appearance, conduct and knowledge of the Honorary Justice will be lasting and should be as positive as possible.

6. EXERCISING AUTHORITY

Though it is essential to maintain control of proceedings in order to deliver the desired level and quality of service, it is also vital that the participants in any process are left with the impression that they have been dealt with justly. As has been mentioned earlier, justice must not only be done, but be seen to be done.

Consequently the excessive use of authority by the Honorary Justice is as potentially harmful

to a positive response as the exercising of too little or no authority when the situation calls for the opposite.

Authority is most effectively exercised through the practice of professional standards in a courteous, knowledgeable and efficient manner as has been outlined in this paper.

7. CONDUCT OF HEARINGS

For the purposes of the Bail Act the hearing is regarded as the procedure of a Court. The location must therefore be suitable for a Court, with consideration being given to factors such as noise, human traffic, the possibility of interruption, security, and the cleanliness and comfort of the facilities used for the conduct of the hearing. The conduct of the court is vested in the Honorary Justice; security is a police responsibility; the physical and mental condition of the participants is a Forensic Medical Officer responsibility.

It is important that all matters to be considered in the hearing be given only in the presence of all the participants. It should thus be established as soon as possible who the interested parties are and that they are all present.

Either sworn or unsworn evidence may be given. Taking sworn evidence may assist in ensuring a balance for participants.

The Honorary Justice should ensure that any documents that should be filled in by the Justice are done by him or herself, or prepared under the Honorary Justice's direction and not completed previously by the police.

8. RECORD KEEPING

Honorary Justices should keep accurate records of every duty that they have undertaken, particularly remand hearings, in case such duties need to be referred to in later Court proceedings. To do this it is strongly recommended that Justices acquire the relevant record forms from the Association.

Conclusion:

It is the community perception of the office of Honorary Justice that is the single biggest factor in determining the relevance of the office. Only as long as the community is satisfied with the service delivered by Honorary Justices, will those in Government continue to provide appropriate roles for Justices and thus enable an eight hundred year old tradition to continue.

Technology is rapidly rendering many of the traditional methods and practices of Justices obsolete. This is why Honorary Justices must continually review their performance and compare this with community needs and expectations. It is to this end that this paper has been prepared.