

Seeking an Expression of Interest for Justices of the Peace to perform the role of Court Appointed Questioner in New South Wales Courts

1. Overview

1.1. The Department

The Department of Communities and Justice (**the Department**) assists the NSW Government, Judiciary, Parliament, and the community to promote social harmony through programs that protect human rights and community standards and reduce crime.

The Department plays a key role in the administration and development of a just and equitable legal system in courts, tribunals, laws, and other mechanisms that further the principles of justice and contribute to the achievement of the goals of Government.

1.2. Relevant Legislation

A person who has been charged by police with a domestic violence offence may represent themselves in Court, rather than having a lawyer act for them. This is known as being unrepresented.

Under section 289VA of the *Criminal Procedure Act 1986* (NSW) (**the Act**), an unrepresented person charged with a domestic violence offence cannot directly question the complainant in Court. Instead, section 289VA of the Act says that the Court will appoint a person known as a “Court Appointed Questioner” (**CAQ**). The unrepresented person will advise the CAQ what questions they want the CAQ to put to the complainant. The CAQ will then ask the complainant those questions on behalf of the unrepresented person.

Clause 3A of the *Justices of the Peace Regulation 2020* (NSW) (**JP Regulation**) says that if the Court appoints a CAQ to ask questions for an unrepresented person of a domestic violence offence, the CAQ can be a Justice of the Peace (JP), refer to themselves as a JP and be paid to perform the CAQ role. Prior to the passing of the Regulation, JPs could not be paid for their services.

2. The Role of CAQ

The Department seeks JPs who are willing to undergo training to be included in a pool of JPs to be recommended to Courts to perform the role of CAQ (the Pool). Those persons will be included in the Pool for a period of three years. There is an option to extend those JPs inclusion in the Pool for a further three years, by mutual agreement, and subject to the requirements outlined below.

If a JP is appointed to the Pool, the Department may request that the JP attend Court to perform the role of a CAQ from time to time.

JPs who are included in the Pool to serve as CAQs will be required to:

- Attend in person in the Court and remain at Court until no longer required by the presiding Judicial Officer;
- Agree to be included on a roster or to be contacted by the Department on the day of a matter requiring CAQ services, to perform the CAQ role and to attend the Court in person, travelling at their own expense;
- Actively participate in Court proceedings by asking the complainant the questions the unrepresented person has instructed to put to the complainant in a loud, clear voice;
- Display a willingness to listen to evidence relating to domestic violence offences;
- Actively listen and respond to the directions of the presiding Judicial Officer in Court;
- Comply with the JP Code of Conduct and the Department’s Code of Ethical Conduct;
- Comply with all practice directions and procedural rules made by the Court;
- Not give the unrepresented person legal or other advice, and only communicate with the unrepresented person if the CAQ requires the unrepresented person to clarify a question that the CAQ has been asked to put to the complainant;
- Complete any recommended training as required by the Department; and
- Comply with the handbook and any other materials provided during the training.
- At your own cost, obtain and maintain an ABN;
- At your own cost, maintain your certification as a JP in NSW;
- At your own cost, complete a National Police Check every five (5) years;
- Have not been charged with any domestic violence offence or any other criminal offence in NSW or any other jurisdiction; and
- Have not been the defendant in an Apprehended Domestic Violence Order (**ADVO**) or an Apprehended Personal Violence Order (**APVO**).

The Department will provide training to JPs who have filled out this Expression of Interest prior to inclusion in the Pool. Completion of the training does not guarantee the JP will:

- be included in the Pool; or
- be contacted to perform the role of a CAQ at the request of the Court.

CAQs will receive a payment to perform this role. The full day rate for the performance of the CAQ services is \$150.00 per day. The half day rate is \$75.00 per half day).

After training is complete, the Department will provide JPs who are to be included in the Pool with an agreement that contains the terms and conditions of their engagement as a CAQ. JPs will agree to and sign this agreement to act as a CAQ. Signing the agreement will not create an employment relationship between JPs and the Department. Instead, it will be a contract between the JP and the Department.

3. Expression of Interest and Selection

If you wish to record your interest in attending training and being placed in the Pool for CAQs, please complete the following form:

Name	
Address	
Email	
Telephone number	

Please select your ongoing weekly availability by checking the boxes:

Availability	MON	TUE	WED	THU	FRI
All day (9:30 am to 4:00 pm)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dates/periods you are not available up to 30 June 2023	
Court locations you could service*	
JP Number	

Willingness to attend training	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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* Please note, there is no separate travel allowance payable. Please find [Court locations](#) here. Please list with a comma in between if you can service more than 1 court.

You must complete all information contained in the form and must warrant that all information you have provided is accurate, up to date, and not intended to mislead.

It is a condition of continued inclusion on the Pool that the JP:

- maintains their certification as a JP;
- complies with the JP Code of Conduct and Department’s Code of Ethical Conduct;
- completes a criminal record check every 5 years;
- has not been charged with a domestic violence offence or other criminal offence; and
- has not been the defendant in an apprehended domestic violence order (**ADVO**) or apprehended personal violence order (**APVO**).

If a JP in the Pool is charged with a domestic violence offence or other criminal offence, or is subject to an ADVO or APVO, the JP must inform the Department immediately.

The Department will notify applicants in writing of their inclusion in the pool, however the Department is under no obligation to inform unsuccessful applicants the reasons why they were not selected.

4. Confidentiality and Privacy

The Department of Communities and Justice (DCJ) collects, uses, stores and discloses your personal information in accordance with the Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act).

The supply of your personal information is voluntary; however, if you do not supply us with the information requested, we may not be able to process your application.

In addition, when you provide personal information as part of your application, the information may be provided to and/or accessible by:

- The Department as the agency advertising the job for which you have applied (this includes the contact officer in the agency responsible for the job; other staff of the agency involved in the recruitment process for the particular job, such as members of recruitment panels (including contractors), line managers and human resources staff);
- security and law enforcement organisations for the purposes of criminal record checks and other checks if necessary; and

- other third parties who perform services on behalf of the Department during the recruitment process.

Your personal information may also be disclosed to other parties if otherwise required under Australian law.

The Department may also use your information to support policymaking, program and service planning, delivery of targeted services for clients, program evaluation, monitoring and reporting, research and resource planning. We may also use your information within the Department to plan, coordinate and improve the way we provide services. This includes use of the information by companies contracted by the Department, for example, for the purposes of determining client satisfaction, evaluation of the program and related long-term service enhancement.

You have a right of access to, and the correction of your personal information held by the Department in accordance with the PIPP Act. Further information about your privacy rights is available on the Department's website at <https://dcj.nsw.gov.au/statements/privacy.html>. You may also contact us by writing to us at our postal address at Locked Bag 5000, Parramatta NSW 2124.

For more information about how we handle your personal information or privacy rights please contact the Open Government, Information and Privacy unit on (02) 9716 2662 or infoandprivacy@dcj.nsw.gov.au

5. Disclaimer

It is a condition of this Expression of Interest that:

- no information in this Expression of Interest document should generate an expectation of an employment relationship between the parties or that any work will be assigned to the applicant;
- the right is reserved for Courts to engage JPs outside of the Pool; and
- a JP may be removed from the Pool at any time where there is evidence of a breach of the JP Code of Conduct or the Department's Code of Ethical Conduct or where the JP has failed to comply with directions from the presiding Judicial Officer.

6. Contact Officer / Further Enquiries

Any enquiries relating to this expression of interest should be addressed to the contact officer at jpcaq@justice.nsw.gov.au

Completed Expressions of Interest are to be sent to jpcaq@justice.nsw.gov.au

Communities and Justice

E: jpcaq@justice.nsw.gov.au
W: <https://www.dcj.nsw.gov.au/justice.html>

