

# Justices'

QUARTERLY

October 2020

Volume 89 Number 3



FIAT JUSTITIA  
RUAT CAELUM



‘Silver lining’  
from  
lockdown  
poems

Alzheimers Marlborough  
Diane Tolley  
Manager



# Ringling the changes

Tēnā koutou katoa

Welcome to the October issue of the Justices' Quarterly.

Spring to me is by far the most exciting part of the year. Not only does it bring warmer days and increased hours of daylight, but it also brings hope of better things to come.

After all that we have been through this year don't we need it?

By the time you read this column we will have commenced the programme of association AGMs. These meetings obviously have a very important governance role within our organisation. This year, because of the cancellation of the regional conferences, AGMs have assumed an increased importance in terms of the communication between the Federation and associations. I am hoping therefore that most AGMs will be attended by either me or a member of the Federation Board.

The various oscillations of COVID-19 levels have made it very difficult for associations to plan the timing of their AGMs. Already some associations have had to reschedule the meetings. Having different parts of the country in different levels has also added to the planning complexity. All we can do is carry on, hoping that everything will happen as we planned but at the same time being prepared for the unexpected.

I want to take this opportunity to thank those of you who step forward to take up roles on your association's council. This applies to those of you who have recently stepped down, those continuing for another year and those of you who have agreed to make yourself available for the first time. I know that many of you will have other important competing demands for your time. Your willingness to freely give your time to support your colleagues as they perform their Justice of the Peace duties is much appreciated.

Even if you are not a member of your association's council, if you feel that you have something to contribute, please do not hesitate to offer your help. This applies even if you are a relatively new Justice of the Peace. New people bring new ideas. He rau ringa e oti ai: Many hands make light work.

The lockdown periods that we have endured over recent months have meant that as Justices of the Peace, we have had to consider different ways of offering our services to the public. Some of these changes may well turn out to be permanent. It has been interesting to see the way that technology has played a big part in making sure that we are still able to offer our services to the community.

In many ways this is a sign of the future. There is no doubt that the use of technology will become increasingly important in the way we offer our services.



**Federation President  
Garry Nicholls**

To meet the requirements we need to make sure that our skills in the technology area will meet the changing needs of our clients and stakeholders.

A good illustration of the use of technology was the number of associations which conducted online training during lockdown. Online training will become more widely used as we move forward and in time will form a key part of the professional development of our members.

I hope that the new website will be live when this issue is published. We are expecting that eventually the new website will deliver

an enhanced online educational capability. This will not happen instantly but it will be part of the key objectives as the new site is developed. This is entirely consistent with the objectives of the Justices of the Peace Education Trust that was dissolved earlier this year. The new website will also present a fresh image and easier functionality, not only to our members but also to the public who visit the site.

As we approach the end of 2020 I am pleased to report that there has been a steady improvement in the number of members who have achieved Accreditation. At present, nationally 46% of our members have achieved this milestone. This compares favourably with the same time last year when 42% of members were accredited, but some associations have made significant progress while others have lagged a little. Can we make 50% by the end of 2020? I am sure that we can.

It is also great to see that many of our members complete the Accreditation test several times during the year. They use the test as a knowledge refresher. Why is Accreditation important? It is important because it provides a clear guide of the competency of our members to our stakeholders, particularly the public. Competency is important because it is the key part of what we deliver to the public of New Zealand. That is what the public deserves and expects.

Finally, I want to recognise the tremendous efforts made by our educators in supporting both our ministerial and judicial roles. Having been a ministerial educator for some years I know how important these roles are and how much time is involved in preparing and delivering the education programmes that equip us for the work that we do. The collective knowledge bank of our members is the most important asset of our organisation. Again, if you have experience in the education field, particularly the delivery of online education programmes, I am sure that your association would like to hear from you. I urge you to put up your hand.

Kia atawhai: Be kind

**Garry Nicholls**

# SMALL GROUP ESCORTED NZ TOURS

## Explore the East Cape



### **East Cape** **February 10-17 | 7 nights**

We take our time travelling around the East Cape including visits to the rarely visited back country stations of Waikura, Puketoro and Pukeiti. The East Cape may be on your list of spots in New Zealand that you have not got to....this is your chance to come explore with us.

## The Coromandel



### **The Coromandel** **February 19-27 | 8 nights**

The Coromandel Peninsula is an absolute gem, although well known for its famous beach towns; we are going to have a more comprehensive trip up and down the peninsula. Some fantastic optional walking options for those who would like some extra exercise on their tour.

## Whanganui



### **Whanganui heritage and history** **January 19-26 | 7 nights**

Explore the "Rhine of New Zealand" with us. Visit Jerusalem, take a jet boat to the bridge to nowhere, cruise on a vintage riverboat and enjoy the festivities of the annual Vintage Weekend. This tour will give you an in-depth look at one of the most interesting yet lesser visited parts of New Zealand.

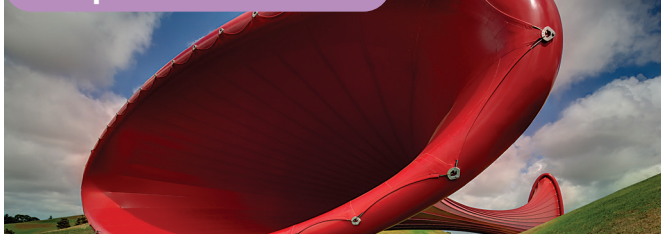
## The Deep South



### **Southland, Stewart Island and Doubtful Sound** **March 23-31 | 8 nights**

Join us on a tour of the best of Southland including the Catlins and two nights on Stewart Island. A special element of this tour is an overnight stay on a ship on Doubtful Sound.

## Sculpture and Art



### **Matakana and Gibbs Farm short break** **November 17-20 | 3 nights**

Experience the stunning sculpture installations of Gibbs Farm on the Kaipara Harbour. Three nights based in Matakana to enjoy art, sculpture and wine. Plus learn the history of the Scottish Highlanders at Waipu and enjoy a day on the water on the royal mail ship to Kawau Island.

## Walking in Wanaka



### **Walk Wanaka and the Siberia Valley** **February 21-27 | 6 nights**

A Wanaka-based walking adventure on some of the best trails in Mt Aspiring National Park. Includes a spectacular day in the Siberia Valley, fly in by small plane & jetboat out. Stay in lakeside accommodation and carry just a day-pack.

**0800 853 276**  
**[www.calderandlawsonontours.co.nz](http://www.calderandlawsonontours.co.nz)**



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FIAT JUSTITIA RUAT CAELUM

Let justice be done, though the  
 heavens may fall

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#### FEDERATION OFFICERS

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Geoff Davies JP

## 'Silver lining' to lockdown

Past Federation President Gavin Kerr, living in retirement in Blenheim, has been able to make a substantial contribution to the work of Alzheimers Marlborough through sales of "Under Lockdown", a collection of poems he wrote during the COVID-19 lockdown period between March and May this year.

Five dollars from the sale of every copy goes to the organisation, which is facing growing demand for support for both sufferers and carers. The book is now into a fourth print run, and Gavin has already presented a cheque for \$1000 to Alzheimers Marlborough (see cover picture).

This is far from Gavin's first venture into poetry, but he decided to mark the time spent under the tight restrictions of lockdown by writing a poem a day, reflecting on life under lockdown and "whatever took my mind at the time", he says in the foreword.

"As well, just on the eve of earlier lockdown restrictions, my wife Elizabeth (Liz, as I refer to her in some of the works) succumbed to the double whammy of dementia and congestive heart failure ... I wrote a

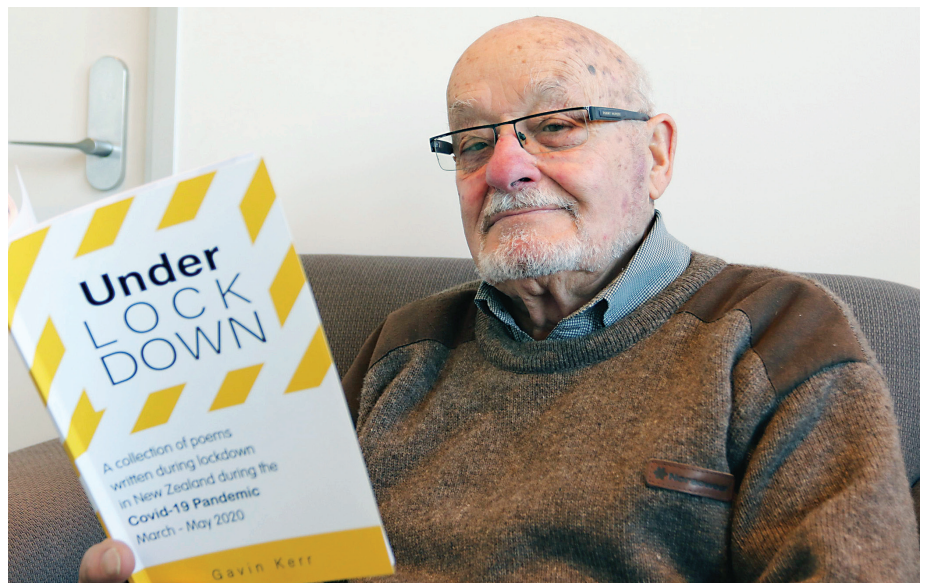
short piece on what I hoped might have been her thoughts at her leaving us." That poem is the opening piece in the book.

Gavin said that he didn't set out to emulate or borrow from any particular poet's style – but "if truth be known, there may be touches of Ogden Nash and Billy Collins here and there, two poets whose sometimes (often with Nash) quirky style resonated with me."

Gavin said the public have been very generous in their support. "I especially thank the Marlborough community for their contribution to the project," he told the Marlborough Weekly. He said that the support he and Liz had from staff at Alzheimers Marlborough was vital following Liz's diagnosis.

Alzheimers Marlborough manager Diane Tolley told the Weekly that the organisation was thrilled at the donation, and appreciated Gavin's kindness. "Receiving a copy of the poem 'The Lockdown', written 20 days after the passing of Gavin's wife brought home to us the range of emotions families go through as the dementia journey progresses," she said. – Geoff Davies

- Contact Gavin Kerr at [gekerr@slingshot.co.nz](mailto:gekerr@slingshot.co.nz) to buy a copy of his book (\$25 + \$3 P&P)



Gavin Kerr with his book of poems written in lockdown between March and May this year. Picture: MARLBOROUGH WEEKLY





## Conference 2021

The Federation's Annual Conference and Annual General Meeting will be hosted by the Wellington association over the weekend of February 26-28. Associations will be provided with confirmation of these dates in early November after all available information regarding COVID-19 lockdown risks is taken into account.

## Non-compliant documents

From time to time documents are presented to Justices of the Peace which may not be what they seem to be at first glance. Whilst caution is required when dealing with any document, it is important that Justices can assure themselves of their jurisdiction when dealing with documents which are not familiar. The Education pages of this Quarterly include extensive coverage of this subject and it would be beneficial for all Justices to re-acquaint themselves with these directions – see "Is this an affidavit?" (P9).

## Judicial JPs: retirement at 75

In July the Chief District Court Judge issued a directive that Judicial Justices of the Peace were required to retire on or before reaching 75 years of age. Some limited exemptions were allowed as part of the directive, and where appropriate these have been granted.

This move aligns Judicial Justices of the Peace retirement requirements with those of all judges and community magistrates and provides assurance of tenure for Judicial Justices.

## Judicial Studies Course

In response to the directive above, the Federation assessed the timing of the Judicial Studies Course. The course has traditionally commenced in early April but has been moved to early February in 2021 to assist with replenishment of the court panels in areas where a number of Judicial Justices have retired or will be required to retire soon.

## Board nominations

The Federation Board consists of the Immediate Past President, the President, Vice-President and four regional representatives. Elections are held annually for these positions (except the Immediate Past President) and nominations are made via local associations. To be eligible for the role of President or Vice-President the nominee must have served on the Federation Board as a regional representative during the five-year period prior to election. The nomination period closes on November 1, and elections are held for regional representatives immediately after that date. The elections for President and Vice-President are held at the AGM.

## Honouring 188 years of service



Five long-serving Waikato Justices officially retired and were presented with their certificates at a recent Waikato association function attended by a large number of fellow members. Between them, the group has notched up 188 years of service: from left, Clifton O'Leary (38 years), Robert Thomas (54), Ray Wakefield (41), Don Lindale (19) and Bill Parsonson (36). Bill is also a former association president and registrar.



# Facebook working well for Auckland

By Auckland association registrar JANET THOMPSON

A few years ago, in response to member requests, the Auckland association decided it wanted a modern, effective way to provide a forum for timely discussion of interests. After considerable discussion we went live with a Facebook page for our members in April 2018.

One of the key considerations in choosing Facebook was management of risk. A blog was considered but was rejected due to:

- the layers of security that needed to be addressed so that members could ask questions of each other in a secure space
- the time and money to develop the infrastructure to host the blog.

The association already had a website that posted news items, but these did not appear to be widely read. Facebook already had the infrastructure and security in place so it was decided to give it a try.

It was important that the Facebook page was seen as an optional value-add extra for members. It did not take the place of other information sources – it was an “as well as”, not “instead of” source of information and discussion.

Along the way there were many discussions around the council table about the risks associated with a Facebook page. None of the council was an experienced Facebook user, and there were concerns that there could be:

- personal attacks on other members
- wrong or misleading information posted
- breaches of confidentiality
- unprofessional behaviour.



There was also the concern we could set it up but nobody would use it.

It was with those discussions and concerns that we did some research to determine the best way to proceed. Eventually we decided to set up a closed Facebook page. This means that the name of the page is visible for people to search and make a request to

join, but membership has to be approved, and only those that had been approved can view the contents of the page.

The council also developed a Facebook Code of Conduct and designed the membership request so that applicants had to provide their JP number and agree to abide by the Code of Conduct.

Another layer of security established that members' posts have to be approved before being made visible to other members.

Almost 17% of our members have now joined the Facebook page, and the percentage is rising every year. The page gets good feedback from members and while we have always been a very active association, the page allows us to not only be active but to be seen to be active.

The posts vary from requests for assistance at service desks, photos of support group functions, celebration of achievement, items of

trivia and discussion about different scenarios and issues that members have faced.

The Facebook page seems to meet a need for a growing portion of our membership, and technical issues have been minimal.





# From the Professional Development Advisor



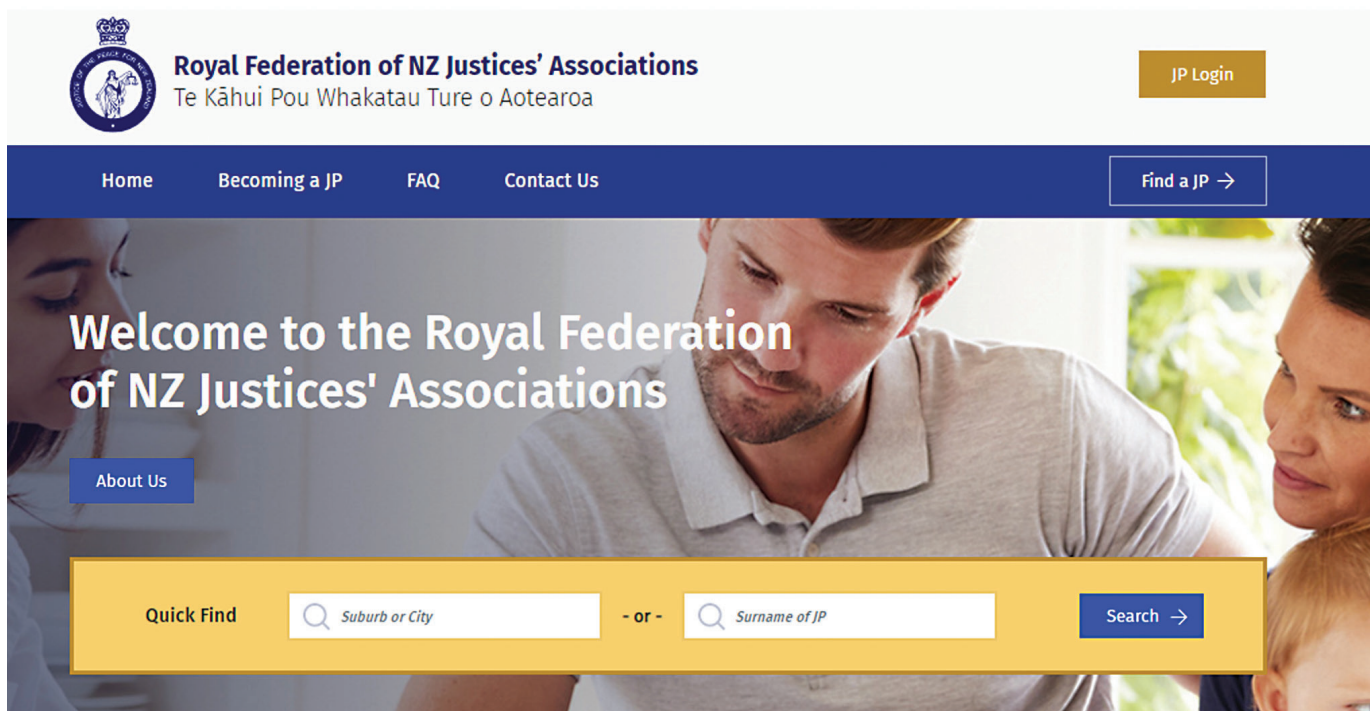
Shinae Skelton

## We have a new website

The new website will look different from the previous website and will function differently, but it has the same address as the previous website: [www.justiceofthepeace.org.nz](http://www.justiceofthepeace.org.nz)

This link will take you to the new home page, which is also available to the public.

## The public home page



### For the public

The "Find a JP" search tool has been updated and is a key feature on the home page.

Users can search for Justices of the Peace by location or by name. A search by location will provide details of service desks and Justices of the Peace located in the area. The search results can also be narrowed by language skills.

### How to log in

To log into the members' section, you will need to select the gold "JP Login" button at the top right hand side of the screen of the home page.

This will take you to the Member Login page. Your username is the same as it was for the previous website – your last name followed by your JP number.



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JP Login



## Member Login

Please login below to access the members area

JP Login

Username\*

Password\*

[Forgot your password?](#)

You will need to reset your password if your login does not work.

If you have a new email address, you may need enter your old email address into the reset password box if you have not updated your email details on the website beforehand.

### How to reset your password

If you cannot log into the website using your usual username and password, please select "Forgot your password" to reset your password. You will be taken to the "Reset your password" screen.

Enter your email address to reset your password.

### Reset your password


If you have multiple email addresses, ensure you enter the same email address that was recorded in your contact details on the old website.

Email

Reset Password  Inbox x



no-reply@justiceofthepeace.org.nz  
to me ▾



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You've requested a password reset.

Click the button below or copy this link into your browser to reset your password.

<https://rf-prod.azurewebsites.net/Authentication/ResetPassword?userId=78842&token=8JgsQ60hfsSzqKiNnZ%2B%2BoBtatip7S0D39Gu6jDNb7FW98Tr5pbwlpFTmFNRIcXlOXr2qhEypgALaCwZ6hocScs0maiaerCCAIJxli1NQTE%2FXgHjTFBemRc43p7i5RPF2liYfsS%2BjBOQwy%2FipHAle0hNo4X5%2FF1SIF%2F3INL0w%3D>

If you have entered your email address correctly, you will be sent an email entitled "Reset Password". Check your spam/junk mailbox if it does not appear in your primary mailbox.

Select the "Reset Password" box in the email. This will take you to a page where you can create a new password.



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Home   Becoming a JP   FAQ   Contact Us  

### Reset Password

New Password

Confirm New Password



Once you have entered your preferred password and have selected “Update Password” you can return to the JP login page and log into the website using your usual username and your newly created password.

### *How to change your password*

If you have set a password but you would like to change it to something different, log out of the

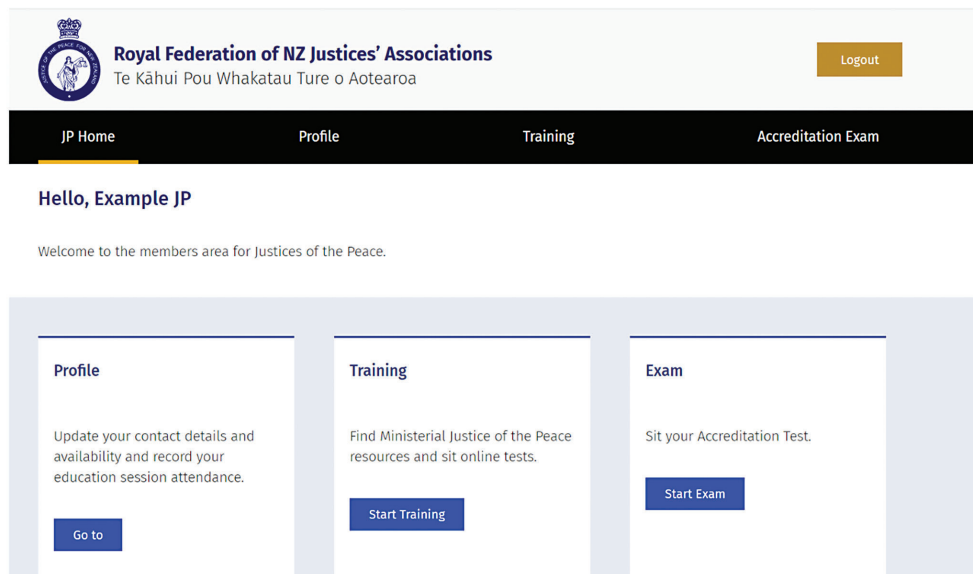
website and go to the JP Login page.

Select “Forgot your password”. This will take you to the “Reset your password” page. Follow the same steps as those set out above in the “How to reset your password” section.

Just as when you are resetting a forgotten password, you will be emailed a link which will enable you to create a new password.

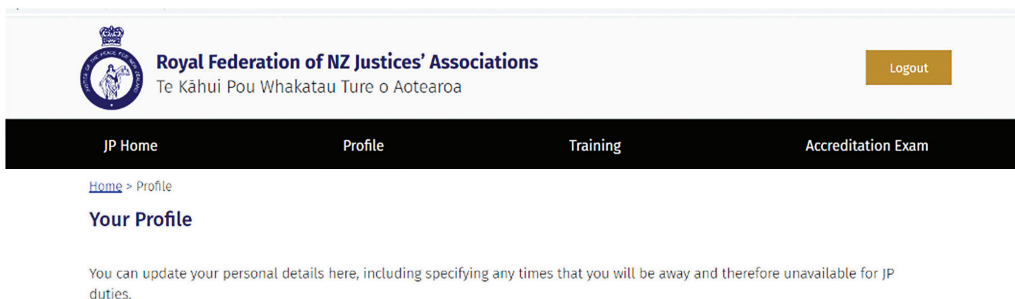
## The members’ home page

Once you have logged into the website, you will be taken to the members’ home page.



### *Profile*

The profile link will take you to your personal profile page.



Here you can update your contact details and indicate periods of time when you might be unavailable. You can enter more than one address, if you are available for Justice of the Peace duties at an additional location or if you have a separate postal address.

Make sure your email address is entered in your profile details to ensure you are able to receive email updates and retrieve your password if it is forgotten.

You can also indicate in which languages you are skilled. When searching for a Justice of the Peace in “Find a JP”, search results can be narrowed to Justices who speak a particular language.

You can also indicate your general availability and your preferred method of contact by going to the “Availability” section. Select from the options in the dropdown box. For instance, you may be available

Availability

Active

Is this a postal address?

Evenings and weekends. Text for an appointment. ▾

Evenings and weekends. Call for an appointment.

Weekdays. Call for an appointment.

Anytime. Call for an appointment.

Evenings and weekends. Text for an appointment.

Weekdays. Text for an appointment.

Anytime. Text for an appointment.

at any time but would prefer for clients to text you to make an appointment. Which-ever option you select will appear on your profile on the “Find a JP” page.

## Accreditation

### Expiry date

You can find your Accreditation expiry date on your profile page. Scroll down the page until you find the relevant box.

### Update your education session

Directly above your Accreditation expiry date you can see the date of the latest education session you have attended. You can update this record by selecting the calendar symbol on the right side of the box and selecting a new date. You do not need to enter any other details to update your record.

Education Session


dd/mm/yyyy



Accreditation Expires

### Sitting the test

Go to the “Accreditation Exam” page to sit the Accreditation test.



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Logout

[JP Home](#)
[Profile](#)
[Training](#)
[Accreditation Exam](#)

[Home](#) > Accreditation Exam

### You can begin the exam below

This exam consists of 50 questions that will be presented 5 at a time.

You can save your progress at any time and return to the same place at a later time.

When you have completed all the questions, please select “Submit” to send your questions to be marked.

You will receive immediate confirmation of your results on this page.

Progress: 0

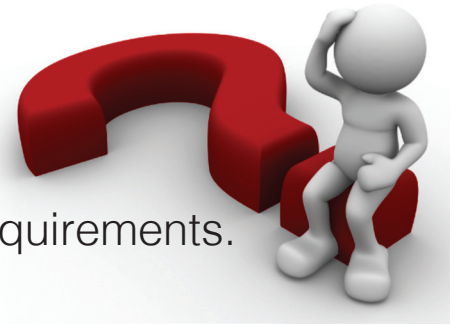
You can now save your progress if you partially complete the test and need to take a break.

When you complete the test and submit your answers, you will automatically be shown your incorrect answers on the subsequent screen. You will also receive an email listing the questions you have answered incorrectly.



# Is this an affidavit?

Sometimes Justices of the Peace are presented with a document purporting to be an affidavit that does not meet the legal requirements.



## What is an affidavit?

It is a statement in writing made on oath or affirmed. Its primary purpose in New Zealand is to be used as evidence in court. This document can be used instead of the deponent appearing in court to give their evidence orally from the witness stand. For instance, an officer may write an affidavit to support the prosecution's case in a criminal trial. Couples applying for dissolution complete an affidavit as their application is technically a legal application for a court order.

The Ministry of Justice provides the following description: "Affidavits and affirmations are documents that contain information said to be true by the person who swears the affidavit or affirms the affirmation. Affidavits and affirmations are used to present evidence in written form."

The Citizens Advice Bureau describes affidavits as written, signed and witnessed statements which will be used as evidence in court, for example if you can't be at the hearing.

In other countries, the term "affidavit" can have a wider meaning, relating to making a statement of truth, and is not necessarily a statement to be submitted to a court as evidence. However, in New Zealand, legislation relating to affidavits envisages their use in court proceedings. Statutory declarations are used as an alternative where a person wishes to declare something as true outside of court.

### *Legislative background of affidavits*

In New Zealand the form, content, purpose and rules for submission and filing of affidavits are prescribed by legislation. Depending on the nature of the case to which the affidavit relates, the affidavit

must comply with the District Court Rules, the Family Court Rules, the High Court Rules and/or the legislated rules of the relevant tribunal or judicial body.

A brief search of the Parliamentary Counsel Office's legislation database for legislation and regulations containing references to affidavits will yield over 100 results. If you look at those legislative references, you will see that the New Zealand legislature anticipates or requires affidavits to be filed in relation to court, tribunal and panel proceedings.



### *What are the general requirements for affidavits under legislation?*

For guidance on form and content of affidavits, we need to look at the District Court, Family Court and High Court Rules. Some basic requirements that affidavits must meet to be accepted in these courts include that:

- they must be expressed in the first person
- they must state the full name, occupation and place of residence of the deponent
- they must be signed or marked by the deponent
- they must be signed by an authorised person
- the authorised person must state the date and place of swearing or affirming and the qualifica-

tion that authorises them to take the affidavit

- the deponent and authorised person must initial or mark every page that precedes the jurat
- the Family Court requires single-sided documents only.

For more information about the rules and requirements relating to affidavits, see your manual.

### *Criminal offences relating to affidavits*

Section 108 of the Crimes Act 1961 makes it an offence to make a false assertion in an affidavit under certain conditions. A person commits perjury when they make a false assertion as a witness, either through evidence given in open court or by affidavit. The evidence must have been given by the witness before a tribunal in judicial proceedings with intentions to mislead the tribunal. Section 108 lists different tribunals whose proceedings are "judicial" for the purposes of section 108. In this section, the making of a false affidavit is specifically prohibited when produced as evidence in judicial proceedings.

Section 110 of the Crimes Act makes it an offence to make a statement that would amount to perjury in judicial proceedings when required or authorised by law to make a statement on oath or affirmation. This section essentially criminalises false oaths made with the intention to mislead the recipient of that statement and relates to oaths made outside judicial proceedings. Unlike section 108, section 110 does not refer explicitly to affidavits.

Section 111 of the Crimes Act makes it an offence to make a false statement or declaration where the

maker is required or authorised to make a statement by law.

Section 114 of the Crimes Act makes it an offence to sign a statement purporting to be an affidavit or statutory declaration when your signature would indicate that you have taken the oath or declaration when you have not sworn or taken the declaration. It also makes it an offence to sign such a document if you know that you had no authority to administer that oath or take the declaration. The section creates a further offence where it is prohibited to use or offer that document where the person knows the document was not sworn or made by the deponent or before an authorised person.

*My client has a document entitled "affidavit" that does not appear to be a proper affidavit. What do I do?*

Your manual says:

“If in doubt, don’t act. This applies when there is a genuine doubt about the legality or propriety of the document or task requested.”

Best practice, when in doubt, is to decline to execute the document with which you are presented. However, before you decline, it is a good idea to form a clear understanding of the circumstances and to determine whether you have good reason to genuinely doubt the circumstances or the document.

#### **The document may be a foreign affidavit**

Ask the client if it is a New Zealand affidavit. Perhaps they have presented you with an affidavit from a foreign jurisdiction. If this is the case, the document will be subject to different legal requirements and this affidavit may meet those foreign legal requirements. The client will need to confirm with the receiving organisation or with their local embassy that a New Zealand Justice of the Peace is authorised to take that affidavit.

#### **Double-check that the document does not meet requirements**

It may be that the document has

been created by the client rather than taken from a template and is formatted a little differently. Documents formatted a little differently could still meet the requirements or may miss a few requisite elements. See the paragraph above about the general legislative requirements for affidavits and consult your manual.

If the document is missing a requisite element, point this out to the client. If the client needs further advice on affidavit requirements, direct them to Community Law or perhaps the Ministry of Justice website.

If the client insists that their document does not need to meet these requirements, it is an indication that the document is not an affidavit under New Zealand legislation.

#### **Confirm the purpose of the affidavit**

Confirm with the client that they wish to submit this document to a court, tribunal or in relation to other proceedings. If they do wish to submit this document to a court or tribunal, they may not have understood that the courts have content and form requirements for documents.

If the client does not intend to file this document in relation to judicial proceedings, it is an indication that the document is not an affidavit under New Zealand legislation.

#### **Determine if you have a “genuine doubt” about the legality or propriety of the document or the task**

If you have determined that the document is not an affidavit or statutory declaration and is not something that you are specifically authorised to sign as a Justice of the Peace empowered by the Oaths and Declarations Act or any other act, you should consider whether you have a genuine doubt about the legality or propriety of the document or what the client is asking you to do.

There are an infinite number of reasons why you might form a genuine doubt. Some examples are outlined below.

Doubting the propriety or legality of the document:

- The document clearly does not meet the legal requirements of the document it purports to be.
- The document contains written threats towards others or you.
- The sections of the document that you checked as part of your usual perusal clearly contain false information - for instance, the client has written a name that is not on their identification or that you reasonably believe does not belong to them. Justices should not form an opinion about the veracity of the information in the body of the document.
- The document clearly deviates from accepted formatting in a way that could mislead the recipient. For instance, if the document’s page numbers begin -3, -2, -1, 0, 1 – the client could discard the first four pages without the recipient’s knowledge.
- The client refuses to complete the document correctly, for instance, by refusing to write their name, or occupation or address when required to by law.

Doubting the propriety or legality of the task:

- The client has asked you to sign something you are clearly not authorised to sign, such as a property relationship agreement.
- The client is pressuring you to sign a document when you have decided not to for other reasons.
- The client is clearly being pressured or influenced to sign something.
- The client is clearly distressed or does not currently have the mental capacity to appreciate the repercussions of signing the document.
- The client clearly believes that a document will be valid in a way that it is not.
- The client is asking much more of you than could be expected from a Justice of the Peace - for instance, requiring you to initial and date every paragraph of a large document or to take the client’s affidavit 10 times using 10 identical documents.

This list of examples is not exhaustive. Each client’s circumstances are



unique and can present new issues. As a Justice of the Peace you are expected to approach each situation with common sense, an open mind and pragmatism.

Provide an alternative solution:

Having established a genuine doubt as to the propriety or legality of the document or task, you are perfectly entitled to decline to execute the document. However, to help the client you should endeavour to offer an alternative solution.

- You could suggest the client make a statutory declaration or complete some other document that better fits their purpose.
- You could advise the client to visit their local Community Law Centre or Citizens Advice Bureau for advice.
- The client could also see a private lawyer or the local court.

*I think I have signed a document that purported to be an affidavit but didn't meet the requirements. What are the ramifications?*

If the client intends to submit the document to a court, it will likely be rejected if it falls short of the form and content requirements of that court or tribunal. In this instance the client will be inconvenienced.

If the client does not intend to submit their "affidavit" to the court and instead wishes to submit it to another organisation, that organisation will likely reject the document or ignore it. The document is of little practical value if it does not meet the organisation's requirements or expectations for documents or if the document has no meaning to that organisation. If the document is rejected, this has inconvenienced the client.

Sometimes clients wish to provide these documents to important figures such as the Prime Minister or the Governor-General. This would be equivalent to a member of the public writing a letter to that person, albeit in unusual form. They are perfectly entitled to do this subject to any laws pertaining to harmful communications and threats. Entitling the docu-



ment "affidavit" does not lend the document more authority in this context.

In conclusion, entitling a document "affidavit" has little legislative effect in New Zealand if the document does not meet the legislative requirements for affidavits. The client is left with a document of little practical value. If such a document is executed, clients are left with paperwork that serves little purpose and might have cost them money and time.

*Why shouldn't I sign this document if it causes little harm?*

You are not doing your client a favour by signing their document if the document holds little practical value. Your signature and acquiescence could be taken as approval of the document and could give the client false hope that it is somehow more valid.

You are also unaware of who will receive the document. The recipient may view your signature as approval of the document's validity and this may damage the public opinion of Justices of the Peace.

It would be contrary to the Code of Ethics to undertake your duties in an improper manner.

*The client says that I am required to sign this document. Am I?*

There is no legal requirement that a person authorised to take an affidavit must take an affidavit. Naturally, there is no legal requirement that a person authorised to take an affidavit must execute a document

that purports to be an affidavit.

The Code of Ethics requires you to undertake your statutory, judicial and ministerial duties in a proper manner and administer the law in so far as you are called on to do so. If your genuine belief is that it would not be proper to undertake the task you are presented with and that the law does not support the execution of the document, you are not in breach of the Code of Ethics by declining to act. Quite the opposite!

*Is it illegal for a client to make a document that is pretending to be an affidavit?*

It depends what you mean by "illegal".

The document may certainly be legally invalid for the purposes of filing written evidence in court. If the document does not meet the very specific legislative requirements of an affidavit, the court is unlikely to accept the document and the client will need to provide a proper affidavit.

An affidavit is unlikely to be accepted by organisations for any other purpose and is therefore invalid for those purposes also.

The client is unlikely to be charged simply on the basis they have created an illegitimate document. To be liable for a charge under sections 108, 110 or 111 of the Crimes Act, the client must make assertions in their statement that are intended to mislead the recipient. It is also unclear whether an illegitimate "affidavit" would attract a charge under these sections, as these sections pertain to affidavits, oaths and statements that the client is authorised or required to make by law.

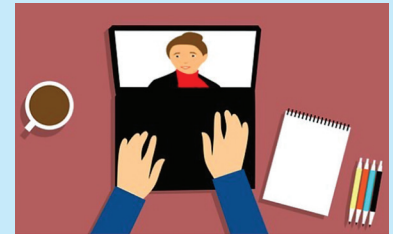
If the document is used by the client in a way that has caused harm that is prohibited by the Crimes Act or another act, the client could be criminally liable - for instance, if the document is used for fraudulent purposes.

In most cases, if presented with a document that the client erroneously identifies as an "affidavit" the issue is one of understanding and knowledge rather than of ill-intent.

# Certified copies in a COVID-19 world

In the previous Quarterly, I provided advice on how you might take a statutory declaration or affidavit via video link. Justices can do this under temporary orders imposed to assist the public during COVID-19 alert levels.

Unlike statutory declarations and affidavits, certified copies are not prescribed by law. This means that no law change is required to enable Justices to take certified copies via video link. Justices were able to do this before Alert Level 4 and afterwards.



## Practical considerations:

- Both you and the client will need to have a wifi enabled device capable of video-calling. This requires a video camera and a microphone.
- Do you and the client have access to the same video-conferencing programme, website or app - for instance, Zoom, Skype or FaceTime?
- You and the client will need sufficient internet connection to ensure good picture quality.
- Do you have a printer to print out the copy to stamp and write on?
- Do you have a scanner to scan and email the certified copy back to the client? Or a phone with a camera and a scanning app downloaded?
- Are you competent with video technology?
- Are you competent with email?

## Objectives when certifying:

- Can you compare the document and the copy sufficiently?
- Can you compare the identification document to the client sufficiently?
- Is your certification statement honest and clear?
- Is the receiving agency aware of the method of certification and will this be accepted?

## Possible issues to be aware of when certifying via video-conference:

- Be very careful to ensure you email the certified copy to the correct address.
- For privacy reasons, you should endeavour to delete every copy of the document received from

the client and sent by you. You must also destroy the certified copy printed, written on and scanned by you.

- In person it is easy to confirm that a person is alone or is not being unduly influenced by an accompanying person. Take extra steps to establish that the client is in a reasonably private space.

## Suggested process:

- Confirm the client has the correct technology.
- Agree upon a video-conferencing format, such as Zoom, and a time.
- Ask the client to ensure they are in a private place when video-calling you.
- Ask the client to email you their copied document and print this document.
- Video-call the client.
- Confirm that you are the only person present on your end of the call.
- Introduce yourself.
- Confirm the client's identity.
- Ask the client to confirm who else is in the room with them.
- Confirm that the document you have printed is the correct document.

## For an ordinary certified copy

- Ask the client to show you their original document by holding it to the camera. You may ask the client to move the document into different positions.
- Compare the original document to the copy that you have in person.

## For a copy required for AML purposes

- Also ask the client to place themselves within good view of the camera.
- Compare the client to their image in the copy of the identity document that you have before you.

*Once you have compared the copy and satisfied yourself that it is a genuine copy (and that the image resembles the client)*

- Write the certification statement on the copy of the document. You can include the circumstances of certification. For instance, for an ordinary certified copy you might write "This is a certified copy of a document presented to me as an original via video-conference". You could use your stamp and amend the appropriate section.
- Scan the document.
- Email the document to the client, taking care to send it to the correct address.
- Confirm the client has received the document and that the certification is correct.
- Delete the original email from the client.
- Delete any downloads of the copy emailed to you.
- Delete the file of the certified copy that you scanned.
- Delete the email that you sent to the client with the certified copy document attached.
- Destroy the certified copy document that you printed, wrote on and scanned.
- In your logbook you may want to note that you met the client via video-conference.



# What is a web browser?

Compiled by SARAH GILLARD

A browser is the software application (a program) that you use to search for, reach and explore web-sites. Whereas Excel is a program for spreadsheets and Word a program for writing documents, a browser is a program for exploring the internet, which is the origin of the term.



Browsers don't get talked about much. A lot of people simply click on the "icon" on our computers that take us to the internet. And in a way, that's enough. Most of us simply get in a car and turn the key - we usually don't know what kind of engine we have or what features it has, it just takes us where we want to go.

## Functions

The role of the browser is to enable the user to view web pages and all their components, such as documents, text, images, videos, audios, hyperlinks etc. It enables us to perform multiple activities, for example to:

- send and receive emails
- access web pages and social networks
- select and save your favourite pages
- print documents
- keep records of your activity
- store information in the cloud
- install applications.

A browser is a useful tool to address the most varied activities of daily life, be it entertainment, information, socialisation, service payments or access to bank information.

## Cookies

Websites save information about you in files

called cookies. They are saved on your computer for the next time you visit that site. Upon your return, the website code will read that file to see that it's you. For example, when you go to a website and the page remembers your username and password – that's made possible by a cookie.

## Making your browser work for you

**Know your browser.** Look at the extreme upper left-hand corner of your screen. You'll see the name of your browser.

**Get the latest version.** Browsers are updated regularly, usually because computers and technology change fast. You can check what version of your browser you're currently using by going to [whatbrowser.org](http://whatbrowser.org)

**Try a different browser.** You can switch to another browser at any time. It won't affect your computer and it will give you an idea of how they are different.

## Give it a try

Most people stick with the browser that came with their computers. Internet Explorer is a well-known browser because it comes with virtually every PC. Safari is well known to Mac users (i.e. Apple computers) because that's the primary browser on those computers. It's admirable to be loyal, but feel free to take this new information and explore your browser choices. You never know what you might discover!

- Sourced from: [www.mozilla.org](http://www.mozilla.org), [www.computertechreviews.com](http://www.computertechreviews.com), [www.whatismyipaddress.com](http://www.whatismyipaddress.com)

# Association history a labour of love

By Rotorua & Districts association president **CAROL BUCKLEY**

An idea that goes back some 10 years has finally come to fruition with publication of "The First 60 Years – A History of the Rotorua & Districts Justices of the Peace Association (Inc)".

Long-serving registrar Barry Gaylard originally intended that our story be recorded in time for the association's 50th anniversary, but hosting regional and national conferences and work in the judicial arena took priority.

Since retiring from the registrar's role in late 2018, the extra spare time and Barry's love of history and writing has enabled him to research, compile and publish this interesting record. He calls it a labour of love that has brought him immense satisfaction.

Barry admits that history can be very dry, and he was conscious of this as he trawled through old minutes and talked to older Justices who might have had stories to tell.

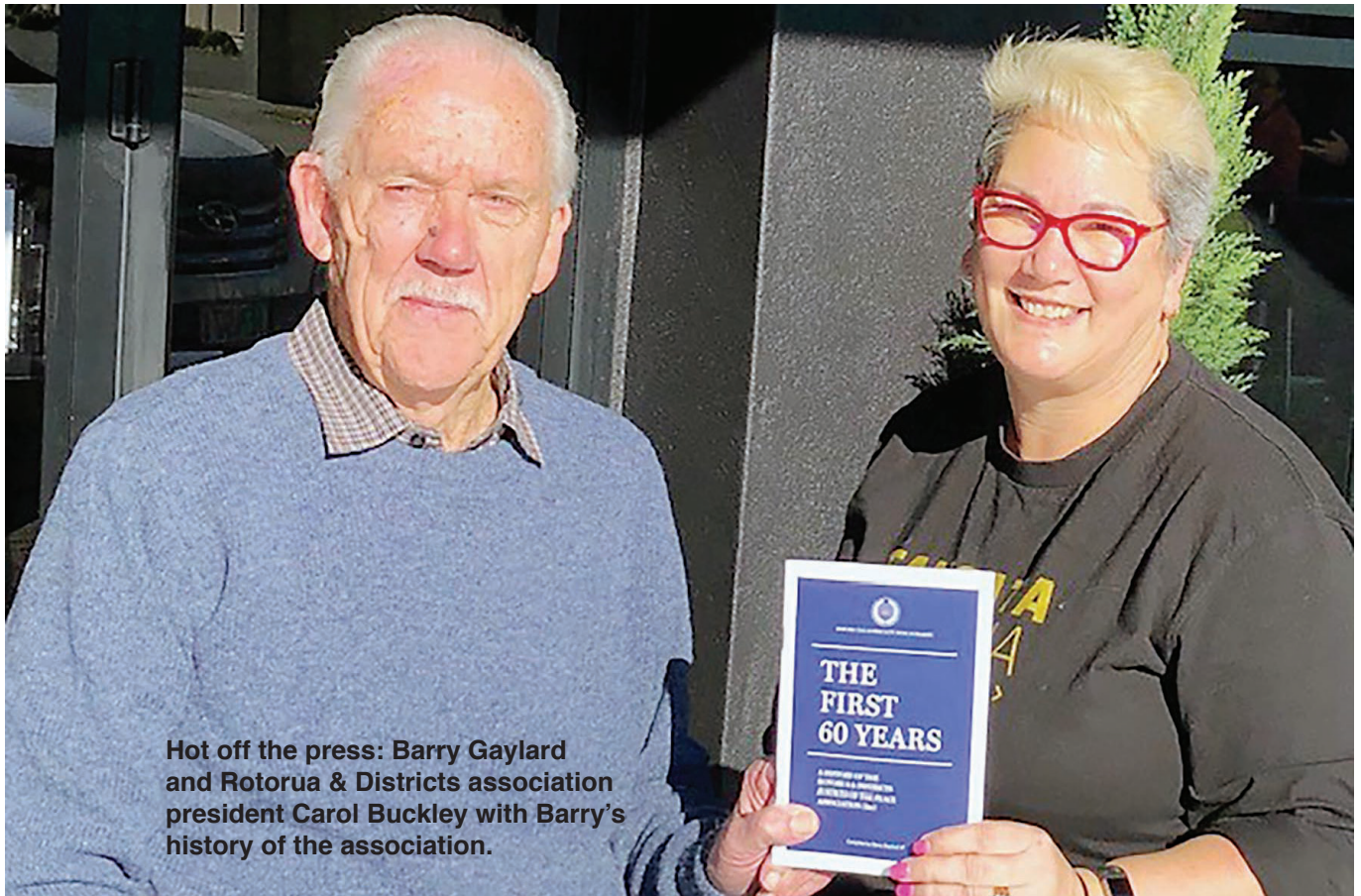
He chuckled as he talked about his biggest learn-

ing. "As registrar, I was as guilty as many other registrars of not recording everything!"

Although there were no real surprises, Barry said his research journey has highlighted the transformation that's occurred in society over the years, from a male-dominated environment to a more balanced, even totally reversed situation that now sees women in senior JP roles.

Barry firmly believes that we must look at the past and see what has gone before us and where we have come from to identify how we arrived at where we are now. He likens it to acknowledging our whakapapa, with a Justice of the Peace association lens. "It's worthwhile for any organisation to have a record of what they have done and achieved."

Barry hopes that readers of the book can see what a rich history we have, and can acknowledge that they are contributing now to the history of future generations.



Hot off the press: Barry Gaylard and Rotorua & Districts association president Carol Buckley with Barry's history of the association.



# Passion and professionalism

Terry Byrne was appointed a Justice of the Peace in South Canterbury in 2005 and moved to Nelson a couple of years later. It didn't take the Nelson Tasman association long to recognise his leadership qualities - he was appointed to the council and became a Judicial Justice just one year later.

In 2012 Terry was elected vice-president and in 2014 he became our president. This was a very auspicious year – it was the 200th anniversary of Justice of the Peace services in New Zealand, and Terry represented the area at the celebration ceremony in the Bay of Islands.

In 2016 he was elected Central Regional Representative and as if that wasn't enough, also took on the court panel manager and judicial educator roles! The judicial team benefited from his leadership skills and worked well together to provide high-quality service to the courts.

Terry has impressed our organisation with his passion and commitment to professionalism, and his support for Accreditation. He championed the Accreditation process as our Central Regional Representative and conveyed the importance of education to our members. That enthusiasm and vision rubbed off on our Justices – it was mentioned many times when we canvassed members about their view of the most important areas for the council to focus on. Their feedback zeroed in on professionalism, education



**Terry Byrne with Nelson Tasman association president Anna Gully**

and Accreditation, and Terry can take a lot of the credit for our Accreditation achievement rate of 80%.

It was Terry's dream to achieve mandatory Accreditation during his term as Federation President, and it is extremely unfortunate that his tenure was cut short for health reasons. Nevertheless, Terry has inspired us to work towards the goal of all Justices being well educat-

ed and achieving professional Accreditation in the very near future.

The association wanted to thank Terry for both his high-level representation in the Federation and his leadership at local level, and voted overwhelmingly to award him life membership of the Nelson Tasman Justices of the Peace Association. – *Nelson Tasman association president Anna Gully and registrar Roger Cole*



# Generosity of time and spirit

By ANNE WILLIAMS and MARTYN TURNER

Past Federation President Clive Rae (left), who died on January 9 this year, was a Justice who served his commission with a generosity of time and spirit and with great honour.

His dedication to careful preparation and correctness, no doubt heightened by his service in the Royal New Zealand Air Force, was immediately apparent in the discharge of his duties as a Justice when he was appointed in 1981, and later as a Judicial Justice.

Clive was elected president of the Wellington association in October 1990. His first year was a busy one: he presided over seven lunch meetings, a Christmas function at Shell House with prominent lawyer Des Deacon, then president of the Wellington District Law Society, as guest speaker; and a formal dinner at the Mitsubishi Centre, Porirua, with Judge Barry Kerr as the guest of honour and speaker. There were also visits organised for Wellington JPs to Arohata Women's Prison, the police college, the Porirua District Court and Mount Crawford Prison.

As a trainer, Clive was always ready and able to share his extensive knowledge and experience. His training of newly appointed JPs was never taken lightly and recognised as an important grounding in ministerial duties.

Clive's judicial focus was on the Traffic Court. An expression he frequently used when presenting a decision was "it was there to be seen!" When presiding in this court he was generous when explaining court procedures to second JJPs, and he was also well-known

for the distinctive tweed jacket he wore at Saturday sittings.

Although eligible for a second year as association president, Clive declined the nomination, so that he could accommodate his increasing Federation workload in areas such as increased jurisdiction, remuneration for court duties, standardised association education, the method of Justices' appointments, and government funding.

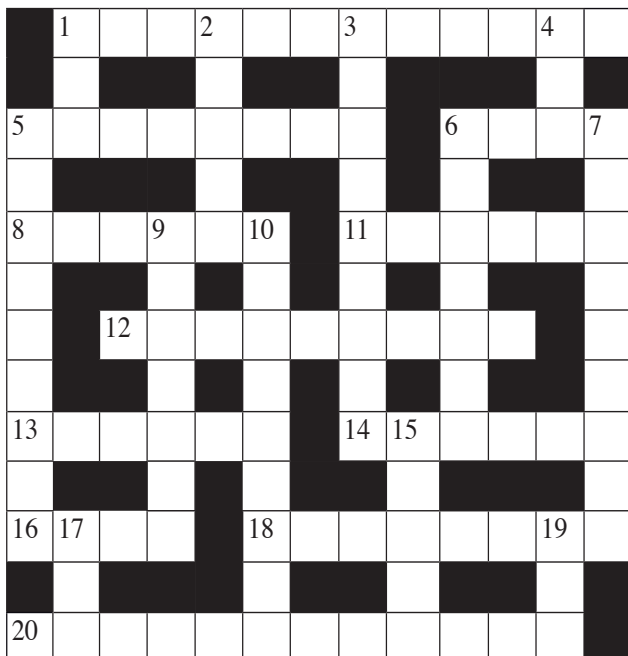
Clive was elected Federation President in 1993. The job came with important responsibilities and considerable travel, all performed with quiet determination and a clear vision of what he wanted to achieve for JPs in the role. At the AGMs, where representatives of the then 27 associations came together, he led with foresight.

A liaison formed with Australian JPs during a visit to Australia resulted in his attending some of their meetings and hosting return visits by the Australians to New Zealand. The ensuing formal links between the Federation and Australian JP groups are now well-established.

Outside JP activities, Clive enjoyed his garden (in the Wellington suburb of Karori), with special interest in his glasshouse, which was adapted for hydroponics to provide fruit and vegetables year-round. He very much enjoyed travel with his wife Margery and they delighted in their children, nine grandchildren, five great- and two great-great-grandchildren.

Clive's exceptional service as a Justice was recognised by the honour of life membership of the Wellington association in 1996.

## CROSSWORD



### ACROSS:

- 1 They fell victim to Covid
- 5 Gorbachev's glasnost eg
- 6 Lose intensity
- 8 One who escapes by stealth
- 11 Humorously sarcastic
- 12 Ces hits it (anag)
- 13 Discoverer of logarithms
- 14 Brief or hurried look
- 16 God of love
- 18 Detailed examination
- 20 One skilled in collecting and analysing numerical data

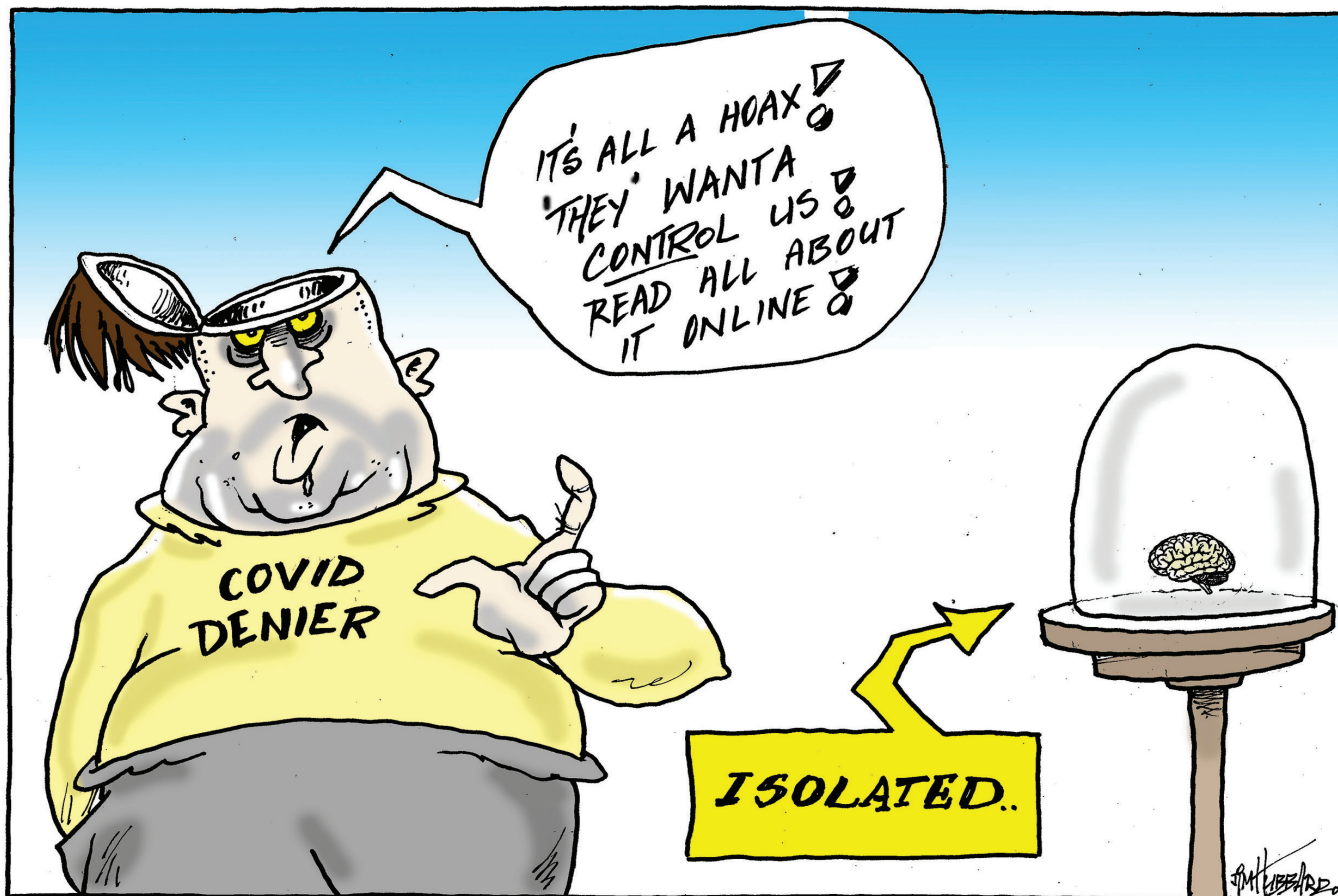
### DOWN:

- 1 Fruit of the rose
- 2 Move rhythmically to music
- 3 Rockface sport
- 4 Sticky substance
- 5 Compliance
- 6 European country

- 7 Quality of being easy to understand
- 9 Small detachments of troops
- 10 Rushes someone into doing something
- 15 Ornamental plant
- 17 Groove
- 19 Charged particle







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Justice of the Peace for New Zealand

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*PURSUANT to section 3 (1) of the Justices of the Peace Act 1957, Her Excellency the Governor-General has been pleased to appoint the following persons to be Justices of the Peace for New Zealand.*

Baker, Nicola Anne, Otautau  
 Balila, Banjo, Queenstown  
 Barroga, George, Oamaru  
 Bullen, Blayde Michael, Auckland  
 Chunyu, Leon Robert, Auckland  
 Colvin, Geoffrey Trevor, Maitua  
 Das, Barin, Wellington  
 Davison, John Francis, Kaiapoi  
 Dobbins, Belinda Jean, Stewart Island  
 Dwan, Thomas Cameron, Wellington  
 Edgar, Judene Louise, Nelson  
 Fong, Deborah Robyn, Whangarei  
 Gardiner, Jonathan Patten, Hanmer Springs  
 Goodhall, Peter Richard John, Whanganui  
 Ho, Jeffery Khin Yin, Blenheim  
 Hopcroft, Wendy Anne, Gore  
 Humphries, Rebecca Jane, Waipukurau  
 Hyde, Anita Lyall, Greymouth  
 Johnston, Gordon Kenneth, Wellsford  
 Kelly, Robyn Kay Florence, Whararoa  
 Khadka, Dinesh Kumar, Auckland  
 Kutty, Anupama Narayanan, New Plymouth  
 Lane, Frederick David, Auckland  
 Lester, Anthony Robert, Paraparaumu  
 Liggett, Philip Andrew James, Kerikeri  
 Lin, Hao, Auckland  
 Mattson, Sue, Auckland  
 McCowatt, Tanya Anita, Waihi  
 Mead, Graeme Murray, Hamilton  
 Otto, Dorothy Maria, Paeroa  
 Patel, Dipal, Invercargill  
 Potter, Keri Merie, Tuatapere  
 Prakash, Rattan, Upper Hutt  
 Reti, Phillipa Janine Uru, Kawakawa  
 Richards, Kevin Lindsey, Auckland  
 Rivett, Adam George, Waimate  
 Rolston, Lilian Rachel, Auckland  
 Rughoonandan, Renee Sharon, Auckland  
 Scott, Josephine Claire, Dargaville  
 Singh, Amrit, Pukeatua  
 Singh, Harpreet, Papamoa Beach  
 Smith, Kelly Suzanne, Timaru

Stolwerk, Angela Christine, Waipu  
 Swindells, Ian Kenneth, Coopers Beach  
 Taylor, Irene Sonya, Lumsden  
 Trinidad, Romeo Fiedacan, Waipukurau  
 Tuck, Elizabeth, Auckland  
 Turner, Glenda Raewyn, Bulls  
 Vester, Bernadine Josina Maria, Auckland  
 Wall, Fa'auileulaalemalelega Marina Luanna, Porirua

*Dated at Wellington  
 This 19th day of June 2020  
 Hon Aupito William Sio  
 Associate Minister of Justice*

Airay, Paul John, Christchurch  
 Anderson, James Douglas, Ashburton  
 Benton, Boyd Trevor, New Plymouth  
 Clifford, Kevin John Harold, Ashburton  
 Cousins, Josette May Florence, Auckland  
 Dougall, Nola Mary, Auckland  
 Horrell, Maxwell Clarke, Gore  
 Matafai, Simon Peter Tagiilima, Auckland  
 Moore, Simon Andrew, Christchurch  
 Neville, Ann Lesley, Raglan  
 O'Neil, Thomas David, Otua  
 Sidhu, Claudia Carolin, Auckland  
 Singh, Harjit, Auckland  
 Singh, Gurbir, Hamilton  
 Smith, Gillian Rosemary, Christchurch  
 Te Aotonga, Glenna Te Kirimatao Ratahi, Whakatane  
 Thornley, Anne, Wellington  
 Vester, Allan Johan, Auckland  
 Wallace, Nicola Elizabeth, Wyndham  
 Wallbutton, Paul John, Mauku  
 Waters, Justine Sarah, Auckland  
 White, Annalisa, Queenstown  
 Winterburn, Jodie Christine, Lower Hutt  
 Yi, Li-Jen (Eric), Auckland

*Dated at Wellington  
 This 30th day of July 2020  
 Hon Aupito William Sio  
 Associate Minister of Justice*

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