

Justices'

QUARTERLY



FIAT JUSTITIA
RUAT CAELUM

October 2021
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In his
mother's
footsteps



JPs step up again

Tēnā koutou katoa

Our country is once again working its way through recovery from another outbreak of COVID-19.

This time we are coping with the Delta variant which, according to the "experts", is extremely contagious, requiring a huge effort from the community to be eliminated. We have seen how quickly it moved throughout the country, particularly in Auckland. While the "experts" appear to agree that we are making good progress towards eventual elimination of the virus, that final outcome is by no means certain. It is clear that no matter what happens we need to be cautious and to be prepared for the unexpected.

It was fantastic to see that once again, as the country entered the initial Alert Level 4 lockdown phase, a core group of Justices quickly stepped up and made themselves available to continue offering an ongoing service to the community by processing documents electronically. As in previous lockdowns, many of the clients had a need to access their KiwiSaver accounts in order to support themselves and their families. Others had been affected by the speed of the lockdown, with documents that needed to be processed by a Justice of the Peace. Interestingly, many Justices found themselves dealing with people from other parts of the country. As the alert levels ease there are likely to be continuing limitations on face-to-face interactions between Justices and the community.

The need to process documents electronically has provided a clear illustration of the skills that we as Justices of the Peace need to possess if we are to continue to remain relevant to the community. The ability to be able to process documents will be a core skill if, as many scientists predict, we are likely to be subject to future pandemic-related restrictions. As we have seen, the need for Justice of the Peace services does not cease.

Unfortunately, for the second year in succession, it has been necessary to cancel in-person regional conferences. These meetings provide an important platform for sharing and discussing new ideas and opportunities. They are an important link between associations and the Federation. Following a remit passed at this year's AGM/Conference, the Board is reviewing the format of future regional conferences.

The uncertainties around COVID-19

have also made it difficult for associations to plan the timing of their AGMs. Some associations have indicated that they will be looking to reschedule their meetings while others are looking at the format of their AGM. Having various parts of the country in different alert levels has also added complexity. All we can do is carry on, hoping that things will happen as planned, but at the same time being prepared for the unexpected.

Being part of your association's council is an important commitment. Thank you to those of you who are prepared to accept this commitment, whether you are standing for the first time, continuing on the council or stepping down. If you are a relatively new Justice of the Peace please consider putting your name forward. New people bring new ideas, which is healthy for our organisation. 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.

In June we saw the completion of the latest Judicial Studies Course. Once again the JSC has been an outstanding success with 22 new Judicial Justices completing the practicum, which is the final stage of the course. I am sure that they will be warmly welcomed on to the judicial panels within their association. Judge Barbara Morris, the facilitator of the practicum, was again very effusive in her comments regarding the calibre of the students who completed the course. It is also important to acknowledge the help that the students receive from their mentors, judicial trainers and court panel managers.

One of the strategic objectives of the Board is to identify solutions that can be used by associations to support education and training, and specifically the improvement of education. Many associations have been very inventive in looking for ways of helping their members achieve Accreditation. It has been great to see the steady improvement in 2021 in the number of members who have achieved Accreditation. At present 50.3% of our members are accredited. This is the first time that we have exceeded the 50% mark and compares with 46.8% at the same time last year. At present Wairarapa leads the field with 72.4% of members accredited.



**Federation President
Garry Nicholls**

ed. Other associations doing really well include Southland, Taranaki, and Nelson-Tasman.

While we have made good progress, to have only half of our members accredited is far from ideal, and we must do better. It is 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. Accreditation is important because it provides an important message to the community and the

organisations and agencies who rely on our services that we regard the quality of our services as important. There are many organisations, whose members include volunteers, who require regular proof of competency.

Most of you will be aware that the Board is currently undertaking a review of our Federal model of association membership. This followed a remit that was passed at this year's AGM/Conference. The review includes wide consultation with our associations and with members. The results will be presented to the annual Federation AGM/Conference in February 2022. The Board is very appreciative for the feedback received.

I know that it is still some time until the AGM/Conference, in New Plymouth on February 25-27. However, now is the time to start planning. If you haven't been to a Conference before you will be very welcome. At this year's Conference in Wellington there was a record number of members attending for the first time. Many of these people indicated that they will also be attending in 2022. Keep an eye out for the information about the Conference that will be coming out from your association, and from the Federation.

We are now in Spring, which 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.

Kia anga whakamua tatou me te tu-manako. Rapua nga wa pai ake.: Let us move forward with hope. Seek better times.

Ngā mihi nui

Garry Nicholls

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Let justice be done, though the
heavens may fall

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Investment in prevention

ACC is investing \$44.9 million over four years to establish a fit-for-purpose sexual violence primary prevention system, Minister for ACC Carmel Sepuloni has announced.

"Almost a quarter of adults in New Zealand have experienced sexual violence in their lifetime, and around one in six people are affected by sexual violence before the age of 18," Ms Sepuloni said.

"These high rates cannot continue. We need to put in place systems that protect our whānau and our future generations.

"The new Te-Tiriti-informed primary prevention system announced today will provide long-term, sustained investment and enhance our Government's effort to prevent sexual violence. The package includes \$11.7 million of targeted investment for kaupapa Māori approaches. It will enhance the primary prevention system in Aotearoa New Zealand," Ms Sepuloni said.

"Primary prevention works to address the underlying drivers that lead to violence," Minister for the Prevention of Family Violence and Sexual Violence Marama Davidson said.

"We do this by identifying the systemic causes that lead to sexual violence and changing individual and community attitudes and behaviours.

"The system will focus on more than just violence; it will look at the whole community and address the social drivers that allow sexual violence to occur," she said.

"It will focus on those who are impacted most by both violence and our current response gaps – Māori, Pasifika, disabled, rainbow, ethnic and migrant communities as well as older New Zealanders – and include a range of initiatives, including education, workforce development, community mobilisation and behaviour change.

"The approach being taken by ACC aligns with the wider kaupapa of the Joint Venture and soon to be released National Strategy, which recognises that we cannot eliminate violence if we focus solely on response. This is why we are working with communities to develop prevention and healing components to stop violence from happening in the first place," she said.

Ms Sepuloni said that ACC would continue to work with the Joint Venture across government, iwi, communities and providers on the design phase.

"One of the first priorities will be establishing sustainable ways for communities to mobilise and develop a greater understanding of mana-enhancing and tapu enriched healthy, consensual relationships.

"This community mobilisation will help reinforce health relationship education in schools, being led by the Ministry of Education," she said.



Carmel Sepuloni



Marama Davidson

ON THE COVER: A happy occasion ... Bradley Stenhouse, pictured with his mother, West Coast association vice-president Leonie Stenhouse, was sworn into office as a Justice in Greymouth recently. Judge Raoul Neave did the honours, and West Coast president Tony Fortune presented the certificate. Picture: JEANETTE OLIVER



AGM/Conference 2022

The Annual General Meeting and Annual Conference of the Royal Federation will be hosted by the Taranaki Justices of the Peace Association over the weekend of February 25-27 2022.

The weekend will commence with the AGM on Friday, with all Conference activities occurring on Saturday and Sunday.

Associations will be provided with confirmation of these dates in November after all available information regarding COVID-19 lockdown risks is taken into account.

AML-CFT requirements

There are specific requirements for agencies which fall within the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 to positively identify new and, at times, existing customers. This is a task which Justices are frequently asked to undertake for the client. Unfortunately, failures by Justices to follow instructions from those agencies continue to be a source of complaints. The Education pages in this issue include instructions on how to undertake this task.

Issuing officers

The Search and Surveillance Act 2012 provides for Justices of the Peace to be authorised as issuing officers for a term of three years. Over the past nine years a significant number of Justices have assisted various agencies such as NZ Police, Customs and Fire and Emergency New Zealand (FENZ) with the authorisation of search warrants and production orders. At any one time approximately 300 Justices are authorised by the Attorney-General to be issuing officers. They provide a backup service to other issuing officers – mostly court registrars and deputy registrars. The recent appointment round, which covers the next three years through to 2024, resulted in 18 new Justice of the Peace issuing officers being appointed.

Federation Board nominations

Nominations for the positions of regional representative have closed. The outcomes of the election process will be confirmed at the AGM in February 2022. The nomination process for the positions of President and Vice-President is currently open, and if an election is required, the results will be confirmed at the AGM.

Judicial Studies Course

The first cohort of 22 students for 2021 in the Judicial Studies Course completed the practicum component four days before the COVID-19 lockdown began in August. They have all been subsequently approved to sit as Judicial Justices (see photo in the Education pages).

A second cohort will begin the course in October, with completion scheduled for May 2022.

COVID-19 lockdown

In August the country went into Alert Level 4 lockdown as the result of community cases of COVID-19 being identified. This placed significant stress on people still requiring assistance with documents by Justices of the Peace, who were unable to see a Justice in person. Over 130 Justices committed to providing assistance by electronic means despite a personal cost to themselves – but the service has been very much appreciated by members of the public. The service provided is not delineated into geographic areas – a Justice in Whangarei could be assisting a person in Dunedin at the same time a Dunedin-based Justice is busy assisting someone in Tauranga. The “online” service offered certainly reinforced our position as Justices of the Peace for New Zealand.

Thank you to those who assisted online – it certainly reduced the number of calls and emails received in the Federation office!



Chris Penk MP, Air Force padre Stu Hight, Wing Commander Susie Barns and Auckland association Kumeu co-ordinator Grant Brown.

Dinner in the Mess

A mid-winter dinner for Kumeu members of the Auckland association in the Officers' Mess at Royal New Zealand Air Force Base Auckland at Whenuapai in July was very well attended by 42 Justices and families, including some from the Helensville area. The association was represented by president Frank Rands and Roger Brooks, and the Auckland Regional Representative on the Federation Board, Sherryl Wilson also attended.

Guest speakers included Chris Penk, MP for Kaipara ki Mahurangi, and Wing Commander Susie Barns, Director of Air Safety and Health, who both made special mention of the valuable work that JPs do in the community. Wing Commander Barns outlined her very interesting career in the Air Force and highlighted some of the amazing work the RNZAF does in

New Zealand and throughout the world.

The night and the meal provided by the RNZAF catering staff was of a very high standard. I thank Jim Coward JP and his wife Sherri for the considerable time they put

into arranging the event and also Padre Stu Hight JP, our liaison officer with the base, and the Base Commander and his staff for supporting and facilitating a successful and most enjoyable event.

- Grant Brown



Justices and families seated for dinner in the dining room at the Whenuapai Officers' Mess.

Good response to surveys

As advised in the July issue of the Quarterly, following a remit passed at the Federation AGM in February the Board is conducting a review of the federal model of association membership.

The review has necessarily focused on the membership model. However, it also made sense to use this opportunity to think about and review what other changes might be needed to ensure our organisation is flexible, responsive and relevant to the communities we live and work in, now and in the future.

In August, just as the country went into lockdown, a randomised sample of 1504 Justices of the Peace, for whom the Federation holds an email address, received an invitation to complete a survey on SurveyMonkey. The survey was open until August 29 and in that time 675 responses were received. A return rate of 44.8% has enabled the project team to have confidence in the validity of the data and that it is reflective of the wider membership.

Additionally, all 28 associations were emailed a separate association survey with the expectation that councils made opportunities available to



their members to contribute to the survey responses. The due date for the association survey was September 30. All associations have submitted completed surveys, with some very fulsome responses and an indication of the varied levels of consultation that occurred.

As a result of the questions asked in the surveys and the responses

received, the project team has a large volume of valuable information about the current membership model and a range of other areas, such as online education, governance, and communication. The project team will spend time compiling and analysing the information supplied, and develop recommendations for inclusion in a report to be submitted to the Board in November. The results will also be reported to the 2022 Federation Conference and in the Quarterly before and after Conference.

Through this article the project team and Board express their gratitude to everyone who has contributed to the "Review of the Federal Structure". Your input into the review process is valued and important. - **Federal Structure Review Sub-committee**

Federation AGM/Conference 2022

Thank you to those who completed the feedback questionnaires following the Wellington AGM/Conference. The feedback has prompted changes to the format for the New Plymouth event, scheduled for February 25-27 2022, as follows.

- The AGM and Conference will be run separately.
- The AGM will be held on Friday February 25. The AGM is a key part of the Federation's governance and is the forum for presenting and debating remits and notices of motion. This process is an important step in setting the future direction of our organisation and we hope that as many participants as possible will attend.
- Regional dinners will be held on Friday evening.

- The Conference programme starts on Saturday February 26 with registration. At the moment it is anticipated that registration will open at 9am.
- The Conference programme will be structured to allow attendees to participate in all of the workshops.
- The conclusion of the Saturday programme will be followed by a social hour and dinner.
- There will be a Conference breakfast on Sunday morning.
- The Conference will conclude at approximately 12.30pm on Sunday.

More detailed information including times will be available later. - **Garry Nicholls**

From the Professional Development Advisor



Simone Baxter

The rules for affidavits

Recently, several Justices of the Peace have been presented with documents described as being an affidavit. Some of these documents have not met the legal requirements prescribed by the Oaths and Declarations Act 1957. It is important that we stay up to date with legislation and the rules around the documents we are administering.

What is an affidavit?

An affidavit is a written, signed and witnessed statement made under oath or affirmation. The most common purpose of an affidavit in New Zealand is for legal proceedings in court. A deponent has the option to supply a written affidavit to the court rather than appearing in person and giving their evidence orally. For example, a police officer may provide an affidavit to support a prosecutor in a criminal case. Couples applying for a dissolution complete an affidavit as their application to be provided to the court.

In New Zealand the form, content, purpose, and rules for submission and filing of affidavits are prescribed by legislation. New Zealand legislation anticipates or requires affidavits to 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.

Overseas, affidavits have a wider range of use. In other countries affidavits, called statements of truth or affidavits of truth, are commonly used for



making a statement or declaring something as true outside the court. Generally, these documents do not comply with the requirements for an affidavit in New Zealand and therefore are not recognised as one here.

What are the legislated requirements for an affidavit?

The basic requirements outlined in legislation (District Court Rules 2014 9.66) indicate that an affidavit must:

- be expressed in the first person
- state the deponent's full name, occupation, and usual place of residence
- be signed or authenticated by the deponent
- be witnessed and signed by an authorised person, confirming the date, place of swearing/affirming and the qualification authorising them to take the affidavit
- be initialled on all pages excluding the jurat page
- be single-sided if required for the Family Court.

The Citizens Advice Bureau provides the following instructions: "An affidavit must include your full name, occupation and address. If you are using this in court, you must put all of the evidence in writing – and you have to write it in first person (e.g., "I did this", "They told me that"). It must be signed in front of the person who will take your oath or witness your affirmation. You also need to initial any pages that you have not signed."

Detailed information on affidavits can be found in the Ministerial Manual.

What if the document doesn't meet the requirements of an affidavit?

As your manual states: "If you doubt that you have the authority to do the task, remember that your basic statutory authority is to take affidavits and statutory declarations under the Oaths and Declarations Act 1957." If you have genuine doubts about the legality or propriety of the document or task requested, it may be appropriate to decline to administer the document. However, before you decline the document, it is a good idea to clarify the circumstances to ensure you have a genuine reason for declining. It can help to go over the following questions with the client.

What is the purpose of the affidavit?

What requirements does the affidavit meet/not meet?

What jurisdiction do I have to sign this document?

Is the document a foreign affidavit?

Remember, as a Justice of the Peace you cannot give legal advice. If you are unsure about a document and it does not meet the legal requirements for an affidavit, you can suggest that the client seeks legal advice from a lawyer or Community Law. Justices of the Peace are not trained in all areas of the law and you can only administer documents within the authorised jurisdiction. It may be more appropriate for the client to complete their document with a solicitor or with a registrar at the court.

What are the ramifications of signing a document that does not meet the affidavit requirements?

If the document does not meet the legislative requirements for an affidavit, entitling the document "affidavit" has little legislative effect in New Zealand. This will result in the client being left with a document of little practical value that might have cost them money and time.

If you have signed a document that does not meet the prescribed requirements and it is submitted to the court, it will likely be rejected for filing. This will inconvenience the client and could

in turn delay or hinder a court case.

If the document is intended for another New Zealand organisation and the agency's requirements or expectations are not met, they will likely reject the document. There is no value in an affidavit that does not meet the required standard.

There will be circumstances when a client wishes to provide these documents to individual people such as the Prime Minister or Governor-General. They are entitled to do this, subject to any laws relating to harmful communications and threats, but this will be considered the equivalent to a member of the public writing a letter. The use of the word "affidavit" does not give the document any more authority than a standard letter.

Using stickers instead of stamps

Are you using your own stickers on documents when your stamp does not match what needs to be recorded? Stickers are often considered to be a non-permanent option: it is important that you are using safe techniques to ensure that your sticker is not removed from one document and added to another. Here are some pointers to help you.

- 1 Avoid removable stickers and opt for a permanent option. This will help ensure that your sticker is not easily removed from one document and added to another.
- 2 When you complete the sticker, consider signing in a way that ensures your signature is both on the sticker and the page of the document. That way if it is removed it will be harder to replicate the missing portion of your signature.
- 3 Treat your printed stickers like your stamp. Make sure you are not leaving extra stickers lying around that could be easily misplaced or misused.
- 4 Remember that you do not need to have a sticker or a stamp, you can hand-write the declaration on the document.

Judicial Studies Course 2021

We were extremely fortunate to have our Judicial Studies Practicum in August the week before the country went into Alert Level 4 lockdown. Twenty-two Justices of the Peace training to become Judicial Justices attended a two-day practical training in Wellington with Judge Barbara Morris and a selection of current Judicial Justices. As part of the programme, we visited the Supreme Court for a tour. It was fascinating to hear about the design of the building and how the processes differ from that of the District Court. The Supreme Court is open to the public – if you find yourself in Wellington with some spare time, consider a visit to this important building (open 9am-5pm weekdays).



Judicial Studies Practicum 2021 participants visit the Supreme Court. PICTURE: Lyn Eden

Are SuperGold cards a Primary Identification?

What is a Primary Identification?

A Primary Identification is an official document that proves your identity.

Not all forms of identification fall into the category of primary. This does not mean they are not valid forms of identification, it just means there will be some circumstances when restrictions on their use will be in place.

SuperGold or Gold cards are not classed as a form of Primary Identification. As per the SuperGold government website, a SuperGold card is not intended to be used as a form of identification. A card holder can get their photo added on to their card through the AA to use as a form of photo identification. However, unlike a passport or driver licence the card will not be considered as an official identification.



This means that some agencies will require a secondary form of identification if you are using your SuperGold card.

Can a SuperGold card be used as a form of identification when you are administering documents?

As there is no legislation strictly requiring you to see a form of identification (except in cases of AML) it is acceptable to use a SuperGold card if you are taking reasonable steps to satisfy yourself that the identity of the client is the person named in the document.

As a SuperGold card is not a Primary Identification, if a document requires proof of identity, you need to confirm that a SuperGold card will be accepted as a form of identity by the receiving agency.

What's the deal with electronic and digital signatures?

With the Epidemic Preparedness Immediate Modification Order in place, allowing Justices of the Peace to administer documents via audio or audio-visual means, some have asked if documents can be signed using an electronic or digital signature.

What is an electronic or digital signature?

In basic terms, an electronic signature is just a signature in electronic form. Rather than using pen and paper, the signatory signs the document using a computer or electronic device. This can be done by inserting a signature to the document or including wording to the effect of “this document has been authenticated electronically by [name]”.

Digital signatures are a form of electronic signatures that are more complex. They use algorithms, certificate authorities (CAs) and trust service providers (TSPs) to embed coding to signify that the document has been signed by a particular person. This process is done via specialised programmes such as DocuSign or Adobe Sign.

What does legislation say?

There are no specific instructions on this in the Oaths and Declarations Act, District Court Rules or the Epidemic Preparedness Modification Order. To answer this question, we need to investigate further.

The Contract and Commercial Law Act 2017 addresses the legal requirements for signatures. Within this Act section 226 and section 227 address the use of electronic signatures. From these sections we can see that there are certain requirements that must be met for a signature on a document.

226 Legal requirement for signature

(1) A legal requirement for a signature other than a witness's signature is met by means of an electronic signature if the electronic signature —

(a) adequately identifies the signatory and adequately indicates the signatory's approval of the information to which the signature relates; and

(b) is as reliable as is appropriate given the purpose for which, and the circumstances in which, the signature is required.

(2) However, a legal requirement for a signature that relates to information legally required to be given to a person is met by means of an electronic signature only if that person consents to receiving the electronic signature.

227 Legal requirement that signature or seal be witnessed

(1) A legal requirement for a signature or a seal to be witnessed is met by means of a witness's electronic signature if —

(a) in the case of the witnessing of a signature, the signature to be witnessed is an electronic signature that complies with [section 226](#); and

(b) in the case of the witnessing of a signature or a seal, the electronic signature of the witness —

(i) adequately identifies the witness and adequately indicates that the signature or seal has been witnessed; and

(ii) is as reliable as is appropriate given the purpose for which, and the circumstances in which, the witness's signature is required.

(2) However, a legal requirement for a signature or seal to be witnessed, if that signature or seal relates to information legally required to be given to a person, is met by means of a witness's electronic signature only if that person consents to receiving the witness's electronic signature.

In general, under New Zealand law the position is that the legal requirement for a signature is met by an electronic signature, provided that it:

- 1 Identifies the signatory
- 2 Indicates the signatory's approval of the information in the document
- 3 Is reliable and appropriate for the circumstance that the signature is required

And most importantly:

- 4 The person or agency receiving the document consents to receiving the document with an electronic signature.

Remember to include your name when signing. This is a requirement under section 5.9(b) of the District Court Act.

Does this legislation apply to all documents?

Now that we have established that there are provisions for electronic signatures, we need to establish if these provisions apply to the tasks that Justices of the Peace provide. According to section 218(1), subpart 3 of the Act applies to every enactment that is part of the law of New Zealand. However, there are some exclusions (section 218(2)). These exclusions are listed in Part 3 of Schedule 5.

Schedule 5 Part 3: Descriptions of provisions of enactments

Provisions of enactments that relate to the following:

- (a) notices that are required to be given to the public:
- (b) information that is required to be given in writing either in person or by registered post:
- (c) notices that are required to be attached to any thing or left or displayed in any place:
- (d) affidavits, statutory declarations, or other documents given on oath or affirmation:
- (e) powers of attorney or enduring powers of attorney:
- (f) wills, codicils, or other testamentary instruments:
- (g) negotiable instruments:
- (h) bills of lading:
- (i) requirements to produce or serve a warrant or other document that authorises —
 - (i) entry on premises; or
 - (ii) the search of any person, place, or thing; or
 - (iii) the seizure of any thing:
- (j) information required in respect of any goods or services by a consumer information standard or a product safety standard or a services safety standard prescribed under the Fair Trading Act 1986.

Although we can see that sections 226 and 227 enable electronic signatures to be used in some cases, this does not apply to many of the documents that a Justice of the Peace administers. According to Schedule 5 Part 3 of the Contract and Commercial Law Act 2017, documents given under oath or affirmation such as affidavits or statutory declarations are excluded from this legislation, along with powers of attorney and wills.

What documents does this Act apply to?

There are a variety of documents to which this section does apply. Many of these documents are not administered by a Justice of the Peace. However, any document that is not legislative may allow for digital signatures. For example, certified documents do not fall under legislation – if the receiving agency consents to the use of electronic signatures, you may be able to certify these electronically.

What are the risks of using an electronic signature?



When you electronically sign a document there is a greater risk of an alteration being made to the document after it has been signed. Although not impossible, it is harder to alter a printed document. When you digitally sign a document, you eliminate the need to have a document printed before being signed.

This also brings a greater risk of fraud. Replication of an electronic signature or “lifting” an electronic signature to use on other documents is easier than copying a pen and paper signature.

By storing a signature on an electronic device, you are also exposed

to the risk of that signature being accessed by a third party. This could apply to a client whose electronic signature is added to a document by someone else and presented to a Justice without their knowledge.

Without witnessing someone physically sign the document, you are less likely to be able to verify that the person signing is using their own signature.

If the receiving agency is not familiar with electronic signatures or does not accept documents signed in this manner, documents signed electronically (without checking with the agency first) could be declined by the agency.

What does this mean for JPs?

Best practice is to continue physically signing documents. Any document that is not otherwise legislated may be accepted with an electronic signature. However, unless you have confirmation from the receiving agency, or the document explicitly states that an electronic signature can be used, you must physically sign the document. Signing the document in any other manner may result in the document being rejected and the client being inconvenienced.

Certifying identification documents for AML-CFT requirements

The Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (referred to as AML-CFT) requires New Zealand agencies to detect and deter money-laundering and terrorism financing. One aspect of the requirement is for agencies to perform due diligence to verify their client's identity.

Agencies who are legally required to verify their client's identity recognise Justices of the Peace as a trusted group to assist with the verification process. When you certify a copy of a client's identification for AML-CFT purposes, you must be able to compare the person to the image on the identification document and verify that it represents their true likeness.

In general, there is no prescribed wording that must be used. However, you must pay careful attention to the requirements of the agency to ensure that their expectation is met. If the agency has provided particular wording for the certification statement, you must use that wording.

At right is an example of a correct certification.

All certified copies must include the date, name, occupation and signature of the person certifying the document and be presented within 3 months of certification. The trusted referee must sight the original documentary identification, and **make a statement** to the effect that the documents provided are **a true copy and represent the identity of the named individual**.

A trusted referee may be one of the following:

- Justice of the Peace
- Registered Medical Doctor
- Member of Parliament
- Notary Public
- A member of the Police
- NZ Honorary Consul
- Lawyer
- Registered Chartered Accountant

The trusted referee must NOT be:

- related to the customer, e.g. a trusted referee cannot be their parent, child, brother, sister, aunt, uncle or cousin
- the spouse or partner of the customer
- a person who lives at the same address as the customer
- A person involved in the transaction or business requiring the certification

Example of Correct Certification



I certify that I have sighted the original document and that this is a true copy of the original and represents the identity of the named individual.

Name	John Smith
Occupation	Lawyer
Date	22/04/2016
Signature	J. Smith

Contact tracing sign-in options

Just like when you visit a business, if you have members of the public visiting your residence for Justice of the Peace purposes, you should have the ability to record who was there and when they visited. There are a few options for how you can do this, which are outlined below.

QR code

Having a QR code poster that can be scanned via the COVID-19 tracing app makes it easy for clients to keep track of where they have been. You can create a QR code poster online at <https://qrform.tracing.covid19.govt.nz/>. You will need to provide the address of the location at which the poster will be displayed, along with your contact details. Once you have created your poster you will need to print it to display at the entrance for scanning on entry.

Posters do not have to be printed in colour – the code will still be readable in a black and white format.

You do not need to have a QR poster - this is just a suggestion. Please note that some clients may not have the COVID-19 tracer app so you will require an alternative method for contact tracing.

Physical or digital register

If you don't have a QR code or a client is unable to scan the QR code you have, you can record their visit by noting their details on a paper or digital register. This is different to your logbook. It is recommended that your



records include the person's full name, phone number, and the date and time they have visited. Ensure that you keep these records safe and out of the view of others to protect your clients' privacy. Remember to only use the information they provide for contact tracing purposes.

When you direct a client to sign in using the QR code or by providing their contact details for your register, explain to them that you are recording the information for tracing purposes only and that should it be required, accurate record-keeping can make contract tracing faster, helping to slow the spread of the virus.

The record should be completely destroyed after one month, as it will no longer be of any practical use to trace visitors.

Epidemic Preparedness (COVID-19) Notice

In September 2021, the Government renewed the Epidemic Preparedness (COVID-19) Notice 2020. This means that the temporary changes to the Oaths and Declarations Act 1957 outlined in the Epidemic Preparedness (Oaths and Declarations Act 1957) Immediate Modification Order 2020 are still in force. Justices of the Peace are still able to meet clients using audio-visual/audio only means such as Skype, Zoom or telephone to administer statutory declarations and affidavits.

What tasks can be undertaken using audio-visual communications such as Skype or Zoom?

There are a number of tasks which can be undertaken by audio-visual means. They are likely to take longer than what would normally be expected for a similar document in a face-to-face interaction. They are also reliant on the Justice and the client having suitable safe access

to systems such as:

- a device with a camera, microphone and speaker – computer, laptop, tablet or mobile phone
- a printer
- a scanner or device capable of creating an image
- software to facilitate the scanned/photographed document being converted into a PDF – to minimise the opportunity for alteration of the document after it has been returned to the client.

How do you administer a statutory declaration or affidavit online?

A short-term modification of the Oaths and Declarations Act allows for statutory declarations and affidavits to be taken when the person is not standing before the administrator. The preferred method is via audio-visual means, but where this is not possible an audio-only declaration may be taken.



When administering documents in this way, it is always important to ensure that the receiving agency will accept the document being completed in this way.

This suggested method may not suit every situation. You will need to assess each task individually and decide on the most appropriate action.

- If possible, request the client emails you a copy of the documents before the video call so you can check the documents and familiarise yourself with what needs to be done.
- If using video-conferencing, agree on a form of video-conferencing with the client. You must both be able to access the same video-conferencing programme.
- Ensure that you can see and hear (if using video) the client and that the client can clearly see and hear you.
- Confirm that the client is in an appropriate private space and ask them to identify if someone is in the room with them.
- Take steps to identify the client, such as by asking them questions or having them hold identification up to the camera.
- Confirm that the client has the declaration/affidavit before them.
- Ask the client the usual questions, such as confirming that the document belongs to them and their knowledge of what is written in the document.
- Take the client's oath/affirmation/declaration.
- Ask the client to sign the document in the correct space.
- Have the signed document emailed to you immediately by the client.
- Confirm that the document you have received is the correct document.
- Print the document and complete the jurat/attestation. Specify that you took the oath/affirmation/declaration via video-conference.
- Scan the document and ensure the document is in PDF format.
- Email the document to the client, being careful to send the document to the correct address. It is the client's responsibility to send the document on to the agency.
- Confirm that the client received the completed document from you.
- Delete any electronic copies in your email box, computer files, phone files and destroy the physical copy.
- **Make a note in your logbook that you took the declaration/ affidavit by video-conference/ telephone in accordance with temporary COVID-19 legislation.**

FAQs

Will I have to provide my email address to a caller who wants a document handled electronically?

Yes, you will have to supply an email address for documents to be sent to and from which you will return the signed copy. You may choose to set up a separate email address with your provider to protect your personal email address.

Do I need video capability to carry out this task?

Although the modification order allows authorised persons to take affidavits and statutory declarations using audio means (such as a telephone) it is recommended that you use audio-visual means (such as Skype or Zoom) wherever possible because they provide clearer communication between you and your client. Where this is not possible an audio-only declaration may be taken.

Essential tips to remember

Check the receiving agency is aware of this method and will accept it.

Ensure you have noted on the document that the statutory declaration, affidavit, or certification was completed online via audio-visual or audio means.

Once you have completed the task required by the client, it is their responsibility to send the document on to the agency.

Confirm what the client is sending you and how many pages you will receive when the appointment is made.

If you do not feel comfortable administering documents in this way, or do not have the appropriate equipment to do so, advise the client on how to find another Justice of the Peace who can help.

Zoom proves 'fit for purpose'

By Northern Regional Representative NIGEL TATE

As the annual Northern Regional Conference had to be cancelled because of COVID-19 I arranged for the three workshops that were to take place at the conference to be held on Zoom.

We held workshops for court panel managers, educators, and presidents and registrars. Each ran for 90 minutes and they were well supported, with only one association missing the first two. The idea was the sharing of processes used by each association so that we could build a "best of breed" option for any that needed it.

President Garry Nicholls, Vice-President Peter Osborne, Immediate Past President Rachael O'Grady and I attended all three, and Auckland Regional Representative Sherryl Wilson joined us for the presidents and registrars.

Court panel managers

This was facilitated by Cathy Cooney of the Rotorua and Districts association. The items covered for six of the seven associations that have Judicial Justices (JJPs) included:

- Succession planning for JJPs, covering the need for a three-year planning period before known retirements
- Prospective Judicial Justices and the initial interview for JPs being the starting point to identify prospects
- Selection process, covering diversity to reflect the communities we work in along with the need for court observations before JJP induction interview
- Mentorship of JJPs was identified as a crucial element for the success of candidates - it is helpful to have group meetings with experienced JJP's as part of the induction
- Post-appointment support should include having the new JJP sitting as early as possible to build confidence
- Ongoing judicial training could

include online meetings and sessions with a liaising judge - these could be run as a regional development process

- Peer reviews can become variable if not structured so that all are assessed on the same criteria - this is a good option for a training session
- It was clear that there are varying levels of services provided across the region with several not having arrest courts at all and others having a very limited amount of list courts to gain ongoing experience.

Educators

This workshop was facilitated by Harmen Van Weerden of Waikato and attended by all but one association educator, with some having two attending.

Accreditation

There were questions around the issues with Accreditation and how we could encourage greater uptake.

It appears that many members have no interest in gaining accreditation for various reasons:

- older JPs and those close to retirement feel they know it all already
- some use the Quarterly to improve their knowledge
- there are some fears of failing the assessment
- the lack of a mandatory requirement as it stands.

Professional development (PD)

With newer technology, how can we utilise shared resources including the Federation Professional Development



Nigel Tate

opment Advisor?

- PD is more than just Accreditation and it was felt that we should have a nationally set PD programme each year rolled out via associations.
- It was recognised that there are various stages for Justices' induction, training and professional development, and any programme needs to reflect the varying needs.
- Differing learning styles need to be allowed for.

Educators forum

There were questions around how associations could work collectively via various means, including Zoom, and who could lead these.

- There is a current monthly informal Zoom meeting, but it was felt that a more structured quarterly Zoom meeting would be of benefit
- Having a gathering of topic-specific individuals for each such as induction trainers, educators, JJP trainers, and issuing officer trainers would be greatly appreciated.
- There is still support for an annual in-person gathering, either at the Federation Conference or at the regional conference, supplemented by the Zoom meetings
- It was felt that quarterly Zoom meetings could be hosted on a rotational basis.

Other items

Several asked for a facility to allow registrars to see which members are accredited and/or when their Accreditation was about to lapse.

- Many felt that it would be beneficial for the lead educator from each association to gain a list of attendees at any training session to be input into the national data-

base rather than having individual JPs enter what are sometimes fictitious dates to qualify for Accreditation.

- Could the association be copied in when an individual JP is notified that they are about to lose their Accreditation?

Presidents/registrars

After a false start with several unable to link into the meeting until 15 minutes due to some Zoom issues, we got under way with a discussion around the role of presidents including:

- Duration of appointment - they range from an annual to a three-year term, necessitating greater succession planning around the vice-president's position, as for a three-year term this could mean the vice-president could need to be involved in the leadership team for up to, and often more than, six years.
- Most associations are finding it more difficult to find appropriately skilled and enthusiastic candidates for these roles.

The role of registrar was a popular point of discussion with many being in the role for five, six or even seven years.

- This created issues around key person risk with many previous registrars holding a significant amount of their knowledge in their

head rather than having it clearly documented.

- Several associations have a dedicated laptop for the registrar's use to protect the information while having it easily available should anything untoward happen to the registrar. This was seen as a positive and some thought necessary requirement.
- It was agreed that the registrar's role was likely to be held for a longer period than that of president but that they should have a good working relationship.
- Most associations have some sort of procedures manual for their registrar, but unfortunately there were also a few that have no documented processes, which could lead to issues in registrar replacement.
- There was a discussion around the varying roles of a registrar and it was asked if there were processes that could be split away from registrars to allow for more interest in the role. Holding finance outside the registrar's role was seen as appropriate but not always the case. Moving newsletters and a few other activities away from the registrar could reduce the workload for an individual and thereby increase interest in replacement.
- While most are doing the job confidently, there were a few that

are struggling – are there others in this position?

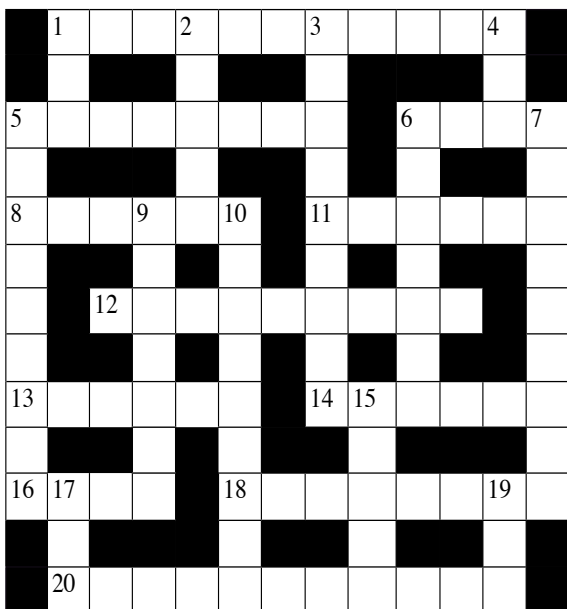
All participants were keen on having these types of gatherings repeated on a regular basis and there was support for the presidents and registrars to remain a joint meeting so all could gain a better understanding of the roles.

Conclusion

A few significant take-outs from these workshops were that it is imperative to:

- have a clear agenda circulated in advance of the meeting
- have the content of the agenda coming from the associations
- stipulate clear Zoom protocols to ensure that all can have their say without any monopoly, ensuring that all are aware of the raised hand facility, and adhere to it.

Overall, it was clear that these workshops via Zoom were well received by all associations, allowing for building connections and learning from each other. Holding these either in conjunction with or in place of regional conferences was acceptable to most. I undertook to arrange another round after all AGMs have been held, so any new participants could get to know others. At the next meeting for example, we could discuss the future of regional conferences.



ACROSS:

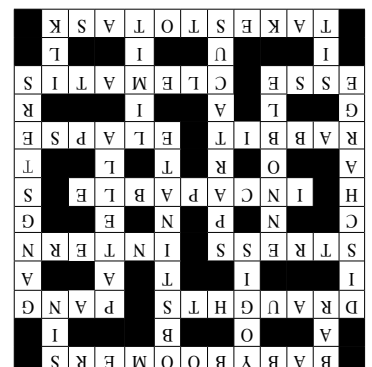
- 1 People born between 1946-1964 (4,7)
- 5 Board game
- 6 Sharp feeling
- 8 Tension
- 11 Imprison
- 12 Lacking skill
- 13 Talk at length about trivial matters
- 14 Pass by
- 16 Existence
- 18 A climbing flowering plant
- 20 Calls to account (5,2,4)

DOWN:

- 1 Prohibit from
- 2 Hindu ascetic practitioners
- 3 Stubborn
- 4 Error
- 5 Release
- 6 Knee-cap
- 7 GST ranges (anag)
- 9 Bestow title upon
- 10 Gladiator led revolt

CROSSWORD

- against the Romans
15 Boundary
17 Pose
19 Kind



Honoured for over 60 years' service

By BELINDA HOWARD



Gaylene Jones, president of the Marton branch of the Whanganui Association, presents Ian Martin with a certificate marking his JP service. Ian is wearing a lei presented by fellow JP Matina Sefilino as thanks for his service to the Samoan community in Marton. Picture: BELINDA HOWARD

Earlier this year Marton Justice Ian Martin decided, slightly reluctantly, to retire - after more than 60 years of service.

Ian, who is 93, was appointed in July 1959 and continued in the role until recent health problems led him to decide it was time to step back.

He was electorate secretary for MP Arnold Nordmeyer when Nordmeyer nominated him to become a JP. Ian says back then there was no training given to new JPs.

"The first person to visit me was a police constable with a person whose son had been killed in an accident," he says. "I hadn't had any training and had no idea what

to do. The constable was not pleased."

After that rocky start, Ian learned what his responsibilities were and served for many years in Wellington. He worked for insurance company Commercial Union and says his JP role was very handy for staff in the head office where he worked.

After 12 years Ian was transferred to Palmerston North, then Whanganui and back to Palmerston North, where he continued to serve as a JP, both ministerially and as a Judicial Justice, with duties such as hearing bail applications and requests for remand.

In 1988 Ian retired from Com-

mercial Union and returned to his home town of Carterton, where he ran a small farm and continued his JP duties. He also got married. His wife, Pat O'Connor, was from Whanganui and her children were still there, so the couple moved to Marton in 2000 to be closer to them. Since then he has served locally as a JP, taking his regular turn at the weekly service desk at Marton Pharmacy.

According to Federation records, at the time of his retirement Ian was the longest-serving JP to be granted JP (Rtd) status. –

Reprinted courtesy of the Rangitikei District Monitor

A remarkable legacy

Federation Past President Ewen Cameron, dearly loved husband of the late Jean Cameron, father of Alistair and Neil Cameron JP, and Elizabeth Cheetham, and a grandfather and great-grandfather, passed away peacefully in Masterton on June 20 at the age of 96, and was farewelled at a service held at Crossway Church in Masterton on June 24.



Ewen Cameron

Ewen served as a Justice of the Peace in the Wairarapa for over 40 years, before becoming JP (Retired) in 2016. He was passionate in his involvement and contributed at all levels. He was a member of the Wairarapa association council for many years, serving as president between 1975-1977, and later was the association's patron.

At national level, he was first involved as Central Regional Representative and became Federation President in 1983. In 1984, he chaired Conference in Gisborne. Features of that particular Conference were that it was opened by the then Minister of Justice, Jim McLay, and a major topic discussed was the potential establishment of a national office.

There was no doubt at that time that this was a desirable objective; the major questions were where would it be, and who was going to pay for it. As we appreciate now, the outcome has been very satisfactory. The training of incoming Justices was also undergoing major refinement at that time. Ewen had a particular interest

in this, and he had great respect for the evolution of this process to where it stands today.

Ewen also served as a Judicial Justice in the 1980s. A quick perusal of his papers from that time revealed that, at the time, a typical fine for driving whilst forbidden was in the order of \$50-\$150, and for failing to comply with the directions of a parking warden, \$40. Severe fines for the times!

Ewen attended Wellington College and played the bagpipes very well. In that context, an event that made a lifetime impression on him occurred early in the morning of May 2 1940, when he was unexpectedly driven from the college

to the Wellington wharf to pipe farewell to the young servicemen of the Second Echelon as their three ships, *Empress of Japan*, *Empress of Britain* and *Aquitania* sailed for Europe and to the war from which many were never to return.

Ewen had a lifetime passion for farming and the land. He was often an early adopter of new ideas and technology with regard to farm management, and was also an early environmental conservator. This led to an elected position on the Wairarapa Catchment Board where he served for many years, including a period as chairman, at a time when considerable tree planting was occurring on hill country, and the South Wairarapa flood relief scheme was under construction. He was also a president of the National Catchment Boards Association.

Wairarapa Justice Peter Debney said that Ewen was a man of great compassion and generosity of spirit. "He gave much to the service of Justices of the Peace, both in the Wairarapa and to the Federation," he said.

Ewen is sadly missed by all of his extended family, but will live on through his remarkable legacy. – **Neil Cameron**

Long service to community

Well-known Ashburton Justice Noel Lowe passed away on August 23, aged 81. He is survived by his wife Audrey and their four children, eight grandchildren and one great-grandchild.

Noel spent his whole life in the Ashburton district, starting work on the family farm at Ashburton Forks on leaving school at 15. Over the ensuing years he built an extraordinary record of service at the highest local levels to the community in many organisations: Young Farmers, the Ashburton A&P Association, Lions (of which he was District Governor 2004-2005), the National Party, the Erewhon Masonic Lodge and more.

As a Justice, he was appointed in 1980, and eventually served on the council, as vice-president and president, and then as registrar for 12 years, and newsletter editor for 16 years.

A keen photographer, for many years



The late Noel Lowe, right, after the presentation of his JP (Rtd) badge and certificate by Ashburton association president Ian Moore.

Noel was the Federation Conference photographer, a role in which he excelled in both the quality of his work, and the very thorough coverage he provided. His pictures were an integral

element of the Quarterly's Conference coverage, and of many other stories of Ashburton and Southern region JP activities.

He was elected patron of the Ashburton association in November last year and sought JP (Rtd) status just three months before his passing. Although his health was deteriorating rapidly, the association was able to present him with his JP (Rtd) badge and certificate shortly before he died.

Noel's dry sense of humour was to the fore in his last few months when he noted that the role of patron would be the shortest tenure of any position he had

held, on any committee!

His loss is a heavy blow to our association and the whole Ashburton community. – **Ian Moore**



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Signature _____

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Justice of the Peace for New Zealand

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'Ahio, Manusiu, Auckland
Alataua, Chanel Talatalaga, Auckland
Alene-Tumataiki, Foumana, Auckland
Allely, Jill Anne, Rotorua
Bains, Satnam, Raglan
Barker, Kathryn Gaye, Auckland
Beardman, Krystyna, New Plymouth
Bettington, Nicholas Ian, Urenui
Carpenter, James, Pukekohe
Curtis, Kevin Graham, Matamata
Erwood, Julie Ann, Stratford
Gelb, Daniel Ernst, Auckland
Gibb, Janet Margaret, Taupiri
Gibbons, Gordon Christopher, Auckland
Goddard, Richard Drew, New Plymouth
Gondi, Zsolt Laszlo, Auckland
Hirano, Kiyoe, Auckland
Jackson, Christine Theresa, Blenheim
Bee Joy Laing, Lower Hutt
Lam, Chit Ki, Auckland
Laurenson, John Brown, Auckland
MacDonald, Christine, Renwick
Maihar, Ram Rakesh, Auckland
Mathai, Sam, Auckland
McCready, John Charles, Auckland
McKnight, Christine Louise, Auckland

Murray, Errol Rueben, Kaitia
Newbury, Heather Marie, Oamaru
Pitch, Raymond Ivan, Auckland
Reid, Bronwyn Anne, Gore
Ryburn, Samuel Robert, Warkworth
Sander, Heather Elizabeth, Wellington
Sargeaunt, Gregory Bruton, Orewa
Satyawan, Sanju, Auckland
Sluiters, Joy Elizabeth, Auckland
Sosene, Afoataga William Andrew, Auckland
Stalker, Rose Ann Jane, Wanaka
Swain, Aileen Patricia, Auckland
Tuiletufuga, Faatafuna Nanai, Auckland
van den Beuken, Donna Margaret, Stratford
van den Brink, Grace Maraea, Waiuku
Visesio, Pauline, Auckland
Wells, Manuwai Mariana, Kawakawa
Wright, Sharon Rose, Palmerston North
Wyndham-Smith, Teresa Mary, Punakaiki
Yu, Kai, Auckland
Zimmer, Peter, Owhango

*Dated at Wellington
this 24th day of June 2021
Hon Aupito William Sio
Associate Minister of Justice*

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