

# Justices'

QUARTERLY

October 2023  
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FIAT JUSTITIA  
RUAT CAELUM

## Conference season in the regions



# A busy time of year

Greetings to all Justices.

As I write this, the signs of spring are becoming more obvious each day. Spring is a busy time for the Federation: it is the time of year for association AGMs. Vice-President Nigel Tate and I hope to attend most of the AGMs.

## Regional conferences

We have now completed all of the regional conferences. The Southern and Central events were conducted on Zoom, and Northern and Auckland met face to face. There was a great sharing of ideas and participation in discussion by all attendees and it was an opportunity for Board members to bring attendees up to date on Federation matters, including the Federal Structure Review. Thanks to the regional representatives for organising these important forums.



**Federation President  
Peter Osborne**

## Australasian Council of Justices' Association conference

This year, the Federation had the honour of hosting the ACJA annual conference in Auckland over the weekend of October 13-15. The conference date was set over twelve months ago and coincided with our general election. The current president of the ACJA is Federation Past President Rachael O'Grady and the objects of the group focus around learning from each other and understanding the different functions we all perform as Justices of the Peace. Thanks to the Auckland association who helped with the arrangements for our Australian guests.

## Federation AGM remits

Here is an update on the status of remits that have been passed at recent Annual General Meetings.

Remit three 2022 AGM (held via Zoom): *That the RFNZJA Board work with, and advocate for, the Ministry of Justice to remunerate Justices of the Peace who undertake judicial duties in the District Court.*

Earlier this year we received the following response from the Ministry of Justice: "Any permanent system of remuneration for judicial Justices of the Peace would require legislative change and have significant funding implications. Further, if remuneration was to be considered for judicial JP services, the establishment of appointment criteria and an administrative framework for oversight aligned with other remunerated judicial officers would be necessary. No work on this has occurred."

Remit one 2023 AGM (Invercargill): *An administrative remit regarding a minor change to Waikato and Rotorua and Districts boundaries.*

This was an administrative remit for a minor boundary change and has been implemented by the respective associations.

Remit two 2023 AGM (Invercargill): *Recommending that ex officio Justices of the Peace (mayors etc) be afforded association membership privileges during their tenure.*

This remit was strongly supported and is now up to each association to implement as the situation requires.

Remit three 2023 AGM (Invercargill): *Urging the Board continue, as a matter of high priority, to pursue the implementation of mandatory periodic certification of ongoing competency for all Justices of the Peace.*

The Board is continually looking for opportunities to make representations to the Government and the Ministry of Justice concerning competence and limited tenure. It is an ongoing process.

## Federation Centenary Conference 2024

Preparations are well in hand for the Centenary Conference, to be hosted by the Federation in Wellington over March 1-3 2024. We will hold the AGM on the Friday and devote Saturday and Sunday to the Conference. A reception at Parliament is included in the programme. We aim to have the registration forms and programme circulated to all associations in October.

## Oath of Allegiance and Judicial Oath

As I sat down to write this, the first anniversary of the passing of Queen Elizabeth II occurred. Most of us would have sworn or affirmed our allegiance and the Judicial Oath to her. Now that we swear or affirm to King Charles III, it is opportune to remind everyone of the content of both oaths.

### Oath of Allegiance

*"I, [name], swear that I will be faithful and bear true allegiance to His Majesty King Charles the Third, His heirs and successors, according to law. So help me God."*

### Judicial Oath

*"I, [name], swear that I will well and truly serve His Majesty King Charles the Third, His heirs and successors, according to law, in the office of [ ]; and I will do right to all manner of people after the laws and usages of New Zealand without fear or favour, affection or ill will. So help me God".*

Both of the above may be affirmed with the appropriate change of wording.

## Southern Regional Representative

In early August, the Board received the resignation of Southern Regional Representative Graeme Barber, for personal reasons. Graeme was elected to the Board in 2021 and on behalf of the Federation I would like to acknowledge and thank Graeme for his service during his tenure. As this happened during the period that nominations for Board members were open, I have asked Vice-President Nigel Tate to take on the role of Southern Regional Representative until nominations have closed, after which the Board can appoint a replacement as per our constitution.

In closing, once again, I thank all Justices for the service they provide to their communities and also thank and acknowledge Justices who have taken on council responsibilities within their associations.

**Peter Osborne**



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AND ITS AFFILIATED ASSOCIATIONS  
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Let justice be done, though the  
heavens may fall

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## FEDERATION OFFICERS

Patron:

The Rt Hon Dame Cindy Kiro GNZM QSO  
Governor-General of New Zealand

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Vice-President: Nigel Tate JP

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Auckland Regional Representative:  
Sherryl Wilson JP

Central Regional Representative:  
Laurie Gabites JP

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Nigel Tate JP (Acting)

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# Breaking cycle of offending

The successful Circuit Breaker fast-track programme designed to stop repeat youth offending was launched in two new locations on October 3 by Children's Minister Kelvin Davis.

The programme, first piloted in West and South Auckland in December last year, is aimed at children aged 10-13 who commit serious offending or continue to reoffend at a high rate and need a more intensive, wrap-around approach.

Now under way in three other regions - Auckland Central, Hamilton, and Christchurch - the programme will be offered in Whangārei and Rotorua. It sees Police immediately share a child's information with Oranga Tamariki within 24 hours after they offend, with an agreed plan in place on how to deal with and support the young person within 48 hours.

"Public safety is always a top priority and while youth offending has been trending down for some time, we know there is a very small group of young offenders whose age and complex underlying issues mean they are falling through the cracks," Mr Davis said.

"We have seen fantastic results from the fast-track programme where it has been rolled out and the key is agencies such as Police and Oranga Tamariki working in collaboration with the community."

To date, 252 young offenders have been through the programme with 80% not re-offending.

This milestone comes after the launch of an intensive version of the fast-track



**Kelvin Davis**



**Ginny Andersen**

programme designed to support up to 60 children for whom even the standard programme is not enough.

It will involve wider, longer support programmes and will see an intensive-support social worker assigned to the child and their family.

Police Minister Ginny Andersen said the spike in youth crime needed to be taken seriously and the Government was focused on initiatives that worked.

"We're interested in evidence-based policy when it comes to getting young people back on the straight and narrow. The results of Circuit Breaker to date show that this programme works. This programme breaks the cycle of offending," Ms Andersen said.

"Ram raids are currently at their lowest in two years. They've dropped down to 35 for the month of August, following a trend downwards of 42 in July and 50 in June. We will continue to do what works so we can get on top of this type of offending and keep our communities safe."

It follows a number of initiatives already taken by the Government to respond to youth crime, including a new offence specifically targeting ram raiding, a new aggravating factor for an adult to use young people to commit a crime, an aggravated sentence for posting crimes online and requiring young offenders to attend education programmes or do community activities.

Following the launch in Whangārei and Rotorua, work is under way to assess the suitability of Lower Hutt and Dunedin as the next fast-track locations.

The Justices' Quarterly is now published online and the current issue can be found on the Federation website – <https://www.jpfed.co.nz>

As a courtesy, a small number of copies are printed for complimentary distribution to MPs and some others who are not Justices of the Peace.

**ON THE COVER:** In session at the Northern Regional Conference: from left, Har-  
men van Weerden (Waikato), Brian Hamilton (Bay of Plenty), Colette Hintz (Bay  
of Plenty), and Christine Stuart (Franklin) . . . story P15. PICTURE: Ric Odom



## AGM/Conference 2024

The Federation's Annual General Meeting and Conference will be held over the weekend of March 1-3 2024, hosted by the Federation at the James Cook Hotel, Wellington. Remits and notices of motion must be received at the Federation office no later than November 1 to be considered by the AGM.

Accommodation at the James Cook is available, but there is high demand at this time of the year, so early bookings are encouraged.

## Federation Board nominations

Nominations are currently open for the positions of regional representatives, Vice-President and President on the Federation Board for 2024-25. Nominations close November 1.

## Judicial Studies Course

The current cohort of students started the Judicial Studies Course in April and will complete the course in early December. The next course is currently scheduled to start in April 2024. If you are interested in undertaking the course please contact your local court panel, president or registrar.

## Newsletters and circulars

Newsletters sent to the Federation by associations are loaded to the members-only section of the Federation website, as are the circulars which provide information about the activities of the Federation. From the landing page look for "Circulars" and "Association Newsletters".



The Federation's 2024 Centenary Conference will take place in Wellington over March 1-3 2024.  
PICTURE: Mike Duncan



**In September next year it will be 100 years since the beginnings of today's Federation. During the year we will be celebrating this significant milestone, beginning with the Centenary Conference in Wellington over March 1-3; and spread over the four issues of the Quarterly in calendar 2024, former Federation Registrar ALAN HART will tell the story of the organisation. But our first President deserves a story to himself . . .**

## Our first President



**Richard Douglas Hanlon**

The first President of the Federal Council of Honorary Justices' Associations of New Zealand, formed by the first five associations in September 1924, was Richard Douglas Hanlon, who was a chemist in Wellington at the time. H H Smith of Canterbury was the first Vice-President, and succeeded Hanlon in 1925.

Hanlon was the son of William and Elizabeth Hanlon, born on January 24 1862 in Victoria and coming here with his parents shortly thereafter, along with an elder brother, William. His brother Alfred Charles Hanlon, who became a King's Counsel and a prominent solicitor, another brother, Herbert, and two sisters were born in New Zealand.

His mother, Elizabeth, had been a servant on an estate in Ireland and William was a boatman on the Innisfree coast before becoming a member of the Irish Constabulary, initially in County Donegal. After emigrating to Melbourne the elder William was a lighthouse keeper until being lured to Otago by the stories of gold. But on arrival in Dunedin he was swiftly recruited by the Otago constabulary, and served as a police officer until retirement.

Hanlon's early schooling was mixed, reflecting his father's frequent moves around the southern areas, and included time at Bluff, Halliwell's and Albany Street

schools (Dunedin), Port Chalmers District High School and Otago Boys' High School. He also took a course in chemistry at Otago University in connection with his pharmaceutical studies.

He became a pharmacist in 1886 after serving an apprenticeship with William Elder, chemist of Port Chalmers and Dunedin, and then passing the Pharmacy Board exams. He went to Victoria for three years from around 1887 and worked as a chemist in the St Kilda area. On returning to New Zealand he was employed by the Colonial Drug

Company in Dunedin before joining the New Zealand Drug Company. This company later became part of Kempthorne Prosser, at which time he became one of their West Coast travellers.

It appears that he first came to Wellington around 1894 as a traveller, and then in 1897 as a chemist, purchasing the branch business of W E Woods, of Woods peppermint cure fame, at 50 Molesworth St.

In November 1900 he married Iva Sophia Curtis (known as Sophia), the daughter of James John Curtis, who was a major mover and carter in Wellington, and in December 1901 their only child, a daughter, Norah Millicent (later changed to Bingham, a family name) Hanlon was born. At that stage the family lived at the shop, although they later moved to properties in Tinakori Rd, and in



**The cover of the March 2005 Quarterly: Tim Barnett MP and then Federation Vice-President Allan Spence at the headstone of the grave of Richard Douglas Hanlon, newly restored by the Federation.**

1923, to Sydney St. It was to be his final move – he died in 1925 at the early age of 63.

Hanlon was a man active in professional and other community activities. On arrival in Wellington he joined the Central Pharmaceutical Association, becoming president in December 1899. In due course he became its representative to the Pharmaceutical Society of New Zealand, of which he was elected president in 1908, but served for only one year.

As part of his involvement with the chemists of the town, he organised numerous social functions including sports events and dances. At the time chemists were open from early in the day until very late in the evening (usually around 9pm), and closed only on Sundays.

Despite, or perhaps because of this, he was also active socially. He was a member of the Thorndon Bowling Club, and played a major part in bringing the Commercial Travellers Association into being, remaining a member up to the time of his death. An unconfirmed article indicates that he was a prominent Freemason, and was connected with almost every club in his part of the town.

He was appointed a Justice of the Peace on July 27 1912, following in the footsteps of his father, who was appointed in 1897 after his retirement

from the police. Like his father, Hanlon often sat on the bench at the then Magistrates' Court.

As a person he seems to have been well liked, judging by comments recorded in a trade magazine in 1900 that he was a "broth av' a boy" – a jolly good fellow, and by the large attendance at his funeral.

He died suddenly on November 10 1925, although apparently having been in good health, so his death was a shock to his large circle of friends.

His widow, Sophia, moved to Pahiatua shortly after his funeral to stay with their daughter Norah (known as "Molly" – probably from her original middle name of Millicent) who was married to Stanley Keith Siddells, a one-time All Black who was a solicitor and later mayor of Pahiatua.

While doing research on Hanlon some years ago his grave was found in Karori Cemetery and while the main surrounds were in good condition the lettering on the headstone was significantly worn. The Federation funded the necessary restoration work, including a small addition attesting to his Presidency of the Federal Council.

The restored headstone was unveiled by then Vice-President Allan Spence, standing in for President Robyn Paterson, on February 25 2005, before the Federation Conference in Wellington that year.



Federation representatives at the Hanlon unveiling before Conference 2005 included from left, John Falconer (Executive), Ian Knox (Executive), Brian St John (Immediate Past President), Allan Spence (Vice-President), Clive Rae (Past President), Tony Israel (Past President), Gavin Kerr (Executive) and Maryann Thompson (Executive)



# From the Professional Development Advisor



Shinae Skelton

## Sign this warrant!

### What is a warrant?

A warrant is a document issued by a legal or government official authorising the police or another body to make an arrest, search premises, or carry out some other action relating to the administration of justice (Oxford Languages online dictionary).



### 'I have been asked to sign an arrest warrant'

A police officer approached me with a request to sign an arrest warrant. He showed me that the law says a Justice of the Peace can sign an arrest warrant.

#### *What is an arrest warrant?*

A warrant for arrest grants specific legal power to the police to arrest a person. Police also have powers to arrest people without a warrant. However, without a warrant an officer must exercise discretion in determining whether an arrest is necessary in the circumstances.

#### *What law the officer may show you:*

Section 37 of the Bail Act 2000 says a judicial officer or registrar may issue a warrant for the arrest of a defendant if the judicial officer or registrar is satisfied by evidence on oath that the defendant has absconded for the purpose of avoiding justice or has breached a condition of bail or has failed to attend their court hearing.

According to the Bail Act and the Criminal Procedure Act 2012, a judicial officer means a High Court judge, a District Court judge, a community magistrate, or a Justice of the Peace.

#### *Does this mean I can sign this warrant to arrest as a Justice of the Peace?*

No, despite what the Bail Act and Criminal Procedure Act say, unless you are a Judicial Justice of the Peace, having undertaken the proper training, you cannot sign this warrant.

This is because of section 3B(1) of the Justices of the Peace Act 1957 which says:

"A Justice (other than a District Court Judge or a Judge of the Māori Land Court) must not exercise or perform any judicial power or function unless he or she has completed training in the exercise and performance of judicial powers and functions to the satisfaction of the Chief District Court Judge."

To exercise judicial powers under the Bail Act or Criminal Procedure Act, Justices of the Peace must complete the Judicial Studies Course and receive approval from the Chief District Court Judge that they have received training to their satisfaction. Justices with the authority to exercise their judicial powers are colloquially called Judicial Justices.

From time to time police officers and other agency representatives with authority to apply for a warrant to arrest may approach a Justice with a request they sign the warrant, not realising that section 3B of the Justices of the Peace Act specifies that only specific Justices may undertake this judicial task. If you receive such a request, direct the officer to the local District Court.

## ‘I have been asked to sign a search warrant’

A police officer approached me with a request to sign a search warrant. I recall that Justices of the Peace could sign search warrants in the past. Is this still the case?

*What is a search warrant?*

A search warrant enables the police to enter a property or vehicle that has been linked to a criminal offence or is likely to contain evidence of a criminal offence. A search warrant enables the state to impose upon citizens’ rights to privacy and freedom from government interference.

Under the Search and Surveillance Act 2012, a search warrant may be issued by an issuing officer. The act defines issuing officer as a judge or a person, such as a Justice of the Peace, community magistrate, registrar, or deputy registrar, who is for the time being authorised to act as an issuing officer under section 108. Section 108 states that the Attorney-General may authorise any Justice of the Peace to act as an issuing officer for a term of up to three years.

Unless you have completed issuing officer training and have received authorisation from the Attorney-General to act as an issuing officer, you cannot sign this search warrant as a Justice of the Peace.

From time to time police officers and other agency representatives with authority to apply for a search warrant, production order or order to uplift a child may approach a Justice of the Peace with a request they grant the application and sign their warrant or order. If you receive such a request during business hours, direct the officer or representative to the local court. If outside working hours, direct the officer to contact their local office where a contact list for local issuing officers should be available. If no contact list is available, the local Justices of the Peace association should have a full list of local JP issuing officers.



## Problems with Joint Application for Dissolution packs

As the result of a misprint in the Joint Application for Dissolution of Marriage packs, the affidavit only provided space for one signatory in the joint affidavit. The Ministry of Justice has rectified this mistake, updated the version of the form available for download on their website and has contacted stakeholders (such as the Citizens Advice Bureau) requesting the destruction of any incorrect application forms.

## Feedback always welcome



If you have any topics you would like covered in the Education section of the Quarterly, or would like to give feedback or comment on any of the articles in the section, please contact us via email at [judicialtrainer@jpfed.org.nz](mailto:judicialtrainer@jpfed.org.nz)

# Don't tick the box!

When entering your address on the website, there is an option to tick a box indicating that your address is a postal address. Do not do so, even if your address is a postal address. Ticking this box removes you from the search results in “Find a JP”.

Is this a postal address?



*If ticked, this address will be hidden in the public search results.*



# The Anti-Money Laundering Act

The Anti-Money Laundering and Countering Financing of Terrorism Act (AML/CFT) has now been in force for 14 years, from October 2009.

The purposes of the Act are:

- to detect and deter money laundering and the financing of terrorism
- to maintain and enhance New Zealand's international reputation by adopting, where appropriate in the New Zealand context, recommendations issued by the Financial Action Task Force
- to contribute to public confidence in the financial system.

The AML/CFT Act requires certain businesses or person identified under the Act or other regulations to act as reporting entities. Reporting entities bear reporting responsibilities under the Act because the nature of their business could enable clients to launder money or finance terrorism if protective steps are not taken. Generally, reporting responsibilities fall to organisations such as:

- banks and financial institutions
- accountants
- lawyers and conveyancers
- real estate agents
- financial advisors
- brokers
- businesses that deal in high value goods
- gambling providers.

These are businesses that handle large amounts of money on behalf of their clients.

## *The customer due diligence step*

Under AML/CFT law, reporting entities must follow several steps when overseeing transactions on behalf of their clients. One such step requires reporting entities to undertake appropriate customer due diligence and to know their customer. Customer due diligence includes adequately identifying the customer and verifying their identification documents.

Because clients and reporting entities may be located far from each other, reporting entities may delegate the responsibility of verifying identity to another trusted third party, such as a Justice of the Peace.



*Who bears the responsibility for ensuring that their client is properly identified?*

The reporting agency (the law firm, real estate agency, bank or other business) is responsible for ensuring that they properly identify their client. If the reporting agency chooses to request their client have their identity verified by a third party, it is up to the reporting agency to ensure that the third party is properly instructed on how to verify the client's identity to the expected standard.

The reporting agency is as much your client, in this case, as the person sitting in front of you requesting certification of a copy of their passport. Both clients have something to lose if certification doesn't meet the requirements.

The person appearing before you loses time if they have the first copy of their identification turned away by the organisation they submit it to. The client may also miss out on a transaction or other opportunity that they are working towards with the reporting agency. House purchases, for example, cannot be completed if the paperwork to enable a conveyancer or lawyer to act on behalf of a client is not completed in sufficient time.

The reporting agency also spends unnecessary time on the matter as they have to review and reject the first incorrectly completed certified copy of the client's identity document. They are also liable to prosecution and large fines should an audit show that a client's identity was not properly verified.

It is important that Justices of the Peace certify copies in the manner directed by the reporting agency.

You are a trusted, independent agent for both the reporting agency and the individual client.

Both are relying on your certification of the client's identity document to prove that the client has been correctly identified and the original documents are a true likeness.

If a reporting agency does not know a client and cannot meet with them in person, they are reliant solely on the certification made by the Justice of the Peace.



### *How to certify for AML/CFT purposes the right way*

See 3.3 of the Ministerial Manual for a full explanation of the process.

Ask, do not assume, the purpose of the certified copy. Clients may not understand the difference between an ordinary certification and certification for AML/CFT purposes so question the client about the purpose behind the certification.

Ask for any instructions provided by the reporting agency - do not assume that your usual means of certification will satisfy the reporting entity.

If you are certain the copy is required for AML/CFT purposes (i.e. needed for the purpose of verifying the client's identity) but do not have any specific instructions about how to certify the copy, ensure you follow both steps of certifying for AML/CFT purposes:

- confirm the copy appears to be a true copy of the original identification document
- verify that the identification document represents the true likeness of the client who appeared before you.

## Appeal dismissed in NZ's first criminal prosecution under Anti-Money Laundering and Countering Financing of Terrorism Act

### Te Tari Taiwhenua / Department of Internal Affairs

18 July 2022

An appeal against convictions in New Zealand's first criminal prosecution under the Anti-Money Laundering and Countering Financing of Terrorism Act (AML/CFT Act) was dismissed by the Court of Appeal on 1 July 2022.

An estimated \$1.35 billion from the proceeds of crime is laundered in New Zealand every year from drug offending, fraud and other offences. The AML/CFT Act requires businesses to identify, mitigate, and manage their money laundering and financing of terrorism risks.

In 2018 Te Tari Taiwhenua Department of Internal Affairs (DIA) brought criminal charges against Jiaxin Finance, its sole director Qiang Fu and his mother Fuqin Che, after Jiaxin Finance failed to keep adequate records and report suspicious transactions by Canadian businessman Xiao Hua Gong, also known as Edward Gong, which totalled over \$53 million.

On conviction in the Auckland High Court, Jiaxin Finance was sentenced to pay a fine of \$2.55m. Mr Fu was sentenced to pay a fine of \$180,000, and Ms Che was sentenced to pay a fine of \$202,000. Jiaxin Finance, Mr Fu and Ms Che appealed their convictions to the Court of Appeal. On 1 July 2022, the appeal was dismissed.

Mike Stone, Director of the Anti-Money Laundering Group at DIA, says the dismissal of Jiaxin Finance's appeal is a significant judgment for DIA and the wider AML/CFT system's efforts to deter money laundering and the financing of terrorism in Aotearoa New Zealand.

DIA is one of three supervisors (government agencies with regulatory responsibilities) empowered by the AML/CFT Act to assess the money laundering and terrorism financing risks across the reporting entities they supervise, and promote, monitor, investigate and enforce their reporting entities' compliance with the AML/CFT Act. The other supervisors are the Reserve Bank of New Zealand and the Financial Markets Authority.

"Our department supervises over 5000 financial institutions and other non-financial businesses and professions for compliance with measures to detect and deter money laundering and terrorism", says Mike Stone.

"For the most part, businesses want to comply with the AML/CFT Act and have programmes in place to do so.

Unfortunately, there are businesses who fail to comply with their obligations, including the reporting of suspicious transactions. This tarnishes New Zealand's reputation of being a safe and legitimate place to do business.

The recent court judgment shows that the legislation is applicable to all who are obliged to comply and strongly supports the work of DIA and other supervisors under the AML/CFT Act to protect New Zealand's global reputation and our communities from harm." - [www.dia.govt.nz](http://www.dia.govt.nz)





### *Put down that certified copy stamp!*

You may have a certified copy stamp, but you should think twice before you use it.

If the client requires a copy of a document to be certified for AML/CFT purposes, your stamp may not be suitable. Some certified copy stamps are not suitable because they do not include a phrase that confirms the client's likeness to their identification document. Other certified copy stamps are not suitable because they do not use the specific wording requested by the receiving agency.

The receiving agency is liable for prosecution under Anti-Money Laundering and Countering Financing of Terrorism legislation if they fail to adequately verify their client's identity. Because the liability falls on the receiving agency, it is up to them to determine the wording they require on any certified copy of an identification document.

### *Certifying for AML/CFT purposes*

No instruction provided by the receiving agency? Use a certified copy stamp that includes a phrase that confirms the client resembles their identification document or write an appropriate certification statement.

Instructions provided by the receiving agency? Only use a certified copy stamp if the wording is the same as those in the instructions. Otherwise, write the certification statement as instructed.

## Overseas statutory declarations



*I have been contacted by a person overseas who needs to make a statutory declaration to send to a New Zealand organisation. How can I help them?*

Statutory declarations cannot be made remotely.

For a period of time recently Justices of the Peace were able to take statutory declarations and affidavits via video-conference. This was due to a temporary law change by the COVID-19 modification orders to facilitate social distancing. Those modification orders have now expired and the original law and rules, under the Oaths and Declarations Act 1957, now apply, requiring the client to appear before you when making an oath or declaration.

*What options are available if a client is overseas but needs to make a New Zealand statutory declaration?*

Section 11 of the Oaths and Declarations Act sets out the alternative options for a client overseas.

If in a Commonwealth country other than New Zealand, a client may have their declaration taken, in person, by:

- a judge
- a commissioner of oaths
- a notary public
- a Justice of the Peace
- any person authorised by the law of that country to administer an oath there in a judicial proceeding
- a Commonwealth representative such as High Commissioner
- a solicitor of the High Court of New Zealand.

Note that this section does not require the Justice of the Peace to be a New Zealand Justice of the Peace.

If in a non-Commonwealth country, a client may have their declaration taken, in person, by:

- a Commonwealth representative
- a judge
- a notary public
- a solicitor of the High Court of New Zealand.

Pragmatically, it is worthwhile the client asking the receiving agency what they recommend the client do. The agency may indicate that they're happy to accept another form of declaration (not made under the Oaths and Declarations Act) taken remotely or they may provide some other kind of document or process.

# This is not an affidavit!: part 2

## Foreign affidavits

You may be presented with a document that calls itself an affidavit but does not include the wording an affidavit requires to meet New Zealand legislative requirements.

As discussed in the April 2023 issue, in some cases, clients may have created their own “affidavits”, that meet no New Zealand legislative standards, with the intention of presenting their document to New Zealand organisations, government departments and political figures. Often these documents are presented by “sovereign citizens” or similar groups of people who do not acknowledge the New Zealand legal and governmental systems. Sovereign citizen affidavits are intended for use inside New Zealand and erroneously present themselves as consistent with New Zealand laws.

An alternative reason why a document may be entitled “affidavit” while not meeting New Zealand legislative requirements is because it is intended for overseas use.

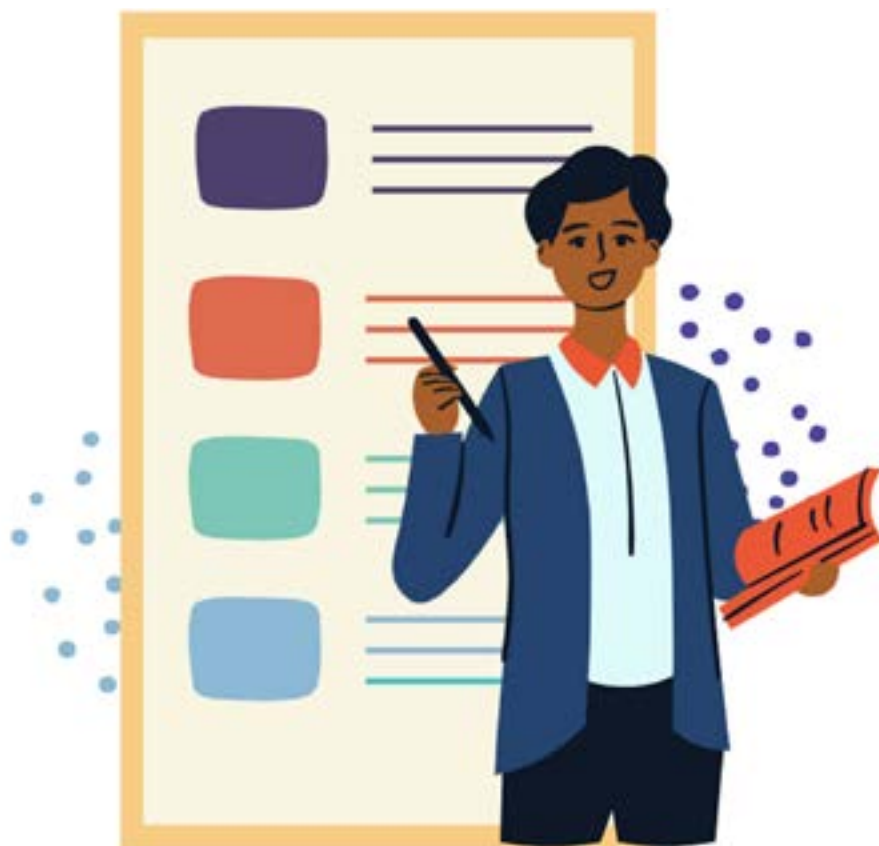
Affidavit is an old word, not originating in New Zealand. Other countries may also produce and accept documents called affidavits and may have very different rules about what constitutes an affidavit, what an affidavit can look like and who may sign an affidavit.

## What will an overseas affidavit look like?

There is no one standard for an affidavit. Countries have the right to create their own rules about what words an affidavit should include, how the document should be formatted and to whom the document can be presented.

## How do I know that this is a genuine affidavit, and not a document the client has made up?

That a document has been produced by an official organisation of some kind or is intended to be submitted to an official source, such as a court or government entity, is an indication that the doc-



ument is genuine and will be well received when submitted by the client.

## Do I have jurisdiction to sign an overseas affidavit?

Sometimes, the document may explicitly enable New Zealand Justices to sign. However, as this is a document produced overseas and intended for use overseas, this is rare.

Do not assume that a New Zealand JP's signature will not be accepted simply because it is not authorised specifically in the document. Further investigation is required, if it is not clear.

Even when the document itself provides a conclusive list of authorised signatories and that list does not include New Zealand Justices, it is still worthwhile looking into the matter further.

The client could email or call their consulate or high commission or the organisation that will be receiving the document to ask if a New Zealand JP's signature will be accepted.

It is also worthwhile checking the organisation's website for guidance. If the organisation receiving the document has gone to the trouble of specifically noting that they will accept a New Zealand Justice of the Peace's signature, this should be sufficient for you to sign the document.



# Tactical communications can help all round

A senior sergeant from the New Zealand Police attended the recent Ministerial Educators' Seminar to discuss tactical communications.

As a consequence of providing a public service, Justices interact with a number of difficult clients. Police training places an emphasis on the use of tactical communications to gain compliance and de-escalate situations and some of these strategies may be of use to JPs dealing with upset or difficult clients.

Communicating tactically is a learned skill that you must practise consciously.

## *Safety first*

Difficult people can be emotional, angry or agitated so your own safety is a priority and is something that should be at the back of your mind at all times. It is okay to disengage from dealing with difficult people by making your own judgement around safety, rather than persisting with attempts to de-escalate through tactical communications.

## *Model the behaviour you want others to adopt*

Your own behaviour and attitude directly affect the person you are dealing with.

Speaking calmly, in a composed and controlled manner with respect, can assist in calming the person you are speaking to. As a result of staying calm, this can assist you in speaking clearly and slowly.

It can be difficult to yell at or get upset with a person who remains calm and in control of their own emotions.

A useful mindset is to adopt a "professional self" when undertaking JP duties, detached from your "personal self". If a client insults you or speaks in an unpleasant manner, tell yourself that they are directing those words at your professional self, not you personally.

## *Use positive messaging*

Adopt an "I'm here to help and I'm listening to you" message when talking to clients.

Finish requests with a thank you/ thanks to ensure positive messaging. For instance, "If you could explain the purpose of the document, that would assist me in understanding how I can help you, thank you."



Adopt a low-key and interested response to difficult or demanding people and be prepared to use tactical patience.

## *Use venting*

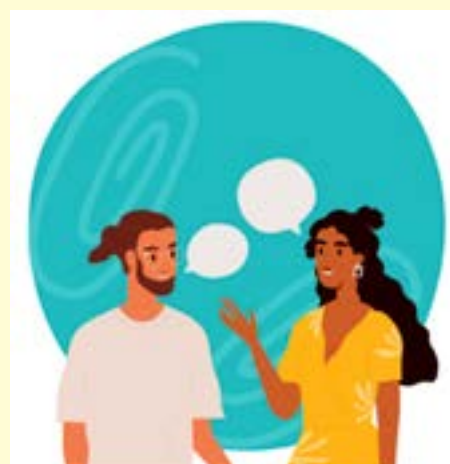
Allowing people to vent (let off steam) is a good thing. It can be frustrating to take the time to listen to someone vent when the issue may not be relevant to you, but your patience may be what helps the client most in this situation.

## *Use active listening*

Use active listening as an opportunity to understand people's motivation and point of view, all the while determining what assistance you can offer.

Maintain positive body language such as nodding, eye contact and a positive stance, when listening to the client.

After listening to the client, use paraphrasing to summarise the person's position in your own words and ask them "Is that correct?" This can assist by forcing them to stop and think, engaging



the rational part of their own thought process and hopefully agreeing with you. Paraphrasing also shows that you are listening and are cognisant of their point of view.

Use empathy. It always helps to acknowledge the other person's point of view and passion for their issue, even though you may not agree with it yourself. Combine empathy with the offering of a possible solution.

The 80/20 rule suggests that you should only do 20% of the talking. The tone and speed of your voice and your body language can be just as important as the words you use.

### *Blocking*

This is a technique requiring you to assert yourself but in a respect manner - for example, asking someone to stop or change a particular behaviour, such as asking someone to lower their voice or to refrain from swearing, giving a reason for your request and essentially appealing to their sense of reasonableness. It works with some people!

### *Verbal redirection*

Acknowledge what others are focused on, but respectfully steer them onto a different topic or an alternative area of discussion, for example "I hear what you are saying but tell me about . . ." or "Have you tried . . . ?"

## How to enter or update your record of attendance

After attending an education session provided by your association, there are two ways that you can record your attendance on [justiceofthepeace.org.nz](http://justiceofthepeace.org.nz) to ensure your Accreditation remains up to date.

### 1 Enter your attendance date after completing the Accreditation test

If you achieve a passing result for your Accreditation test, you will be informed immediately after selecting the "Submit" button.

You will be taken to a page that informs you of your success, your pass mark and prompts you to enter your most recent education session. Enter the date of the session you last attended and be sure to select "Done" to save your entry.

### Accreditation exam completion was successful

Your mark is: 98%

When was your last

Education Session

completed?

dd/mm/yyyy



Done

### 2 Enter your attendance date on your profile

If you wish to record your session attendance without sitting the Accreditation test, go to your profile page.

There you can enter the date of the last education session you attended. Be sure to scroll to the bottom of the page to select "Save" to save your entry.

Education Session

dd/mm/yyyy





# Busy day in Auckland

By Auckland Regional Representative  
**SHERRYL WILSON**

The Auckland Regional Conference was held on Sunday September 17 at Alexandra Park in Epsom, with 140 members in attendance, along with Federation President Peter Osborne, Vice-President Nigel Tate and Immediate Past President Garry Nicholls.

Molly Roberts led the karakia and waiata to open the day's event.

The keynote speaker was Massey University Distinguished Professor Emeritus Paul Spoonley whose presentation "The Challenges of a Different Aotearoa New Zealand: What is Changing?" enthralled the audience and elicited numerous questions and responses.

Vice-President Nigel Tate briefed members on the progress of the Federal Structure Review, followed by the Auckland association's AGM chaired by president Alan Martin.

After the normal agenda items four long-serving members



**Massey University Distinguished Professor Emeritus Paul Spoonley was the keynote speaker at the Auckland Regional Conference. PICTURE: Garry Nicholls**

were recognised and honoured with Life Membership of the association: Roger Brookes, Dawn Jones, Garry Nicholls and Sherryl Wilson.

Peter Osborne updated the membership on several items including the 2024 Centenary Conference, progress of the 2023 remits and MoJ communications.

We also took part in hearty group discussions on "How can we better engage with our less active Justices", and a panel of councillors answered questions from the members.

At the close of the meeting the new AJPA council met with the Federation Board members present.



**The honour of Life Membership was conferred on four long-serving members at the 2023 AGM by president Alan Martin: from top, Roger Brookes, Dawn Jones, Garry Nicholls and Sherryl Wilson.**

# Zooming into Nelson

By Central Regional Representative LAURIE GABITES

This year we again decided to hold the Central Regional Conference online, with the support of the Nelson Marlborough Institute of Technology who kindly allowed us to use their Nelson campus facilities to host the event. It was held on August 26 and at one time during the day there were some 50 participants online.

We started the day with each association providing responses to three questions:

- What they are doing well
- What new idea or innovative approach they would like to look at going forward
- What is something they could leave behind

Responses included:

- One association said noting their aging population they are looking at ways they might be able to provide a mobile service in certain circumstances.
- A number of associations are working hard to increase numbers of accredited members, with different approaches to meet the needs of different communities.
- In a move to increase a range of Justices some associations are celebrating the swearing-in of some younger Justices.
- Is the current Accreditation test the best means of demonstrating competency?
- One association is developing a fresh, vibrant approach by their executive, along with a renewed and improved relationship with the Federation.
- Some smaller associations are examining numbers to ensure all are active and contributing.
- Others are exploring options for an update of the nomination form and process.
- There is a strong commitment to service desks.
- The current progress on the Federal Structure Review (FSR) was discussed.
- We also discussed ongoing communication around the FSR.
- There are also a number of reviews and development of strategic plans and constitutions in progress.
- There are ongoing discussions with local MPs to ensure the right people are nominated.
- As a part of increasing the number of accredited Justices, associations are adopting innovative ways of connecting with members.

- There is an increase in the number of keeping-up-to-date sessions utilising innovative ways of delivery, getting a great response from members.
- There has been an increase in service desks with great support from the community.
- Some are choosing to hold council meetings by Zoom, allowing a wider group of people who can represent some of the more rural locations.
- One association has reduced subscriptions for those who are accredited.

The conference then held workshops. The first was on communication, especially on social media. We had a well-received presentation from Chris Butler of the Marketing Studio in Nelson, and he offered associations in the region help in getting started.

The second workshop was about working with vulnerable and diverse communities and there were three presentations.

- CCS Disability Action: Community advisor Michelle Clucas outlined the work of her organisation and how associations could be in touch with their local branch to seek help.
- Refugee and migrant communities: Community navigator Norma Sequera provided helpful information regarding former refugees and migrants. We learnt that a number of people who arrive in New Zealand have been in “camps” for some time and have never lived in a house, don’t speak the English language, and despite advice, struggle with trusting authorities given they have been thrown out of their country by the authorities there.
- Age Concern: We learnt a bit more about elder abuse and how we as Justices might help, including some advice about financial abuse.

Finally, we were joined by Federation President Peter Osborne and Vice-President Nigel Tate who provided updates on the work of the Federation. Nigel also gave us an update on the Federal Structure Review.

Attendees decided that next year’s conference will be held face-to-face. The Top of the South event will be hosted by the Marlborough association on Saturday August 17 2024, and the Wairarapa association agreed to host the North Island leg, which will be in Palmerston North on Saturday August 24 2024. We have begun discussions around content for both conferences and requests for ideas will go out to associations in the Central Region in the next few weeks.



# Good vibe at Northern event

By Northern Regional Representative RIC ODOM



**Manuwai Wells (Far North) and Bridget Wells (Waikato) led a workshop on the decreasing number of JPs on the second day of the Northern Regional Conference. PICTURE: Ric Odom**

The Northern Regional Conference was held at the JetPark Hotel in Hamilton on August 26-27. Thirty Justices attended, representing all nine associations of the Northern Region, with eight partners joining us for the conference dinner.

The Waikato association generously agreed to host the conference at late notice when circumstances (namely the weather!) meant the original host association had to withdraw. Federation President Peter Osborne spoke first, providing an update on matters relating to the Federation and then taking questions from the floor. Vice-President Nigel Tate followed with an update on the Federal Structure Review (FSR). The workshop session following the presentation provided valuable feedback and ideas for the FSR team to consider. Harmen van Weerden of the Waikato association presented on sovereign citizens, and this presentation was very well received by attendees.

A rapid fire session provided a fitting end to the first day's discussions: each association had a chance to outline what it does well; a new idea or approach it would like adopted; and what it could stop doing. The conference dinner followed, themed "On Va-

cation", for which attendees dressed as if going on their favourite vacation.

The second day opened with a workshop where groups were asked to address the issue of the reducing number of JPs. Each group answered three questions: what might we do by association, region and Federation; do we need to identify specific demographics; and how should we better engage our Members of Parliament in the process?

The final session was an open forum where a range of topics were discussed both in groups and in a plenary session. Subjects discussed included the future of the regional conference (the majority view was that the Northern Regional Conference should continue to be held annually, and in person); and suggested topics for the workshops at the annual Federation AGM/Conference in March 2024.

The post-conference evaluation revealed a high level of satisfaction with the organisation, venue and agenda. Every attendee made a positive contribution and the conference "vibe" was friendly and welcoming. Overall, this year's Northern Regional Conference was a great success!

# 'Pop and Pip'

By Nelson Tasman association president PIP JAMIESON

In 1978 Harold George Jamieson was awarded Life Membership of the then Nelson Justices of the Peace Association, following tireless service as a long-serving JP, and as registrar and president. Before becoming a JP, he had been District Court registrar and volunteered his time and experience to causes of equity and justice.

Harold was my grandfather, known to me as Pop. When I was appointed a Justice and became a member of the Nelson Tasman association, I was delighted to realise that the President's chain showed Pop as president from 1969 to 1972.

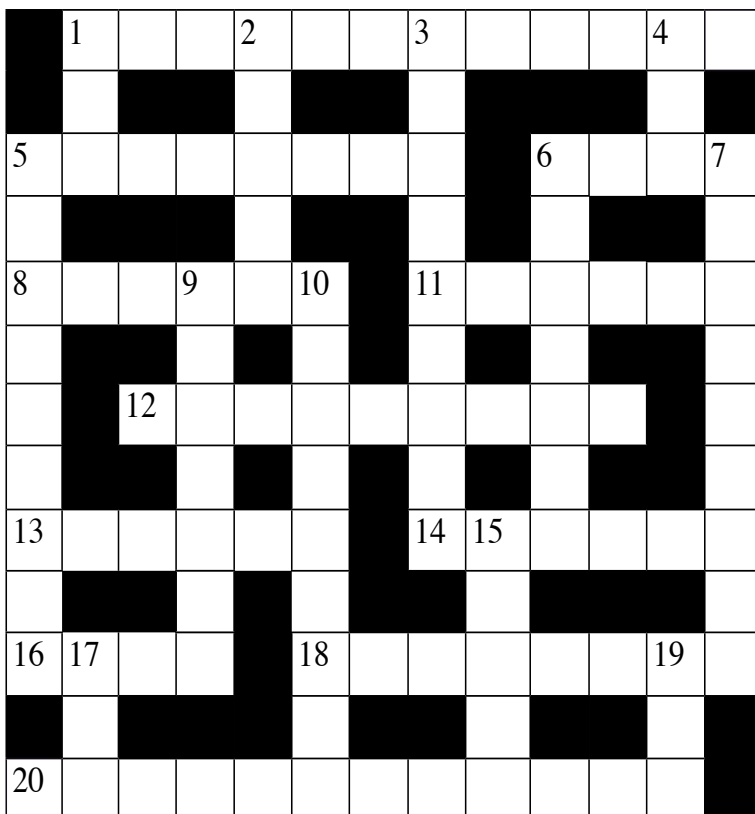
Pop had a massive influence on my life. As a child I spent many hours with him in the courts learning about how the justice system worked and gaining a strong recognition of the importance of justice for everyone. He retired in 1958, but remained extremely active in the community, and was appointed a Justice of the Peace. I recall people coming to his home to get documents signed, and then often travelling with him to clients' homes when they were unable to travel.

Pop formed many friendships through his JP role and many of those he helped remained friends right up to his death in 1979.

His influence instilled in me a similar strong sense of equity and justice, and of wanting to give back too. When I was appointed I hoped it might have made Pop proud, and it was a tearful moment when I followed in his footsteps and became association president this year.



Pip Jamieson with the Nelson Tasman presidential chain also worn by her grandfather.



## CROSSWORD

### ACROSS:

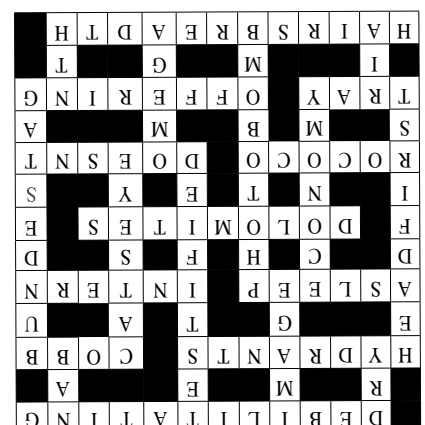
- 1 Making weak
- 5 Firefighter supply links
- 6 Aussie stagecoach founder
- 8 Elapse (anag)
- 11 Trainee
- 12 Mountain range in Northern Italy
- 13 Baroque style of art or decoration
- 14 Stoned (anag)
- 16 Flat bot-tomed carrying receptacle
- 18 Church contribution
- 20 Very narrow margin (5,7)

4 Catch

- 5 Without considering consequences (4,5)
- 6 Lane marker
- 7 German parliament
- 9 Money Co. (anag)
- 10 Prank photograph invasion
- 15 Last Greek letter
- 17 Long narrow inlet
- 19 Utmost

### DOWN:

- 1 Parched
- 2 Public perception
- 3 Bore witness







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 Andrew, Darrell, Whangarei  
 Basaad, Yaser Sulaiman Ahmed, Auckland  
 Bell-Booth, Annabelle Grace, Tauranga  
 Davies, Margaret, Auckland  
 Dawson, Danielle Florence, Hokitika  
 Day, Alan Edward, Auckland  
 Faulkner, Valerie Denise, Paparoa  
 Fuimaono, Sene, Auckland  
 Fuller, William Robert, Russell  
 Galloway, Andrew Scott, Auckland  
 Grace, Jenny Anne, Auckland  
 Harawira-Smith, Prudence Rachael, Martinborough  
 Harrington, Te Aorangi, Gisborne  
 Henderson, Rosemary Alice, Christchurch  
 Kerr, Shelley Margaret, Mount Maunganui  
 Laraga, Socorro Hebron, Oamaru  
 Moylan, Dellwyn Gay, Ashburton  
 Mu, Qi, Auckland  
 Pohatu, Lisa-Marie Venus, Hastings  
 Read, Alice Mary, Oamaru  
 Rogers, Glenn Frederick, Eltham  
 Russell, Debra Sharon, Kawakawa  
 Saxton, Kate Mary, Palmerston  
 Skevington, Judith Ann, Ashburton  
 Solanki, Daksha, Auckland  
 Song, Zhuoqin, Blenheim  
 Sunman, Doreen Lilian, Auckland  
 Williams, Sandra Raewyn, Auckland  
 Woodward, Catherine Mary, Auckland  
 Wylie, Patricia, Lower Hutt

*Dated at Wellington  
 this 18th day of August 2023  
 Hon Dr Deborah Russell  
 Associate Minister of Justice*

Allsebrook, Trevor Ronald, Auckland  
 Armstrong, Karen Isabel, Waikare  
 Bergman, Ann Elaine Merenia Hihiwa, Kaiapoi  
 Brierley, David William, Auckland  
 Collier, Sandra Patricia, Upper Hutt  
 Cummings, Patrick John, Hamilton  
 Daggubati, Sundeeep Chowdary, Christchurch  
 Darbyshire, Mark William, Christchurch  
 Deane, Kevin Charles, Hamilton  
 Glover, Matthew William, Cambridge  
 Griffin, Tina Maree, Hamilton  
 Hill, Letitia Jessica-Lee, Ngaputahi  
 Holdsworth, Roxanna Elizabeth, Hamilton  
 Howse, Shelley Mary, Hamilton  
 Jones, Timothy John, Otorohanga  
 Lin, Shinrong Stephanie, Auckland  
 Maharaj, Davendra Prasad, Hamilton  
 McLachlan, June Ruslyn, Leeston  
 McLaughlan, Roseanne Nelina, Rolleston  
 Nair, Revinathan V Raman, Hamilton  
 Nand, Pramila Wati, Christchurch  
 Nicholls, Anne Marie, Upper Hutt  
 Parrish, Donna Sherraline Adelaide, Hamilton  
 Putnam, Suzanne Louise, Auckland  
 Roigard, Theresa Marie, Papakura  
 Rossiter, Susanne Ngaire, Auckland  
 Sahni, Taranjit Singh, Auckland  
 Simpson, Nadine Louise, Dunedin  
 Taiatini, Janet Simone, Rotorua  
 Tairakena, Tamara, Papakura  
 Tukukino, Sophie, Upper Hutt  
 Ward, Peter Lumsden, Auckland

*Dated at Wellington  
 this 4th day of September 2023  
 Hon Dr Deborah Russell  
 Associate Minister of Justice*

Ansari, Tabassum Parvin Irfan, Christchurch  
 Bailey, Robert Alan, Waihi Beach  
 Burge, Sarah, Feilding  
 Capper, Nathan Paul, Nelson  
 Chandra, Rabina Wati, Christchurch  
 Deo, Anil, Auckland  
 Dreyer, Hilletjie Margaretha Elizabeth, Te Aroha  
 Fowlie, Tommy Desmond Ewen, Dargaville  
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 Smith, Andrew Martin, Christchurch  
 Smith, Zhoumo, Auckland  
 Treter-Bogatski, Malgorzata Franciszka, Auckland  
 Tusa, Olivia Utuimalie, Christchurch  
 Ullah, Farasat Shari, Auckland  
 Walmsley, David Thomas Leonard, Hamilton  
 Watson, Elisabeth Mary, Otaki

*Dated at Wellington  
 this 25th day of September 2023  
 Hon Dr Deborah Russell  
 Associate Minister of Justice*

THE NZ JUSTICES' QUARTERLY  
 Published in April, July, October and January

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