Justices' QUARTERLY

FIAT JUSTITIA
RUAT CAELUM

April 2022
Volume 91 Number 1

33 years of service as a Judicial Justice

AGM with a difference

Greetings to all Justices.

I was honoured and humbled to have been confirmed as Federation President at the Annual General Meeting in February. Because of COVID-19, it was held online via Zoom, making it a very different AGM. We had more than 90 participants in the meeting, with a number of associations having more than one member at their Zoom location. Thank you those of you that joined and participated, and special thanks to National Office staff Tony, Simone and Katie for their assistance in the smooth running of the AGM.

The 2022 AGM and Conference were originally scheduled to be held in New Plymouth, but the uncertainty about the pandemic when making decisions three to four months out resulted in the cancellation of the scheduled meetings because of health and safety concerns. I very much appreciate the efforts of the Taranaki association in organising the event up until the unfortunate cancellation – thank you.

The AGM was also unusual as it did not have any guest speakers, but we received correspondence from the Associate Minister of Justice, Hon Aupito William Sio, Chief District Court Judge Hemi Taumaunu and Jacquelyn Shannon, Acting Chief Operating Officer of the Ministry of Justice. The common theme of each letter was acknowledging and thanking Justices of the Peace for the work they have done in the past year, especially with the challenges that COVID-19 presented.

In addition, Chief Judge Taumaunu drew our attention to the new kaupapa for the District Courts, Te Ao Mārama, which is being progressively rolled out: "It will reflect the modern-day needs of Aotearoa New Zealand, a vibrant, diverse multi-lingual and multi-cultural society with two founding cultures bound together in a spirit of partnership by the Treaty of Waitangi. I am confident that Justice of the Peace services will embrace this new way of working," he wrote.

It would be remiss of me not to acknowledge and thank retiring Past President Rachael O'Grady for her many years on the Board and the tremendous enthusiasm that she brought to all her tasks, most recently the Federal Structure Review. Rachael has been elected President of the Australasian Council of Justices' Associations, so I am confident that we will be working with her for a wee while yet. Likewise, I acknowledge and thank Immediate Past President Garry Nicholls for his two years as President.

Federation President Peter Osborne

A little about me: after leaving school I was employed by the New Zealand Post Office on their telecommunications side. Nine years later I embarked into the realm of self-employment and have for the past 40 years been self-employed in the IT industry. I have been married to Karen for 40 years and have two adult sons. Appointed a Justice of the Peace in 2004, I was elected as president of the Waikato association in 2010. I was a member of the Waikato education team which won the Justice of the Peace Education Trust Award in 2011 and 2012.

Shortly after the AGM, the Board met via Zoom and amongst other things, the portfolio responsibilities for the year were confirmed.

- President Peter Osborne: Quarterly and Media
- Vice-President Nigel Tate: Federal Review
- Immediate Past President Garry Nicholls: Judicial
- Northern Regional Representative David Harvey and Southern Regional Representative Graeme Barber: Ministerial Education
- Auckland Regional Representative Sherryl Wilson: Complaints and Legislation
- Central Regional Representative Laurie Gabites: Finance

Three remits were submitted to the AGM: remit one, on the Federal Structure Review, from the Northland association, was amended and carried; remit two, on online seminars for Judicial and Ministerial training, and remit three, on remuneration for Judicial Justices, were both carried without amendment. These remits will be duly acted on by the Board.

During the general business session of the AGM, the subject of competency was raised. In 2016, voluntary Accreditation was introduced, and it is pleasing to see that just over 50% of association members have been accredited – which suggests that nearly 50% are not! Accreditation indicates to the general public, i e our clients, that "Accredited Justices of the Peace keep up to date by regularly participating in ongoing education and assessment." These are the words which users of our "Find a Justice of the Peace" page on the Federation's website see.

I urge all of you who are not accredited or have let it lapse to seriously consider becoming accredited – it is not difficult and there are plenty of members within associations that will happily assist you if you encounter problems with the process. While on the subject of competence, I would like to acknowledge the terrific education/professional development that is provided by association educators throughout the Federation.

The smooth running of our 28 associations does not happen by accident - I extend my thanks to presidents, registrars and council members for the hours of voluntary work they do as Justices of the Peace, and then taking on additional work for their associations.

Finally, a recent initiative that the Board is investigating for education resources is a "quality assurance" committee comprising association educators that will be tasked with reviewing submitted resources before they are promulgated via the website for use throughout the Federation.

I look forward to meeting as many of you as possible during my term as President.

Peter Osborne

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(Incorporated)

AND ITS AFFILIATED ASSOCIATIONS

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FIAT JUSTITIA RUAT CAELUM
Let justice be done, though the heavens may fall

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CONTENTS

Annual General Meeting 2022	2-4 14-16
Education	5-12
Crossword	16
Hubbard	inside back cover
Appointments	outside back cover

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Thanks for your work

Hon Aupito William Sio

Thank you for providing me with the opportunity to contribute to this year's Annual Report for the Royal Federation of New Zealand Justices' Associations (the Federation).

I would like to thank all Justices of the Peace (JPs) for their hard work in what has been a particularly challenging year.

I can see that JPs are continuing to deliver important services providing New Zealanders with access to justice, including the work carried out at Court Service Desks. I would like to acknowledge the impact that this work has in reducing pressure on court staff. I am also grateful for the service provided by JP Issuing Officers, who respond to critical requests outside of business hours. I would like to thank them for their contribution during the year.

I would also like to extend my thanks to all Judicial Justices of the Peace (JJPs). In presiding over Saturday and public holiday arrest courts they ensure that defendants have access to justice, often reducing the time they are held in Police custody. This is another critical service provided to the District Court and I acknowledge all the work they have done.

Finally, I would like to express my thanks to the Federation for the work you've undertaken this year and the important relationship held with the Ministry of Justice. The Federation have prioritised increasing the number of JJPs and have shown a great deal of resilience in dealing with numerous challenges presented over the past 12 months.

Many thanks for your work this year and best wishes for the year to come.

Yours sincerely

Hon Aupito William Sio

Minister for Courts, Associate Minister of Justice

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ON THE COVER: Past Federation President Alison Thomson with Hawke's Bay association president Damian Sweetapple at a special sitting at the Hastings District Court. Alison has retired as a Judicial Justice after 33 years' service in the role, and Damian presented her with a Federation certificate marking the occasion ... story P13

Pandemic forces virtual AGM

By Quarterly Editor GEOFF DAVIES
Pictures: GRAEME BARBER

After the COVID-19 pandemic forced the abandonment of the Federation Conference/Annual General Meeting (AGM) in New Plymouth, the 2022 AGM was held via videoconference. On February 26, most Board members and the Federation office staff gathered in a meeting room at the James Cook Hotel Grand Chancellor in Wellington, with the other Board members and delegates joining the meeting at a variety of locations and homes around the country. All 28 associations were represented.

Proceedings began with a welcome by President Garry Nicholls, who in his remarks noted correspondence for the Annual Report received from Aupito William Sio, the Associate Minister of Justice (see P1); Chief District Court Judge Heemi Taumaunu (see P4); and Jacquelyn Shannon, Acting Chief Operating Officer of the Ministry of Justice.

Federation kaumātua Monty Morrison then led an opening karakia, followed by the customary meeting formalities of the Loyal Address, Roll Call and Apologies, Obituaries and Procedural Matters.

The minutes of the previous AGM were duly adopted and the meeting moved on to the election of Board members. Earlier election results were confirmed, with Waikato's Peter Osborne and Nigel Tate becoming President and Vice-President respectively, and the Auckland, Central and Southern Regional Representatives

Outgoing Federation President Garry Nicholls congratulates his successor, Peter Osborne, after investing him with the Presidential Chain.

Most of the Federation Board and the staff attended the AGM in a meeting room at the James Cook Hotel Grand Chancellor in Wellington ... here, Federation Past President Rachael O'Grady is addressing the meeting.

continuing in office. David Harvey of the Hauraki association is now the Northern Regional Representative after an election for that position (see P4). The full list of the 2022 Board can be found on P1.

The next agenda item was the Board's Annual Report, which was adopted. This item included consideration of the report on the Federal Structure Review, and this report was received; and the Financial Statements were also received and adopted. (The Annual Report is available to Justices on the Federation website.)

The next items on the agenda were Notices of Motion and Remits. There was one Notice of Motion, seeking constitutional amendments to change the timing of nominations for Board positions, and this was carried. The full text is on P3 of the January Quarterly.

The outcome of Remit One, relating to the Federal Structure Review, is covered separately on this page. Remit Two, relating to online seminars, was passed as published on P2 of the January issue of the Quarterly, amended to change the word "trainers" to "educators"; and Remit Three, concerning remuneration for Judicial JPs, was passed as published on PP2-3 of the same issue.

In other decisions, the AGM approved the fixing of charges and levies (raising capitation to $20 plus GST); approved the 2022/23 Budget; and confirmed that the 2023 Conference/AGM would be hosted by the Hawke's Bay association.

In a brief ceremony, Garry Nicholls invested Peter Osborne with the Presidential Chain, marking the beginning of the new Board's term, and Peter paid tribute to Garry's two years in the role.

In the penultimate sections of the meeting, special thanks were extended to the Taranaki association for the time and effort invested in preparing to host the Conference/AGM in New Plymouth in the customary format, before the decision was taken to confine the event to a virtual AGM; and Past Federation President Denise Hutchins delivered a valedictory speech marking the retirement of Rachael O'Grady, also a Past Federation President, from the Board, after nine years' service, to which Rachael replied (see PP14-16).

The end of the meeting was marked by a closing karakia from kaumātua Monty Morrison.

The way forward

By Federation Vice-President NIGEL TATE

Nigel Tate

The first remit to be considered at the Federation AGM related to the recently-completed Federal Structure Review.

As part of the role distribution at the Board's first meeting after the AGM, I have been allocated that of co-ordinator for the Federal Structure Review process, as set out in the Auckland association's amendment to the original Northland association remit (which can be found on P2 of the January Quarterly). The final form of the remit is as follows.

That the Royal Federation Board responds to the results of the 2021 Federal Structure Review by developing an action plan. This plan should include the detailed scope of the assessment to be undertaken, the timeframe, parties involved (including consultants), and the estimated cost. This information should be communicated to all associations within six months of the 2022 AGM to allow time for robust discussion, prior to a vote at the 2023 AGM as to whether to proceed with the assessment process as proposed.

It is clear that the amended remit will extend the time for any review and subsequent recommendations to be implemented, as it proposes making a decision on the review process at the 2023 AGM.

It is my intention to call on individuals that I feel have the skills and experience for this work. It is likely, although not yet confirmed, that this will include at least one of the original team that produced the review papers previously distributed to associations, as this will provide for continuity of rationale. I would also like to include individuals from a range of associations to ensure that we get diversity of viewpoints from variously sized associations, as well as the possibility of input from some external sources. If your association feels that you have a suitable candidate to assist with this process, please feel free to contact me directly with a recommendation and the person's CV.

My email address is nigel@ntfp.co.nz

An integral role

Tēnā koutou katoa

The past year has again been dominated by COVID-19 and the many restrictions it has imposed on us all, and on behalf of the Kaihautū, your District Court Leadership team, I would like to thank you all for your service to the courts and your communities.

Chief District Court Judge Heemi Taumaunu

The role of a Justice of the Peace in the District Court is integral as we meet the challenge of maintaining the delivery of justice services to our communities across the country. COVID-19 and Delta has forced us all to become more resilient and adapt to new ways of working and I would like to acknowledge our Justices for the way they have continued to provide prompt and effective safe services, often through embracing online solutions.

I would especially like to thank the Judicial Justices who retired last year and thank them for their contribution over the years to the delivery of justice in the District Court.

This year we will continue to roll out the new kaupapa for the District Courts, Te Ao Mārama. The model is intended to respond to the calls for transformative change and will be inclusive of all people who are affected by the business of the court. It will reflect the modern-day needs of Aotearoa New Zealand, a vibrant, diverse multi-lingual and multi-cultural society with two founding cultures bound together in a spirit of partnership by the Treaty of Waitangi. I am confident that Justice of the Peace services will embrace this new way of working.

2022 will offer up new challenges, but I am confident that we will be able to continue working through these in a way that preserves New Zealanders access to justice and maintains the integrity of the District Court for everyone. I thank all our Justices for their ongoing commitment to this mahi.

Ngā mihi

Chief District Court Judge Heemi Taumaunu

New Northern Regional Representative

David Harvey (right) was born in Fiji to Kiwi parents and grew up in Aotearoa New Zealand. He currently works for himself undertaking a variety of project and management tasks. He is a strong believer in #peoplehelpingpeople and serving your people.

David had an extensive career in the New Zealand Army, retiring as a lieutenant-colonel. He has worked in a variety of operational, planning, training, strategic and management environments, and during his military service worked in New Zealand, Fiji, Singapore, Australia, Malaysia, Angola, Bosnia, Bougainville, the United States of America, and Canada.

He has been a Justice since 2010, and in May 2019 volunteered to take on the training and education role for the Hauraki-Coromandel area. As part of this role and his recent election to the Federation Board, he is keen to contribute to the ongoing modernisation of JP training, in support of sustaining our collective professionalism.

David lives in Whitianga and says he has an extensive list of chores that seem to keep his boat out of the water. He is grateful that the last of his six children has recently decided to create their own space.

He can be contacted at davidharvey@xtra.co.nz

From the Professional Development Advisor

Simone Baxter

What is a TinyURL?

A TinyURL is a website address that has been shortened using an online program. Some weblinks can be quite lengthy, making them difficult for users to correctly type into the search bar. Many businesses choose to use TinyURLs, as their size makes them easier to add on to business promotional material or flyers, and they appear more aesthetically pleasing.

To see how a TinyURL works, type the link below into your web browser. Once the page has loaded, have a look at the website address bar – you will notice this TinyURL is a lot shorter than what appears as the original website address. https://tinyurl.com/w89e9ebr.

Documents administered online rejected

A few Justices of the Peace have reported recently that some agencies have rejected documents that they have administered online via audio-visual means. It is important to remember that although there is legislation that allows for certain documents to be administered online, it is up to the receiving agency to determine if documents administered in this manner meet their threshold for due diligence.

To ensure that your client has the best chance of their document being accepted, it is important to check that the client has confirmed with the receiving agency that they will accept documents administered online before administering the document.

When did you last update your contact details?

It is important that the details appearing on the website are up to date, so that members of the public requiring assistance or receiving agencies verifying authenticity can contact you. Please log on to the Federation website and check your contact details are current.

Using your logbook

As per point 6 of the Code of Conduct, it is best practice to keep a record of your ministerial tasks. The record you keep does not need to be lengthy and should contain minimal details about the client. Common practice is to record the date and time, what documents were processed and the location, i e home or work, and you may also wish to include the client's name. No matter how few or many clients you see, relying on your memory alone is not sufficient. It is important that you keep your record in a safe place, especially if you have noted the client's name.

Example

12 June 23	*5.10 pm*	*K Smith*	*5 x cert copies/passport*	*Home*
13.6.23 9 am			*Dissolution application*	*Work*
14 Jun 23	*3pm*	*G Smith*	*CC AML*	*Home*

Example as shown in the Ministerial Manual

One of the main reasons for keeping a record of the ministerial duties you have completed is so that when an agency contacts you to confirm that you have seen a client you can recall the activity. If you have kept a record of your tasks, you will easily be able to check your record to confirm that you saw a particular client to administer their document on the date specified.

There have been a couple of instances recently where this process has been beneficial. One of our Justices of the Peace was contacted by an agency to confirm if a client had come to them to administer a document. The Justice was quickly able to check their logbook and advise the agency that they had not seen that client. Upon review of the stamp and signature, it appeared that the Justice's credentials had been lifted from a document they administered for another person and applied to the document in question.

Are you fluent in a language other than English?

In your role as a Justice of the Peace it will not be uncommon for you to encounter a client who originates from another country. For the majority of people this will not raise any issues - many people who live In New Zealand have adopted the English language, but what options are there for those who struggle with English?

The Federation is regularly contacted by members of the public looking for a Justice of the Peace who is fluent in a particular language. This process has been made user-friendly by an option to filter results via language skills on the website. To use this filtering function, you must first search the location and then you can select a language.

An important part of this filtering function lies with you, our Justices of the Peace. For this to be beneficial to those who require the service, your profile needs to be updated accurately. If you are fluent in any languages other than English, please log on to the Federation website and update your profile with the languages that apply to you.

Keeping your stamps safe

The Federation has been contacted by an agency about an application that they recently received. The application contained a statutory declaration that had been completed using a Justice of the Peace stamp. The client alerted the agency that they had not submitted the application and the document had been completed fraudulently.

The agency contacted the Justice who confirmed they had not seen a client to complete this document. The Justice of the Peace advised that the stamp was correct, but the signature did not match.

This is a timely reminder to encourage you to be careful about how you are using your stamps.

Technology is continuing to evolve and actions that were once difficult are becoming more accessible and easier to achieve.

When you are placing a stamp on a document, ensure that you are doing so in a way that makes it difficult for someone to "lift" - i e place the stamp in a way that results in words or lines from the document intersecting with the stamp (see examples below).

Separation agreements require lawyer

Separation can be a difficult situation, and often, going to court can add an extra layer of stress that many couples want to avoid. If both parties agree, a separation agreement can help couples decide how to divide their assets and responsibilities without involving the court.

A separation agreement outlines relevant details of the relationship - when it started, when cohabitation began, and when the couple separated. The agreement should then cover the details of both relationship property and individual property (including properties, assets, bank accounts and KiwiSaver accounts) along with any responsibilities they may have such as caring for children or pets.

Separation agreements are covered by s21A of the Property (Relationship) Act 1976.

21A(1) Spouses or civil union partners or de facto partners may, for the purpose of settling any differences that have arisen between them concerning property owned by either or both of them, make any agreement they think fit with respect to the status, ownership, and division of that property.

For a separation agreement to be valid, each party must receive independent legal advice. Once a lawyer has reviewed the agreement and discussed the implications with their client, they will witness the signature of their client and sign the document confirming its validity.

It is important to note that a Justice of the Peace cannot witness the signing of a separation agreement. Under s21F(4) of the Property (Relationship) Act 1976, this must be completed by a lawyer. Anyone who witnesses the signing of a separation agreement will render the document void if they are not a lawyer.

If you are approached by a member of the public requesting assistance with a separation agreement, please direct them to contact a lawyer: as a Justice you are not able to provide the legal advice required for a separation agreement, or witness the signature as required by the legislation.

Test your knowledge: separation agreements

Now that we know a little bit more about separation agreements, test your knowledge below.

1. Can a Justice of the Peace sign a separation agreement?

   No - under section 21F(4) of the Property (Relationship) Act 1976, a lawyer must witness the signature of each party.

2. Do the courts need to be involved in a separation agreement?

   No - if both parties agree on how property will be divided and responsibilities shared, a separation agreement can be implemented without input from the court.

3. Are separation orders and separation agreements the same thing?

   No - a separation order is issued by the Family Court. If both parties do not agree to separate or cannot agree on when they separated, a request can be made for the Family Court to make a separation order. A separation order is a legal declaration that a couple has separated. A separation order does not cover the division of property and assets or the care of children.

4. Do the parties involved need to receive legal advice to complete a separation agreement?

   Yes, as per s21F(ii), a separation agreement must be independently discussed with and reviewed by a lawyer before the signatures are witnessed by that same lawyer.

5. What are the requirements that a separation agreement must comply with to be valid?

   Under s21F of the Property (Relationship) Act 1976, there are 4 requirements.

   i. The agreement must be in writing and signed by both parties

   ii. Each party to the agreement must have independent legal advice before signing

   iii. The signature of each party to the agreement must be witnessed by a lawyer

   iv. The lawyer who witnesses the signature must certify that, before the party signed the agreement, they explained to the party the effect and implications of the agreement.

Overseas agencies requiring contact details

When a document is administered for a client, the receiving agency may wish to confirm that the person who signed the document is authorised as a Justice of the Peace. Ccommonly this is done by the agency searching for the name on the Federation website, or contacting the Federation directly. However, from time to time, you may find an overseas document requiring you to provide contact details when you administer a form. Often you may provide your details without question, but why do some agencies require this?

To meet their requirements for due diligence, some overseas agencies are required to speak directly to the person who signed the document to ascertain its legitimacy. Overseas agencies can have different practices for completing documents, and an agency may want to confirm that the form was indeed completed by the Justice of the Peace listed and you saw their client.

Although some may feel uncomfortable sharing their personal details on the form, remember your contact details are available on the website. For continuity, best practice is to use the same details that appear when the public searches for you on the Federation website. If you still feel uncomfortable with including your personal contact details on the form, you can use the contact details for the Federation: 04 918 8447, jpfed@jpfed.org.nz, PO Box 5005 Wellington.

What is an epidemic preparedness notice and when does it expire?

The Ministry of Health defines an epidemic notice as "a public policy tool to help Government agencies respond swiftly and effectively in a rapidly evolving situation. An epidemic notice enables the use of a number of 'special powers' in legislation".

Under s5 of the Epidemic Preparedness Act 2006, the Prime Minister, with agreement from the Minister of Health, can issue the notice if they are satisfied that the effects of an outbreak are likely to disrupt essential governmental duties and business activity in New Zealand. On April 17 2020 it was decided that due to the effects of COVID-19, this was the case, and the Epidemic Preparedness Order came into force.

Unless revoked earlier, the Epidemic Preparedness Order expires after three months; if it is deemed that the order is still required, it can subsequently be renewed for further three-month periods.

How does this order affect Justices of the Peace?

As mentioned above, the epidemic order enables the use of special powers within legislation. The main area where this will be relevant for Justices of the Peace is within the Oaths and Declarations Act 1957, where a temporary immediate modification order came into force. The order is described as follows:

> ***Epidemic Preparedness (Oaths and Declarations Act 1957) Immediate Modification Order 2020***
>
> *This order is made under the Epidemic Preparedness Act 2006 and its effect is temporary. It comes into force on 17 April 2020 and is revoked when the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked. It modifies requirements imposed by the Oaths and Declarations Act 1957 (the Act) that may be impossible or impracticable to comply with during an epidemic.*
>
> *The modifications expressly allow an oath, an affirmation, or a declaration to be administered or taken using an audio-visual or audio link instead of in the presence of the person swearing the oath or making the affirmation or declaration. - Lexis Nexis*

It is important to note that the modification applies to requirements that may be impossible or impracticable during the epidemic. A few associations have expressed concerns that because we are no longer in a lockdown the modification allowing documents to be administered remotely no longer stands. This is not the case; legislation does not outline the need to be in a lockdown for the modification order to be in place. Our understanding is that, whether we are in a lockdown or not, if the Epidemic Preparedness (COVID-19) Notice 2020 has been renewed it is valid in all circumstances where it may be impracticable to meet a Justice of the Peace in person. Should there be any changes that affect this process we will advise associations.

Please note, as outlined in the October 2021 issue of the Justices' Quarterly, the legislation for digital signatures has not changed. When signing affidavits, statutory declarations, or other documents taken under oath or affirmation you must continue to use a "wet signature" unless advised otherwise from the receiving agency.

Ministerial Manual - documents in languages other than English

It has been brought to our attention that some Justices of the Peace are experiencing confusion with 2.18.2 of the Ministerial Manual. This section of the Manual refers to documents in languages other than English.

2.18.2 Documents in languages other than English

You should not administer any document that is entirely in a language other than English, unless you are personally fluent in that language or the document is accompanied by an independent translation that is acceptable to the receiving agency.

A client with a document in another language should be referred to the appropriate embassy or consulate office or referred to Department of Internal Affairs.

A statutory declaration in another language may be taken if certain parts are in English (see 5.12).

An affidavit in a language other than English must be accompanied by an official translation and an affidavit completed by an interpreter (see 6.10).

This section of the Manual is intended to cover documents that are administered, i e documents taken under oath or affirmation. This section does not cover certified copies of documents.

As per 3.4.1 (Documents consisting of images or written in other languages) in the certified copies section of the Manual, you can certify a copy of a document if it is in another language. To certify a document, you do not need to be able to understand the document, you are only verifying that the copy presented to you is an exact copy of the original.

Kiwibank fingerprinting service

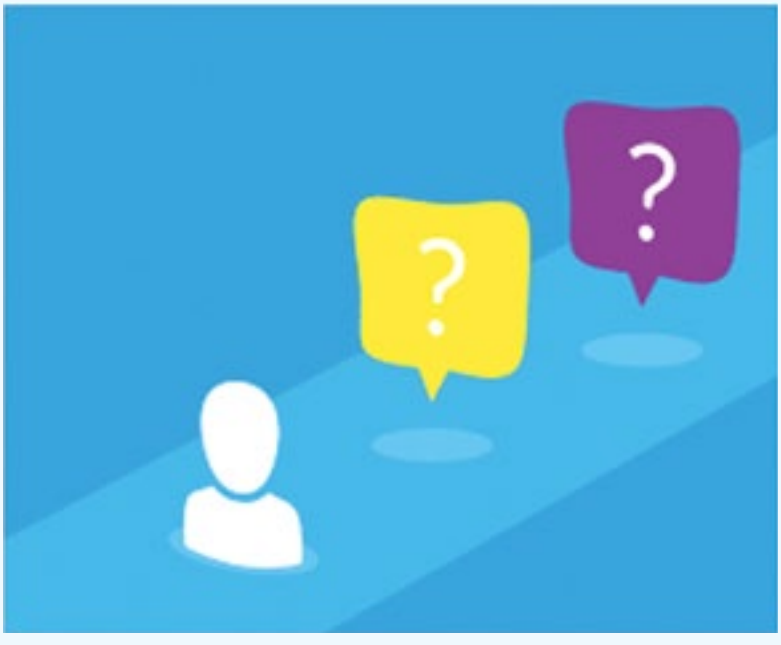
From March 31 2022 Kiwibank will no longer offer manual fingerprinting services.

NZ Fingerprinting Service has identified themselves as the provider who will take on this role from April 1 2022. This is endorsed on the Immigration New Zealand website. They have several locations around the country, from Whangarei to Dunedin. Appointments are necessary and as with the service provided by Kiwibank, there is a cost involved.

Fingerprinting is not a common practice for Justices of the Peace. Full fingerprinting can be challenging to do and if done incorrectly the receiving agency will likely reject the prints. If you have a client that requires a full set of fingerprints for an employment check, immigration, or any other reason, direct them to NZ Fingerprinting Service https://www.nzfingerprintingservice.co.nz/.

Justices may still carry out single finger/thumb prints if they feel comfortable to do so, provided the client has confirmed with the agency that they will accept the prints being taken by a Justice of the Peace.

Be prepared for the unpredictable nature of a service desk



Unlike when you see clients by appointment, when you are working on a service desk, the tasks you are faced with can be unpredictable. You have no idea who will be coming in, what documents they will present, or if they have brought the correct information with them. This means that keeping up to date with training and ensuring you have the correct resources at hand is essential.

There will be some standard forms and documents that you know well and expect to see, but what should you do if you encounter a document that you are not familiar with or haven't seen before?

Review the document

Most forms and documents include instructions. If you are unsure of the document you may need to read the information section before continuing.

Communicate with the client

If you have read the instructions and you are still unsure, or are unable to locate instructions, ask the client. They may have been advised by an agency to seek assistance from a Justice of the Peace, or they may be able to provide information on what is required. The client may also be able to look for instructions online or contact the agency for further clarification.

Check your resources

You may have accumulated training material from an education session that will refer to the document in question, or the answer may be in the Ministerial Manual. Having a copy of the Manual with you to check through can be a good idea – you might find the answer to your query.

Contact another Justice of the Peace

If you are working on a service desk with more than one Justice present, you may be able to ask the other if they have experience with the form. Alternatively, you could contact another local Justice or your local trainer/educator.

It is important that you manage the expectations of the client. If you are unsure of a document, make it clear to the client that you want to ensure that you are authorised to administer the document and, if you are, then you do so correctly. You might be able to find a solution while the client is there with you, otherwise you might need to make an appointment to meet with the client at a later time or date.

Feedback always welcome

If you have any topics you would like covered in the Education section of the Quarterly, would like to give feedback or comment on any of the articles in the section, please contact us via email at **trainer@jpfed.org.nz**

Education pages index

Have you read something in a previous issue of the Justices' Quarterly, but you just can't remember which issue it was in? Or are you looking for information on a particular topic?

Below is the latest Education Index. The listings on this page include Volume 89 (April 2020 – January 2021) and Volume 90 (April 2021 – January 2022). The previous index can be found in the April 2020 magazine.

Accreditation

Accreditation a two-step process (April 2020)

Why you shouldn't be anxious about the Accreditation test (April 2021)

Affidavits

Is this an affidavit? (October 2020)

The rules for affidavits (October 2021)

Test your knowledge: affidavits (January 2022)

AML

What does AML stand for? (July 2020)

Certifying identification documents for AML-CFT requirements (October 2021)

Certified copies

Certified copies in a COVID world (October 2020)

Is this an original birth certificate? (April 2021)

COVID-19 information

COVID-19: The epidemic notice (July 2020)

COVID-19 – move to alert level 4 and state of National Emergency (July 2020)

Temporary changes to the Oaths and Declarations Act 1957 (July 2020)

Temporary changes to the Wills Act 2007 (July 2020)

Certified copies in a COVID world (October 2020)

Immediate modification orders (January 2021)

Epidemic preparedness notice renewed (July 2021)

Contact tracing sign in options (October 2021)

What does the traffic light system mean for JPs? (January 2022)

Exemption from wearing a mask (January 2022)

Dealing with documents

Multiple documents presented by one person (July 2020)

Sending documents to the receiving agency (April 2021)

Dealing with lengthy documents (July 2021)

Using stickers instead of stamps (October 2021)

What's the deal with electronic and digital signatures? (October 2021)

Dealing with documents in other languages (July 2020)

Dissolutions

Marriage dissolutions: only for New Zealanders (April 2020)

Applications for dissolutions of marriage – setting up for success (April 2021)

Identity verification

Visa verification (April 2021)

Is this an original birth certificate? (April 2021)

Are SuperGold cards a primary identification? (October 2021)

Jurisdiction

Can you sign a warrant to arrest? (January 2021)

Legality of acts by former JPs (April 2020)

Life as a JP

Why do I need professional development? (April 2020)

The Codes of Conduct and Ethics (April 2020)

Feeling ethical (April 2020)

How do I retire? (January 2021)

Use your full name (April 2020)

Use your full name (July 2021)

When should I use the letters JP? (July 2021)

What is a 'full legal name'? (January 2022)

What is my occupation? (January 2022)

Privacy is precious (January 2021)

Dealing with an uncooperative client (January 2022)

What does 'sovereign citizen' mean? (January 2022)

JP roles

Ministerial educators' seminar – reflection from one of our educators (July 2021)

Judicial Studies Course 2021 (October 2021)

Dealing with documents remotely

What's the deal with electronic and digital signatures? (October 2021)

What tasks can be undertaken using audio-visual communications such as Skype or Zoom? (October 2021)

How do you administer a statutory declaration or affidavit online? (October 2021)

Tips for using video calls (January 2022)

Administering documents online (January 2022)

Temporary changes to the Oaths and Declarations Act 1957 (July 2020)

Powers of attorney

Power of attorney, enduring power of attorney – what's the difference? (July 2021)

Quizzes

Revision quiz (previous editions) (April 2020)

The new Manual – test yourself (April 2021)

Test your knowledge: affidavits (January 2022)

Statutory declaration quiz (January 2021)

Statutory declarations

Exhibits with statutory declarations (January 2021)

Statutory declaration quiz (January 2021)

Technology

The murky world of social media (April 2020)

What is a QR code? (January 2022)

The Federation website

New website (October 2020)

Availability while away (January 2021)

What is my username? (January 2021)

Searching for you on the website (April 2021)

Making the most of the Federation website (July 2021)

Advising unavailability via the website (January 2022)

Wills

Temporary changes to the Wills Act 2007 (July 2020)

What do we need to know about wills? (July 2021)

33 years on the bench

By RACHAEL O'GRADY

Alison Thomson on the bench with Judge Bridget Mackintosh, completing 33 years as a Judicial JP.

There are few judges who sit on the bench for 33 years – but that is how long Judicial Justice and Past Federation President Alison Thomson had served by the time of her final sitting at the end of January this year.

Alison was appointed a Justice of the Peace in 1989, and became a Judicial Justice in her first year. She began court sittings in Rotorua but most of her court work has been in the Hastings and Napier District Courts.

A great deal has changed in the time Alison has been doing court work. In the earlier years a court day could be for a full day, and deposition hearings would sometimes go on for days. On one occasion Alison also had to preside over a Coroner's Court (which at that time came under the jurisdiction of Judicial Justices) under urgency.

Alison's extraordinary commitment of 33 years of service on the bench for arrests and JP list days was acknowledged and celebrated at a special court sitting at the Hastings District Court presided over by Judge Bridget Mackintosh, the JP liaison judge in Hawke's Bay, at which Alison was presented with a Federation certificate by Hawke's Bay president Damian Sweetapple, marking her retirement from the bench.

Alison brought to the role a level of professionalism that set a great standard to her fellow Justices but also brought the respect of District Court judges, court staff, police, the legal fraternity, court services and others who were in attendance at the special court sitting. Of the many who spoke at the sitting a police custody officer summed up the regard in which Alison was held, saying what a difference she had made for everyone involved, especially ensuring that defendants felt they had been treated fairly.

Alison was also the court panel manager for the Hawke's Bay association with responsibility for rostering, training and peer assessments for the local JJPs. On occasions if a Justice gave late notice of being unable to attend court Alison was paged out from her garden. At short notice she became adept at cleaning the dirt off her knees, changing clothes very quickly, and arriving at court looking smart, calm and collected, ready to preside over the matters put before her.

Alison's sound, sensible and practical perspective as a Judicial Justice has been invaluable at a local, regional and national level. She has been extremely generous with her time in supporting and empowering other JJPs. A stalwart in providing justice "for the community by the community", Alison was recognised by the Queen for her outstanding service when she was awarded the Queen's Service Medal in 2020.

Alison continues her involvement in other Justice of the Peace work and Hawke's Bay association affairs, in addition to a significant number of other commitments.

Legacy of sterling service

Federation Past President DENISE HUTCHINS delivered the valedictory address for departing Board member and fellow Past Federation President Rachael O'Grady at the 2022 AGM ... the following version is abridged due to space constraints

It is my pleasure to deliver the valedictory for Rachael as she leaves the Federation Board after nine years of loyal service.

Rachael was appointed a Justice of the Peace in 2008. Living in and serving the mainly rural community of Kotemaori and surrounding districts, between Wairoa and Napier, she became active in the affairs of the Gisborne association, which led her to put her name forward for the Northern Regional Representative role in 2012. She was duly elected and joined the Federation Board at the 2013 AGM in Oamaru.

Rachael was a very active Board member. The kilometres she travelled during her three years as a regional representative do not bear thinking about and living rurally as she did, there was always a long trek home after any JP event. Even when she flew somewhere, after arriving back at Napier airport she still had more than an hour's drive home on marginal roads, sometimes in winter.

Rachael undertook her responsibilities to the region seriously and carried them out with a high degree of diligence and energy. At the foundation of the role as far as she was concerned was active two-way communication with associations and their members. Be it face to face or in writing, via her informative and lively regional newsletters or by regularly ringing presidents or registrars, she stayed in touch with the far-flung region and represented their interests extremely well at national level.

In 2015 the Triennial Conference of the Commonwealth Magistrates' and Judges' Association was held in Wellington. Delegates came from all parts of the Commonwealth. Rachael attended as a Federation representative, but she also presented a paper. This was a significant achievement and an honour that reflected well on the lay judiciary in New Zealand.

Rachael stood for Vice-President in 2016, and Federation history was made when I was elected President and Rachael Vice-President – it was the first time women had held the roles at the same time.

The role of Vice-President is to support the President and undertake projects delegated to them. Among the many projects undertaken by Rachael was the Review of the Federation Constitution and the Review of Federation Policies and Processes.

Rachael approached these tasks in her usual organised way, identifying current issues, researching options, consulting with member associations and Board colleagues and Federation employees, and presenting comprehensive reports for discussion and acceptance at the 2017 AGM in Christchurch. There were questions for her from associations but it was a testament to the quality of her work that both those key documents were accepted without any significant further work required.

There were times when Federation staff changes required Board members to take a more hands-on approach to operational matters. As a Judicial Justice of the Peace Rachael was closely associated with the Judicial Studies Programme, ensuring it met educational standards and had an active continuous quality improvement approach.

Rachael became President at the Federation AGM in 2018. She progressed many ongoing issues, such as Accreditation, and continued to develop relationships with the Associate Minister of Justice's office and key personnel in the Ministry, to further Federation members' issues. Not always an easy environment to operate in, Rachael's organised, well-prepared and personable approach meant access to those decision-makers was enhanced.

Rachael's support of the Federation staff during her time on the Board must also be acknowledged. The Board has always had to be involved, to a greater or lesser degree, with operationalising the decisions of national AGMs or the Board of the day in order to "get the work done". A more diligent, committed Board member would be hard to find.

Rachael's final period on the Board has been no less busy and involved than the previous years. The Board was directed by member associations to review the current federal model of association membership, consult with associations and their members and report back to the 2022 AGM. Rachael was given the task of implementing that direction. In her usual organised, thorough way Rachael has delivered. No one should under-estimate the time and effort that that took. While she had support and assistance from others, she did the hard yards and delivered the review on time. Going forward, I trust member associations will be bold in their deliberations and her work will form the basis of taking the Federation to meet the challenges of its current and future environment.

Although Rachael is leaving the Board she still holds the important role of President of the Australasian Council of Justices' Associations. I am sure she will guide that organisation to the benefit of its members.

I cannot finish without a word about Rachael's husband Harold. One would be hard-pressed to find a more supportive partner. He has been a safe sounding-board for her and also accompanied her on many of the long drives she has undertaken as a Board representative. I am sure Harold has also enjoyed meeting Justices all over the country, but will be looking forward to having Rachael home more.

Whatever the future brings for Rachael and Harold, I know you will join with me in thanking them for their commitment to Justices and the Federation. Rachael will not stop serving her community - it is not her nature to sit still. She leaves a considerable legacy, and words are inadequate to describe it. I have but touched the surface of her contribution. A more committed, loyal Justice you won't find and I am sure you join with me in wishing her all the very best for the future, and hoping she will remain active in the JP world for a long time to come.

Thank you Rachael. Nga mihi me te aroha nui.

'It's been a privilege'

Federation Past President RACHAEL O'GRADY looks back on her Board years

As I depart the Board after nine years, there is much to reflect on, having participated in a great deal over the years, including celebrations, seeking solutions, and listening to and advocating for all manner of issues related to the Justice of the Peace role. What a privilege it has all been.

Reflecting on what am I particularly proud of, I do feel a sense of pride in:

- the extent to which I have been true to my pledge of consultation, communication, action
- all portfolios I have been involved in, not the least being my wide-ranging involvement with the Judicial Studies Course
- my contributions to the Federal Structure Review (FSR), and constitution revision work, plus the various submissions I was involved in drafting on legislative matters significant to Justices of the Peace.

It was an enormous honour and privilege to attend and present on the Future of the Lay Judiciary at the Commonwealth Magistrates' and Judges' Association (CMJA) conference in Wellington in 2015, to be involved in the unveiling of the plaques at Waitangi, and to attend and share in the very first of the association centenaries, Canterbury.

The most rewarding aspect of the role, and what has provided me with my continued passion and drive, is people: being part of a team that makes things happen and working alongside remarkable individuals. Over and above everything else it is the Justices in our organisation that have been my inspiration and it is the people I will miss the most.

We are part of an organisation with an unparalleled history in New Zealand and we play an important role in the country's justice system. Like many Past Presidents I have always advocated that one of the most significant strengths of the Justice of the Peace role and the type of justice we are involved in is "Of the

people, by the people, for the people" and that is something I am adamant we collectively need to work to promote, protect and uphold.

And so to my first message and one I rate as important:

- Being aware of our history may not seem as pressing for many of our Justices as just getting on with the role. Yet it does matter. It matters because it is our history that provides the foundation on which we build.

  Understanding our history helps us to be agile enough to respond to the changing environment in which we provide service – and it is changing.

  There are also lessons to learn from our history especially when you consider that through the passage of time, Justices have been the master of their own demise. You would think that we have learned from these lessons, but I fear that some of those issues still exist, such as:

  - The role of a Justice of the Peace still being seen as "middle-aged and middle-minded".
  - A lack of succession planning. Succession planning is not only important in recognising when it is time to step aside, something that as an organisation and as Justices we can do much better, but because it takes a genuine team effort to ensure the organisation functions for all members, which requires more people to step up and contribute to ensure the good work continues. To that end we need to embrace flexibility, foster collaboration and develop talent.
  - Another lesson is that over time there have been small pockets of Justices who have let their egos matter more than the role of being a Justice of the Peace and the purpose of the organisation. Sadly, this is still happening today and it is among one of the greatest risks for the future of all Justices. To achieve well in all that we do and to manage risk effectively there needs to be more accountability across most levels of the organisation.

There are challenges still ahead for the work that we do, such as:

- achieving consistency in how we operate across associations. Variation is the enemy of quality
- being receptive to change - resistance to change is possibly one of the greatest obstacles we face in progressing as an organisation and thereby increases our chances of becoming insignificant. We will not survive unless we build on being relevant.

Along the way in my Board journey there have been new personal learnings, challenges and satisfaction. In my survival kit, the thing that has kept me going is retaining my sense of humour, and the best advice I received was to "Just be me". It is solid advice because as soon as you try to be someone else or the person people may be expecting, you don't come across as authentic or with the same passion and connection.

Being on a board is not just about getting the work done, it is so much more. It is about relationships which brings me to my "thanks".

It is simply not conceivable for me to name the many, many individuals who have advised, educated and

• *Continued overleaf*

• *From previous page*

supported me on this journey, but know that I am most grateful.

None of us take on leadership roles without having an impact or indeed leaning heavily on the support at home. The most significant of my thanks goes to my husband Harold. The constant and unconditional support of Harold has been crucial to my time on the Board. Thank you, Harold, for your support, your advice, your good humour and for the sacrifices you have made in support of me.

I have learned the value of leadership, directly or indirectly, from a great many of my predecessors, each of whom has set their own benchmark. I make special mention of two of the Presidents I have worked with: Greg Weake, who had an uncanny knack of "dropping" me into all manner of tasks outside my comfort zone, but through that he empowered me and others; and Denise Hutchins, whose honesty, wise counsel and affirming manner enabled me to learn and grow so much.

To the Federation staff – you all do an amazing job. My gratitude to past and present staff members knows no bounds. Alan Hart in particular was instrumental in showing me the importance of being aware of our history, and so was Tony Pugh with his eye for the future.

Thank you to all past and present Board members. I have enjoyed getting to know each of you and working with some remarkable people. Special thanks to the partners who support Board members in their own endeavours.

Many of those I have already mentioned and many others along the way whom I now count as friends have been a sounding board and have provided me with a wealth of grounded opinions and reflections, and been utterly objective and scrupulously honest, helping me keep real.

My one very big regret is that my grandchildren have grown up way too fast while I have been missing in action. I now look forward to spending a lot more time with family, making up for lost opportunities.

I leave the Board with a sense of achievement but also with a sense of sadness in that I am leaving behind people and work that matters a great deal to me. Friendships and unforgettable encounters from my journey will be what leaves the greatest impression.

My final comment to you all is "Believe in the vision, take responsibility for the health of the organisation's culture, confront brutal facts and create a climate where the truth can be said and heard".

Abridged

New face in the office

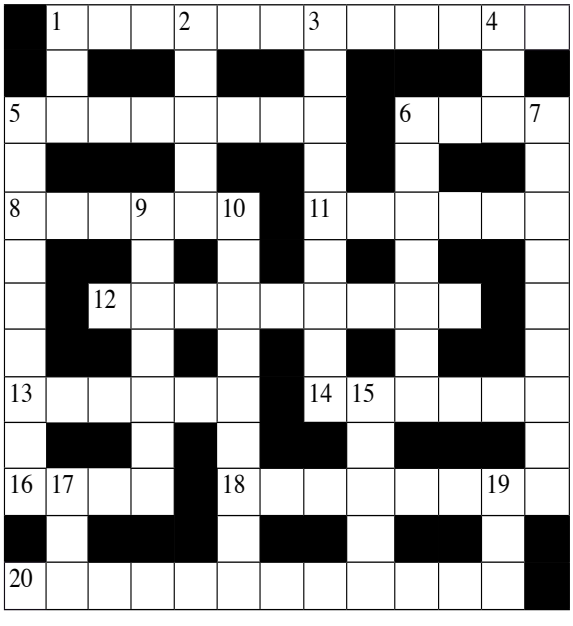
Hello everyone. I'm Katie Harvey, the new Administrator in the National Office in Wellington, replacing Sarah Gillard.

I am originally from Palmerston North and moved down to Wellington a few years ago to complete my degrees in psychology at Victoria University.

Before working here, I worked for the Ministry of Justice in the Domestic Violence Programmes team. My role there was quite varied in terms of working with both offenders and victims, but I really enjoyed the feeling of being able to make a difference in someone's life at a challenging time for them.

In my spare time I like to go on long walks with my husband, play card games, attempt to get my garden under control, and do some amateur local history research.

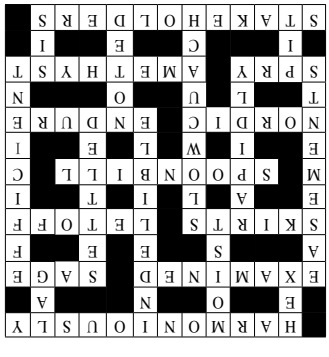
I would like to thank everyone who has called or emailed me to welcome me to the role. I have really enjoyed hearing from those of you so far. Please feel free to contact me with your questions as I am always happy to help!
My email address is administrator@jpfed.org.nz



CROSSWORD

ACROSS:
1 In a way free from disagreement
5 Tested
6 Wise person
8 Goes round the edge of
11 Chance to escape defeat (3-3)
12 Wading bird
13 Relating to Scandinavia, Finland and Iceland
14 Suffer patiently
16 Nimble (of older persons)
18 Met hasty (anag)
20 Those with a vested interest

DOWN:
1 A magic spell
2 Slightly wet
3 Cannot be erased
4 Fail to keep up
5 Rights to use other's land for specific purpose
6 Reached agreement
7 Working in well-organised and competent way
9 At a great rate
10 One who is lethargic in temperament
15 Famous
17 Set someone in conflict with
19 NZ security agency



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Justice of the Peace for New Zealand

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#88888
WELLINGTON
Justice of the Peace for New Zealand

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Justice of the Peace for New Zealand

Signature..... Date.....

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

Adams, Dameion Andre, Paeroa
Allen, Paul Simon, Dunedin
Chetty, Seenivasan, Pukekohe
Choi, HeyJoung, Palmerston North
East, Deborah Rae, Wellington
Keith, Shirley Ann, Christchurch
Kerrisk, Ian John, Clyde
Kiglics, Balazs Istvan, Dunedin
Lemon, Aretha, Opunake
Little, Kerry Louise, Banks Peninsula
Mason, Sally Jean, Outram
Mitchell, Kenneth Graham, Tokoroa
Nicholls, Daniel William, Rangiora
Palmer, Karen Anne, Cromwell
Pokhrel, Bishnu Prasad, Christchurch
Rahman, Mahfuzur, Christchurch
Scales-Thain, Kathleen Mary, Christchurch
Shailer, Trevor, Palmerston North
Singh, Parvind, Wellington
Tong, Maree Joy, Hawera
Unsworth, Susan Mary, Christchurch

Dated at Wellington
this 10th day of February 2022
Hon Aupito William Sio
Associate Minister of Justice

Latest justice statistics released

In mid-March the Ministry of Justice published the latest six-monthly justice statistics, for the year ended December 2021.

These statistics contain details on people going through the courts or accessing justice services (such as the number of people charged and convicted, broken down by offence type, outcomes, sentence type and demographics).

The Ministry has also published a summary that outlines key trends.

The data tables include:

- General justice (such as the number of charges and people charged)
- Children and young people in court (including Youth Court)
- Specific offence types (such as homicide, sexual, family violence, driving under the influence, drugs, harmful digital communications, and violent offences)
- Specific justice processes (such as discharged without conviction, unfit to stand trial, offending while on bail, name suppression and "three strikes" offences)
- Family Court (including protection order applications and adoption)
- Justice services (including collections, legal aid and family violence programmes).

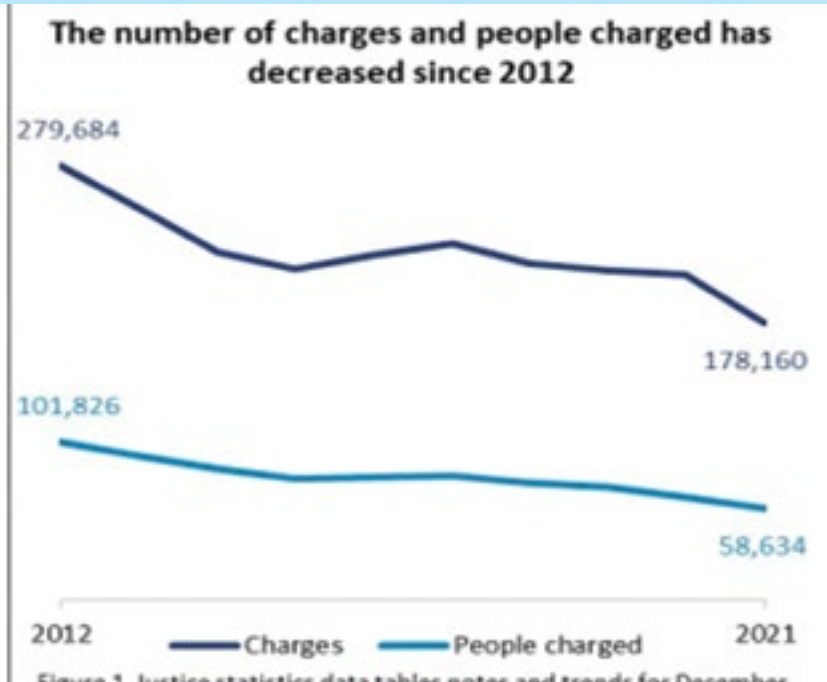

Figure 1, Justice statistics data tables notes and trends for December 2021

You can view the latest statistics here:
https://www.justice.govt.nz/justice-sector-policy/research-data/justice-statistics/data-tables/

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

Opinions expressed in this journal, whether editorially or by contributors, do not necessarily represent the views of the Royal Federation of New Zealand Justices' Association (Inc).
Contributions on matters affecting Justices and their associations are particularly welcome, but all contributions are subject to the discretion of the Editor.
Contributors are requested to forward matter to the Editor, Geoff Davies, email merlin81@xtra.co.nz, to reach him not later than the last day of November, February, May and August to be available for publication in the upcoming issue.
Readers are requested to promptly inform the registrar of their local Justices of the Peace association of any change in their address. Numerous Quarterlies are returned marked "gone no address", "Redirection order expired" "Deceased" or "Not a box holder on rural delivery", etc.
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