

# Funding boost on the way

This year's AGM/Conference was held in Greymouth on the West Coast of the South Island from March 14-16 and was a resounding success. Initial feedback has been very positive, from the flow of the AGM to the workshops and dinner in Shantytown. All involved were positive in their participation and sharing of ideas.

Associate Justice Minister Nicole Mc-Kee spoke at the AGM and released the great news that she has instructed the Ministry to increase our funding from July this year on an ongoing basis, while the details are still being worked through. This is great recognition of the many years the Board, and previously the Executive, have promoted this to successive Ministers responsible for Justices of the Peace - I am just the lucky one in the chair this year.

Once we confirm how much our funding is to increase, the Board can start determining how best to use it. We will report back as soon as this has been determined.

In addition to the above, Ms McKee spoke of the JP Amendment Bill, stating that in its current form, she could not support it as it appears to bypass the position of the Federation, which will not work for the Ministry and will likely lead to additional workload and costs. She said she is working on legislation to achieve some of what the current Bill attempts to do but with more input from the Federation Board. We will continue to work with her to ensure that any new legislation is fit for purpose from the JP point of view.

There were no remits or notices of motions to consider this year so we managed to set what must be a world record by completing all AGM business in around 90 minutes!

During the Conference, Federation staffers Shinae Skelton and Simone Baxter led a great interactive workshop on privacy that covered many areas that involved Justices while performing our role; this was exceptionally well received by all participants. Attendees could discuss various situational examples and determine how they would or should deal with these and then report back to the whole group.

The other workshop focused on Localism and was presented by Steven May from the West Coast Regional Council. The topic allowed for a wide-ranging discussion among delegates, looking at how localism affects the work of Justices across the country, from the way associations interact and gain support from the National Office to implementing what fits their particular circumstances. This allows for local decisions to be made at the lowest level to best reflect their needs and ensure that association membership is a fair reflection of the communities they serve.

Without the hard work put in by our National Office staff, our AGM and Conference would not have gone as smoothly as they did. Thank you to Tony Pugh, Shinae, and Simone for your work and for giving up another weekend for us.

Thank you also to my Board colleagues, who each stood up and contributed to the success of this event.



**Federation President Nigel Tate** 

Finally, we must acknowledge the work of the host association West Coast, for their hard work and warm welcome provided to all. Thank you from all attendees.

We now look forward to the 2026 AGM/ Conference to be held in Dunedin and hosted by the Otago association; it will be different to 2025, but the bar has been set very high!

#### **Board changes**

After six years on the board, Sherryl Wilson has decided to step aside as the Auckland Regional Representative, opening the way for Anthony (Tony) Kortegast to step into the role.

We are indebted to Sherryl for the many hours of work she has put in for the membership, from sorting out many of the complaints to assisting with organising last year's Centenary AGM/Conference and the ACJA Conference hosted

by New Zealand in 2023.

As stated in her valedictory, given by Immediate Past President Peter Osborne, Sherryl's dedication, input, and hard work will be missed, along with her teacher's red pen.

Thank you, Sherryl, and welcome, Tony.

#### **Board committees 2025**

Responsibility	Lead/Reporter	Second
Stakeholders	Nigel Tate	Carol Buckley
JQ	Nigel Tate	Carol Buckley
Finance	Peter Osborne	Nigel Tate
Communications	Carol Buckley	Tony Kortegast
Complaints	Carol Buckley	RR as appropriate
Constitution/policies	Peter Osborne	
	SGM mid-2025?	Whole Board
Judicial	Ric Odom	Tony Brien
Education	Laurie Gabites	Tony Brien
Strategic Planning	Ric Odom	Tony Kortegast

#### **Federation Constitution**

Along with our member associations, the Federation must ensure that our Constitution is registered before April 26, 2026, in line with the Incorporated Societies requirements. To this end, the Board and management are working on the required updates. We have an initial draft being worked on at Board level.

We anticipate having this ready by mid-2025 and will call a Special General Meeting involving a representative of each association and the Board to approve it and register it in plenty of time.

#### Nigel Tate

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

#### April 2025 Vol 94 No: Two

# CONTENTS AGM/Conference 2-4, 13-16 Education 5 Crossword 16 Hubbard inside back cover Appointments outside back cover

#### **FEDERATION OFFICERS**

Patron:

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

President: Nigel Tate JP

Immediate Past President: Peter Osborne JP

Vice-President: Carol Buckley JP

Northern Regional Representative: Ric Odom JP

Auckland Regional Representative: Tony Kortegast JP

Central Regional Representative: Laurie Gabites JP

Southern Regional Representative: Anthony Brien JP

Acting Federation Kaumātua: Iwi (Allan) Te Whau JP

Honorary Solicitors: Buddle Findlay

National Manager and Registrar: Tony Pugh JP MBA BBS ACA

Professional Development Advisor: Shinae Skelton BA LLB

Administrator: Simone Baxter BDes (Hons)

Editor Justices' Quarterly: Geoff Davies JP

NEWS 1

# 'Milestone' for law and order

Kiwis can now feel safer knowing serious criminals will spend longer in prison with the Government's sentencing reforms passing final reading in Parliament on March 26, Justice Minister Paul Goldsmith (right) said.

"This Government promised to restore real consequences for crime. That's exactly what we're delivering.

"In recent years, courts have imposed fewer and shorter prison sentences, despite an alarming increase in violent crime, ram raids and aggravated robberies.



"We know that undue leniency has resulted in a loss of public confidence in sentencing, and our justice system as a whole. We developed a culture of excuses for crime. That ended today.

"Communities and hard-working New Zealanders should not be made to live and work in fear of criminals who clearly have a flagrant disregard for the law, Corrections officers and the general public.

"This is a significant milestone in this Government's mission to restore law and order. It signals to victims that they deserve justice, and that they are our priority."

The reforms strengthen the criminal justice system by:

- Capping the sentence discounts that judges can apply at 40 per cent when considering mitigating factors, unless it would result in manifestly unjust sentencing outcomes.
- Preventing repeat discounts for youth and remorse. Lenient sentences
  are failing to deter offenders who continue to rely on their youth or expressions of remorse without making serious efforts to reform their behaviour.
- Responding to serious retail crime by introducing a new aggravating factor to address offences against sole charge workers and those whose home and business are interconnected, as committed to in the National-Act coalition agreement.
- Encouraging the use of cumulative sentencing for offences committed while on bail, in custody, or on parole to denounce behaviour that indicates a disregard for the criminal justice system, as committed to in the National-New Zealand First coalition agreement.
- Implementing a sliding scale for early guilty pleas with a maximum sentence discount of 25 per cent, reducing to a maximum of five per cent for a guilty plea entered during the trial. This will prevent undue discounts for late-stage guilty pleas and avoid unnecessary trials that are costly and stressful for victims.
- Amending the principles of sentencing to include a requirement to take into account any information provided to the court about victims' interests, as committed to in both coalition agreements.

Two aggravating factors are also included. These respond to:

- Adults who exploit children and young people by aiding or abetting them to offend;
- Offenders who glorify their criminal activities by livestreaming or posting them online.

"We are committed to ensuring there are 20,000 fewer victims of violent crime by 2029, alongside a 15 per cent reduction in serious repeat youth offending," Mr Goldsmith said.

ON THE COVER: Some of the JPs in attendance at AGM/Conference 2025 in Greymouth . . . full coverage PP2-4 and PP13-16. Picture: JEANETTE OLIVER



West Coast association kaumātua Te Rua Mason addresses the Conference Official Opening, with (from left to right) acting Federation kaumātua Iwi Te Whau, Associate Justice Minister Nicole McKee, Federation President Nigel Tate and Vice-President Carol Buckley.

# By SHERRYL WILSON Pictures: JEANETTE OLIVER

The West Coast association promised fine and sunny weather for our AGM/Conference this year, which they hosted over two main venues – the Trinity Centre in Greymouth and Shantytown, the West Coast Events Centre in Rutherglen – and they definitely delivered on that promise.

First-class organisation and superb hosting by the local association's organising committee ensured that all attendees' needs were met, including fabulous catering by the Shantytown team.

Friday March 14 began at the Trinity Centre with the mihi whakatau, led by West Coast kaumātua Te Rua Mason (Ngāti Waewae) and Federation acting kaumātua/cultural advisor Iwi Te Whau (Te Arawa) respectively.

The Official Opening followed with Immediate Past President Peter Osborne as Master of Ceremonies. President Nigel Tate welcomed everyone, acknowledging Associate Minister of Justice Nicole McKee, Maureen Pugh MP JP, as well as the three Past Federation Presidents present – Gavin Kerr, John Falconer and Peter Osborne.

In her address to the opening ceremony Minister McKee acknowledged the work of the Federation and expressed her appreciation to all Justices, noting the very important work performed by JPs throughout New Zealand communities. She highlighted the Federation's Vision - "A future of capable, enabled and resilient Justices of the Peace providing accessible services to the public" - noting that as society evolves so must Justices of the Peace, and embrace technology in a changing landscape. It was pleasing to learn there will be an increase in the budget for the Federation in the next financial

year and this will be ongoing. [See full speech PP13-14]

The Minister took some questions from the floor on a range of issues but noted she did not support the draft Private Member's Bill in its current form.

Before lunch was served, an opportunity was taken to photograph all members present together with the Minister in the West Coast's sunshine outdoors.

The Annual General Meeting commenced with 24 of the Federation's member associations represented –



The team on the registration desk, ready for incoming: from left Pauline Adams, Maribel Moore, Joscelyn Clarey, Jan Kilkelly and Yvonne Thompson.

apologies were received from Eastern Bay of Plenty, Gisborne, South Taranaki and Whanganui.

Delegates stood and observed a minute's silence in honour of those Justices who had passed away in the previous year.

Board members and staff were introduced by the President, followed by the adoption of the minutes of the 96th AGM held in Wellington on March 1 2024.

The Board for 2025-26 was formally confirmed. The Board's Annual Report and the Financial Statements were received and adopted.

Agenda item 10 was the Board's recommendation for the resolution of the Federal Structure Review (FSR), that this review, initiated by remit at the 2021 AGM, is now complete. This was received and approved unanimously. (The full recommendation is on P16.)

Agenda item 11 related to future Conference venues with a recommendation from the Board that these now be held in the four main centres, i e Auckland, Wellington, Christchurch and Dunedin, by agreed rotation, after the close of the 2026 AGM. Any affiliated association/s may take responsibility for organising and hosting at any of the four locations.

The Federation's AGM/Conference would be held in October/November with regional conferences to be held earlier, possibly during February-April.

A Special General Meeting will be held to approve the new Constitution as required under the Incorporated Societies Act 2022. A straw poll regarding this recommendation was taken and showed 100 per cent support for the proposal.

The Otago association will host the 2026 AGM/Conference as planned in Dunedin.

For the first time in many years there were no notices of motion or remits to address.

The Capitation Levy for 2025/26 remains the same at \$25 plus GST, and the 2025/26 Budget was approved.

The AGM concluded early and



At the AGM: from left, Inday Bungard, Thelma Bell and Juliet Crawford

following a coffee break, the regional meetings were held.

Dinner on Friday evening was a convivial affair, held in the Copper Room of the Union Hotel in Greymouth. West Coast association president Tony Fortune welcomed everyone, as did the Mayor of Greymouth, Tania Gibson, and West Coast-Tasman MP Maureen Pugh.

Saturday March 15 dawned fine and sunny as delegates headed by car and /bus to Shantytown Heritage Park for the start of the Conference, 10 kilometres from Greymouth.

First up was a plenary discussion on the draft Private Member's Bill,

comment.

Delegates had the opportunity to speak and/or ask questions. This session was interesting and informative and although there was consensus that there is a need to update this piece of legislation, there are several issues still to be resolved.

Following the morning tea break "Succession Planning" was the focus with Kevin Felstead (registrar of the Canterbury association) leading a Q&A with Federation Vice-President Carol Buckley. Kevin came into the role in October 2023 and took the audience on a journey of his life before and since accepting the position, acknowledging the support and

assistance he had from his predecessor as well as the Canterbury association president. He shared the importance of teamwork, job descriptions, understanding relationships, willingness to learn/ask for help, "shadowing" a role in advance if possible, and giving notice early, as well as



At the AGM, from left: Claire Steer, Guy Whitaker and John Tregidga

the Justices of the Peace (Regulating Justices) Amendment Bill, with introductory remarks by President Nigel Tate acknowledging the Auckland association's work on "opening the door" for updating the 1957 Act. If the Bill is drawn from the "cake tin" it was recognised that 61 votes were needed for a change. Immediate Past President Peter Osborne elaborated on the process of a Private Member's Bill, and that only at the Select Committee stage could the Federation

mentoring.

During the lunch break, members took the opportunity to explore and photograph some of the Heritage Park that comprises Shantytown as well as take a ride on the steam train – much hilarity and fun ensued!

The afternoon session comprised two workshops (repeated on Sunday).

"Privacy and how it affects Justices" was led by Shinae Skelton, the Federation's Professional Development

Advisor, and Administrator Simone Baxter.

This was a workshop that focused on privacy issues including:

- · how you maintain client privacy
- a client's request to view information in a logbook
- identifying breaches who? how?
   Is the client informed?
- collecting information
- · dealing with breaches
- · is a privacy officer needed?

"Localism" was led by Steven May, consents manager of the West Coast Regional Council. The session focused on:

- what does localism mean at association/national level?
- · what are communities?
- localism as opposed to centralisation
- · what does it deliver?
- · is localism right for an organisation?
- how does localism impact associations/the Federation?

After afternoon tea the presidents and registrars meetings were held, then it was time to don the "glad rags" or dress according to the theme "Untamed Natural Wilderness" for the Conference dinner and entertainment back at Shantytown.

In his introduction before the Saturday dinner, West Coast association president Tony Fortune noted 2025 is a special year for the association as it celebrates its centenary. West Coasters are known for their resilience, innovation and ability to cope when times are tough. He assured the audience that "the best is yet to come" from this area and it was indeed so!

MC for the evening was Laugharne Kemp, the Shantytown marketing and events manager, who was full of funny quips as he introduced guest speaker John Bougen. John is a former high-flying businessman from Auckland, who once set a world record by visiting 191 countries in 150 days. He gave up his life as a globe-trotting traveller a decade ago to help transform the small town of



Grey District Mayor Tania Gibson welcomed delegates to Greymouth at dinner on Friday night.

Reefton (2023 population 910) giving it a literal "facelift" in honour of its gold-mining heritage for locals and tourists alike.

Reefton's "claim to fame" is that it was the first town in the Southern Hemisphere to be lit by electricity and today is known as the "Town of Light". He entertained the audience with "illuminating" quips of his exploits and declared the future of Reefton to be "very bright", after which guests danced the night away to the music of a local band.

Sunday dawned warm and sunny again, and everyone headed back to Shantytown for the final day of Conference, starting with the repeats of the workshops.

The final inspirational guest speaker was Lisa Tumahai CNZM. Although born in Christchurch she has her

roots in Hokitika on the West Coast. She hungered for education in her early years and expanded this to include extensive governance experience. She became the first woman to be elected chair of Ngāi Tahu, the principal tribe in the South Island with more than 70,000 members. She acknowledges and respects her past, both Māori and Pakeha, and asked the audience not to forget the strides that have been made in the past 10-20 years, to remember that "we are a nation brave enough to challenge and strengthen ourselves".

Following the Otago association's invitation to Conference 2026 in Dunedin, acting Federation kaumātua Iwi Te Whau led the karakia before President Nigel Tate expressed appreciation to the host West Coast association and brought to a close a relaxed, collegial and successful Conference.

One of the final items at Conference was the valedictory for departing Board member and Auckland Regional Representative Sherryl Wilson, led by Immediate Past President Peter Osborne. Sherryl has been replaced as Auckland Regional Representative by Tony Kortegast.

Sherryl covered this AGM/Conference for the Quarterly as I was unavailable; I thank her for taking on this task, and the great job she made of it - and her outstanding support for the Quarterly over many years. – Geoff Davies, Editor



The Federation Board with Minister Nicole McKee: from left, acting Federation kaumātua Iwi Te Whau, Ric Odom, Sherryl Wilson, Tony Pugh (National Manager), Ms McKee, Tony Brien, Peter Osborne, Vice-President Carol Buckley and President Nigel Tate. Absent: Laurie Gabites.

EDUCATION – APRIL 2025 5

# From the Professional Development Advisor



Shinae Skeltor

# Be careful who you talk to – and what you talk about



Justices of the Peace should understand their obligations under the Privacy Act 2020. If you are unsure about these obligations, read the articles outlining them in the January 2018, January 2021 and July 2022 issues of the Quarterly.

Bear in mind that JPs are not only subject to the Privacy Act. The Codes of Conduct and Ethics also require Justices to maintain the integrity and dignity of the office through ethical conduct, good example, high standards of citizenship, and by not acting in a manner which is unlawful or likely to bring disrepute to the office of Justice of the Peace. This requires you to deal with private or sensitive information in a conscientious and professional manner.

#### **Collecting information**

When discussing privacy rules in relation to Justices of the Peace, the focus often falls on the logbook. This is an obvious means by which Justices collect, store, and potentially share information about others. However, there are other means by which you

learn information and numerous ways by which you might breach someone's privacy (not necessarily the client's).

You may learn private information when having a chat with a client before, during or after completion of their paperwork.

It may not even be a client to whose private information you become privy. You may learn private or confidential information about another Justice of the Peace when speaking with them or a third party.

#### When is information 'private' or 'confidential'?

In some cases, this is clear-cut. In other circumstances, you may be unsure if something someone tells you was shared in confidence or if the information is of a private nature. If in doubt, it is always best to err on the side of caution.

As a general rule, most details concerning the client, their identity and their reason for visiting you should be kept private.

Just because someone did not explicitly ask you to keep something confidential does not mean they intended for it to be shared. If there is any doubt, it is best to keep the information private. This extends to conversations you have with others as a Justice of the Peace.

Has another JP shared with you that they have an upcoming surgery? Or issues with their family? Or other personal information? Do not be quick to share this with your wider group of JPs.

Being mindful of how, when, and where you discuss information is a key part of maintaining trust and upholding ethical standards. When in doubt, prioritise discretion and respect for others' privacy.

#### **Sharing information**

The Privacy Act specifically requires you to share



information no further than you indicated to the client that the information would be shared.

Ethical good conduct would require you to treat information shared with you in confidence with sensitivity and to not spread that information further.

How would you respond to these situations?:

- Someone calls you to confirm whether you witnessed a KiwiSaver hardship withdrawal form for their partner last month. Your logbook indicates you did. What answer do you give?
- 2. The person visiting you at a service desk is complaining that they need greater privacy and do not like that you are speaking loud enough for others to hear. What do you do?
- 3. A client makes an appointment to see you. When they arrive, you realise that their affidavit is a pseudo-affidavit, declaring the client a sovereign citizen. When you decline to complete the document (as it does not meet the requirements for a New Zealand affidavit) the client says they will visit another JP to get the document signed. You

- consider warning other local Justices. Should you?
- 4. You are at a training session. You usually attend these with another local JP who is a good friend of yours. They are currently in hospital receiving chemotherapy. Another JP present at the training session asks where your friend is. What do you say?

One: Someone calls you to confirm whether you witnessed a KiwiSaver hardship withdrawal form for their partner last month. Your logbook indicates you did. What answer do you give?

The private information in question is the details of the client's appointment and documents noted in your logbook.

The Privacy Act requires you to inform the client about how you may disclose their private information. Usually, you will advise the client that you are recording details of their appointment with you in case a receiving agency calls to verify. Unless you also advised the client that you would disclose their information to their family members, you cannot answer the partner's enquiry.

Advise the caller that you are unable to share information about to whom you have or have not provided Justice of the Peace services.

Two: The person visiting you at a service desk is complaining that they need greater privacy and do not like that you are speaking loud enough for others to hear. What do you do?

Sometimes you may inadvertently share information simply by being in public. Conversations at a service desk may easily be overheard by others, depending on the location.

Be careful not to loudly recount information that the person may not want others overhearing.

On the other hand, those at a service desk cannot expect the same level of privacy as they would when making a private appointment.

Some service desk locations may have a private area where you can meet the client. Otherwise, suggest to the client that they make an appointment to meet a JP in private.

Three: A client makes an appointment to see you. When they arrive, you realise that their affidavit is a pseudo-affidavit, declaring the client a sovereign citizen. When you decline to complete the document (as it does not meet the requirements for a New Zealand affidavit), the client says they will visit another JP to get the document signed. You consider warning other local JPs. Should you?

This will depend upon what you intend to share with your local Justices. If you inform others that you recently declined to deal with a pseudo-affidavit and to be aware there may be people in the community

seeking Justice of the Peace services, this is sufficiently vague so as not to share the individual's information.

If you were to provide other Justices with the client's name and appearance, or a copy of their document, this is likely a breach of their privacy. This would not be a breach of their privacy if you had the client's permission to do so.

Four: You are at a training session. You usually attend these with another local JP, who is a good friend of yours. They are currently in hospital receiving chemotherapy. Another JP present at the training session asks where your friend is. What do you say?

Unless you have your friend's permission to share their medical information with others or they have indicated they do not mind who knows, you should hesitate to spread the information further. It may have been shared with you in confidence.

While sharing this kind of information amongst friends and colleagues can be commonplace, JPs need to hold themselves to a high standard of citizenship.

Information that you might share freely with others - such as your medical treatment, financial troubles, or personal relationships - may be highly sensitive to that individual. Even a seemingly casual remark could lead to unintended consequences.

Is there a right to privacy in New Zealand?



#### Source:

#### https://www.mch.govt.nz/

If you are only familiar with the New Zealand Bill of Rights Act 1990 as a concept, it would be beneficial to read it in detail. This Act forms part of New Zealand's constitutional framework and protects fundamental rights, including:

- · the right to life and security of the person
- · democratic and civil rights
- · non-discrimination and minority rights
- protection against unreasonable or unjust searches, arrests, and detention.

Democratic and civil rights include electoral rights, freedom of thought, conscience and religion, freedom of expression, manifestation of religion and belief, freedom of peaceful assembly, freedom of movement, freedom of association. Privacy is not protected under the Bill of Rights Act.

The Human Rights Act 1993 specifically protects

against discrimination (as protected by section 19 of the Bill of Rights Act 1990). The Human Rights Act makes it unlawful to discriminate on the grounds of sex (including pregnancy and childbirth), marital status, religious belief, ethical belief, colour, race, ethnic or national origin (including nationality or citizenship), disability, age, political opinion, employment status, family status and sexual orientation.

Privacy is, however, a human right enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which New Zealand has ratified.

The Privacy Act 2020 states that its purpose is to provide a framework for an individual's right to privacy of personal information and to give effect to internationally recognised privacy obligations and standards. In this way, privacy is an acknowledged right in New Zealand.



#### What are the Codes?

The role of a Justice of the Peace involves dealing with private affairs in a sensitive manner with precision to a high ethical standard. The Codes provide a framework for everything you do as a Justice of the Peace, and you should endeavour to always comply with the Codes in both everyday life and in your capacity as a JP.

Organisations (government departments, businesses, and non-profits) commonly have Codes in place, a known practice to members of the public. These Codes provide the public with reassurance that the organisation they are interacting with has a standard expectation. The Codes of Conduct and Ethics reassure the public that Justices of the Peace are credible, honest and hold themselves to a high standard.

The Codes comprise the Code of Ethics and the Code of Conduct.

The Code of Ethics refers to the core values that Justices of the Peace should adhere to. They outline the principles that govern the behaviour of Justices and direct the appropriate manner to perform the role of a Justice of the Peace.

The Code of Conduct is a set of principles that outlines the rules and responsibilities for proper practice as a Justice of the Peace.

The Code of Ethics and the Code of Conduct can be found at 11.8 of your Manual.

#### The Codes and privacy

Having read the previous section on privacy, consider which of the Codes place privacy and confidentiality responsibilities on Justices of the Peace.

# Does the client look like their photo ID?

When certifying a copy of an identification document for Anti-Money Laundering (AML) purposes, you will need to confirm that the client resembles the copied identity document.

What do you do if the client does not resemble their identification?

#### Be clear about your purpose

It is useful to consider the purpose of the task you are undertaking. AML rules require agencies to take appropriate steps, when handling large money transactions on behalf of clients, to prevent clients from using those transactions for money laundering or terrorism.

Those steps include ensuring their client is properly identified. Sometimes the agency will refer their client to a trusted person in the community, such as a Justice of the Peace, to meet the client face to face and compare them to their photographic identification.

Your purpose is to prevent fraud, money counterfeiting and terrorism through identifying the client to the best of your ability.

#### **Understand 'likeness'**

The agency will often request you write a specific phrase confirming that the photograph identification is an accurate representation of the client's "likeness".

How similar or alike the client must the photograph be, for you to certify the document accordingly?

The image does not need to be an identical replica of the person before you.

Bear in mind the time since the photograph was taken and discount elements of the person's appearance that can change over time, such as hair colour, weight and facial hair.

Ask yourself if you are certain that the person before



represents the named individual Fred Wiremu John Whakaaturanga A Adams Justice of the Peace #10000

A Adams

you is the person who had that picture taken.

# Why might a person not resemble their identification?

There are many reasons why a person's identification is no longer an accurate representation of their likeness. Examples of changes people may have undertaken since they acquired their photographic identification include:

- recent scarring
- new tattoos
- losing or gaining weight
- changing gender
- aging
- changing hair colour or cut
- changes in facial hair.

# The client simply doesn't look like their identification

Sometimes, even bearing in mind the time since the photograph was taken, you cannot reasonably conclude that the client's identification document sufficiently resembles the client.

In this circumstance, you must decline to certify the document if you are required to include a phrase to the effect that you are also confirming the likeness of the document to the client.

As discussed above, there are many changes a person can undergo over time that can radically change their appearance. The lack of resemblance between the client and their identification may not be due to any fraudulent intent on the client's behalf. Regardless, you would be acting in bad faith if you certified that the identification was a good likeness of the client.

One alternative would be for the client to write a statutory declaration confirming that the attached copy of their identification document is theirs and explaining any visual differences. Otherwise, the client may need to acquire a more accurate photo ID.

Reminder: the primary difference between an "ordinary" certified copy and a certified copy for AML purposes is that, for the latter, the receiving agency needs you to confirm that the client resembles their identification in addition to certifying the document as a true copy of the identification document.

## An unusual circumstance

A JP assisted a client in taking their affidavit. The affidavit was rejected by the client's lawyer, as the original form had "affirmed" and the Justice and client had altered this to say "sworn". The lawyer claimed that this deponent could not swear but only affirm an affidavit.

As per the Oaths and Declarations Act 1957, an affidavit can be sworn or affirmed. It is up to the client (not their lawyer) to determine whether to swear or affirm. The client should choose the method that they feel is most meaningful to them.

# Unsigned passport – can I certify?

You may be asked to certify a copy of a passport for the purpose of identifying the client for AML reasons. If the copy and original passport presented to you are unsigned, can you certify a copy of that document?

According to the Ministry of Foreign Affairs and Trade:

"Your passport should be signed. Signatures are not required if the passport holder is unable to sign or is a child under 10 years."

Anecdotally, some clients have managed to travel internationally on their unsigned passport, without this being noticed by any border officials in the countries they visited.

There is no legal guidance on the issue of whether an unsigned passport can be used for domestic identification purposes. One solution would be to ask the receiving agency whether they will accept the copy. An alternative is to ask the client to sign their passport and take another copy. Of course, this will take longer with the client potentially needing to get another copy of their passport.

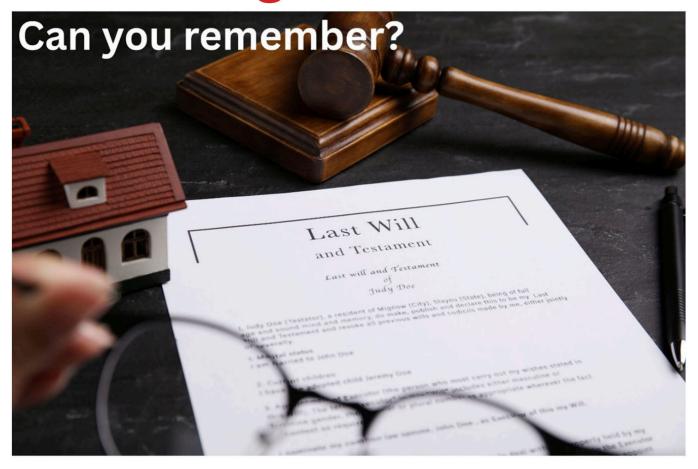
# Matching name on website and name used

The name used on your Find a JP profile should be the same as the name you currently use when signing documents as a Justice of the Peace. You may prefer to use a less formal version of your name or a preferred middle name or nickname when in company. Regardless of how you prefer to be addressed, your Find a JP profile is a mechanism by which receiving agencies check that you are an authorised Justice of the Peace.

If your name, as it appears on the client's documents, does not appear on Find a JP, receiving agencies may conclude that the document was not properly completed by a JP and may reject the client's documents.

Bear in mind that receiving agency staff with the responsibility for confirming Justice of the Peace appointments have very little discretion in their role. If there is a slight difference between the Justice's signature and their Find a JP listing, the receiving agency often has to make further inquiries. For instance, Justices who write "Bill" on Find a JP but sign "William", or "Liz" and "Elizabeth", often invite further inquiry from receiving agencies.

# Witnessing a Will



Some Justices reason that, as this is not a Justice of the Peace task, you do not need to record this task in your logbook.

#### What do we mean by 'JP task'?

Justices of the Peace are empowered by legislation to take statutory declarations and affidavits.

Agencies commonly refer people to Justices of the Peace as trusted referees under the Anti-Money Laundering Scheme.

There is no legislation or practice guide recommending persons wanting to make a Will to ask Justices of the Peace to act as witnesses. As with many witnessing tasks (such as witnessing the signing of a contract), you are as authorised as any other person in society to undertake the task. Being a JP does not give you special authority nor does your involvement give the document greater validity.

It is recommended that you write your name without "JP" when undertaking a non-Justice of the Peace task. In some cases, using your JP letters may indicate that you misunderstood your role in the process and believed that your role as a JP gave you specific authority to act as a witness. If you are approached by a member of the public as a JP, regardless of whether the task is one Justices of the Peace are legally authorised to undertake, it is a good idea to record your activity.

You have been approached as a Justice of the Peace due to your position in the community and the client trusts that you have some understanding of the process or at least familiarity with the role of a witness.

While signing a Will may be a noteworthy task for other people in the community, for Justices of the Peace it can be just one document amongst many with which you have assisted the public. Due to the number of documents you sign and the many people you deal with, you are less likely to be able to recall whether you signed a Will for a specific person on a specific date.

# When might you need to refer to your logbook note?

In most cases, the Will witnesses will never need to be contacted, particularly if the Will was completed correctly,

The most common point at which you may receive an inquiry is upon the will-maker passing away.

The person responsible for executing the Will or the courts may need to make inquiries. This is particularly so when there are multiple Wills and there is a question as to which one was in power at the time the will-maker passed.

In some extraordinary cases, where the Will is subject to probate and there is some question about validity, you may be asked to supply information that may be used in court proceedings or may even be asked to testify.

# If you are going to witness a Will witness it correctly

You cannot be a beneficiary of the Will or related to the will-maker.

There must be two witnesses to the Will (you and one other), ideally both present at the same time.

# Not in suburb search

On Find a JP, the public has the ability to search for Justices of the Peace in their area by postcode, suburb or city.

Sometimes someone will search for a Justice by location and their search will produce no results or very few results. You may have tried to search for Justices in your region and experienced this outcome.

The issue arises when you add a space or other punctuation.

For instance, when searching for "Wellington" on Find a JP, my search will yield approximately 171 results.

If I search for "Wellington" and add a space to the end of Wellington, my search will yield approximately eight Justices of the Peace (all of whom are located in "Wellington Central").

You will run into similar issues if you add punctuation to your search, such as a full-stop after 'Wellington'. This is because no full stops are used in Find a JP address listings. Unless your punctuation exactly matches that of an address listing, using punctuation will exclude your desired search results.

# Update your email address on the website

If you have a new email address, make sure you update your justiceofthepeace.org.nz profile. Log in to the website, and go to your profile page.



## **Royal Federation of NZ Justices' Associations**

Te Kāhui Pou Whakatau Ture o Aotearoa

JP Home Profile

**Training** 

**Accreditation Exam** 

Scroll down to the textbox named "Email" and enter your new email address.

**Email** 

enter your email address here

Scroll to the bottom of the page and select "Save".

Save

You must keep your email address up to date if you would like to receive Accreditation update reminders, Quarterly update reminders and to be able to reset your password in the event you forget your login details.

# JPs and finger-printing

Justices of the Peace are not authorised to take fingerprints for international documents in many cases, particularly for international police checks.

Recent applications for a certificate of no criminal conviction from Hong Kong were rejected when processed by Justices of the Peace, due to lack of information and the official certification stamp that is required. This has now resulted in a costly and time-consuming experience for the client.

Unfortunately, some members of the public are not aware of the differences in services between Justices of the Peace and fingerprint experts and will sometimes go unguided or elect to take the cheapest option.

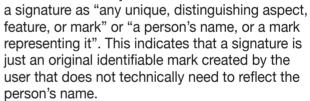
There are only two companies in New Zealand that can provide full sets of fingerprints for immigration purposes and are recognised and authorised by NZ Police.

- o Forensic Insight Ltd: www.fingerprintservices.co.nz
- o NZ Fingerprinting Service: www.nzfingerprintingservice.co.nz

Note that a fingerprint or toeprint could be used in lieu of a signature. This is different from fingerprinting.

#### Does a toeprint or fingerprint meet the legislative requirements of a signature?

Commonly a signature is considered as a stylised version of someone's name, but this is not always the case. Dictionary.com defines



However, as common practice is for a signature to reflect the person's name, it is important to confirm with the receiving agency that an identifiable mark such as a finger or toe print will be considered appropriate.

# Removing street number

Did you know that you can remove your street number from your address listing on Find a JP?

You will continue to appear on Find a JP as a Justice located in your neighbourhood for searching locals. Removing your number may assist in preventing people from knocking on your door without making an appointment.

# Amending a statutory declaration

If a client has made a statutory declaration and they realise a few days later that it contains an error, should they return to you to make amendments or can they visit any Justice of the Peace?

Ideally the client should make a new statutory declaration.

Any alterations in a statutory declaration or an affidavit should be initialled by the same Justice of the Peace who then takes the affidavit or declaration.

# 'Integral part of justice system'

Associate Justice Minister NICOLE McKEE addressed the Official Opening of AGM/Conference 2025 in Greymouth

It's a real pleasure to be here with you on the wonderful West Coast.

Thank you so much for the opportunity to join you today, I really appreciate it. I'd like to acknowledge the Royal Federation of New Zealand Justices' Associations for the invitation.

I've had a great day in Greymouth so far. This morning, we popped in to visit the Greymouth High and District Courts.

Being based in Wellington, it's always a pleasure to be able to visit courts around New Zealand, and especially to connect with our dedicated staff who help operate the courts and tribunals, working closely with the judiciary.

Our staff are an integral part of the justice system, linking courts with their communities, and of course many of our staff are heavily entwined in these communities themselves.

As Associate Justice Minister I am responsible for matters relating to Justices of the Peace, and it's an area I've become very interested in.

You are an integral part of our justice system.

I'm aware that Justices of the Peace stem from a long and storied past, dating back as far as the 14th century, where they were previously known as "Keepers of the Peace".

And apologies to those who may have heard me talk about this at the Judicial Training Seminar in Auckland last year, but this really resonated with me!

Back then Justices were all-powerful. They carried arms, provided recruits for the Army and Navy, raised taxes, and acted as policemen, judges, and jailers.

While today's JPs may not have the same grand powers as in the past, their role remains significant within our modern and changing society.

As JPs you serve your communities through a variety of duties, from witnessing and certifying documents, through to taking declarations, and swearing affidavits.

Some will undergo further training



Associate Justice Minister Nicole McKee addresses the Official Opening of AGM/Conference 2025 in Greymouth. Picture: JEANETTE OLIVER

to serve as issuing officers or Judicial JPs, presiding over low-level criminal offending in the District Court.

Quality training is so important for our Justices of the Peace, to help you effectively serve your communities, especially given the wide variety of work that is undertaken, the changing legislative and social landscape, and the gold standards that need to be met.

I'm aware that there are ongoing discussions between the Federation and the Ministry about a number of issues, for example around training and potential changes to the current Justices of the Peace Act 1957.

I've enjoyed meeting with the Federation on these and other issues, and I trust that this open dialogue will continue.

On that note, I have directed the Ministry of Justice to make funding available in the next financial year to increase the annual budget of the Federation.

As Associate Justice Minister I consider all applications from people wanting to become a JP, and I do actively engage with, consider and read every application I receive.

Since becoming Associate Justice Minister my office has received over 350 applications from people wishing to become JPs.

I've provisionally approved a total of 286 applications, and declined 41.

So far, I have recommended to the Governor-General that 238 individuals become JPs.

You operate within a set of evolving challenges and rapid societal change, including in recent years, a hardening of attitudes towards authority from some groups.

We're also seeing the ever-increasing use of technology, including Al, which will bring both opportunities and challenges.

However, I'm very pleased to see many signs that JPs are acknowledging these challenges, and the need to move forward as a service as society evolves.

In fact, Past Federation President Rachael O'Grady wrote an excellent piece on the pace of change in the January 2025 Justices' Quarterly.

This article notes the ability of JPs to adapt to changing times, for example with the greater use of video-conferencing post-COVID for things like the delivery of training and meetings.

Rachael says that JPs are now serving a changing demographic who consume information differently, craving convenience, impact and personalisation.

It's an excellent piece and I encourage you to look it up, if you haven't already done so.

I also noted from your Annual Report that there's been an increase in the number of frauds reported. Fake JP stamps and fraudulent signatures are now regularly being picked up.

Your continued vigilance in this area is really appreciated, for example with the keeping of accurate logbooks for your JP work.

I'm well aware that your role can bring you into contact with the rich fabric of our society and all its colourful characters and challenges.

I'm also keen to hear from you, especially about any stressors or

barriers you face as JPs.

You will have no doubt also noticed the pressure that the courts are under. Getting to grips with this pressure is a priority for this Government.

We are also putting victims first, have a real focus on law and order, and giving our systems an injection of efficiency.

It is clear from the pile of papers that I get to read each week that there is a lot of work under way to strengthen and modernise the court and tribunal system and reduce pressure in the courts, working closely with the judiciary and justice sector partners.

Reducing delays in the criminal jurisdiction is essential to improving access to justice.

The growing number of complex cases in the District Court system is causing delays. These delays are made worse by things like people pleading guilty later in the criminal court process.

I know that both the Ministry and judiciary are progressing a number of initiatives to address court timeliness.

For example, priority-based rostering and scheduling is being led by the judiciary and supported by the Ministry.

In December I announced a series of law changes, aimed at improving court timeliness, access to justice, and the quality of existing regulation.

The three Bills in the Regulatory Systems (Justice) Amendment Bill package each improve a different part of the justice system: the courts, occupational regulation, and tribunals – making amendments across 24 different Acts.

The Bill will improve participants' experiences in the justice system and help them to move on with their lives. As an example, it will provide more flexibility during jury selection, such as allowing jury selection of large panels to occur off-site.

Also under my delegations as Associate Justice Minister are amendments to the Arms Act 1983, to provide for greater protection of public safety and simplify regulatory requirements to improve compliance for legitimate firearms users. We are rewriting the Arms Act to ensure it provides for greater protection of public safety, reflects best practice, and is fit for purpose.

We also changed the firearms prohibition order regime to keep firearms out of the hands of gangs and other high-risk offenders. Those changes to the firearms prohibition order regime took effect earlier this month, on March 2.

And at the same time, we're moving to reduce the regulatory burden on New Zealand businesses by improving the Anti-Money Laundering and Countering Financing of Terrorism (AML/CFT) system.

There are two Bills currently progressing in the House that will amend the AML/CFT Act. These Bills will reduce the compliance burden for businesses, like what is in the Statutes Amendment Bill, where we are removing the current blanket requirement for address verification which will only apply to high-risk customers.

In the AML/CFT Amendment Bill, we are removing the onerous due diligence checks for trusts that are considered low risk. These changes are there to ensure the system remains truly risk-based.

I am also progressing a wider programme of reforms to the Act. I am pleased that some of the changes I will be proposing will reflect the most recent decision by the Financial Action Task Force (FATF) to simplify the regulatory measures for low-risk activities and entities.

In addition, the upcoming changes to the supervisory model and how AML is funded will allow for the AML/CFT system to be more responsive to industry and community needs.

Your role in helping to deal with the workload is very much appreciated.

And it is a large contribution.

- There are more than 230 service desks, delivering 1300 hours of service around the country, including in courts every week.
- In the 2023/24 financial year, 962,043 – close to a million – documents were handled by JPs from both court and community-based service desks.
- These service desks provide thousands of New Zealanders with access to legal services at no cost to the individual.

- There are over 170 Judicial JPs nationally who provided over 10,000 hours of service in the 2023/2024 financial year and handled over 35.000 events.
- In the 2024 calendar year, Judicial JPs presided over approximately 38,000 criminal events in the District Court. This equated to 6 per cent of all criminal events scheduled in 2024.

These outstanding numbers demonstrate your service to your communities by providing access to justice, and you should be proud of your contribution.

I hope that there are also some benefits to yourselves, such as engaging with like-minded peers, and developing your own skills around negotiation and decision-making.

You're assisting people dealing with important life events. In an age where everything seems to move so fast in our society, the JP service continues to be a welcome pillar of stability.

I appreciate the service provided to your communities by each and every one of you.

On that note, I have directed the Ministry of Justice to increase the annual budget of the Federation next financial year and ongoing.

The tireless voluntary efforts of all JPs have helped support the development of strong and stable institutions in our society.

I'd note that there are some challenges ahead for the JP service. We have an aging population, and JPs mirror this with an average age of around 72.

As society evolves so must our JPs, for example by embracing digital technology – and by looking to attract the next generation of young people who are willing to serve their communities into the future.

Most people still experience justice services in person, in court buildings, and by interacting with real people face to face - ultimately the role of a JP is about helping people. I truly appreciate the role that you play for your communities.

Your vision "a future of capable, enabled and resilient Justices of the Peace providing accessible services to the public" shows that you're keen to embrace today's challenges and move confidently into the future.





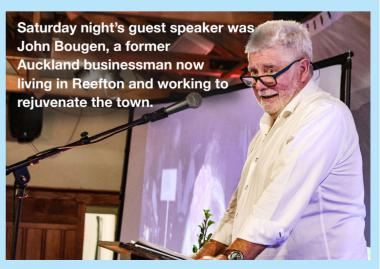
Federation President Nigel Tate welcomes Tony Kortegast to the Board as Auckland Regional Representative, succeeding Sherryl Wilson.



Lisa
Tumahai,
chief
executive
officer of
Pokeka
Poutini
Ngāi Tahu,
was the
final guest
speaker at
the AGM/
Conference,
on Sunday
morning.



Nigel Tate and partner Lany Liang at dinner on Saturday.



# FSR - the Board's recommendation

The Federation Board's recommendation for the resolution of the Federal Structure Review, that the review is now complete, was passed at the Federation AGM. This review has attracted considerable discussion in recent years and the recommendation is published here in full.

Member associations will be aware of the various documents and reports associated with the Federal Structure Review (FSR) and it is assumed these have been read.

The FSR was initiated as a result of a remit in 2021. The initial work (including a comprehensive survey) was undertaken subsequent to the remit being passed and the Board acknowledges the work done by the first review panel. The report of this panel contained a number of recommendations. The first of these, relating to a review of the Federal structure, was not agreed by the Board given that two surveys of members showed no clear mandate for such a change, However, the other recommendations were considered further1 and the Board has determined to take action on them all 2 noting that some

actions (such as increased government funding) rest with entities other than the Board. These include the Board:

A Establishing a process by which it sets targets and undertakes an annual review of performance.

B Developing an annual communication plan and improving the quality, relevance and frequency (if needed) of communications - particularly to members but also. in some cases, directly to Justices.

C Continuing to press for a change in legislation that makes it compulsory for all Justices to demonstrate ongoing competence.

D Establishing a National Education Committee to collate resources and, where applicable, standardise outcomes and training.

E Continually reviewing and improving the website (subject to obtaining funding) so that this becomes, among other things, a library of resources and a centralised database - ideally capturing the work done by all Justices.

F Updating the Federation Strategic Plan.

The Board therefore recommends that members accept that the FSR initiated by remit at the 2021 AGM is now complete.

- <sup>1</sup> See the Federal Structural Review Discussion Paper disseminated to all member associations last year
- <sup>2</sup> See the Federal Structure Review Discussion Paper Feedback dated November 25 2024



**HAPPY GROUP: Some of the West** Coast association JPs at AGM/ Conference ... standing, left to right: Jeanette Oliver (immediate past president), Anita Hyde, Victoria Boyes, Danielle Dawson, Pauline Adams, and Andrea Forrest

Seated, left to right: Leonie Stenhouse (vice-president), Maribel Moore, and Tony Fortune (president) Picture: CHARLES BRUNING

## 8 10 11 12 14 | 1513 18 19 16 17 20

#### ACROSS:

- 1 Immaturity
- 5 Rabble
- 6 ---- up, Study intensely
- 8 New York comic publisher
- 11 NZ's best-known painter
- 12 Life story
- 13 Demand
- 14 Dig up
- 16 Liquor (sl)
- 18 Release, unfasten
- 20 UK TV presenter, biologist DOWN:
- 1 Vital life force in Chinese philosophy
- 2 Sizeable
- 3 Precaution
- 4 Transgression
- 5 Running amok
- 6 Truculent
- Perennial

#### CROSSWORD

- 9 Rendering invalid
- 10 ----- moment, Realisation
- 15 NZ bulrush
- 17 Furrow, groove
- 19 Scottish surprise expression





CERTIFIED TRUE COPY OF A DOCUMENT PRESENTED TO ME AS AN ORIGINAL  Signed	#6   Size: (20mm x 20mm) Price: \$36.00	JP RUBBER STAMPS  Prestige Print (1965) Limited PO Box 9256, Wellington Telephone 04 802 5471  How to Order
#2 Size: (20mm x 20mm) Price: \$36.00  Full Name, JP #88888	Certified true copy of a document presented to me as an original  Signed	For the fastest and easiest method order online:  www.prestigeprint.co.nz/jpstamps  OR Email your order and enquiries to: merv@prestigeprint.co.nz  Note: Fields below will be used for stamps #3/#4/#7/#8/#9
WELLINGTON Justice of the Peace for New Zealand  #3 Size: (38mm x 14mm) Price: \$36.00  Max Smith Marriage Celebrant	Certified true copy of that represents the named individual Signed Date	First Name:  Last Name:  JP Number:  City:  Delivery Address
#4 Size: (38mm x 14mm) Price: \$36.00  EXHIBIT NOTE  This is the annexure marked "" referred to within the affidavit/statutory declaration and sworn/affirmed/declared at this day of 20 before me Signature	#8 Size: (70mm x 35mm) Price: \$86.00  Certified true copy of	My Order: Stamp Total:  Add - Shipping:  Total Owing  Internet Bank Payment to:
#5 ☐ Size: (70mm x 35mm) Price: \$86.00	Prices include GST. Shipping flat rate: \$10.50	Westpac 03 0558 0020633 00

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.

Alizai, Abdul Basit, Christchurch Barnes, David Stefan, Wellington Barr, Geoffrey Hamish, Ashburton Bickerstaff, Clive John, Eketāhuna Brandish, Diane Lindsay, Kaiapoi Cato, Anne Margaret, Rotorua

Christian, Tracey Lynette, Paengaroa Cotton, Michelle Christine, Mangakino Cridge, Rachael Louise, Christchurch Crighton, Dorian Miles, Christchurch Day, Randall Edward, Lower Hutt Dingwall, Kelly Elizabeth, Rotorua

Du Toit, Deborah, Pokeno

Eason, Brendon Charles, Christchurch

Heron, Peter, Ruatoria Kaur, Harpinder, Te Puke Khan, Rashid, Pukekohe

Lange, Grant James, Christchurch Matthews, Anna Jarvis, Christchurch McGregor, Nina Esther May, Porirua Olsen, Kimberley Jane, Waitara

Parkin, Christopher Tristan, Lower Hutt

Raleigh, Micheal Scott, Waiau Reed, Daphne Clare, Tauranga Smith, Joseph Brian, New Plymouth Soon, Wee-Yang, Christchurch

Stewart, David Alexander, Paraparaumu Beach

Stuart, Douglas John Kerr, Upper Hutt Syzmanska-Prokop, Dorota, Christchurch

Thomas, Unaiki, Porirua

Toleafoa, Wayne Saunoa Moegagogo, Havelock North

Walker, James Lawrie, Wyndham Walker, Victoria Lee, Masterton

Welinkar, Rajshree Aniruddha, Christchurch

Dated at Wellington this 7th day of February 2025 Hon Nicole McKee Associate Minister of Justice Bregmen, Robyn Dorothy, Ngāruawāhia

Doney, Sarah Gray, Hamilton Downes, Leon Adam, Waikanae Garnett, Allan James, Geraldine Goodhew, Joanne Gay, Timaru Harpelton, Elizabeth Jane, Twizel

Henderson, Melessa Audrey, Matamata

Herewini, Caroline Marjorie, Porirua

Hossain, Arman, Blenheim

Hutchison, David James, Greytown

Jenkins, Rhys Brian, Alexandra Jessop, Mark Adrian, Roxburgh Kekena, Teurukura Tia, Porirua Kerr, Penelope June, Ashburton Kete, Joanne Helen, of Otorohanga

Lai, Fiona Shuk Kein, Auckland Li, Hannah Yeung Yu, Whanganui

Ma, Tieguang, Auckland

O'Brien, Amanda Anne, Fairlie Payne, Joshua Nathan, Rotoma Poff, Sean John, Christchurch

Rai, Lakhpat, Rolleston

Shannahan, Gregory Francis, Christchurch

Shaw, Bradley John, Ohope Singh, Gurnam, Rotorua

Stilwell, Christina Margaret, Ngatea

Stuart, Lynda Maree, Auckland

Swasbrook, Charlotte Vaughan, Auckland

Tennent, Samantha Amy, Whanganui

Walshe, Joanne Marie, Oamaru

Williams, Timoteo Benjamin, Porirua

Dated at Wellington

this 18th day of March 2025

Hon Nicole McKee

Associate Minister of Justice

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

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.

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