



FIAT JUSTITIA
RUAT CAELUM



Justices'

QUARTERLY

July 2023
Volume 92
Number 2

New JPs sworn in at Taihape court

Service: it's a small word

Greetings to all Justices.

First, it is with great sadness that I acknowledge the passing of two former Federation Presidents since the April issue of the Quarterly was published: Mary Symmans (1994-95) and Britt Stephen-Smith (2002-03).

Mary, late of Hamilton, was the Federation's first woman president. The May 1994 Quarterly reported that "Mrs Symmans said, on appointment, that there is no special significance in her being the first woman to be President but rather thinks of it as being in the right place at the right time. She stated that all the way through her Justice of the Peace involvement, she has been supported by other Justices willing to share their knowledge and encourage her."

Britt was a strong advocate for lay involvement in the justice system. Issues championed by Britt during his tenure included the nomination procedure, lay justice, the recruitment and retention of Judicial JPs, a new Ministerial Manual and education (both Judicial and Ministerial training) – issues that are still to the fore today.

I extend the Federation's deepest sympathies to the families and local JP colleagues of both Past Presidents. [See Obituaries, P15]

King's Birthday Honours

Service is a small word but for many New Zealanders it is a major component of their lives. Many Justices have served their communities in many different roles prior to their appointment to the role of a Justice of the Peace. While it is difficult to quantify the countless hours that JPs provide to their communities in that role, it is fair to assume that these hours are additional to other service they continue to provide to those communities. In the context of service, can I extend my congratulations to those Justices that have been honoured in the King's Birthday Honours for their achievements and contributions to their respective communities. [See Honours, P16]

Artificial Intelligence (AI)

Artificial Intelligence has featured prominently in the media recently along with warnings to moderate its influence. I thought that as a test I would ask ChatGPT "Why should I become accredited?" after referring to Justice of the Peace for New Zealand in previous interactions. Here is the response, verbatim:

Becoming accredited as a Justice of the Peace (JP) in New Zealand offers several benefits:

- 1 *Professional Development: Accreditation provides opportunities for continuous professional development. Engaging in*



**Federation President
Peter Osborne**

ongoing education and training helps you stay updated with legal developments, enhances your knowledge and skills, and ensures you are providing the best possible service to the public.

- 2 *Maintaining Standards: Accreditation demonstrates your commitment to upholding the standards of the JP role. By participating in the Accreditation process, you contribute to the overall professionalism and integrity of the JP community in New Zealand.*
- 3 *Recognition: Accreditation serves as a recognition of your competence and expertise as a JP. It can enhance your credibility and reputation within the legal and local community, increasing public trust and confidence in your services.*
- 4 *Networking and Support: Accreditation often involves engaging with the Royal Federation of New Zealand Justices' Associations (RFNZJA) and fellow JPs. This provides an opportunity to network with other professionals in your field, share experiences, and access valuable support and resources.*
- 5 *Continuing Community Contribution: Accreditation allows you to continue serving your community effectively. By staying accredited, you can maintain your involvement in providing important judicial and administrative services to the public, such as witnessing documents, administering oaths, and assisting with minor disputes.*
- 6 *Legal Compliance: The Accreditation process ensures that you are aware of any changes in laws, regulations, or procedures relevant to your role as a JP. This helps you stay in compliance with the legal requirements and avoid any potential legal complications.*

Ultimately, becoming accredited as a JP demonstrates your commitment to professionalism, ongoing development, and the fair and effective delivery of justice. It allows you to contribute to the legal system and your local community while enhancing your own knowledge and skills.

An insightful response!

Centenary AGM/Conference

Preparations for next year's Federation Centenary AGM/Conference are well in hand. The event will be held at the James Cook Grand Chancellor Hotel in Wellington over the weekend of March 1-3 2024. This venue was used for the 2021 AGM/Conference by the hosts that year, the Wellington association. Since then, accommodation and conference facilities have been refurbished. Your association registrar will have accommodation details and the preferential rate offered by the hotel.

Regional conferences

Five regional conferences are being held around the country during August and September using a mixture of face-to-face and audio-visual meetings. These conferences are not limited to officers of associations but are open to any association member. Check with your association registrar if you are interested in attending.

Federation elections

In early August associations will be notified of the need to consider nominating regional representatives for 2024 and also thinking ahead to the office of President and Vice-President.

Peter Osborne

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FEDERATION OFFICERS

Patron:

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

President: Peter Osborne JP

Immediate Past President:
Garry Nicholls JP

Vice-President: Nigel Tate JP

Northern Regional Representative:
Ric Odom JP

Auckland Regional Representative:
Sherryl Wilson JP

Central Regional Representative:
Laurie Gabites JP

Southern Regional Representative:
Graeme Barber JP

Federation Kaumātua:
Monty Morrison JP

Honorary Solicitors: Buddle Findlay

National Manager and Registrar:
Tony Pugh JP MBA BBS ACA

Professional Development Advisor:
Shinae Skelton BA LLB

Administrator: Katie Harvey BA

Editor Justices' Quarterly:
Geoff Davies JP

Speeding up Family Court

A new law passed on May 30 could see up to 25% of Family Court judges' workload freed up in order to reduce delays, Minister of Justice Kiri Allan said.

The Family Court (Family Court Associates) Legislation Bill will establish a new role known as the Family Court Associate. The role will focus on a mixture of judicial and registrar's tasks, in order to free up judges and enable them to progress substantive matters more quickly.

"Going through the Family Court is already a traumatic and distressing experience for many. Experiencing court delays on top of this compounds that stress. The Government is continuously to look for ways to reduce delays and this new legislation will address that.

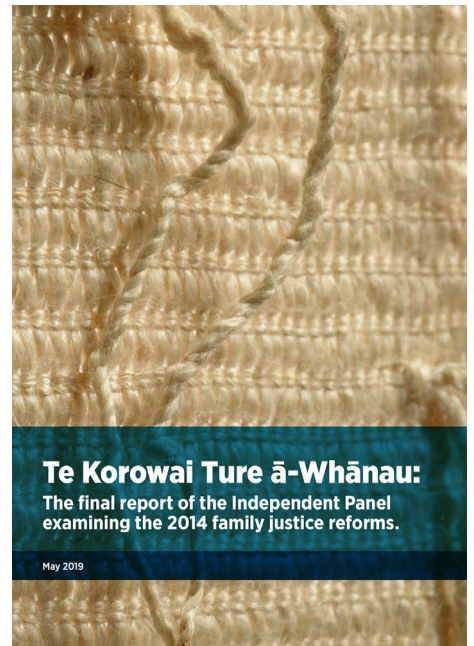
"The work of the Family Court is incredibly important. It deals with a diverse set of issues, from the care and protection of children and family violence, through to divorce and relationship property.

"An accessible Family Court that can operate without undue delay is not only key to a fully functioning family justice system but key to ensuring there is better access to justice in New Zealand.

"We want Family Court judges who currently have very high workloads to be able to concentrate on progressing cases through the court.

"I want to acknowledge the individuals and organisations who took the time to submit on the Bill, especially those who shared personal stories about their own experiences."

The Family Court Associate role is based on one of the recommenda-



tions made in the 2019 report, Te Korowai Ture ā-Whānau (above).

"The Government is currently undertaking a phased approach to the report's recommendations. Transformation of the family justice system is a five to ten-year project."

Matters that are more complex or have a significant impact on human rights will still be completed by judges, for example, most matters under the Family Violence Act and final decisions on the care of children under the Care of Children Act.

The Family Court Associate will be a judicial officer, with independence from the Executive. Examples of tasks that Family Court Associates will carry out include decisions made at the early stages of proceedings and interlocutory matters, such as, directing parties to undertake dispute resolution, making orders by consent, appointing lawyers, and convening settlement conferences.

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

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

ON THE COVER: New JPs were sworn in at the Taihape District Court earlier in the year ... back row, from left, Nicole Riley, Robert Price, Stanley Fraser, Matthew Thomas, and Deborah Clunie; front row, from left, Judge Dugald Matheson, and Jeffrey Wong, president of the Northern Rangitikei-Waimarino sub-branch of the Whanganui association. **PICTURE:** Stanley Fraser



2023 AGM outcomes

The following remits were presented at the 2023 AGM. Work is under way to respond to, where appropriate, the directions given to the Board.

Remit 1

That in accordance to Section H5 (Alteration of Boundaries) of the Royal Federation Constitution, the Waikato Association and the Rotorua and Districts Association seek the approval of the Royal Federation AGM to modify the boundary to move the area of Putaruru from the Waikato Association to the Rotorua Association to become part of the Tokoroa sub-branch of Rotorua and Districts. (Waikato Justices of the Peace Association):

Passed

Remit 2

That Ex Officio Justices, chairpersons of regional authorities, and mayors of territorial authorities, once they have taken the oath of office, be entitled to become full financial members of their local Justices of the Peace Association during their term of office, and that they be invited to attend all Association training sessions, be accredited, be listed on the RFNZJA website and be able to access the information on the RFNZJA website that all other Justices of the Peace are entitled to. (Wairarapa Justices of the Association): **Passed**

Remit 3

This Conference endorses the Remit of 2017 (below) and urges the Board to continue, as matter of high priority, to pursue the implementation of mandatory periodic certification of ongoing competency for all Justices of the Peace: **Passed**

“2017 Remit: That, in recognising the right of the public to competent service, the Board, in consultation with Associations, consults with the Ministry of Justice in order to explore means by which the level of competence of Justices of the Peace may be monitored and enhanced.”

Notices of motion

Amendments to the Federation constitution resulted in:

1. A requirement for Federation Board members to be accredited during their tenure and
2. The removal of the requirement for nominees for the position of Vice-President to have served on the Board for one year within the previous five years.

AGM/Conference 2024

The 2024 AGM/Conference will be hosted in Wellington by the Federation to mark 100 years since the Federation was formed (“Royal” status was granted by Queen Elizabeth II in 1966). The programme will commence on Friday March 1 and conclude on Sunday March 3.

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.



Past Federation President John Falconer is one of two 90-year-old men who are leading the majority of Gore's recycling efforts, saving ratepayers thousands of dollars as well as the planet. Southland Times reporter OLIVIA CALDWELL has the story.

Past Federation President John Falconer is a leading light in Gore's Pākeke Lions club recycling efforts.

Past President helps run Gore's recycling operation

The Maori word Pākeke translates to “respected elder”, as well as to “creak and crackle” - and the two 90-year-olds agree there is no word better for this giant effort.

Through the men's Pākeke Lions club, 650 tonnes of cardboard and paper is recycled per year to earn them \$100,000, which they put back into community projects for the town.

The work is all done by 25 volunteers, none younger than 70, in an old repurposed shed that was once an ice-skating rink.

“We go along and compare notes each day,” says one of the recycling group's founding members, Neil McPhail.

“And there is no use growling about a sore back or something else because you find out every second person there is in the same boat.”

The club saves ratepayers an estimated \$100,000 as

well as saving the planet, given that the waste would otherwise be sent to the landfill by the council.

Mr McPhail is a retired sheep farmer from the Waikaka Valley. His good mate and recycling stalwart John Falconer is also a retired farmer. Both 90, they have been on this project pretty much since the beginning.

Three decades ago the Lions club saw an opportunity to make money via one of the members who worked at the Woolworth's supermarket at the time.

The supermarket would send them leftover cardboard to press and in return the club could sell on the pressed cardboard. Commercial businesses got on board the recycling phenomenon and the volunteer group grew to today's 25-strong team.

“We have got quite a few ... I suppose half would be in their 70s. We really only have one person that would be younger than that. About 20% would be in



John Falconer cuts the haggis he has just addressed at the AGM/Conference dinner in Invercargill on March 11 this year.

their 80s," Mr McPhail said.

"They talk about the men's sheds or whatever you like but ours is the cardboard shed," Mr Falconer said.

Not all are men though.

"We have one lady that comes along but she helps in the books department," he said.

Just as well - the annual book sale in October on average gathers \$25,000 in annual revenue for the members.

Today, the club is recycling the majority of Gore's commercial business cardboard, paper, books and newspapers.

The members then choose a worthy project in town to receive the \$100,000 in earnings. Past projects have included St John Ambulance and the local hospital.

The Gore District Council has been sending plastics to landfill for years. When WasteNet's recycling contract with Southland Disability Enterprises came to an end in 2020, the council opted to

go it alone.

In the same year, the council reduced its kerbside recycling service to just collecting glass once a month. It offers glass, cardboard and aluminium recycling at the Gore transfer station.

The Gore council sends paper and cardboard to the club and pays it a \$25,000 levy. The commercial businesses they collect from make up the total \$40,000 cost of running the plant.

Former mayor Tracy Hicks said the issue was the cost attached to recycling, that fell back on the ratepayer.

Mayor Ben Bell wants to reinstate a full recycling kerbside service but has suggested it is slow progress.

"We are keen on promoting recycling," Mr McPhail said.

So keen, the 25 members spend five days a week on a 12-man roster system.

"If we sent the paper away, we would be losing money. What is returning is what would be our wages in a roundabout way."

Aside from driving the flat deck truck and forklift, Mr McPhail is group convenor, there "for everyone else to growl at".

"If it is heavier work, I don't do it, I let the young 75-year-olds do it."

Mr Falconer is on the press and tying the pressed bales. The men are big believers in routine, they don't mix up duties.

"It is a good job for a retired person."

"It is a good chance to catch up with everybody and from that point of view it is good," he said.

Both men, now widowers, agree it keeps them busy, fit and happy.

"You have still got to get out of bed in the morning, which is not so good in the wintertime," Mr McPhail said. "I had an uncle once, he was about 92, and he said: well it's great to be anywhere now." – **Southland Times**

From the Professional Development Advisor



Shinae Skelton

MSD no longer accepting certified copies for identification

The Ministry of Social Development (MSD) has been working to improve their client identity management strategy. As part of this, they are changing how they verify a person’s identity.

From May 29 2023, new clients applying for NZ Superannuation, Veteran’s Pension or Extra Help ongoing assistance must bring their original government-issued identity document into an MSD service centre so staff can check it. Clients can still apply online using MyMSD and upload their identity documents, but they’ll also need to bring them in to a service centre.

Clients do not need an appointment to present their identity documents at an MSD service centre.



MINISTRY OF SOCIAL DEVELOPMENT
TE MANATŪ WHAKAHIATO ORA

Existing clients applying for these kinds of support only need to come in if the ID they have on file is more than two years past its expiry date. Staff will let clients know if this applies to them.

This means that MSD will no longer accept certified copies of identification documents as identity verification. MSD

will now be directly responsible for verifying their clients’ identities rather than referring clients on to a third party, such as a Justice of the Peace.

These changes don’t apply to StudyLink applicants and their partners, or clients applying for Youth Payments and Young Parent Payments.

Choosing your stamp name

You may have a preferred name or nickname but, to avoid confusion, it is best to choose the stamp name that matches the name under which you were gazetted or the name to which you have legally changed.

Agencies are checking “Find a JP” more and more often to confirm that the person who witnessed a document, took a statutory declaration or certified identification, is listed as a Justice of the Peace.

If the name you are listed under on “Find a JP” is different from the name on your stamp, agencies can be confused and it is difficult for the Federation to confirm you.

Update information reminders

You may have noticed that you sometimes receive an email from the Federation that looks like this:

Hi, Have your contact details or address changed over the past 6 months?

Update your contact details by logging into the Justice of the Peace website.

Kind Regards

Royal Federation of New Zealand Justices’ Associations.

Have you ever wondered who writes and sends you this email?

This email is automatically sent via justiceofthepeace.org.nz when a Justice of the Peace has made no changes to their contact details on their profile page in the past six months.

Do I have to do anything when I get this email?

The email is a friendly reminder to update your contact details if anything has changed for you in the past six months.

If you have already updated your contact details or if there have been no changes, then you don’t need to do anything, and you can delete the email.

We understand that changing your contact details often happens at a busy time as you are likely moving houses or changing your place of work. Some Justices forget to update their “Find a JP” profile during this time, which is why we have this reminder email in place.

Making the most of Zoom

The Federation and associations often host Zoom meetings for various groups of JPs. Here are a few tips to help you participate in Zoom meetings successfully.

First, check that Zoom on your computer or device does not have any pending updates well before any meeting you intend to join.

While you can delay some updates to Zoom, other updates require you to install them immediately before you can join your meeting. Updates can take a few minutes to install so ensure you check this before the meeting is due to start.

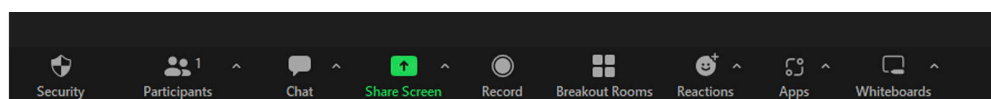
Share something on your screen

You will only be able to share your screen if the host has enabled this option. The host can enable this function at any time during your meeting.

The share screen function enables you to show things to others in your meeting on your screen, such as a specific document (e.g. a Word document or PowerPoint), a specific programme such as your video player, or a page on your web browser, or a combination of all of these.

The neat aspect of the “Share Screen” button is that you do not need to show participants everything that you can see on your own screen. You can select the specific document or page that you would like to present to the group.

To get started, you need to select the green “Share Screen” button from the toolbar on your Zoom meeting screen.



If attendee screen sharing is enabled, after selecting “Share Screen” you will be shown a window with the different documents, webpages and programs that are available for you to share with the meeting.

Desktop

The first options that appear on the window for sharing are usually your desktop or computer screen. If you choose to share this, users will be able to see everything that you can see on your computer screen (every document or program that you click on and interact with).

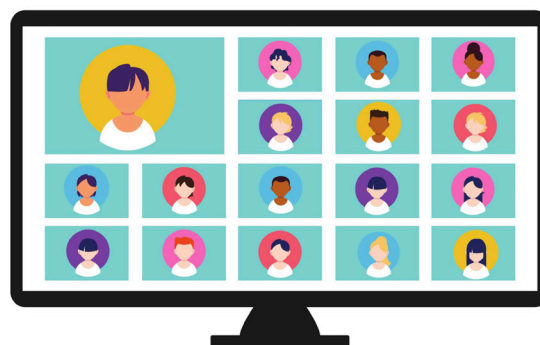
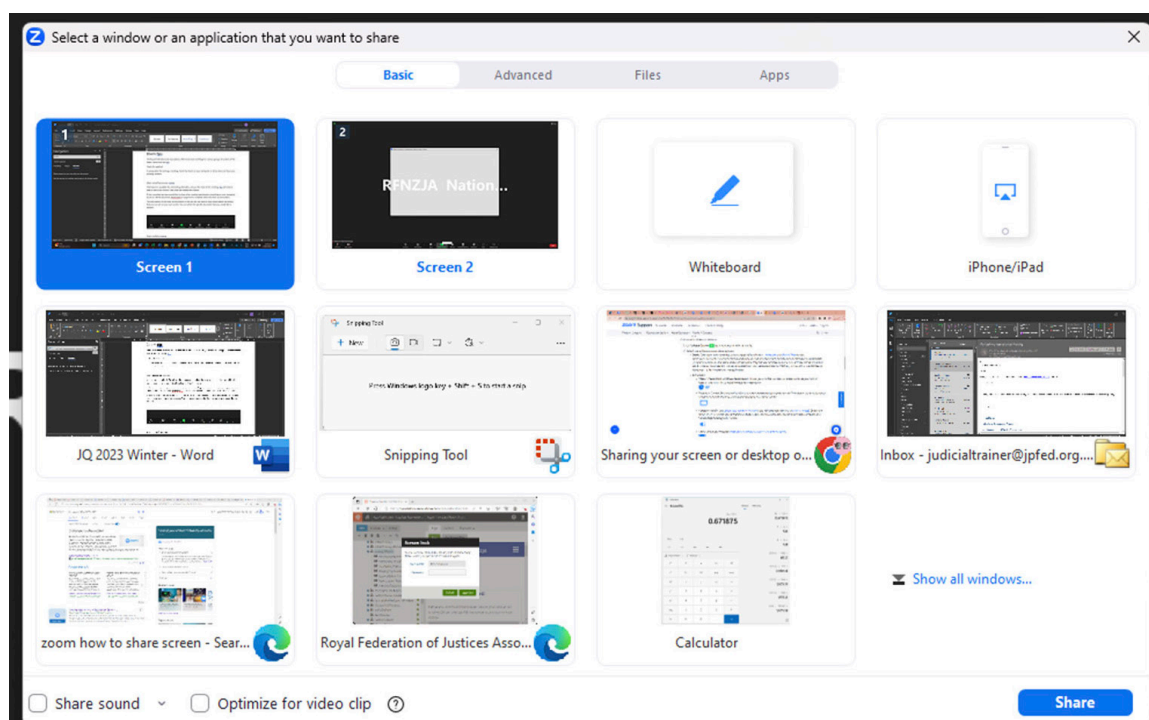
Browser and other programs

If you choose to share a browser, such as Google Chrome, users will be able to see whichever webpage is currently in the foreground and can follow as you navigate through different websites and click on links.

Documents

You can select a Word document, PowerPoint or similar document to display. Attendees will be able to see that document exactly how you see it. For instance, if you put the PowerPoint in “presenter mode” users will be able to see the PowerPoint slides and also your presenter notes.

Simply select what you would like to share from the window of options, and then select the “Share” button to begin sharing your screen.



Advanced sharing options

Note there is an advanced tab in the sharing window that provides alternative ways to share files such as videos and PowerPoint presentations. These enable you to display a video or presentation through Zoom, rather than just showing a copy of what can be seen on your personal screen. If presenting a PowerPoint, this may be a preferable sharing option.

What do others see when you share your screen?

When a screen is shared, attendees are minimised and most of the Zoom window displays the document/desktop/program that is being screen-shared.

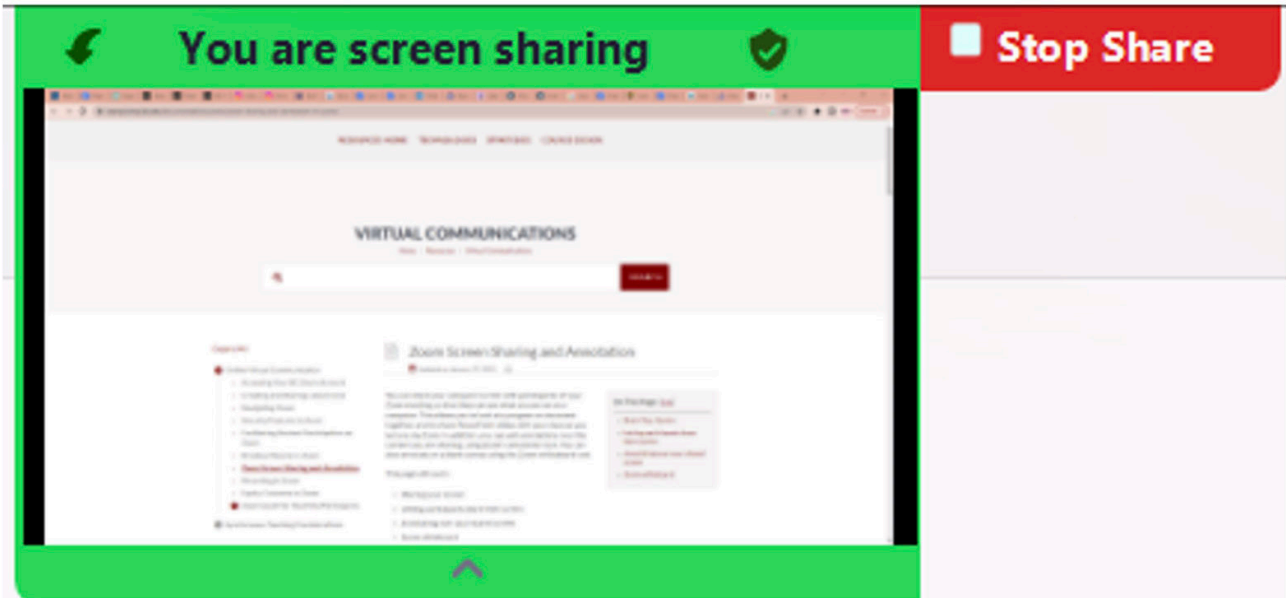
Zoom automatically switches to full screen for viewers when someone shares their screen in a meeting.


What do you see when you share your screen?

Unlike the other attendees' screens, your Zoom window does not switch to a full screen to display what you are screen-sharing. Instead, your Zoom window will minimise. This enables you to go to the document/desktop/program you are sharing. You will see a small red and green banner, usually at the top of your screen, stating that you are screen sharing.



To see what you are sharing, select the green “You are screen sharing” banner. A small window will drop down to show what other attendees can see.





Why has my Accreditation expired?

Has your Accreditation expired and you can't figure out why?

It will be for one (or both) of these reasons:

1. Your education session was more than two years ago
2. Your Accreditation exam pass date was more than two years ago

To see the education session date that you most recently recorded on the website or to see when you last passed the exam, login to justiceoft-hepeace.org.nz and go to your profile page.

AI and Justices of the Peace

You might have been hearing a lot about Generative Artificial Intelligence, such as ChatGPT, in the news and its potential applications in everyday life. AI has implications for how we manipulate and generate information and can be used from anything from recipes ideas to managing stock portfolios.

Before diving into the world of AI and its applications, bear in mind the information you are working with and your obligations under the Privacy Act.

Privacy Commissioner Michael Webster outlined his expectations around New Zealand agencies, businesses, and organisations using generative artificial intelligence in a media release on May 25.

“I would expect all agencies using systems that can take the personal information of New Zealanders to create new content to be thinking about the consequences of using generative AI before they start,” he said.

AI’s use of New Zealanders’ personal information is regulated under the Privacy Act 2020.

It’s the Commissioner’s role to ensure New Zealanders’ privacy rights are protected, which is why he is calling for businesses and organisations to check their obligations around generative AI use before they begin.

Mr Webster has outlined seven points of advice to help businesses and organisations engage with the potential of AI in a way that respects people’s privacy rights.

1. Have senior leadership approval

Businesses and organisations must involve their senior leaders and privacy officer in deciding whether or how to implement a generative AI system.

2. Review whether a generative AI tool is necessary and proportionate

Given the potential privacy implications, review whether it is necessary and proportionate to use a generative AI tool or whether an alternative approach could be taken.

3. Conduct a Privacy Impact Assessment

Assess the privacy impacts before implementing any system. This should include seeking feedback from impacted communities and groups including Māori. Ask the provider to clarify how information and evidence about how privacy protections have been designed into the system.

4. Be transparent

Be clear and upfront when you tell your customers and clients that you’re using generative AI and how you are managing the associated privacy risks. Generative AI is a new technology, and many people will be uncomfortable with its use or not understand the risks for them. Giving them information about the generative AI sys-

tem you’re using in plain language will be essential to maintain consumer trust and your organisation’s social licence to use AI.

5. Develop procedures about accuracy and access by individuals

Develop procedures for how your agency will take reasonable steps to ensure that the information is accurate before use or disclosure and how you will respond to requests from individuals to access and correct their personal information.

6. Ensure human review prior to acting

Having a human review the outputs of a generative AI tool prior to your agency taking any action because of that output will mitigate the risk of acting based on inaccurate information. Any review of output data should also assess the risk of re-identification of the inputted information.

7. Ensure that personal or confidential information is not retained or disclosed by the generative AI tool

Do not input personal or confidential information into a generative AI tool, unless it has been explicitly confirmed that inputted information is not retained or disclosed by the provider. An alternative could be stripping input data of any information that enables re-identification. We would strongly caution against using sensitive or confidential data for training purposes.

“I would expect agencies to do their due diligence and privacy analysis to assess how they comply with the law before stepping into using generative AI,” Mr Webster said.

“Generative AI is covered by the Privacy Act 2020 and my office will be working to ensure that is being complied with, including investigating where appropriate.”

The Commissioner has previously sent a letter to government agencies outlining his caution around prematurely jumping into using generative AI without a proper assessment and signalling the need for a whole-of-government response to the growing challenges posed by this tool.

Note: The Privacy Commissioner uses the term “re-identification” in this media release. This is referring to the possibility that a person can be identified by a user or by the AI tool from details included in the data given to the AI or details included in the output from the AI (even if the individual’s name is not included).

• From the Office of the Privacy Commissioner:

<https://www.privacy.org.nz/news/media-releases/privacy-commissioner-outlines-expectations-around-ai-use>

Interesting tasks undertaken by JPs

Nominated adult

This role involves assisting a young person who has been arrested through the interview process when the police are unable to contact the young person's parent, guardian or trusted adult.

The process includes ensuring the young person understands their rights and the police follow the proper arrest and interview procedures (e.g. informing the young person of their right to a lawyer).

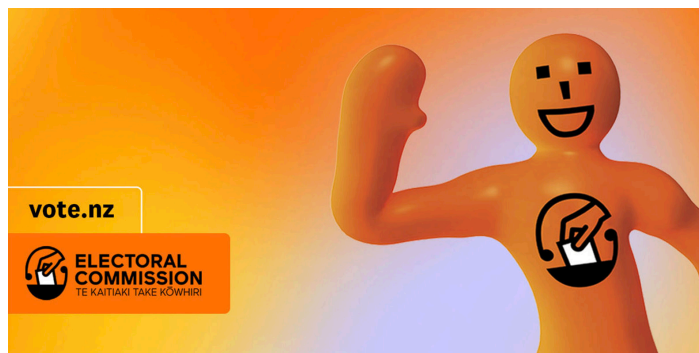
This can also involve overseeing the taking of body samples (such as saliva) from the young person and ensuring the young person understands this process and their rights.

Nominated adults are often called in late at night, because this is when young people are more likely to be arrested and parents can't be found.

Under the relevant legislation, there is no specific process to become a nominated adult.

Some associations maintain with the police a list of Justices who have volunteered for the role. Justices must be available and have the appropriate skills and temperament to be listed as a nominated adult. In some areas, the police rely on other community groups, such as the Salvation Army, to provide nominated adults. There is no set term of appointment or process for retirement.

Independent observers for elections



The local Electoral Officer may reach out to their local association (or vice versa) to arrange for JPs to assist in the election process to ensure election integrity.

Under the Electoral Act 1993, Justices of the Peace may be called upon to act as independent observers of the voting process at different stages of the election. For instance, they may be asked to be present during the official count that takes place after election day or to accompany a voting team to a rest home to issue advance votes.

The Electoral Commission, namely the local Electoral Officer, will provide the participating Justices of the Peace with instructions.

Nominated witness (Mental Health)

Under the Mental Health (Compulsory Assessment and



Treatment) Act 1992, a person may be required to undergo an assessment examination to determine whether compulsory mental health treatment is required.

The person concerned must have the purpose of the assessment and the requirements of the compulsory assessment notice explained to them in the presence of their family, caregiver or other person concerned with the welfare of the proposed patient. Where a family or caregiver is unavailable, mental health staff may reach out to a third party such as a Justice of the Peace or a Salvation Army volunteer to take on the role of the person concerned with the proposed patient's welfare.

Similar to nominated adults, there is no requirement to involve Justices of the Peace in this process. Some DHBs have arrangements in place with their local JP association to provide a list of nominated witnesses. Other DHBs have arrangements in place with other organisations. There is no set term of appointment or process for retirement. Speak to your association to see if there are arrangements in place in your region.

Raffles and draws

On the odd occasion a local business may request a police officer, Justice of the Peace or other trusted person in the community to observe a raffle or draw. This provides the public with confidence that a fair, unbiased process was followed. There is no set process for this task, as it occurs very rarely.

Visiting Justices

This is a statutory role and a paid position. Visiting Justices sit in prisons and hear charges relating to disciplinary offences allegedly committed by prisoners. Offences include charges such as having an unauthorised item found in the prisoner's cell or failing to comply with a reasonable

order given by a Corrections officer.

Justices of the Peace and barristers or solicitors may apply for the position of Visiting Justice. Justices of the Peace applying for this role are usually experienced Judicial Justices.

Visiting Justices are appointed for three years and may reapply for the role, but reappointment is not guaranteed. All District Court Judges are also empowered to act as Visiting Justices.

The Ministry of Justice advertises on its website when a position is available and oversees the application, interview and appointment process. Visiting Justices are appointed by the Governor-General.

Issuing officers

This is another task that attracts phone calls late at night or early in the morning. Issuing officers have the authority to issue search warrants and production orders to police and other agencies. They ensure the public has protection from unreasonable search and seizure from the government.

Any person, including Justices of the Peace, may apply to become an issuing officer. Issuing officers are authorised by the Attorney-General.

Generally, this is a role performed by JPs and court registrars. All judges are automatically issuing officers.

Issuing officers are appointed for three years only. JP issuing officers may reapply for the role, but reappointment is not automatic or guaranteed. Contact your association if you are interested in this role and reside in an area that is convenient for police and other agencies to access.

Judicial Justices

This is a role performed by Justices of the Peace who have completed the Judicial Studies Course and been approved to exercise judicial powers by the Chief District Court Judge.

Judicial Justices preside over arrest courts and can sit in trials and sentence defendants charged with certain non-imprisonable offences (often driving-related offences). When sitting in trials and sentencing, Judicial Justices must sit in pairs.

Scenarios: how might you deal with these?



1. You are assisting a client with their application for dissolution of marriage. Since their marriage, the applicant has legally changed their name and their gender. The name and gender on their legal identification documents are different from the name and gender on the marriage certificate.

What name should the client write on their application and affidavit?

Are there any additional steps you would recommend the client take?

2. A police officer approaches you at a service desk at the local court. They have an affidavit in support of a warrant to arrest they would like you to sign. You are not a Judicial Justice of the Peace and do not usually deal with matters like arrest warrants.

Should you sign the document?

Are there any additional steps you would recommend?

3. A client approaches you while sitting at a service desk. They have brought with them a document referred to as an affidavit. You look at the document and the wording at the beginning and end of the document does not match the wording set out in the manual. The client has five other copies and instructs you to sign every copy. They intend to send the documents to various New Zealand organisations.

Should you sign the documents?

Are there any additional steps you would recommend?

4. You are presented with a document written entirely in a foreign language. You are presented with another document that you are told is a copy and you are asked to certify that copy.

Should you certify the second document as a copy?

5. A police officer knocks on your door and presents you with a search warrant that they urgently need signed. You know you do not have the authority to sign the warrant as you are not an issuing officer.

What should you do?

ANSWERS

- 1. An affidavit should be signed in the deponent’s current legal name, and it is logical for the applicant to use the same name throughout their application. This creates a conflict between the name used within the application and the name on the marriage certificate.

One solution is to include a statutory declaration or additional affidavit from the deponent alongside the application. In this declaration or affidavit the client could explain the change in their legal name and include copies of the relevant legal name-change documents as exhibits.

Can you think of another way to approach this problem? Discuss with your colleagues.

- 2. Do not be alarmed by the use of the word “warrant”. This document is an affidavit, and you should treat the document as you would any other affidavit. See 6.2 of the Manual for an affidavit checklist.
- 3. Double-check the document against the requirements as set out in chapter 6 of your Manual. Do the beginning of the document and the jurat comply with the wording set out in legislation? For instance, does the client set out their legal name, location and occupation? Is there a space at the end of the document for a Justice of the Peace to sign and confirm the document was sworn/affirmed at a time and place?

If the document does meet the requirements for an affidavit, you can deal with it in the usual way.

If the document is not an affidavit, explain that it does not meet the requirements for a New Zealand affidavit as set out in the relevant legislation (namely, the District Court Rules 2014, High Court Rules 2016 and Family Court Rules 2002).

As a New Zealand Justice of the Peace empowered under the Justices of the Peace Act 1957, you have specific authority to take oaths and declarations under the Oaths and Declarations Act 1957. Your authority to take oaths and declarations comes from legislation and only extends to declarations and affidavits that meet legislative requirements.

Recommend the client seek legal advice or edit their affidavit to meet the legal requirements.

- 4. Ask the client what the purpose of the document is and if they have any instructions from the receiving agency, to ascertain the best wording to use when certifying the copy.

Carefully compare the copy with the original document. Even if you do not understand the language used in the document, you are able to spot visual differences between the words used in each document.

If the document appears to be an exact copy of the original, certify the document in the appropriate way.

- 5. Inform the officer that you are not an issuing officer and that only Justices of the Peace who are authorised as issuing officers may sign a search warrant.

The officer’s local office should have a contact list available for local issuing officers. Ask the officer to call their station for more information.

Local associations provide police stations and other local agencies with contact information for issuing officers. If the local station does not have up-to-date information, they can contact the registrar of the local association.



Visa verification not one for JPs

Some Justices are being approached with requests to verify clients’ visas. They may have erroneously been directed to a Justice of the Peace by their embassy or by a New Zealand business that does not understand the process.

Visa verification is a different process from making a certified copy and it is not a task undertaken by New Zealand Justices of the Peace. If asked to verify a visa, please direct your client to the immigration.govt.nz website or to search online for “visa verification” which will lead them to the appropriate immigration.govt.nz webpage. The New Zealand government provides an online visa verification service on the Immigration website.

“All non-New Zealand citizens must hold a visa to be in New Zealand. A Visa Verification Service enquiry shows details of the visa record held by INZ for a particular visa holder. It includes information about that visa and its conditions, such as length of stay, and work and study entitlements.

“Users might include health care providers, financial services organisations, sponsors, licensed immigration advisers, and travel agents. Individual visa holders themselves may wish to access their own visa records directly through the Visa Verification Service.”

<https://www.immigration.govt.nz/about-us/our-online-systems/visa-verification-service/about>

Education pages index

Have you read something in a previous issue of the Justices' Quarterly but you 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 cover Volume 91 (April 2022 – January 2023). The previous index can be found in the April 2022 magazine.

Affidavits

What is an affidavit of service? (January 2023)

AML

Forms of identification (July 2022)

Understanding AML-CFT (January 2023)

Certified Copies

Certifying copies using video-conferencing (January 2023)

Clients

Communicating with clients who have hearing loss (July 2022)

Serving all community members (January 2023)

COVID-19 information

What is an epidemic preparedness notice and when does it expire? (April 2022)

Dealing with documents

Separation agreements require lawyer (April 2022)

Overseas agencies requiring contact details (April 2022)

Ministerial Manual – documents in languages other than English (April 2022)

Apostille certificates (October 2022)

Dissolutions

Understanding marriage dissolutions (October 2022)

Life as a JP

Using your logbook (April 2022)

Keeping your stamps safe (April 2022)

Kiwibank fingerprinting service (April 2022)

Be prepared for the unpredictable nature of a service desk (April 2022)

Resign or retire? (July 2022)

Updating your phone (July 2022)

Privacy revisited (July 2022)

Keeping up with the Codes (October 2022)

JP roles

About the Judicial Studies Course (October 2022)

Dealing with documents remotely

Documents administered online rejected (April 2022)

Quizzes

Test your knowledge: separation agreements (April 2022)

Forms of identification – true or false (July 2022)

Quiz on AML-CFT (January 2023)

Statutory declarations

New regulations under the Residential Tenancies Act 1986 (January 2023)

Technology and Internet

What is a TinyURL? (April 2022)

Zoom into the future of communication (October 2022)

The Federation website

When did you last update your contact details? (April 2022)

Are you fluent in a language other than English? (April 2022)

Staying up to date with administrative tasks (July 2022)

Unavailability on the website (July 2022)



Cementing te ao Māori in law

Māori legal scholar Professor Jacinta Ruru was awarded the University of Otago's top honour last year – its Distinguished Research Medal. MARK WRIGHT reports for the University's Magazine.

PICTURE:
Sharron
Bennett,
courtesy
of the
Otago
Magazine

There is probably not much of Professor Jacinta Ruru's life story that is typical of someone who has been awarded the University of Otago Distinguished Research Medal.

The daughter of a self-employed possum hunter, scheelite miner and earthworks contractor, she and her two younger siblings – a brother and sister – enjoyed what she describes as an amazing childhood around the Glenorchy, Lake Wakatipu area.

Although Professor Ruru didn't greatly enjoy school, she did enjoy reading and in Year 11 this provided a seminal moment, when she was given books to analyse by Māori authors Witi Ihimaera and Patricia Grace.

"It was the first time that I remember reading Māori authored books as part of the secondary school curriculum. They contained short stories about Māori families in Aotearoa New Zealand. Some of the stories were about our amazing world as Māori and some of the stories were about our experience in society, including with racism."

The stories spoke to her and raised a lot of questions, leaving her wanting to know more.

Once at university, she began focusing on Māori studies and politics, as well as sociology and education. Law had never crossed her mind, until she realised what one of her friends was getting to study.

"She was learning about the Treaty of Waitangi, and

probably not in any depth, but at least the Treaty was being discussed in a first-year course and I thought: 'Wow, that's where I've got to be'."

She took Laws 101 in the third year of her BA at Victoria, before heading to Dunedin to complete her law degree, after which she was offered an assistant lecturer position.

"It was incredibly amazing to have had that opportunity ... the faculty really invested in me and believed in me and created this incredible pathway that's not readily available now."

It was an exciting time. The Ngāi Tahu settlement had just passed in 1998, so she commenced her research speciality on national parks – the playgrounds of her childhood – and the Treaty of Waitangi for her Master of Laws thesis.

"For more than 20 years now, I've been thinking and writing about how environmental law could recalibrate to be more respectful of Māori rights, interests and responsibilities. My PhD in Canada also continued my examination of national parks, indigenous peoples and the law.

"And while the Treaty and how the law has treated Māori didn't feature strongly in my undergraduate law degree, I could see the real usefulness of that law degree in being trained in a discipline that goes to the heart of power and control in society – government – and how you can raise questions where the court has to listen and respond."

Internationally acclaimed scholars who supported her nomination for the Distinguished Research Medal describe her as an outstanding academic, whose work has had significant impact on New Zealand's society and institutional structures.

They talk about the high regard in which her widely-cited research is held, by indigenous communities, the tertiary sector, the legal profession, local authorities, environmental agencies and government departments here and overseas.

She is also considered a trailblazer – the first Māori woman to be recognised as a Fellow of the Royal Society Te Apārangi (at the same time as Professor Linda Tuhiwai Smith) and New Zealand's first Māori professor of law. She has received many significant awards, including the University of Otago Sesqui-centennial Distinguished Chair, the Prime Minister's Supreme Teaching Excellence award, a local Kiwibank hero award and is a Member of the New Zealand Order of Merit. She is the first Humanities scholar to receive the Distinguished Research Medal in a decade and the first female Humanities recipient since 2003.

"I'm incredibly honoured and moved to be awarded the Distinguished Research Medal.

"It's exciting and significant for the discipline of kaupapa Māori research and the value of mātauranga Māori to be awarded this top honour. It is an amazing testament to all who I have worked with over the years to develop a research programme in the study

of law that makes sense to me and my whānau, to us as Māori. Law has a huge role to play in recreating a more reconciled and well future for us all in Aotearoa New Zealand."

Professor Ruru says law reflects the values of our society – in particular, the dominant society at the time – and has been a very effective tool for colonisation, restricting the power and authority of Māori, taking their lands, suppressing the speaking of te reo Māori, and leading to Māori being over-represented in prisons and occupying the wrong side of the statistics.

But she also recognises the work being done to bring reconciliation with iwi nations, as well as a growing recognition that tikanga Māori has within it an incredibly dynamic Māori legal system. She says our courts and our legislature are now becoming much more open to enabling Māori laws to sit alongside, and be part of, the New Zealand's formal state legal system.

"I fundamentally believe that there are incredible solutions within the Māori world, that if we as a country open more of our hearts and minds to this, it would create significant opportunities for us all as a nation. The more we can walk alongside mana whenua, and be able to appreciate Māori knowledge, the more opportunities we'll have as a country."

She is optimistic about the future, especially when she looks at the new generation of young people who are coming through university, particularly those who are questioning everything.

"Māori law will have to be taught as part of the law degree from 2025. That is monumental. This provides an excellent opportunity to rethink how we teach law, especially the Māori law components. I hope we have opportunities to take our students to the ocean, the mountains, the marae. This is where Māori law originates and makes sense. This learning will equip law graduates to be of better service to Māori in representing their legal needs. This is exciting for the future profession of law."

Professor Ruru is also grateful for the growing body of Māori colleagues she has around the University, and was a co-founder of Te Poutama Māori – the Māori academic staff caucus that celebrates Māori academic excellence across a wide range of disciplines.

"We have come together and supported one another in a very inspiring way and I think that's really helped shape my own research, my own work practice including in being able to be Māori at the University of Otago – and to bring fully who I am to my workplace has been really important," she said.

"A real highlight of my career was the enormous opportunity to co-lead the national network of Māori researchers within Ngā Pae o te Māramatanga which is New Zealand's Māori Centre of Research Excellence and to ensure its ongoing success to contribute transformative researched solutions for our country."



Many 'firsts' as a JP

**Mary Symmans –
Federation President
1994-1995**

**September 10 1937
– May 22 2023**

Mary Symmans, who passed away in Auckland on May 22 aged 85, was elected the Federation's first woman President in 1994 – only one of the "firsts" that she accomplished in her JP career.

In accepting the role at that 1994 Conference, Mary said: "I salute the many fine women Justices who have gone before and will work hard to prove myself worthy of this honour."

When interviewed by a newspaper reporter shortly after her elevation to the presidency, she said that one of her aims was to see that the public is more informed about the role Justices have in our society. "The Federation must promote Justices as a body of people playing an important role in ever demanding areas," she said.

Mary was born (as Mary Forbes Whimster) in Auckland on September 10 1937, and was educated in Auckland before moving to Hamilton, where she trained as a registered nurse at Waikato Hospital. She completed her training at the hospital in 1959 by graduating with honours. In 1961, she married Dr Ashley Symmans, a Hamilton pathologist. Mary and Ashley had four children.

Mary was appointed as a Justice of the Peace in Hamilton in 1976. Shortly after her appointment she graduated from the Technical Correspondence Institute Judicial Studies courses and very soon became involved in sitting in the Hamilton District Court.

At the same time, she progressed in the administrative side of Waikato association activities, and became the first female registrar in 1986. She served in that office for seven years.

She was also a member of the Hamilton search warrant panel and involved with coronial work.

In 1988 she was elected the first woman president of the association – yet another first, ultimately followed by her 1994 election as Federation President.

During her term on the Federation Executive (now the Board) community magistrates were introduced to the New Zealand judicial system. It was no surprise that Mary was the first woman to be appointed to the new role.

Other interests that she had during this time included being chair of the Waikato Community Living Trust, in particular being involved with the moving and monitoring of people from Tokanui Psychiatric Hospital into the wider general community.

As well as her services to the Waikato association and the Federation, she also served a term as court manager in the Hamilton area.

She was made a life member of the Waikato association in recognition of her services, and also recognised nationally by being appointed a Member of the Order of New Zealand (MNZM) in 1997 for services to the community.

Justices of the Peace in New Zealand have been fortunate and honoured to have had such a loyal and giving person in our ranks. – **Federation Past President Bob Armstrong**

A member to be proud of



**Britt Stephen-Smith
– Federation President
2002-2003**

**July 23 1942
– May 10 2023**

Federation President 2002-2003 Britt Stephen-Smith passed away in Auckland on May 10, aged 80.

Born in Auckland, Britt was an Old Boy of Auckland Grammar School and spent most of his career in the financial services industry, including holding senior roles in large companies such as Countrywide and UDC.

Britt became a JP in 1985, the start of many years' service in the role. He soon became a Judicial Justice, presiding over minor offences courts, and also over remand or arrest courts on Saturdays and public holidays. Britt could also often be found filling in for an absent community magistrate.

Britt retired from the bench in 2020 and in March 2023 his judicial service was honoured with a special court sitting along with other recently retired Judicial Justices. This very special occasion was presided over by Chief District Court Judge Heemi Taumaunu, who travelled from Wellington for the occasion.

He served as president of the Auckland association 1998-2000, and was convenor of the 1999 Federation Conference in Auckland. He went on to become Auckland Regional Representative on the then Federation Executive, then Vice-President in 2001 and President in 2002.

Britt was made a life member of the Auckland association in 2017, and the association takes great pride in his membership and outstanding service for 38 years.

Away from his JP duties and other activities, Britt and his second wife, Marilyn, were keen travellers and became tour leaders in the industry. He was also an avid bowler and not only played well but also coached others until problems with his knees forced him to stop. He and Marilyn had a great love of good food and wine, still dining out at least once a week until he went into hospital in April.

He is survived by Marilyn, three children from his earlier marriage, two step-children, eight grandchildren and two great-grandchildren. – **Association president Alan Martin, Auckland Regional Representative Sherryl Wilson and Britt's step-daughter Lisa Campbell**

Honoured by the King

Congratulations to the 11 Justices who appeared in this year’s King’s Birthday and Coronation Honours List. They are listed below, with their association membership in brackets.

Member of the New Zealand Order of Merit (MNZM)

- Dunsheath, Joy (Wellington)
For services to human rights, women and education
- Moeroa, Keni Upokotea (Mama Keni) (Otago)
For services to the Cook Islands community

Queen’s Service Medal (QSM)

- Barriball, Peggy Ann (Hauraki)
For services to the community
- Buchan, Dianne Joy (Di) (Central Districts)
For services to the community and environment
- Collier, Derek Boyd (Hauraki)

- For services to Fire and Emergency New Zealand and the community
- Correa, Ralph John (Northland)
For services to the Indian community
- Fortune, Anthony Louis (Tony) (West Coast)
For services to the community
- Gillard, Shirley Douglas (Waikato)
For services to the community
- Martin, Diane Frances (Bay of Plenty)
For services to the community
- Sharpe, Kirsty Jean (Otago)
For services to the community
- Te Au-Thomson, Marcia Rei (Southland)
For services to seniors, Māori and health

• **Space constraints preclude publishing the citations in full, but they can be found at <https://www.dpmc.govt.nz/publications/kings-birthday-and-coronation-honours-list-2023>**

Accreditation – keeping up to date

Accreditation is a way to ensure that you are up to date on Justice of the Peace practices. The on-line test consists of 50 questions based on information from the Ministerial Manual and ministerial tasks carried out by a Justice of the Peace.

Accreditation is a two-step process. Justices of the Peace need to attend a training session and pass the online exam to be accredited. Once you have completed both steps you will be accredited. If either of these components becomes older than two years, your Accreditation expires. The expiry date is two years from whichever of these two components was completed first.

When you are accredited a green tick will be visible on your “Find a JP” listing. This demonstrates to the public that you are up to date on your training.

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- Nineteen Eighty-Four author (6,6)

Helping

Expression of relief

Tasmanian capital

Fastened

Land projecting out into body of water

Lightbulb inventor

Became evident

Exceeds

Close friendship

Character references

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- Morally bad

Finger or thumb infection

Ended ways (anag)

Those prejudiced against aged persons

Three-year term

Accused person’s defence

Metal-bearing rock

Lettuce variety

- DOWN:
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- Wedge

Rotating assembly in a turbine

Arranged

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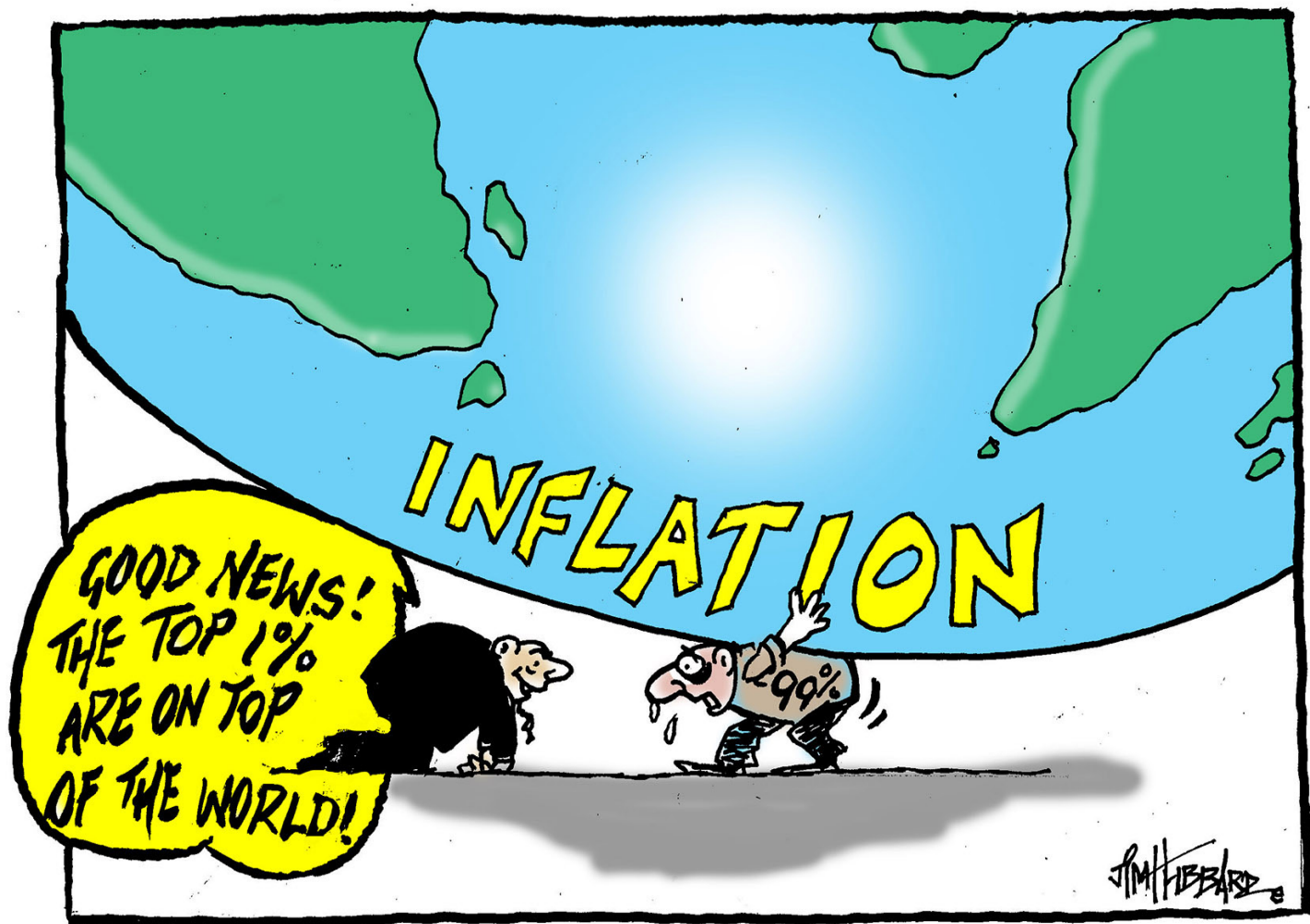
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Date

Full Name, JP
#88888

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Justice of the Peace for New Zealand

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that represents the named individual.....

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Date

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Justice of the Peace for New Zealand

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

Aston, Christine Constance, French Pass
 Bremner, Suzanne Margaret, Hastings
 Brown, Victoria Mary, Kaitaia
 Clifford, Tanya Rose, Christchurch
 Cooper, Te Huia Sally, Te Kao
 Donnelly, Catherine Fay, Blenheim
 El-Matary, Sameer Ibrahim, Lower Hutt
 Fry, Peter John, Christchurch
 Gamboa Salazar, Daniel Camilo, Porirua
 Gorrie, Tabettha Dawn, Auckland
 Grace, Patrick Robert, Wellington
 Green, David William, Levin
 Halverson, Matthew Hedden, Christchurch
 Hennessy, Patricia Raukura Pahemata, Levin
 Kakroo, Amit, Upper Hutt
 Kiriona, Toni Maree, Foxton
 Lategan, Amanda Sheila, Hastings
 Lehmann, Nadia, Opua
 Mani, Lowreen Anjana, Rolleston
 Ormsby, Ngarongo, Tauranga
 Patterson, Lynette Alexia, Masterton
 Sharifzai, Numan, Christchurch
 Silva, Yana Karyn, Pauanui Beach
 Skelton, Robyn Leslie, Rotorua
 Smith, Hazel Marie, Whangarei
 Smith, Maree Margaret, Rakaia
 Smith, Torrone Jae, Gore
 Syben, Thomas James, Wanaka
 Tait, Martine, Ashburton
 Taylor, Shane Noel, Rolleston
 Taylor, Francis de Porres, Levin
 Tomlin, Sharon Lesley, Havelock North
 Tuisaua, Mafa Tini Alosina, Levin
 Whisker, Annabel Mary, Bulls
 Xu, Tianyu, Wellington
 Yung, Judith Fown Jen, Otaki Beach

*Dated at Wellington
 this 11th day of April 2023
 Hon Dr Deborah Russell
 Associate Minister of Justice*

Baweja, Arjeet, Auckland
 Calvert, Raewyn Christine, Putaruru
 Chand, Navneel Nitesh, Auckland
 Chang, Peggy, Upper Hutt
 Davy, Gavin Norman, Greymouth
 Englebrechtsen, Anne Sharon, Whanganui
 Eunson, Lindsay Charles, Wyndham
 Faagalu, Naomi Saumaleula, Tokoroa
 Fa'atui, So'osemea, Auckland
 Hewinson, Sandra, Whangarei
 Howard, Victoria Margaret, Silverdale
 Joshi, Chetan, Auckland
 Kapoor, Prashant, Paihia
 Kumar, Sanjeev, Auckland
 Lal, Dhansukh, Auckland
 Lander, Richard Andrew, Auckland
 Mabin, Elizabeth Katurah, Drury
 Millage, Pamela Mary, Levin
 Ornsby, Elizabeth Jane, Christchurch
 Payne, Rhonda Suzanne, Seddon
 Qian, Feng, Palmerston North
 Richards, Nicholas John Reece, Wellington
 Sa'u, Aneterea Faimanifo, Lower Hutt
 Sandham, Simon Neal, Taupo
 Seymour, Mark Stuart, Atiamuri
 Siri, Sumana, Auckland
 Syben, Antoinetta Susanna Maria, Putaruru
 Talwar, Gurdeep Singh, Auckland
 Tiro, Temuna Korero, Tokoroa
 Uppal, Rahul, Auckland
 Ware, Helen Rosalyn, Katikati
 Wicks, Quinton Barry, Alexandra

*Dated at Wellington
 this 22nd day of May 2023
 Hon Dr Deborah Russell
 Associate Minister of Justice*

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.

Published by the Royal Federation of New Zealand Justices' Associations and designed by Word for Word, Titahi Bay.