



Justice Pieces

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1. From the President

Kia ora koutou

It has been an interesting year as we have faced and worked our way through the challenges of Covid and the Parliamentary grounds occupation with its impact on services and individuals. So I hope for all that we have a more peaceful year ahead on all fronts and we are able to continue to serve our community throughout 2023 without such distractions.

I thank you all for your contribution whether with services at home, on the service desks, helping with refreshments at Professional Development, out of hours with the Nominated Adult programme and the Issuing Officers work and our Judicial JPs supporting the Court. Thanks to all who are providing the extra over and contributing to the running of our Association.

We have a planning session in January and any feedback or input on what you feel we need to be focusing on would be welcome whether that be Professional Development targets or other activities. So what should our future look like and what should our priorities be?

Thank you to the Justice of the Peace who made a generous donation to the Association to fund our morning tea at the AGM. This was a very kind and thoughtful gift and is much appreciated. I think I can say that the AGM morning tea was very successful and very tasty.

With all good wishes for Christmas and a Happy New Year.

Ngā manaakitanga

Ann Clark JP



2. Wellington JP Association Council 2023

At the Annual General Meeting on 29 October, Sudesh Wasoori was elected as Treasurer for a further year and Helen Climo was elected as Vice President for a year. The Council vacancies were filled by Tyler Dunkel, Iride McCloy, Caroline Ludford and Carolyn Marshall. Juping Zhou and Audrey Fell-Smith have a further year to serve as Council Members. Duane Williams has a further year as Past President. Ann Clark is President for a further year as she was appointed for two years at the AGM 2021.

At the first Council meeting on 17 November, the following appointments were made: Maureen Pratchett as Registrar, Caroline Ludford as Court Panel Manager, Audrey Fell-Smith as Chair of the Operations and Services Committee, Tyler Dunkel as Chair of the Marketing and Communications Committee, Carolyn Marshall as Chair of the Professional Development Committee supported by Audrey Fell-Smith, Caroline Ludford - Judicial Educator, Norm Cook supported by Maurice Foote - Issuing Officer Trainer, and Ann Clark - Initial Trainer and New JP Group Lead.

Subsequently Lisa Beighton has kindly agreed to take on the role of Judicial Assessor for the second year. Lead on Te Ao Māori is Ann Clark supported by Helen Climo.

President:	Ann Clark
Immediate Past President:	Duane Williams
Vice President:	Helen Climo
Registrar:	Maureen Pratchett
Treasurer:	Sudesh Wasoori
Council members:	Audrey Fell-Smith
	Caroline Ludford
	Carolyn Marshall
	Iride McCloy
	Juping Zhou
	Tyler Dunkel



3. National President's Address at AGM

The Wellington Justices of the Peace Association Annual General Meeting was addressed by the National President of the Royal Federation. He addressed the meeting on a number of topics and last year's conference remits.

The three regions all supported in-person regional meetings rather than Zoom meetings. There has been an action plan developed on the Federal Structure review which was heavily dependent on funding which is not forthcoming. For 2022 it was agreed that Ministerial and Judicial Trainers should meet online, and this has been completed with varying degrees of success. This process is subject to review for suitability to continue. There are now two Professional Development staff in the RF office and a funding bid has been made to cover inflation and this extra resource

Accreditation continues with over 50% across NZ. Note Wellington is only 42% accredited. The Board has advocated to the Minister for a limited tenure model for Justices of the Peace.

Seeking more Justices of the Peace, the Minister has written to all MPs suggesting they liaise with their Associations over candidate referrals and reminding MPs of what is required in the roll, looking at:

- ethnicity
- gender
- the referral's community needs
- technology skills
- availability

4. Our Service Desks and their Volunteers

We operate Service Desks at 14 locations in the Wellington region, and this is the time to give a huge thanks to the volunteers who offer their services on a regular or intermittent basis to this most valuable and appreciated (by your Association and the public) service.

During the year, 17,000 clients were served and nearly 54,000 documents were processed.

We are always looking for new volunteers so if you think this might be of interest, please contact Maureen at registrar@jpwelington.org.nz. We do need you to be accredited but if you are not, don't let this be a barrier as we will guide and support you through this process.

In particular, if you live in the Porirua area, we need more people to allow us to continue a 5-day service at that location so please give this some consideration.

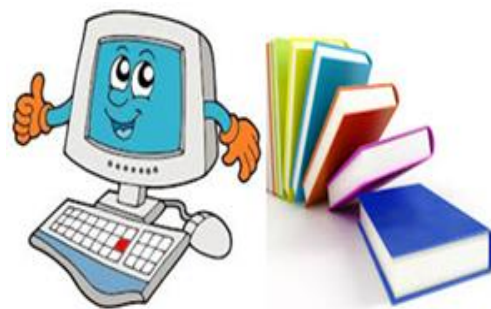


5. Ministerial Professional Development

Carolyn Marshall is the newly elected Council member for the Wellington Justices of the Peace Association, and Chair of the Professional Development Committee.

The Training Team is currently organising the Training Programme for 2023 and can give you the dates for the first part of the 2023 year so you can log these in your diaries. The training topics and venues are to be confirmed, and will be available in the next issue of Justice Pieces as well as being emailed to members 2 weeks before each session.

4 March 2023	Wellington, 9-30am
11 April 2023	Wellington, 5-30pm
13 May 2023	Kapiti, 9-30am



Any suggestions for Training Topics are welcome, so don't hesitate to contact Carolyn by email: carolyn.marshall@outlook.co.nz.

6. The Next Judicial Justice Studies Course

The next Judicial Justice Studies course commences on Monday 3 April 2023.

Expressions of interest are required at your earliest convenience and no later than Monday 9 January 2023.

Please also note that we may be able to help with the fee should you require.

Interviews will be conducted the week commencing Monday 23 January 2023 following which the Royal Federation will conduct further interviews for selection onto the course.

Any person who is interested in becoming a Judicial JP or wants further information, please contact Caroline Ludford JP, Court Panel Manager at caroline_ludford@hotmail.com or 021 958 404.

7. Our Newest Justices of the Peace

We were delighted to finally get the swearing in complete on 17 November for four new Justices of the Peace with His Honour Judge Becroft presiding. We had a full court room as we were joined by family members and supporters, Court Management, and the Royal Federation team. It was a particular pleasure to welcome retired JP Alison Johnston whose daughter Sharon was sworn in.

Judge Becroft spoke of our history as Justices of the Peace and the importance of our role in maintaining civil society.

Anna Pendergrast is a writer and strategist and co-lead at Antistatic, a communications and research consultancy that focuses on issues around digital technology and the environment. She also volunteers with the Comms collective that helps not for profit organisations with their communications. She is located in Brooklyn and also volunteers at CAB Wellington Central.

Jane Von Dadelszen has had a long career in the public service and now has several directorships. Jane is a volunteer mentor for the First Foundation and provides voluntary strategy advice to Zealandia wildlife sanctuary. She is based in Hataitai.

Sharon Johnston is the daughter of recently retired JP Alison Johnston and works for New Zealand Police in a non-sworn capacity in the role of Lead – Community Inclusion, at Police National Headquarters, working with the Rainbow, disabled and older people communities with a focus on reducing crime and victimisation. She is located in Seatoun.

Tyler Dunkel hails from California and has recently become a New Zealand Citizen. He is based in Hataitai and works on regional economic development agency supporting Wellington businesses to thrive. Outside of work he is active in the Rainbow Community and volunteers with the Compassion Soup Kitchen.

From left to right:

Anna Pendergrast, Jane Von Dadelszen, Sharon Johnston & her Mum Alison Johnston and Tyler Dunkel photographed with his Honour Judge Becroft



Congratulations from the Wellington Justices of the Peace Association on your appointment and welcome to our Association!



8. Passports Legality

A recent STUFF article featured Maria Robertson's (Deputy Chief Executive Department of Internal Affairs) comments on validity of passports. She reminded people that damaged, expired passports and those with less than 6 months to run on their passport are unlikely to be suitable for travel purposes. The article went on to cover signing of passports and she confirmed they are not legal if not signed. See Page 4 of the NZ passport for requirements in Te reo and Page 5 for requirements in English. Bullet Point 2 is the one which states the passport must be signed with signature space on Page 3, unless the person is unable to do so and is under 10.

With the Anti-Money Laundering and Counter Financing of Terrorism (AML) requirements, many clients are seeking certification of copies of their passports. An extraordinary percentage have not signed their passports and say things like "having travelled all over and no one has asked for it be signed". Well, most borders are electronic and they read the embedded chip. A certified copy for a financial matter is most likely to be wanting details of the person, the signature and the photograph with many agencies asking for us to say it is a true likeness of the person in front of us.

It is good practice to always ask if the copy is for a financial transaction and then if it is, ask what words the agency requires. If your client does not know, suggest they ask the agency. We can try and guess the required wording but there will be the strong possibility of a return trip to the JP. If not you, it could be someone else. The National President noted at the AGM that AML certification was the biggest area of complaints on JP services.

9. Affidavit of Service

Some Court staff have rejected affidavits of service taken by Justices of the Peace because of a technicality in that Justices of the Peace are not mentioned in the High Court Rules as being able to take this Affidavit.

Despite Justices of the Peace not being mentioned in Form G 16 of the High Court Rules, authority to take affidavits is conferred by rules 9.75 of the District Court Rules 2014, and 9.85 of the High Court Rules. These rules state that an affidavit in New Zealand can be sworn before a lawyer, Registrar, or a Justice of the Peace. So, this is one of those splendid pieces of regulation where left hand and right hand do not recognise each other. You CAN sign Affidavits of Service as a Justice of the Peace even though you are not mentioned as being authorised to do this in the High Court rules.

10. Clarification to Instructions for Completing Marriage Dissolution Forms

Ann Clark and Audrey-Fell Smith recently attended a National Trainers Seminar hosted by Royal Federation trainers Simone and Shinae. The major issue of contention among associations was the interpretation and acceptability of certain items when processing Marriage Dissolution forms. In order for all associations to operate similarly, Simone has provided the following clarifications:

1. Date the affidavit is taken

Paragraph 6 of the affidavit states:

We will, at the time of filing the application, have been living apart for the period of 2 years immediately preceding the filing of this application.

Associations had different interpretations as to whether the affidavit can be signed prior to the two-year period lapsing.

The Ministry of Justice's Central Processing Unit (CPU) who is responsible for processing dissolution applications have advised as follows:

The application and affidavit can be completed prior to the 2-year period but it is not to be filed with the court until the 2 years have lapsed.

The CPU have also advised that there are no timeframes for filing an application in terms of when it was signed.

It is not uncommon for parties to a dissolution to want to be organised with their documents prior to the mandatory 2-year separation lapsing. By organising the documents beforehand, they will be able to file the application at the earliest opportunity rather than having to arrange for the documents to be completed after the 2 years have passed thus delaying the process.

So you should assist with a Dissolution if it is brought to you before the 2-year separation period is completed.

2. The Yellow G7 form

In the past, we were advised that the Courts would not accept the Dissolution documents if the G7 form was not on yellow paper. However, the CPU have now advised that the G7 form can be presented on any colour paper.

If you execute a Dissolution and subsequently you are advised that it was rejected because a different interpretation of these points was taken when it was processed, please let your Association (Registrar or one of the trainers) know so we can follow up.

11. Private Citizenship Ceremonies



In addition to citizenship ceremonies conducted by our local mayors, justices are sometimes called upon to conduct private citizenship ceremonies. These private ceremonies are approved by the Minister of Internal Affairs only in certain situations.

Past President, Kath Blair JP, recently conducted such a ceremony in Paraparaumu and said it was an emotional and special day for our three new citizens and was a highlight for her. The Kapiti Coast District Council generously made the Council Chamber available to add solemnity to the occasion.

The ceremony itself was brief with the new citizens making an affirmation of allegiance before being presented with their certificates by Kath.

12. Conference 2023

Conference 2023 will be hosted by Southland in Invercargill on Saturday 11 March and Sunday 12 March 2023, finishing around 12:30pm. The Royal Federation AGM will be held on the day before, Friday 10 March commencing at 1pm.

In view of the costs involved, Council has decided only one delegate will attend and be funded. Any member can of course attend if they fund themselves. Contact Ann Clark for *a registration form*.

13. Issuing Officer's Role

There has been a lot of confusion and discussion about the Issuing Officer's role so Maurice Foote clarifies the role and appointment process:

Issuing Officers (IO) are appointed by the Attorney-General under Section 108 (1) of the Search and Surveillance Act 2012 for a period of 3 years. Each IO is assigned a unique number which is only known by the IO and the Ministry of Justice. Our Association has 21 IO's with 5 in Kapiti, 8 in Porirua/Tawa and 8 in the Wellington area.

IO's are responsible for issuing Search Warrants, Production Orders, Place of Safety Warrants as well as Seize and Impound Vehicle Warrants. The application for the warrants is made by enforcement agencies such as the Police, SPCA, Local Body Councils, Customs, Immigration, Oranga Tamariki to mention a few. All these agencies have legislated powers to seek warrants under the various Acts of Parliament that they are responsible for.

There are a number of methods that a warrant can be sought. Most warrants are applied for in written form and are mainly for the recovery of evidence. Oral applications for warrants are becoming more common as the Police have had a number of Warrantless Search cases dismissed by the Courts. Oral applications are generally made by

phone calls where the IO makes notes on a templated form of the information provided by the applicant. An example of an oral application is where the applicant has gone to an address to locate an item or person and notices items that have been stolen or drugs. They cannot uplift those items as that is not the reason they were in the premises for. They must apply for an oral application for the search warrant.

Production Orders are where the applicant requires details or information that is held by an outside agency. Examples include mobile telephone data, bank account details and salary and wage details.

Place of Safety Warrants are applied for where Oranga Tamariki needs to uplift a child. An IO can only deal with these where the Court has been unable to contact a Judge.

A warrant to seize and impound a vehicle is applied for when, for example, a driver has failed to stop for red and blue lights and siren, and has driven onto private property.

An Issuing Officer will receive a call from the agency seeking a Warrant at any time of the day or night. The agency will bring a written application which sets out all of the details of the offence as well as a list of the evidence items they are seeking. The IO has the power to grant or refuse the application if they are not satisfied there is sufficient evidence provided. IO's are independent of the process, thereby protecting the rights of the individual who is the subject of the application.

IO's are required to attend a training session every 18 months but the Wellington ones have had 2 sessions already this year as a result of the increase in oral applications.

Becoming and remaining an Issuing Officer

At the end of the three-year appointment term, existing Issuing Officers are asked if they wish to continue. If the answer is yes, the outcome is by no means guaranteed. The Association supplies their view and in consultation with stakeholders will make a recommendation or otherwise to the Royal Federation. The Royal Federation then supplies possible nominations to the Ministry of Justice who do their own research on such as media presence. Recommendations are made for appointment by the Ministry to the Attorney General. The Association regularly reviews coverage and workloads and will seek expressions of interest if additions are needed. There is study required and an online test and, then if successful the application is passed through the Royal Federation to the Ministry of Justice for their process. If there are retirements or departures due to ill health or moving from the district, the Association can seek additional expressions of interest out of cycle.

if anyone who lives in central Wellington is interested in being an IO, please contact President Ann Clark.

14. Notarising Documents

With the borders opening, we see an increase in clients wanting documents "notarised".

You all know we are not Notaries Public. They are a special kind of lawyers and they charge for their services. So, if a client presents a form to be witnessed and it says they must be a Notary Public, you need to point out that is not a role you hold. However, if the client is certain that a Justice of the Peace will do, proceed in the usual way. Just make a note in your book that the form required a Notary and you clarified your status to the client that you were not a Notary.

Some clients are very determined that you are the person to assist with the completion of the form and your job is to point out the risks. In some jurisdictions, a person can be both a Justice of the Peace and a Notary Public. So, your client may be framing their request in the understanding of their country of origin, rather than understanding the position in NZ. So it can be an exercise in patience.

15. Life Membership – Martyn Turner

With the approval of the Annual General Meeting, Martyn Turner was appointed a Life Member of the Wellington Justices of the Peace Association. Martyn has served and continues to serve as a Ministerial JP, a Judicial JP and an Issuing Officer. He has also contributed to the Association with ten years as Registrar, a period as Vice President and 2 years as President and then past President. He was presented with a Certificate of Life Membership of Wellington Justices of the Peace Association, a small gift and flowers for his partner, Joan. He was both surprised and delighted to be appointed as a Life Member and much appreciates this recognition of his service.



Martyn receiving his certificate and flowers for his partner, Joan



Martyn pictured with long term members Dr Sudesh Wasoori and Ratil Champaneri QSM

"While I'm sure there are others more deserving than me, I'm honoured to be granted Life Membership of the Wellington JP Association" Martyn said. **Congratulations, Martyn!**

16. Long Service Recognition

Geoffrey John Davies – 30 years of JP service



At Wellington's Annual General Meeting, Geoff (on the right) was presented with his 30-Year Certificate of Appreciation by Peter Osborne, National President of Royal Federation of NZ Justices' Associations.

Gillian Cross

Gillian stood down from Council as Treasurer after 9 years of service in the role and one year as Vice President. We presented her with flowers to say thank-you for all her efforts which included the establishment of the Xero system to manage the accounts, the advent of the Charities Commission reporting and her quiet wisdom at Council meetings. Thank you, Gillian, more time for the tennis now!



17. Porirua Christmas Mayoral Reception

Our special thanks to Her Worship the Mayor of Porirua, Anita Baker JP, for again hosting their JP Mayoral Reception in the Helen Smith Room at Pataka on Wednesday 14 December 2022 and to all those Justices of the Peace, their partners or family members who were able to attend. A night of good company, fine food, excellent refreshments and a wonderful end to our challenging Covid-19 year.

