



Justice Pieces

Issue 80 December 2023

<p>President: Carolyn Marshall 021 684 480 carolyn.marshall@jpwellington.org.nz</p>	<p>www.jpwellington.org.nz www.facebook.com/jpswellington</p>	<p>Registrar: Maureen Pratchett 021 524 574 registrar@jpwellington.org.nz</p>
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1. From the President

Kia ora koutou,

Assuming the role of the incoming President of the Wellington Justices of the Peace Association is both a privilege and an honour. I look forward to collaborating with the Wellington Council, especially as we welcome new members to our team and greet those returning.

I want to take this moment to express my sincere thanks to our outgoing President, Ann Clark, for her invaluable contributions to our Association. We have a strong foundation to plan and build upon for the upcoming two years and beyond. Ann, your hard work has been greatly appreciated.

Looking back at our Annual General Meeting in October, it was a time to reflect on our accomplishments and experiences as Justices of the Peace. Thank you to everyone who attended, and a big thank you for the generous donation from a fellow Justice of the Peace that enabled us to host morning tea following the meeting.

Our volunteer efforts within the community do not go unnoticed. We frequently receive recognition from members of the public who commend the outstanding service we provide. Justices of the Peace can be found at Service Desks in libraries and community centres, actively participate in the Nominated Adult Programme, and serve as Issuing Officers and Judicial JPs. Additionally, there are JPs who contribute to our professional development sessions.

The Christmas season is fast approaching so I will take this opportunity to wish each and every one of you a safe and happy Christmas, and an equally safe and happy New Year.

Let us continue our valued service to the community.

Noho ora mai
Carolyn Marshall, JP



2. Professional Development

Please put in your diary the dates of the first three PD events in 2024:

- Saturday March 9, Wellington
- Tuesday April 9, Wellington
- Saturday May 18, Kāpiti

Specific venues and the topic for these sessions will be made available in the February 2024 edition of Justice Pieces.

And don't forget that the complete annual schedule can be found after you log into our Association website.

Suggestions for training topics are always welcome. Please contact Carolyn at carolyn.marshall@jpwellington.org.nz with any of your ideas.

The role on the Council of Professional Development team leader is currently vacant. If any of our members would like to contribute to this role we would love to hear from you and we will be seeking formal expressions of interest in February.



3. Wellington JP Association AGM 2024

The Annual General Meeting was held on 28 October 2023 and attended by 31 people. Carolyn Marshall was elected as President for the next two years, and Tyler Dunkel was elected as Treasurer. The Council vacancies were filled by Caroline Ludford, Juping Zhou, Audrey Fell-Smith, and Tim Price-Walker. Ann Clark is Past President for the next two years, replacing Duane Williams.



President:
Immediate Past President
Vice President
Registrar
Treasurer
Council Members

Carolyn Marshall
 Ann Clark
 Position Vacant
 Maureen Pratchett
 Tyler Dunkel
 Audrey Fell-Smith
 Caroline Ludford
 Tim Price-Walker
 Juping Zhou

4. Duane Williams JP



Ann Clark JP presented to Duane Williams JP a gift certificate at the AGM to thank him for all his work for the Association, firstly as a Council member, then leading the Marketing and Communications Committee, as Vice President, then President and has now concluded his service as Past President. Our thanks to him for his tireless work over challenging times including Covid.



5. Joining the Law Society and Admission to the Bar

The application for admission to the NZ bar involves the candidate submitting an LA1 Form and LA2 Form as well as certification of various other documents such as the candidate's passport or birth certificate and academic transcript. The LA2 form is an affidavit which is often brought to a JP.

When you certify documents for this purpose, do check if there are any specific wording requirements.

And when you take the affidavit do check that all the wording (including the jurat) is consistent in terms of whether the candidate swears or affirms. This, of course, should be done for all affidavits.

6. Ordinary Power of Attorney vs Enduring Power of Attorney

Ordinary Power of Attorney (POA)

Clients often present with documents that do not require a JP to witness. The main ones are the Powers of Attorney that clients need to send overseas to enable others to carry out specified transactions on their behalf.

Section 4.4.1.1. of our JP manual states that JPs never witness signatures on these documents in their capacity as a JP.



Any person, other than the donor or attorney, may act as a witness for an ordinary power of attorney. The donor and the attorney must have different witnesses. Justices of the Peace may witness the donor or the attorney's signature (but not both). You simply witness the donor or attorney's signature in the usual way. A Justice has no further duties and does not give any advice of any kind. Because this witnessing is not carried out as a Justice of the Peace, do not write 'JP' after your name.

If a client insists that they need "attestation" by a JP, please direct them back to their embassy or High Commission or a Notary Public.

Enduring Power of Attorney (EPA)

An EPA has two signatures that must be witnessed – that of the Donor (the person who is giving their power to someone else) and the Attorney (the person to whom the power is being given).

Section 4.4.2.1 of our manual states that a JP cannot witness a Donor's signature as the client must have legal advice to carry this out.

A Justice of the Peace cannot witness a donor's signature on an Enduring Power of Attorney document. Only a lawyer, a qualified legal executive or an authorised officer of a trustee corporation who is independent of the attorney can witness a donor's signature. The witness to the donor's signature must give the donor legal advice and complete a certificate of witness before signing.

You can witness the Attorney's signature but must not use JP after your name (as stated in section 4.4.1.1).



7. AML and CFT Identity Verification



ALWAYS – ask the client what the certification is for. The client generally is not aware that JPs need to certify ID documents in a specific way to comply with the requirements of the receiving agency. Always assume that the client has no idea about AML-CFT requirements.

And to reiterate... just because we have stamps that have wording that says pretty well the same thing, we must write what the receiving agency wants. JPs must follow the instructions on the form/application.

Two documents were returned recently where one had the requirements on the front page bottom right-hand corner. The client only gave JP the back pages and consequently the certification was incorrect. Best practice is asking to see the whole form and see if you can find often inconveniently located instructions and

act accordingly or ask the client what instructions they have received. The other document had a page missing and that was the certification instructions and was found on the web eventually.

8. Section 162 Corrections Act

A JP recently asked about visiting one of the local prisons leaving an impression that they often dropped in. There is a provision in the Corrections Act which gives Justices of the Peace the authority to visit prisons. The [section](#) of the Act is reproduced below. Visiting a prison should be undertaken with careful regard to the purpose of the visit, and, unless specific circumstances indicate otherwise, the visit should be coordinated in advance with the prison. Arriving without an appointment may be unnecessarily disruptive to the prison routine and is likely to detract from the true purpose of the visit. From time to time, Justices of the Peace are asked to attend a prison by someone else – a family member or solicitor of the prisoner concerned, for example. If you require guidance in this area, please contact the Registrar or President, or the Royal Federation.

Should you be asked, or decide you want to visit a prison in your capacity as a JP (and you are not a person formally appointed as a Visiting Justice) you should raise this with the Registrar or President of our Association, and they will discuss this with the Royal Federation. You should not just arrive unannounced and ask for admission.

At all times the provisions in Act must be adhered to.

Right of Justice of the Peace to visit prison

- (1) A Justice of the Peace usually resident in the locality or place where a prison is located may, at all reasonable times, enter that prison and examine the prison and the condition of the prisoners, and may inform the prison manager of his or her observations.
- (2) The prison manager must ensure that any observations of a Justice of the Peace are recorded and that a permanent record of those observations is kept at the prison.
- (3) A Justice of the Peace is not entitled, under subsection (1), to communicate with any prisoner except in relation to —
 - (a) his or her treatment in the prison
 - (b) a complaint that the prisoner makes about that treatment.

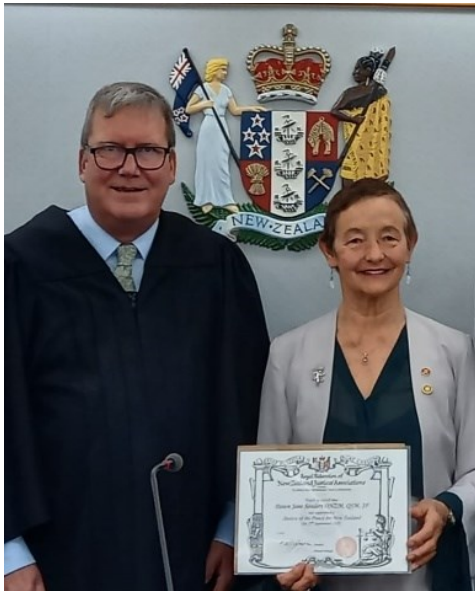


9. Police Vetting

Often people going into teaching, childcare or social work are required to carry out a Police vetting. This process can be done online or using a paper form, and needs to include various certified documents.

The current vetting process requires two certified copies of ID of which one must be photographic. If you are presented with the form and you have read the form (you should always do this!) you will see this stated in the instructions. If the client is completing the main form online and just wants to get the JP to certify their identity document, you may not know this. But best practice is to ask the client the purpose the certified identity document is being used for. While it is not necessary for the JP to know the requirements of all the processes that receiving agencies require, if you are given just one identity document to certify, you can advise your client that as far as you are aware the vetting process requires 2 identify documents.

10. Our Newest Justice of the Peace



We introduced our new JP, Dawn Sanders ONZM QSM, to His Honour Judge Black at a lovely swearing-in ceremony on 20th November 2023.

Dawn is a New Zealand theatre scholar and the founder and current CEO of the Shakespeare's Globe Centre New Zealand. She received the 2006 Sam Wanamaker Award for her foundation of this centre.

In the 1992 New Year Honours, Dawn was awarded the Queen's Service Medal for community service.

In the 2013 Queen's Birthday Honours, she was appointed an Officer of the New Zealand Order of Merit for services to theatre.

She has been a finalist Next Woman of Year, a finalist Women of Influence, a NZ Board Director Trinity College London and President Port Nicholson Rotary. She is a Sapphire Paul Harris Fellow (Rotary).

Dawn serves on community trusts and organisations, enjoys mentoring, and loves 'kick-starting' young people.

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

11. Judge Black Presentation to Judicial Justices

In addition to the swearing-in ceremony, His Honour Judge Black attended the end-of-year training session for the Judicial Justices held at the Wellington District Court. He answered questions and clarified issues about situations that the Judicial JPs face while sitting in the District Court. He also thanked the Judicial team for their continued hard work.



12. Conference registration

The 2024 National Conference is scheduled to take place from Friday, 1st March to Sunday, 3rd March at the James Cook Grand Chancellor Hotel in Wellington. This Conference marks the 96th Annual Conference and AGM.

Any Association member is welcome to attend by self-funding their participation. For those interested, please contact Carolyn Marshall to obtain a registration form at carolyn.marshall@jpwellington.org.nz.

13. Questionnaire on JP Services Performed Outside Service Desks

In October, a number of our JPs provided input to a survey seeking to quantify the number of JP services that are carried out privately (i.e. not at a Service Desk) in our region. Private JP services are not typically counted as there is no requirement for JPs to report these services.

The survey received 84 responses, revealing that a total of 2,400 clients were assisted by our Justices and that 6,500 documents were processed.

Comparatively, during the same period from July to September 2023, the Service Desks processed a total of 15,338 documents. The data thus shows that there are nearly an equal number of services performed privately as are performed at Service Desks.

We think this is a very useful piece of information to know when we are dealing with Government agencies who request information from us to assess the value that JPs provide to the community.

Thank you to everyone who provided input.

14. Porirua Christmas Mayoral Function



Our special thanks to Her Worship the Mayor of Porirua, Anita Baker JP, for hosting the JP Mayoral Function in the Pataka Museum on Wednesday 6th December 2023 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 the year.

From left to right in the picture: Maureen Pratchett - Registrar, Audrey Fell-Smith - Council Member, Anita Baker - Mayor of Porirua and Janet Holborow - Mayor of Kāpiti Coast who also joined the function.



15. Retirements

Neil Booth

Neil Booth receiving his JP Retired certificate and lapel pin.

Neil has been a JP for over 30 years. He was a principal at a number of Hutt Valley schools and became a JP to be able to satisfy the numerous requests from pupils and staff.



Joslyn Tjeerd

Joslyn lives in Village on the Park and enjoys a chat about JP work. Joslyn has motor neurone disease. With her head movement, Joslyn can manage her technology to keep up with emails and JP news which she loves receiving. She has not been well but remains very cheerful.



Doug Marsh

As Honorary Consul for the Republic of South Korea, Doug became a JP with the encouragement of Gerry Brownlee to process Korean students' documentation. Apparently, the students had a penchant for breaking the law by driving expensive cars late at night across town, and Doug recounts being woken at night by Police to help mediate between the (usually contrite at that point) student, principal, parents and police.



MERRY CHRISTMAS
and Happy New Year

