



## WELLINGTON JUSTICES OF THE PEACE ASSOCIATION INCORPORATED

### Ministerial Professional Development Practice Note

Topic: Client Scenarios For Discussion Groups

Date: Jun/Jul/Aug 2025

The following describes some scenarios that Ministerial JPs could face, and asks what the appropriate actions are to meet the client's needs. These situations are adapted from real experiences encountered by JPs.

Work in groups to discuss and agree what you consider is the most appropriate course of action, bear in mind that these scenarios are not necessarily straight forward and that there may be more than one best response. So consider carefully the situations you are being presented with. You should take 5-6 minutes to discuss each of the four scenarios and arrive at a group agreed solution. Suggested solutions will be provided after the plenary discussion.

The scenarios are designed to make you think about :

- how to do the best for your client and achieve a service outcome without giving advice outside your remit as a Ministerial JP.
- when to decline to provide the service requested.

### Client Scenario One

A client presents to you, explaining that they are in an emergency situation, in that they are without photo ID to access rented accommodation. This has arisen because the day after they recently returned from overseas they became the victim of a street robbery that resulted in the loss of passport, driving licence and all other accepted forms of photo ID which they were carrying. How can you help them?

Suggested:

- *A Statutory Declaration has previously been proven to work with this type of scenario.*
- *The client can declare their identity by stating in a Statutory Declaration their name, their date of birth, and attaching a current photo (as an Exhibit to the Declaration).*
- *Some agencies, such as Women's refuge or the Downtown Community Ministry, may be able to assist with photos.*
- *If at all possible and practical the client could strengthen the declaration by obtaining a copy of a birth certificate from [govt.nz/bdm](http://govt.nz/bdm), or if known, from the local registry where the birth was registered. This should then be attached to the Statutory Declaration, with the current photo as an additional Exhibit.*
- *A JP can then take the Statutory Declaration in the usual way.*

References:

MM P11, 2.3.1,  
MM P46, 5.2

## Client Scenario Two

Although unusual it has happened, that someone presents themselves at a routine service desk, seeking the signing of a production order. What can you do? What should you do?

Suggested:

- *Production orders are issued under the Search and Surveillance Act 2012.*
- *This duty can only be completed by an Issuing Officer with a valid warrant (ie whose term of appointment has not expired). Issuing Officers have had special training and have been gazetted as appointed to that role for a term of three years.*
- *Issuing Officers can come from any walk of life and, though most are also JPs, they do not have to be.*
- *If you are not an Issuing officer, you or your client should refer to the Association President, or Registrar, or the nearest Court, to locate a current Issuing Officer in your region that can execute this service.*
- *Even if you are an Issuing Officer, this may not be an appropriate service for delivery at a busy Service Desk, it is rather recommended to make an appointment to see this particular client outside Service Desk hours.*

**Important Note:** *if you do sign, and you are not a warranted Issuing Officer, and the client subsequently acts on that signature, there is very significant, and probable risk, that any evidence obtained, will be ultra vires and therefore unusable. This will almost certainly result in a failed prosecution.*

References.

*Search and Surveillance Act 2012,  
MM P78, 7.4*

## Client Scenario Three

You are called at home for an appointment to execute an Affidavit of Service. You agree on the appointment. What does your checklist of action look like to administer this service?

Suggested

- *Check the identification of the client.*
- *Does the wording meet the required correct format for an Affidavit.*
- *Is all the required information there?*
- *Confirm that it was the client who actually served the papers.\* and*
- *Confirm that they were served on a permitted day (i.e. not served on a Sunday, Christmas day, New Year's day, Good Friday or Anzac day)*

**Important Notes\***

- *The Affidavit of Service only applies in the case of sole applicants and it must be served by a third party, not the sole applicant.*
- *If the person serving the document did not get a signature or know the client personally, then a photo of the person on whom the papers are served **must** be attached as Exhibit C.*
- *Papers can be served by laying them at the feet of the person and taking a photo to provide evidence of the serve.*

- Affidavits of service are often, mistakenly, completed in error by the applicant for the dissolution who cannot serve the papers.
- The confirmation of the client identity here is therefore doubly important.
- The client (in this instance the signatory to the Affidavit) **is not** the original applicant for the dissolution, but the person (third party) who served the papers on behalf of the applicant for dissolution.

*References:*

*MM P72, 6.12.6*

## Client Scenario Four

A client calls you to make an appointment saying that they are required to provide proof of their date of birth for AML requirements. They inform you that they have managed to get their mum in the UK to send, attached to an email, a copy of their birth certificate. They also tell you that although they were born in Melbourne they have since achieved NZ Citizenship however they do not have a passport or a driver's license. What might you tell them before agreeing to the appointment and what will you do when they eventually come to you.

**Suggested**

- First get the client to check with the recipient agency (e.g the Bank) if a downloaded copy of the birth certificate with a cover Statutory Declaration, will be acceptable.
- Ask them to bring, to the appointment, a printed copy of the birth certificate which was attached to the email.
- If it is confirmed as acceptable to the receiving agency, proceed to certify the electronic downloaded copy, using the standard wording for an electronic copy certification.
- Finally complete the statutory declaration and attach the certified copy as an Exhibit.
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**Note:** the agency may inform the client that this approach is not acceptable, then the client should obtain their NZ Citizenship documentation, an original of their birth certificate, from [govt.nz/bdm](http://govt.nz/bdm), or if known, from the local registry where the birth was registered, or a NZ Driver's License.

*References:*

*Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (AML/CFT Act)*

*MM P26, 3.3*

*Justice Quarterly Education Pages on AML:*

*Apr 2018, Oct 2018,*

*Apr 2019,*

*Jul 2020,*

*Oct 2021,*

*Jul 2022*

*Jun 2023, Oct 2023*