

# Justices'

QUARTERLY

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FIAT JUSTITIA  
RUAT CAELUM

## Conference 2020: Heading for Hawera



# Welcome to 2020

*Ngā mihi o te tau hou ki a koutou katoa:*  
Greetings of the New Year to all.

The sun has now set on 2019 and the calendar has rolled over to another number as we welcome the New Year.

Just as endings are inevitable – a year ends, leaves fall, you close a book – so too are new beginnings inevitable. Although not being particularly fond of some endings, such as the last day of summer or the final chapter of a good book, I find being open to embracing new beginnings such as the dawn of a new year is incredibly exhilarating, as they tend to be alive with opportunities.

How wonderful then that the 92nd Royal Federation AGM/Conference will run with the theme "Alive with Opportunity". The Conference is shaping up as an interesting and enjoyable one, with new and exciting changes to the programme format, an excellent line-up of guest speakers and a range of thought-provoking, interactive workshops. The South Taranaki association organising committee is carrying out all the groundwork to ensure that Conference is engaging and socially enjoyable. We look forward to seeing you at the end of February in Hawera.

This year there are three remits submitted by associations for consideration at the AGM. These appear elsewhere in this issue, along with the results of the Regional Representative voting. An election will be held at conference for Vice-President.

At Conference Denise Hutchins concludes her time on the Board. I take this opportunity to place on record our deep respect and heartfelt appreciation to Denise for her service to the Federation. She has been instrumental in ensuring the Federation has a strong strategic focus, in addition to being a strong advocate for service desks, and a leader and careful steward of the Federation during a time of significant project work and changes in staff.

Conference 2020 will also be where I sign off as President and in doing so it will be a privilege to present a summary of what has been accomplished during the 2019-2020 year in the Annual Report. However, I take this opportunity to thank Board members for their time, expertise, support and hard work to ensure prudent governance of the Federation. I am proud of what we have achieved, and I say we because it takes a genuine team effort to ensure the organisation does not stand still in terms of maintaining our relevance as Justices of the Peace, which is critical if we are to continue to achieve excellence in accessible justice services, such a fundamental tenet of a civilised society.

Our society is not a static environment. The pace of change is rapid, and it's increasing, and if we are to remain relevant we need to keep up, we need to be in a position to meet change and take the opportunities that change presents. We must continue to lift our gaze and build on progress.

Being, as I am, prone to drawing analogies, consider if you will that if we look from an angle where consumerism underpins a great deal of how today's world works, then the basic equation is the buyer and the seller. More than likely, what draws you to a seller is value and engagement in service. The flip side of that, and what draws you away from a seller, is poor service and low-quality goods. By applying that same logic to what we do as Justices of the Peace in providing an important service to the community, then our priority must



**Federation President  
Rachael O'Grady**

be enhancing competency for all Justices and ensuring our systems and processes are relevant. We need to be progressive in the way we discharge our collective responsibility to serve the New Zealand public. To that end I wish the newly elected Board every success in carrying on the good work on our behalf.

As reported at the 2019 association AGMs, collaboration is central to the Board's work, along with the Federation's commitment to building on its service delivery, maintaining our relevance as Justices of the Peace and about being sharp in our practice through ongoing education. These have been focus areas for our discussions with key stakeholders, and other agencies. Since reporting on progress in those discussions at the AGMs I am pleased to report here that in

November National Manager Tony Pugh and I were most fortunate to have had the opportunity to meet with two key judicial appointees, the newly appointed Chief District Court Judge, Judge Heemi Taumaunu, and Chief Justice Dame Helen Winkelmann. We appreciated the opportunity to welcome Chief Judge Taumaunu to his new role and to discuss significant aspects of the Justice of the Peace role.

Also in November, the 2019 Judicial Studies Course concluded with the two-day practicum. Congratulations to all Justices who have completed the course to the satisfaction of the Chief District Court Judge.

As usual over New Year, I check to see who has been recognised by the Queen in the New Year Honours List. As New Zealanders we are predominantly focused on our sports heroes, but the unsung heroes are often the ones that freely volunteer and dedicate their wide-ranging talents, interests and expertise to organisations, service groups and communities. Congratulations go to those Justices of the Peace who were acknowledged for their achievements.

My involvement with the Federation Board began in 2013 when I was elected Northern Regional Representative. I can liken the ensuing journey to a road trip, filled with exciting adventures and challenged by unexpected detours. That road trip led me to be your President, the honour of which is hard to adequately express. My greatest source of inspiration has always been derived from you, my fellow Justices. Friendships and unforgettable encounters on my journey have left the deepest impressions.

I have also been fortunate to have the unconditional support of my husband Harold; to have had friends and family to keep me real; and to have worked with the incredibly talented and tremendous group of individuals who have been part of the Federation staff and Board, past and present. American author Jim Rohn suggested that we are the average of the five people we spend the most time with. Well, if that is the case then I have been more than abundantly blessed.

Drawing together the concepts of new beginnings, maintaining relevance and building on the quality of service I share with you one of my favourite quotes as I bid my farewells: in the words of Doctor Seuss "You have brains in your head. You have feet in your shoes. You can steer yourself in any direction you choose." On that note I wish you all the very best for 2020.

*Ngā mihi nui*

**Rachael O'Grady**

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**FIAT JUSTITIA RUAT CAELUM**

Let justice be done, though the  
heavens may fall

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**FEDERATION OFFICERS**

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## Minister congratulates Sir Joe Williams

Justice Minister Andrew Little has congratulated Justice Joe Williams on his New Year Honours knighthood for services to the state.

Sir Joe has been appointed a Knight Companion of the New Zealand Order of Merit.

"Sir Joe Williams has made an immense contribution to the elevation of Māori voices in the justice system. This honour is well-deserved," Mr Little said.

Sir Joe was appointed the first Māori judge of the Supreme Court in 2019.

After graduating with an LLB from Victoria University in 1986, and an LLM (Hons) from the University of British Columbia in 1988, Sir Joe joined Kensington Swan and established the first unit specialising in Maori issues in a major New Zealand law firm.

In 1999 he was appointed Chief Judge of the Māori Land Court. In 2000 he was appointed acting chairperson of the Waitangi Tribunal, an appointment made permanent in 2004.

"Sir Joe Williams has brought a unique blend of legal intellectual



**Justice Sir Joe Williams. PICTURE: New Zealand Law Society**

rigour and tikanga Māori to his present role, and so reflects New Zealand in the 21st century.

"Having been a judge of the High Court since 2008, and of the Court of Appeal since 2018, it was only fitting he became a judge of the Supreme Court in 2019, and now is a worthy recipient of this knighthood."

Sir Joe's tribal affiliations are Ngāti Pūkenga and Te Arawa (Waitaha, Tapuika).

• JPs honoured by Queen P15



### ON THE COVER:

A 55m water tower is one of the attractions of the South Taranaki town of Hawera, which will host Conference 2020 over February 28-March 1.

## 'Strong voice for victims'

The Government's Chief Victims Advisor, Kim McGregor, has been reappointed to the role for a further two years, Justice Minister Andrew Little announced last month.

Dr McGregor has held the role since it was established in November 2015. She provides independent advice to government on how to improve the criminal justice system for victims.

"The advice Dr McGregor provides is exceptional, and I value the contribution she makes to improve the justice system," Mr Little said.

Dr McGregor said she felt humbled by the reappointment.

"I thank Minister Little for his vote of confidence and for reappointing me. Over the next two years I intend to provide a range of evidence briefs based on national and international research on how to improve our system for victims.

"Government is just at the beginning of its transformation programme and it is vital that there continues to be a strong voice for victims throughout this period of transformation."

# ACJA focuses on training

By Federation President **RACHAEL O'GRADY**

The 2019 Australasian Council of Justices' Associations (ACJA) meeting was held in Melbourne on October 18-19.

Eight of the nine ACJA jurisdictions were represented at the meeting, with representation from 10 of the 13 financial member associations. I was accompanied by Vice-President Terry Byrne and National Manager Tony Pugh.

It is always useful to meet with our Australian counterparts to discuss structure, legislation and practices. Of particular significance in recent years is the considerable effort that is being put into training and education programmes by member associations across all jurisdictions. At this year's meeting associations were united in their concern over the issue of Justices not remaining current in their role.

Over the past year, two of the ACJA member associations have had significant legislative change, with new Justice of the Peace Acts being passed by the respective state governments.

A major focus of the new legislation for Tasmania is the process for appointment and reappointment of JPs. Appointments are up to the age of 75 (subject to meeting training and professional development requirements). Justices who wish to continue in the role after they reach 75 may apply to have their role extended for periods of two years up to the age of 85.

The Act also introduces into the regulations a Code of Conduct applicable to JPs and a section which requires Justices to undertake and complete prescribed training or professional development.

New South Wales was the second territory to have legislative change. The most significant changes to the legislation were to permit NSW Justices to witness the execution of documents to be used interstate, where already authorised to do so in those jurisdictions; and the introduction of "JP (Retired)" for JPs who wish to end their appointment on or after their 65th birthday, and who have provided at least 10 years of continuous service; and from April 2019, all current Justices are required to successfully complete a "Justice of the Peace Knowledge Test" before they can apply for appointment or reappointment (NSW Justices are required to apply for reappointment every five years).

New Zealand's contribution and input to ACJA was this year recognised with a Certificate of Appreciation awarded to our Immediate Past President Denise Hutchins, which I received on her behalf, and I was elected ACJA Vice-President.

We look forward to hosting the next meeting of the ACJA, in New Zealand during October 2020. That meeting will be particularly special as attendees will be celebrating the 50th anniversary of the ACJA.



At the ACJA meeting, from left to right: Peter Couzens (Adult Parole Board chairperson, Victoria), Helen Tuck (Western Australia), Christine Cordingly (Northern NSW), Terry Byrne, Paul Mracek (Victoria), Norman Wittingslow (Victoria), Keith Revell (Queensland), Beverly Alley (Australian Capital Territory), John Carpendale (Queensland), Glenda Frost (Victoria), Rod Nicholas (Australian Capital Territory), Rachael O'Grady, Keith Lello (Tasmania), Jane Zara (Australian Justices of the Peace Association – NSW), Errol Neale (Association of Justices of the Peace and Commissioners for Declarations – Queensland), Tony Pugh, David Wright (AJPA -NSW), Edward O'Donohue (Shadow Attorney-General for Victoria).



## Board elections

The following nominations for the Federation Board 2020-2021 were received:

President:	Terence Byrne
Vice-President:	Sheridan Hickey, Garry Nicholls
Northern Regional Representative:	Jack Best, Nigel Tate
Auckland Regional Representative:	Garry Nicholls
Central Regional Representative:	Laurence Gabites Sheridan Hickey
Southern Regional Representative:	Graeme Barber, Lindsay Dow

The successful regional candidates are:

Northern:	Nigel Tate
Auckland:	Garry Nicholls
Central:	Laurence Gabites
Southern:	Lindsay Dow

They will take office at the conclusion of the Annual General Meeting in Hawera on March 1 2020.

The confirmation of President and the election of Vice-President will take place at the AGM.

## Conference 2020

The 2020 Federation Annual Conference will be held in Hawera over the weekend of February 28–March 1. The Conference will be hosted by the South Taranaki Justices of the Peace Association, and the programme includes the Federation AGM.

## Remits

Remit one:

***That the closing date for nominations for Regional Representatives be changed to the 31st July prior to the holding of Regional Conferences.***

Rationale: This date will allow all associations to have a candidate chosen before the regional conference and also allow those standing for the respective positions the opportunity to attend regional conferences and to meet and address the attending delegates.

The current closing date (November 1) is often more than two months after the regional conference is held and this change would make sure that all the candidates are known prior to the regional conferences and all candidate have an equal opportunity to address their respective conferences.

**Proposer:** Canterbury

Remit two:

***That the Royal Federation Board introduce a national database of members that can be accessed by associations.***

Rationale: Both the Federation and individual associations maintain separate member databases. Associations are required to periodically reconcile these databases, and this task can be significant for larger associations. A national database could be configured to ensure that associations can only access information relating to their own members. There would also be cost synergies if this proposal was implemented at the time the Federation website is updated.

**Proposer:** Auckland

Remit three:

***That electronic learning modules be made available for each new or revised Justice of the Peace function.***

Rationale: This would be a quick way to bring Justices up to date, and faster than the revision of manuals. It is essential that Justices change to new procedures ASAP (for example, KiwiBuild, the Anti-Money Laundering and Countering Financing of Terrorism Act).

**Proposer:** Auckland

## Notice of Motion

A Notice of Motion has been sent to associations for review prior to the AGM. The full document is available through your association.

In summary, the Board will move that Sections E3 (Election of Board) and E7 (Vacancies on Board) of the Federation Constitution are amended in order to:

- Reinstate wording found at E3 before 2016, which was unintentionally removed from the 2016 and therefore subsequent Constitutions
- Further clarify eligibility for nomination, including specifically excluding retired or resigned Justices from nomination
- Allow E7 to operate without requiring the Board to adhere to E3
- Modify E7 to direct the Board to consult with the affected association(s) before filling a casual vacancy
- To avoid any confusion which may arise due to AGMs not being held 365 days apart, references to "one full year" have been replaced with "one full term". The definition of "term" has been added to Section A (Interpretation).

# Successful regional meeting in Auckland

By Auckland Regional Representative GARRY NICHOLLS

The Auckland association held a very successful regional meeting at the Alexandra Park Convention Centre in Greenlane on Sunday September 22. The day's programme included the association's AGM.

This all-day get-together has proven popular in recent years and 2019 was no exception - there were 158 members in attendance.

I am sure that the presence of Federation President Rachael O'Grady, Vice-President Terry Byrne and National Manager Tony Pugh as well as guest speaker Liz Jamieson-Hastings were key factors in enticing members away from their normal Sunday activities. Liz, who is also a Justice of the Peace and a member of our association, gave a very entertaining but inspirational address on her life and more importantly on the work that she has been doing for many years in supporting and helping people with problems with alcohol and substance abuse. She has introduced recovery and support programmes in prisons and even the US Navy. Her book, "Still Standing: From Debutante To Detox" tells her life story and is an absolute must-read.

In her address to the conference, President Rachael covered a wide range of topics including the current Strategic Plan and the progress that has been made implementing the plan's key objectives. In particular Rachael touched on the new Service Desk Guidelines, in which the Auckland association has particular interest, given



**Auckland JPs listen up during the combined regional meeting and association AGM.**

the 70 service desks that are in operation in the area. Rachael also covered the status of the remits that the Auckland association had submitted to the 2019 Federation Conference in Blenheim, and took a number of questions from members.

Following Rachael's presentation, Vice-President Terry Byrne outlined the current status of the JP Education Trust and the consultation process that the trustees are currently conducting, with the objective of determining the trust's future direction. Terry reiterated that the trustees are very keen to capture members' thoughts and ideas so that they can be factored into the final decision. It was clear from the meeting that there were a wide variety of solutions being considered. Members were invited to provide written submissions at the meeting or separately by the due date of October 30.

No regional meeting would be complete without a significant training component.

Our registrar, Janet Thompson, described the success of the association's Facebook page. She also covered the Codes of Practice and that members need to keep them in mind when posting comments on Facebook and other social media.

Her presentation was followed by one from Aston Moss, who is a member of the training team. Aston covered the association website and the resources and support available to members from the website. In a later session training team members Andrew Codling and Steven Arnold reviewed some of the key articles that have appeared in the Education section of the Quarterly in recent years.

All in all, it was a very successful meeting. Special thanks go to Rachael, Terry, and Tony for attending and also to our president, Sherryl Wilson, and registrar Janet for organising the day. Thank you also to the association members who attended.

# From the Professional Development Advisor



Shinae Skelton

## A&I forms explained

*Information for this article was taken from the LINZ [Land Information New Zealand] Authority and Identity Requirements for E-Dealing Standard 2018 (LINZS20018), the Authority and Identity Requirements for E-Dealing Guideline 2018 (LINZG20775) and the Identity Requirements for Paper Instruments Guideline 2018 (LINZG20776).*



Land transfer documents can be registered electronically. This system is called e-dealing and most transfers now proceed in this way.

### What is an A&I form?

When a land document is to be registered electronically, an Authority and Instruction Form (known as an A&I form) must be completed.

This form authorises and instructs the client's lawyer to create and register electronic instruments against the land titles specified in the form. The form also confirms that the lawyer has taken reasonable steps to confirm the identity of the persons who gave the authority to lodge the instruments.

### When are A&I forms required?

Any time a land transaction requires registration an A&I is likely to be required. Private individuals

and private or public corporations must complete A&I forms and may seek your assistance to do this.

The A&I is one of the last documents required before a property transaction is processed. Clients usually have a limited time to complete this document and return it to their lawyer.

### **The client's lawyer/conveyancer is responsible for the supply and completion of the A&I form.**

A&I forms are the means through which a lawyer/conveyancer gains authority to conduct a land transaction and are also the means through which they meet their identity verification obligations. The lawyer/conveyancer must ensure their client receives this form and that it is completed correctly.

# The A&I process for lawyers and conveyancers

In most cases lawyers and conveyancers will follow the “Safe Harbour” guidelines, explained below. These are instructions issued by LINZ regarding how to verify identity, what supporting documents are acceptable and who can be delegated as a witness. Lawyers and conveyancers (practitioners) may decide to stray from the Safe Harbour guidelines and use “Equally Effective Means”. When doing so, the lawyer/conveyancer must explain why they did not use the Safe Harbour instructions.



*What are the standard requirements lawyers and conveyancers must meet?*

## 1 Obtain authority

The practitioner must obtain written authority from their client to act on their behalf in relation to the certification and registration of a particular transaction. The A&I form is evidence of this authority.

## 2 Ensure legal capacity

The practitioner must make sure their client has legal and mental capacity to act.

## 3 Verify client's identity

Practitioners must take “reasonable steps” to verify the client's identity. They must confirm their client is who they say they are and that they are (when relevant) the registered owner of the relevant property. This is usually done when completing the A&I form.

There are two ways to confirm a client is who they say they are:

*A THE USUAL WAY: Using an acceptable form of photographic identification.*

The client will need to appear in person and present their photographic identification. This identification will be compared against the client to confirm their identity.

Acceptable identification includes:

- a passport
- a New Zealand government-issued photo identification
- another form of photo identification which the Registrar-General of Land has confirmed is acceptable for use in connection with verifying a client's identity.

Identification must be current or have expired within the previous 12 months.

*B THE UNUSUAL WAY: A statutory declaration made by an independent witness.*

Sometimes clients do not have an acceptable form of identification available. In this case, the client must find someone to make a statutory declaration for them, confirming the client's identity.

The declarant must be independent of the client (unrelated, not part of the client's extended family, not living with the client nor involved with or

benefitting from the transaction).

The declarant must complete the template declaration that states:

- how long the declarant has personally known the client
- the client's residential address
- that the photograph annexed to their declaration is a true likeness of the client
- that the NZ government-issued photographic identification/current passport also annexed to the declaration belongs to the declarant.

*NOTE. AN EXTRA STEP*

Where the transaction is a transfer of property or a mortgage, the practitioner also requires further evidence from the client. In addition to asking for certified copies of the client's identity documents (discussed above), the lawyer/conveyancer may also ask for a certified copy of a document connecting the client to their address.

Where there are several landowners transferring

## The A&I process for Justices of the Peace

It is not necessary for a practitioner to personally witness the A&I form. In many cases, the client lives in a different part of the country to their lawyer/conveyancer.

When a practitioner is unable to personally establish their client's identity, they may rely on a trusted colleague or delegate to verify the client's identity.

*The trusted delegate – you!*

Justices of the Peace are sometimes relied on by lawyers and conveyancers to establish a client's identity and to witness their client's signature. To perform identity verification the trusted delegate must be an independent person who can be trusted and relied upon to carry out identity checks thoroughly.

or mortgaging a property, documents connecting the client to the property need only be provided by one of the landowners. All landowners must provide photographic identification.

This step is not always required. The lawyer/conveyancer will instruct their client if it is required.

### 4 Mitigating risk

The lawyer/conveyancer must identify whether a transaction is high-risk. The practitioner will indicate this on the A&I form. If a transfer, mortgage or application for correction/change of name meets certain conditions, the transaction is classified as high-risk.

When a transaction is high-risk, the practitioner must take additional steps to independently verify the client's identity and document what steps were taken. This may simply involve the client providing an additional document tying them to their property as a landowner.

Practitioners are best placed to decide on the additional actions to manage the risk.



Lawyers and conveyancers must be confident that you can verify identity with an appropriate level of robustness and impartiality.

The ultimate responsibility for ensuring the proper verification of a client's identity remains with the lawyer or conveyancer.

## What do Justices do with an A&I form?

The client's lawyer or conveyancer should have filled out the A&I form (excluding the signature fields) prior to sending it to their client for completion.

### 1 Ask for instructions

Some law firms have written instructions outlining what the witness (you) must do with the A&I form. If instructions are available, read and follow these.

### 2 Verify identity and certify photographic identification

The lawyer should provide the client with instructions regarding what identification documents are acceptable.

Compare any copies to the original documents and verify that the identification resembles the client.

Certify any copies according to the instructions of the lawyer or conveyancer.

If no instructions are available, certify the document the same way you would any other document for anti-money laundering purposes. For instance, use a statement such as "True copy of document presented to me as an original and it represents a true likeness of the individual".

### 3 Note on the A&I form what identity documents were used for verification

### 4 Check the risk level and certify additional documents, if required

It is the responsibility of the practitioner to identify whether a transaction is high or low-risk

and to provide instructions to the client outlining what documents are required of them.

If the practitioner has indicated that the transaction is low-risk, you may not need to certify any further documents.

If the practitioner has indicated that the transaction is high-risk or they have not made an indication on the form, ask the client whether they have any other documents that require certification.

Practitioners have discretion to choose how to mitigate risk and clients may provide different kinds of documents depending on the circumstances. For instance, practitioners may ask a client to provide a certified copy of a proof of address document.

The practitioner may have received documentation from the client at an earlier date that the practitioner intends to use to mitigate risk.

Certify any non-identity documents as you would an ordinary certified copy unless the practitioner's instructions give you a specific statement to write.

### 5 Ask the client(s) to sign and date the A&I form

Clients must sign and date in the appropriate spaces. Note that when the client is signing on behalf of a private corporation they sign as "authorised signatories".

### 6 Complete the A&I form

As the trusted delegate you must sign as the person establishing identity. As occupation, write "Justice of the Peace" or use your stamp.

don't forget to  
**UPDATE  
YOUR  
DETAILS**

Moved address?  
New email address?  
Have a new mobile phone?

Sometimes emails sent from the Justice of the Peace website are labelled as spam. Look in your junk/spam folder in your email to see if any previous emails sent to you by the Federation have been sent to this folder. If they have, you can mark the email "not spam". How you do this will depend on your email provider. This will indicate to your email provider that you are interested in reading future emails from the Federation.

# A&I forms: troubleshooting

*The risk level has not been identified on the A&I form.*

It is not your responsibility to determine whether the transaction is high or low-risk. The responsibility for the proper completion of the form rests with the conveyancer or lawyer.

The practitioner will need to have identified the appropriate level of risk prior to providing their client with the A&I form. If the transaction is high-risk, the practitioner is expected to ask their client to provide more information (such as proof of address) than would otherwise be required.

You should mention to the client that the risk level has not been identified on the form and that their lawyer/conveyancer will need to do this. You can proceed to verify identification and complete the appropriate sections of the form.

## ***The client wants me to make a statutory declaration confirming their identity.***

The client may require a third party to make a statutory declaration for two reasons.

*1 The client does not have appropriate photographic identification.*

In this circumstance, a client may ask someone who knows them personally to make a statutory declaration confirming the client's identity. This method of identification is discussed on P6 (see *B. THE UNUSUAL WAY*).

Similar to identifying someone when they are applying for a passport, you should not act as an independent witness unless you know the client personally. If you act as an independent witness you do so in your personal capacity, not as a Justice of the Peace.

The requirements for the independent witness are sufficiently wide that most clients should be able to find someone to fill this role easily (for instance a work colleague or a neighbour).

You may be asked to take the statutory declaration of the independent witness.



*2 The transaction is being processed on paper, rather than electronically.*

In rare cases property transactions are proceeded with on paper rather than electronically. These are called paper-dealings. The process for completing a paper document is different from the

e-dealings process.

With paper-dealings, a person must witness the client's signature, verify their identity and make a statutory declaration confirming the identity of the client. The witness must attach a copy of their photographic identification to their declaration. The client must also make a statutory declaration.

The witness is not required to have known the client as they will verify the client's identity against photographic identification.

Acting as a witness in this circumstance can be difficult. You and the client must find another Justice of the Peace to take your statutory declarations. You must also have a copy of your identification available to attach to your declaration and you must be comfortable sharing your identification with the client.

If you are asked to assist with a paper-dealings instrument by a client who is unknown to you or while you are at a busy service desk, you may need to decline to act as a witness.

Advise the client to seek assistance from someone who may be better placed to help them. The witness does not have to be a Justice of the Peace or a lawyer. While available guidelines suggest that a notary public, a Member of Parliament, a police officer or a chartered accountant may be appropriate, a witness can be anyone who is sufficiently responsible and trustworthy, independent from the client, over 18 years of age and who is not a party to the transaction.

If the client has a lawyer or conveyancer, recommend they seek advice regarding who would be an appropriate witness.

# Social media: traps for the unwary

Even if you do not use social media yourself, you are unable to avoid its impact. Politicians, celebrities and even government departments use social media to interact with the public and their use of it is highly scrutinised.

Things to bear in mind when using social media:

*You are searchable.*

- Friends and acquaintances may look for your online social media accounts.
- Clients may also be curious about you.
- Consider what information you would like the public to be able to see.
- Try searching for yourself online to see what is generally accessible to others.

*Your thoughts and opinions are being shared publicly.*

- Check your security and privacy settings to know who has access to your social media pages.
- Even if your media accounts are secure and private, information that you share via social media can still be disseminated further than you intended. Posts and pictures can be copied and shared elsewhere.

*Would you say the same thing in person, in a public place?*

- The written word can be misinterpreted and can be a blunter instrument than a verbal conversation.
- Consider how someone outside your im-



mediate circle of friends and family may interpret your post/tweet/picture.

*It is difficult to delete something once it is released into the public sphere.*

- There is no way of knowing who has copied information you have posted online.
- When posting something on social media be certain it is not something you might like to retract later.

*Follow pages/people/groups that are different or challenging.*

- Avoid creating your own "echo chamber" where you only follow and interact with others who share your opinions and experiences.
- Use social media to expand your world view, increase your involvement in your diverse community and ensure you are hearing both sides of a discussion.

(This information is based upon the UNODC Social Media Guidelines.)

# Dissolution of marriage: joint or one-party

Dissolution is the legal term for divorce. One person or both people in a marriage or civil union may make an application for a dissolution to the Family Court. There are two ways a person may apply for a dissolution. They may make a joint application or a one-party application.

It is important that clients fill out the correct application pack, because the documents do differ.

## One-party application

Only one person in the civil union/marriage wants to apply for a dissolution.

### *One applicant*

Only one person in the partnership is applying for dissolution. This person is called the applicant.

### *The other party*

The second person in the marriage/union, who is not making the application, is called the respondent.

### *Visiting a Justice of the Peace*

Only the applicant visits a Justice of the Peace or other person authorised to take an affidavit.

### *The paperwork*

Only the applicant fills out the application (called FP11). The applicant swears/affirms the affidavit to accompany the application (called FP12). The applicant must complete the information sheet (called G7).



### *Service*

The court provides the applicant with a set of documents that must be served on their ex-partner. Instructions regarding how to serve the documents are available from the court. This application must be served on their ex-partner (the respondent) because the respondent is not party to the application. They must have an opportunity to respond.

## Joint application

Both people in the civil union/marriage want to apply for a dissolution.

### *Two applicants*

Both people in the relationship are applying for a dissolution.

### *Respondent*

Neither party is a respondent.

### *The paperwork*

Only one joint application pack (which consists of the documents below) should be used. Both parties must complete the application (called FP13) and both parties must

complete the affidavit (called FP14). Both parties must complete the information (called G7).

### *Visiting a Justice of the Peace*

Both parties must visit a person authorised to take affidavits. The parties do not need to visit the same authorised person. If visiting the same authorised person, the parties may want to complete the documents at the same time, or they may visit at different times. If visiting different authorised persons, the parties will need to complete the documents at different times.

### *The affidavit*

The attestation at the end of the affidavit will be filled out differently depending upon whether the parties complete the documents at the same time or if they make their affidavit at different times, and in what order the applicants complete the form. See the January 2019 edition of the Justices' Quarterly for information on how to complete an affidavit in support of a joint application.

# Inquiries from all over

• Answers below

**The Federation receives inquiries from clients and Justices of the Peace from all around New Zealand. How would you answer these questions?**

- |  |   |  |
|--|---|--|
| 1 Can I apply to become a Justice of the Peace, or are there too many Justices of the Peace in our area already? | 4 I am overseas. Can I get a Justice of the Peace to certify this document for me when I am not in the country? | 7 Do you know any Australian Justices of the Peace based in New Zealand? |
| 2 What kind of volunteer experience is required to apply to become a Justice of the Peace?                       | 5 I am unable to leave my house/rest home/hospital room - can a Justice of the Peace visit me?                  | 8 How much does it cost to visit a Justice of the Peace?                 |
| 3 Can you sign me up to become an issuing officer?   | 6 Can I arrange a private citizenship ceremony?   | 9 Do you have a Justice of the Peace who speaks French?                  |
|  |   | 10 I have lost my Justice of the Peace badge. How can I get a new one?   |

## Inquiries from all over: Answers

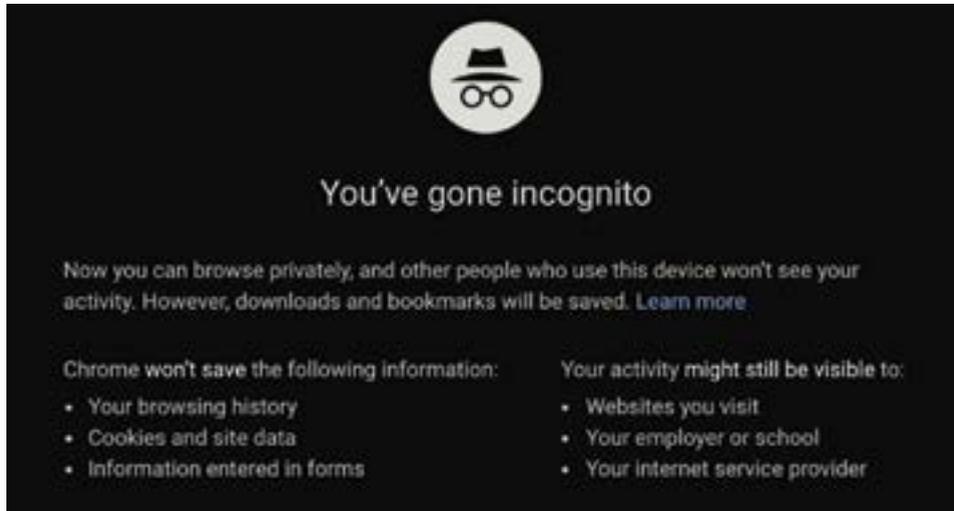
- The number of Justices in an applicant's area is only one consideration taken into account when deciding whether to recommend a person to become a Justice of the Peace. A good succession plan will ensure that the area has additional Justices available. This enables any existing Justices to retire without leaving their community bereft of Justice of the Peace services.
- Justices of the Peace come from all walks of life. Their volunteer experience will likewise be varied. So long as the applicant has enough volunteer experience and it demonstrates commitment to the community and a volunteering spirit, the method of volunteering does not matter.
- Unlike the nomination and training process to become a Justice of the Peace, issuing officer training and appointments do not occur throughout the year. Issuing officers are nominated according to need and training is provided at selected times.  
If you want to become an issuing officer, please express your interest to your association. They will keep a record of your interest and may contact you should a need for issuing officers arise in your area.
- In some cases, the client can find assistance in their local country. In other instances, a New Zealand-based friend or family member may visit a Justice of the Peace on the client's behalf. Sometimes the client will have to talk to the organisation to whom they are wanting to provide documents, to find a more practical solution to their issue.
- These clients are given the contact details of their local association. Some Justices of the Peace are happy to visit clients who are immobile and in need of witnessing and certifying services. Try to ascertain what the client needs before visiting them.
- Justices of the Peace are authorised to conduct private citizenship ceremonies. Clients must apply to the Department of Internal Affairs for a private ceremony. They must arrange the ceremony with a Justice of the Peace once they have received the necessary documents from the Department of Internal Affairs.  
Any inquiries we receive about private citizenship ceremonies are directed to the Department of Internal Affairs. If the client has made the necessary arrangements and is seeking a Justice of the Peace to conduct the ceremony, they are directed to contact their local association.
- We get this question from time to time. Unfortunately, we have no way of looking up Australian Justices of the Peace based in New Zealand. We try to determine whether a New Zealand Justice of the Peace is able to assist the client and, if not, we direct them to contact the Australian High Commission.
- It's free! But many people are not aware of this.
- Clients sometimes need assistance with a document that is not in English or if they would be more comfortable conversing in a language other than English. Justices of the Peace can be searched by language on the Justice of the Peace website. If you speak another language, be sure to list this on your profile on the Justice of the Peace website.
- Contact your association registrar. Your registrar can order you a badge at a cost of \$20.

# For your convenience

Compiled by SARAH GILLARD

A few more hints to make life on screen or online a bit easier . . . .

**Use private browsing:** Not having cookies and history saved can be useful (for example, shopping for gifts on a shared computer!). Pressing Ctrl + Shift + N will launch a new private tab in Chrome, Ctrl + Shift + P will do the same in Firefox and Internet Explorer.



**Bring back a closed tab:** Accidentally closed a tab? Simply press Ctrl + Shift + T to reopen the most recently closed tab and get back to what you were doing (use Cmd + Shift + T on Macs).

**Undo everywhere to fix those little mistakes:** Did you know you can undo almost any action? Ctrl + Z is the ultimate "hot key", and of course you already know about it, but note that "undo" doesn't just apply to typing. If you accidentally delete or move a file, you can hit Ctrl + Z to bring it right back to where it was (and Ctrl + Y will redo whatever you undid).

**YouTube keyboard shortcuts:** Using the spacebar to pause a YouTube video is effective but you can also use K for pausing, while J and L will step backward/forward 10 seconds. M mutes the video. Super handy!

**Find your Wi-Fi password:** In Windows, go to the "Network and Sharing Center". Right-click on the Wi-Fi network connection icon > Wireless Properties. Click on the "Show Characters" box to show your Wi-Fi password.

**Minimise all windows:** Sometimes you have a bunch of stuff running, and you want it all to go away so you can get to the desktop. Simply pressing the Windows key + D will minimise everything you have open, which will save you some time pressing the minimise button for each window. Windows + M offers similar functionality, but there is no undoing, so Windows + D is preferable.

**Close the current window/tab:** Sick of moving all the way to that X button? Press Ctrl + W and the current window will close.

**Bring up the system information window:** This is so much quicker than digging this out the traditional way . . . just press Windows + Pause/Break and the system Information panel will be ready to go. This might be the only use for the pause/break key you will ever find, so enjoy it! - [www.techspot.com](http://www.techspot.com)

# Long-serving JJP retires

By ROGER COLE

Nelson Tasman JP Graeme Thomas has retired after serving as a judicial Justice of the Peace for 21 years. He was presented with his retirement certificate by Judge Tony Zohrab at a Nelson Tasman judicial panel training session last August.



Graeme Thomas, Judge Tony Zohrab, and Mrs Heather Thomas.

Graeme, who became a JJP in 1998, the year after he was appointed, says that the most constant factor over his 21 years has been change - changes in legislation and procedures that have affected the work of judicial Justices. Bench work has reduced significantly with the abolition of preliminary hearings, pre-charge warnings have resulted in many fewer charges for minor offences, and perhaps the advent of cruise control has contributed to fewer speeding charges being brought to court. Changes in the Youth Court have also had an effect, most recently with the change in the age limit from 17 to 18 years.

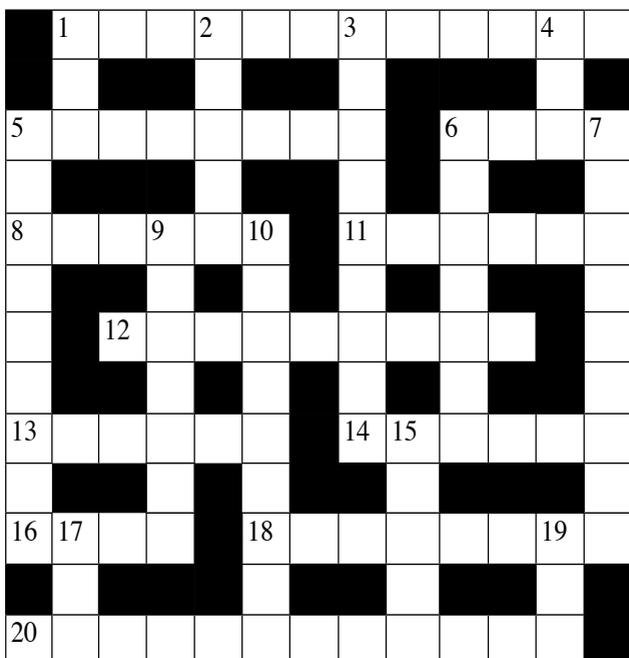
One of Graeme's main concerns over his time on the bench has been the lack of secure facilities for

young offenders. When the appropriate course is a remand in custody for a young offender, the court is often told that there are no available beds. The only course is then remand in police custody, which is not desirable in the case of a young person, and this has not sat easily with Graeme.

Graeme also served as association registrar from 2000 to 2003, treasurer from 1998 to 2007, and as our president from 2010 to 2012. Despite his retirement from the bench he continues to support the judicial panel as rosterer.

He said that the most enjoyable part of his time as a judicial Justice has been the level of with his fellow JJPs - he has never experienced a situation where there has not been agreement on a verdict or penalty, and the regular training sessions have always been conducted in a happy atmosphere, with helpful constructive comments about more challenging cases.

## CROSSWORD



**ACROSS:**

- 1 Early Christmas visitors (5,4,3)
- 5 Sun room
- 6 Harvest
- 8 Minister of Justice
- 11 Lie in a sheltered position
- 12 Michael or Gabriel eg
- 13 Unwell
- 14 Oblong cream puff
- 16 Great merriment
- 18 Uncommon items or events
- 20 Illustrating or clarifying with an example

**DOWN:**

- 1 As well
- 2 Officially register
- 3 About to happen
- 4 Time
- 5 Retrieving

- 6 First permanent European settlement in NZ
- 7 Feelings of enjoyment
- 9 Generator
- 10 Fleeting
- 15 Harass
- 17 Not sufficiently strict
- 19 Encourage



## New Year Honours

Fourteen Justices were recognised in this year's New Year Honours. They are, with their association affiliation in brackets:

### **Dame Companion of the New Zealand Order of Merit (DNZM)**

CRIGHTON, Dr Anna Louisa de Launey QSO JP (Canterbury)  
For services to heritage preservation and governance

### **Companion of the New Zealand Order of Merit (CNZM)**

HUGHES, Dr Frances Anne ONZM JP (Wellington)  
For services to mental health and nursing

### **Member of the New Zealand Order of Merit (MNZM)**

CHOPPING, Mr Michael Anthony JP (Auckland)  
For services to the electrical industry

ELLIOTT, Mrs Carrol Margaret JP (Auckland)  
For services to nursing and the community

KHAN-JANIF, Mrs Jennifer Sabina JP (Auckland)  
For services to refugee and migrant communities

PALMER, Mrs Yvonne Shirley Ann QSM JP (Canterbury)  
For services to seniors and the community

STANSFIELD, Ms Pauline Alice Roycroft JP (Auckland)  
For services to people with disabilities

### **Queen's Service Medal (QSM)**

DAVIS, Mr Panapa Stewart JP (Far North)  
For services to the community

DICKSON, Mrs Mairi Patricia JP (Gore)  
For services to the community

FLUTEY, Mrs Patricia Anne (Anne) JP (Wanganui)  
For services to Fire and Emergency New Zealand and the community

HEDLEY, Mr Allan John (Joe) JP (Gisborne)  
For services to the community

RUSSELL, Mr Bruce Douglas JP (Canterbury)  
For services to the community

STUART, Mrs Barbara Florence JP (Nelson Tasman)  
For services to conservation

WATCHORN, Ms Robyn Coralie JP (Eastern Bay of Plenty)  
For services to the community and art

• **Space constraints preclude publishing the full citations, but they can be found at <https://dpmc.govt.nz/publications/new-year-honours-list-2020>. Note that only sworn Justices are included in this list.**

**Warkworth JP GARY AITKEN received the Queen's Service Medal in the Queen's Birthday Honours 2019 for his many achievements during a lifetime of community service, especially as a firefighter . . .**

## Recognition for firefighter

Gary Aitken first joined the Opunake Volunteer Fire Brigade in January 1966 and has been a volunteer firefighter ever since, in Opunake and from 1970, in Warkworth, where he became Chief Fire Officer in 1999.

He also participated in Fire Brigade competitions throughout New Zealand for many years, first as a competitor then as an official at local, provincial and finally at national level.

"Fire Brigade competitions are valuable in that they make for more efficient firefighters, which in turn benefits the community, and the experience gained from participating in competitions is passed on to other members of the brigade," he said.

Highlights of his service include the award of a Fire Training and Research Foundation Scholarship in the early 1980s. This allowed him to work at a paid-staff fire station for two weeks. He spent a week at the Takapuna station and one at the Balmoral station in Auckland.

"The scholarship was to expand my knowledge of firefighting, to gain experience from the paid staff of the service and in turn to pass this knowledge on to members of the Warkworth brigade."

He was twice deeply involved in alterations and renovations to the Warkworth Fire Station and while serving as Chief Fire Officer, he oversaw a completely new appliance/operations station, which was completed in 2000.

Gary continues to serve the Warkworth brigade as its secretary, and his deep involvement with a range of firefighting organisations has been recognised with an impressive list of life memberships:

Auckland Suburban Fire Brigades Sub-Association; Auckland District Fire Brigades Sub-Association; Auckland Provincial Fire Brigades Association; Warkworth Volunteer Fire Brigade; Auckland Provincial Fire Brigades Gold Star Association.



**Gary Aitken with Governor-General Dame Patsy Reddy after his QSM investiture.**

Chief District Court Judge Heemi Taumaunu

# Historic sitting celebrates new Chief Judge

Judge Heemi Taumaunu's appointment last year as Chief District Court Judge was celebrated at a historic special sitting of the District Court at Whāngārā marae near Gisborne in October.

• *Reproduced from Justice Matters, the Ministry of Justice's newsletter*

Chief Justice Dame Helen Winkelmann presided over a bench of more than 60 judges representing all levels of the court system. Seated four deep across the veranda of the Whitireia meeting house, the special sitting is thought to be the largest number of judges to ever sit together at one bench in a New Zealand court (picture below).

About 300 people were in attendance to see Chief Judge Taumaunu, of Ngāti Pōrou and Ngāi Tahu descent, take the oath of the Chief District Court Judge and in doing so become the first Māori to hold the role.

Ministry and court staff from across the North Island were joined by representatives of Rangatahi and Pasifika courts, Māori wardens, local and national dignitaries, and the Acting Secretary for Justice, Carl Crafar.

The registrar for the sitting was long-serving Gisborne District Court staffer Karauria Ruru, supported by the Chief Justice's niece, Torepe Taumaunu, who is also a Gisborne registrar.

Overlooking events from the top of the whareniui was the distinctive koruru of the original whale rider, Paikea, invoking the legend made famous by Witi Ihimaera's novel, *The Whale Rider*, and the subsequent 2002 feature film made at the seaside marae of Ngāti Konohi.

Wearing the late Sir Henare Ngāta's korowai, which he had also worn when sworn in as a judge in 2004

at Whāngārā, Chief Judge Taumaunu said the best message he could give New Zealanders about the direction the District Court must take was holding the special sitting on his marae - "recognising the two founding cultures of New Zealand with a bilingual and bicultural ceremony".

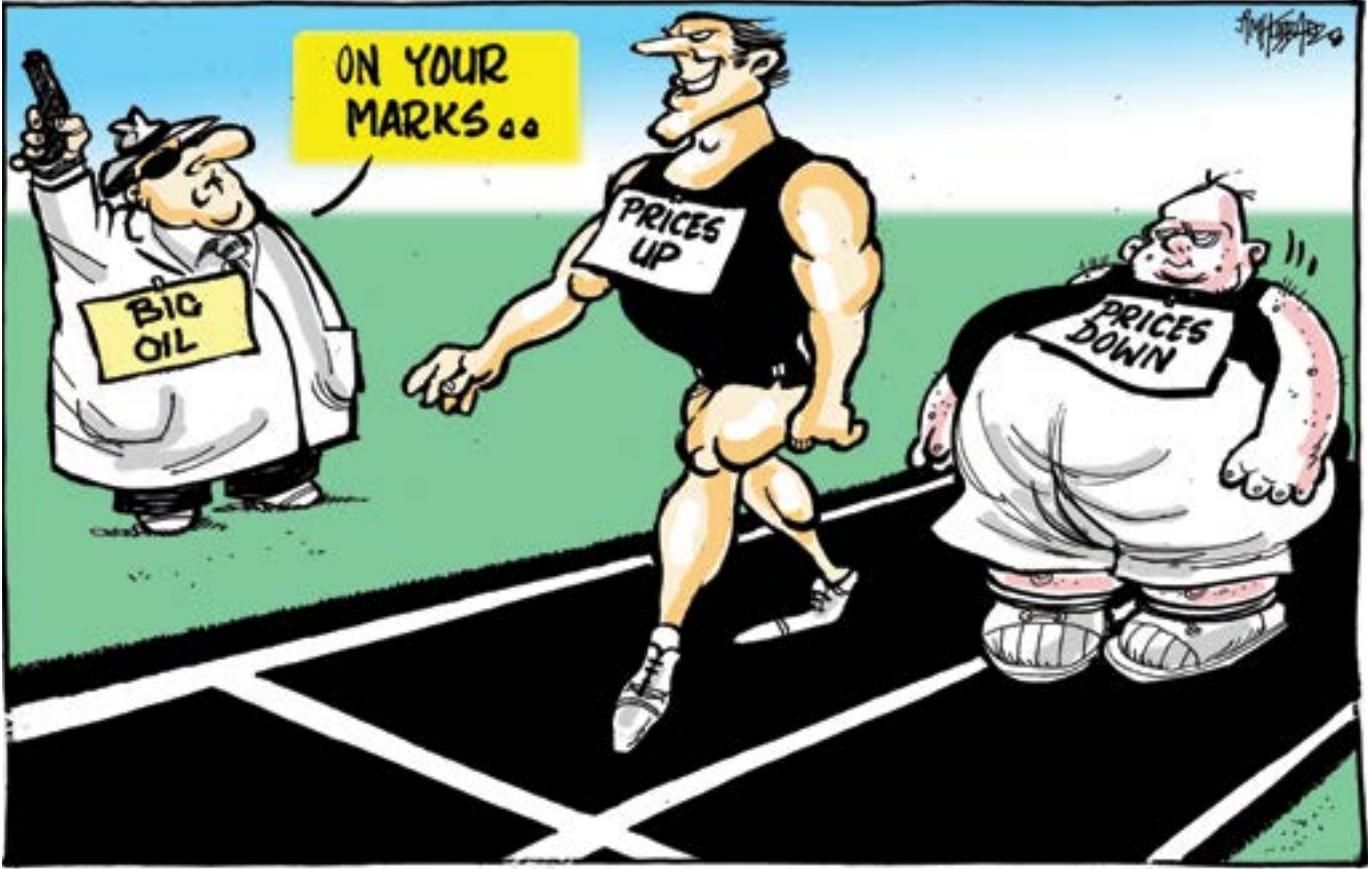
Chief Judge Taumaunu stressed that his focus would be on improving access to justice in a court that dispenses 95% of the justice in New Zealand, so that when people leave the District Court they feel they have been heard, understood, and have had a fair hearing.

Born in Gisborne, Chief Judge Taumaunu practised law there before becoming a judge, and sat first in Whāngārei and then the Waitakere and Auckland District Courts.

His pioneering role in establishing the Rangatahi Courts was acknowledged by various speakers, including Supreme Court Justice Sir Joe Williams, Solicitor-General Una Jagose QC, and Law Society president Tiana Epati.

"You have taught us how to bring the community into the courtroom," said Chief Justice Winkelmann. "You have shown how the involvement of the community can help repair and make whole again lives and whānau torn apart by poverty, addiction and violence."





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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.*

Abbott, John David, Auckland  
 Boyd, Judith Anne, Bombay  
 Butel, Eileen Joy, Christchurch  
 Cuttance, Harry John, Invercargill  
 Davis, Noeleen Violet, Kawakawa  
 Deane, Anthony Charles Patrick,  
 Auckland  
 Elia, Palale Apala'amo, Auckland  
 Erkkila, Karen Elizabeth, Christchurch  
 Finlayson, Kenneth Ross, Kamo  
 Frew, Fiona Mary, Christchurch  
 Furness, Susan Jean, Auckland  
 Gallant-Welch, Sylviane Simone Marie,  
 Oamaru  
 Gautam, Sunita, Christchurch  
 Hamilton, Sophie, Wellington  
 Harrison, Alan Smith, Ashburton  
 Hodge, Paul Leslie, Hamilton  
 Jamieson, Catherine Therese,  
 Martinborough  
 King, Susan Hana, Thames  
 Lamberton, James John, Auckland  
 Lata, Tevita Niua, Hastings  
 Lawton, Alan Patrick, Napier  
 Lowen, Mark Graham, Timaru  
 Lum-Webb, Catherine Yuk Quan,  
 Lyttelton  
 Mickell, Thea Rebecca, Christchurch  
 Nightingale, Kade Rana, Upper Hutt  
 Parker, Naomi, Auckland  
 Pevreal, John Leslie, New Plymouth  
 Salmon, Michael Bruce, Upper Hutt  
 Singh, Kharag, Auckland  
 Smedley, Logan, Christchurch  
 Summerhayes, Glenn Reginald,  
 Dunedin  
 Sun, Shirley Xueli, Auckland  
 Sutherland, Lynley Elizabeth,  
 Christchurch  
 Wanikau, Hinemoa Joanne, Turangi  
 Whyte, Shirley Anne, Riverton  
 Wilcox, Garth Alan, Pukekohe  
 Yearbury, Peter Colin, Christchurch

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 Coburn, Jarrod Gordon, Christchurch  
 Currie, Robyn Carol, Mangawhai  
 Davies, Sharon, Auckland  
 Denney, Gary Neil, Auckland  
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 Christchurch  
 Hintz, Yvonne Colette, Te Puke  
 Humphrey, Marion Olga Marie,  
 Auckland  
 Inch, Rachel Maree, Maruia  
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 Notay, Pavittar Singh, Rolleston  
 Parkinson, Stephen Alan, Auckland  
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 Alberino, Genevieve Felicity, Auckland  
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 Wilks, Victoria Elizabeth Browne,  
 Porirua  
 Yarnley, Craig Richard, Ohaupo

*Dated at Wellington  
 this 18th day of September 2019  
 Hon Aupito William Sio  
 Associate Minister of Justice*

*Dated at Wellington  
 this 28th day of October 2019  
 Hon Aupito William Sio  
 Associate Minister of Justice*

*Dated at Wellington  
 this 3rd day of December 2019  
 Hon Aupito William Sio  
 Associate Minister of Justice*

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

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