

AUCKLAND JUSTICES OF THE PEACE ASSOCIATION INC.



Title: Policy for Specialist Functions of Justices of the Peace

Introduction:

1. This policy:
 - a. Applies to AJPA members on the Specialist Functions lists;
 - b. Relates to the recruitment, selection, and training of Nominated Persons (NP), Independent Witnesses under the Mental Health Act (s9), and to the recruitment and nomination of JP Issuing Officers (IO).
 - c. Replaces 'Guidelines for the Specialist Functions' (April 2019) and 'Policy for the Specialist Functions of Justices of the Peace' (December 2019)

Organisation:

2. The AJPA Council:
 - a. Shall appoint a Specialist Functions Committee (SFC) of Council consisting of a Specialist Functions Convener (Convener), Assistant/Deputy Convener, AJPA President (ex-officio) and Vice-President.
 - i. The Convener may be an appointed or co-opted AJPA Council Member
 - ii. The appointment of the Convener shall be reviewed by Council annually
3. The Convener:
 - a. should have experience in one or more specialist function areas or if this is not the case, an experienced member shall be appointed as deputy to assist/advise the Convener with these duties.
 - b. reviews statistics at least annually and liaises with appropriate authorities regularly to determine areas of additional need or oversupply of NP, s9 and IO JPs in the Auckland area
 - c. arranges annual training sessions for members of the various specialist areas.
 - d. Reports to monthly Council meetings.
 - e. Provides an annual summary of performance for the previous year to the first Council meeting of the year.
4. Procedure for appointment/recruitment of JPs to specialist areas
 - a. With approval of Council, volunteers will be sought through Support Group Co-ordinators (SGC).
 - b. SGC will then forward names of volunteers to Convener with recommendation and outline statement of JP experience.
 - c. Basic Criteria for selection to the Specialist Functions areas (NP,s9,IO):
 - i. An accredited member of AJPA in good standing recommended by SGC in area where demonstrated need exists;
 - ii. At least 2 years' service as JP;

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- iii. Willing to be contactable 365/24/7 and respond to callouts as available;
- iv. Undertakes to attend refresher training at least every 2 years (preferably annually)
- v. Undertakes to render monthly statistics in a form required by Council

(**Note:** JPs are appointed to AJPA s9 or NP lists under agreements with Police or Health Authorities. JPs undertaking these duties are entitled to a service/call-out fee and some travel costs – claimable through Police or Health Authorities. Issuing Officers do not qualify for service/call-out fees or travel costs)

d. SFC will review and recommend candidates to go forward for Council approval, giving due consideration to the need for a wide range of age, gender, backgrounds etc amongst candidates.

e. Convener:

- i. advises s9 and NP candidates of Council decision
- ii. In liaison with Council trainers, police and health authorities, arranges training for NP and s9 candidates
- iii. (through AJPA Registrar) advises Royal Federation of endorsed IO candidates in order to facilitate training and forwarding names of successful candidates to Ministry of Justice
- iv. On successful completion of training, updates and promulgates lists of appointees to health and police authorities and ensures updated copies on AJPA Council Drives.

(**Note:** all lists are to be kept confidential, on a 'need to know' basis)

- v. Is responsible for liaising with appropriate authorities;

5. Procedure for removal as a Specialist Duties JP

a. S9/NP: Following consultation with Registrar, SFC recommends to Council names of candidates proposed for removal from s9/NP lists.

b. IO: SFC recommends that Council request that Royal Federation remove IOs

c. Removal of S9/NP/IO shall take into consideration any of the following criteria:

- i. Resignation as JP or from specialist area
- ii. Failure to attend 2 successive refresher training sessions
- iii. Failure to maintain current AJPA membership
- iv. Failure to maintain accreditation
- v. Failure to regularly provide monthly statistics or be regularly available in accordance with para 6e of this procedure.
- vi. Complaint by police or health authorities upheld by Council

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(Note: in accordance with established AJPA disciplinary procedures, a JP shall have the right to appeal against removal from any list)

6. Tenure

- a. Justices appointed to the NP/s9 roles will have an initial tenure of 3 years and may be re-appointed for further periods of 3 years.
- b. Issuing Officers will be appointed by the Attorney General for a 3 year term and on recommendation of the AJPA Council, Justices may be considered for further 3 year terms.

7. Transition

- a. 2023 is designated as the transition year and a review of all roles is to be undertaken with the goal of appointing/re-appointing a team of Justices to conduct the Specialist Roles effective July 2023.
- b. The review should retain such Justices to ensure experience in roles is maintained throughout the process.

References:

- a. Justices of the Peace Ministerial Duties Manual of the Ministry of Justice
- b. Codes of Ethics & Conduct of the Royal Federation
- c. Rules of the Auckland Justices of the Peace Association
- d. Justice of the Peace Act 1957
- e. Search & Surveillance Act 2012
- f. Oranga Tamariki Act 1989 (aka Children's & Young People's Well-being Act 1989)ⁱ
- g. Mental Health (Compulsory Assessment and Treatment) Act 1992ⁱⁱ

ⁱ The Oranga Tamariki Act 1989 requires the Police to ensure that any young person aged 18 years or below, who is interviewed or DNA-sampled while in Police custody, is accompanied by a suitable adult family member/caregiver or, in their absence, an independent Nominated Person. For this purpose, the AJPA provides the Police with a list of Justices of the Peace, trained as Nominated Persons, who the Police may call upon when suitable family members/caregivers are not available. A Nominated Person must ensure that a young person fully understands their rights and that those rights are upheld during the Police's involvement with the young person.

ⁱⁱ The Mental Health (Compulsory Assessment and Treatment) Act 1992 requires a suitable witness such as an adult family member/caregiver to be present when an at-risk patient is being told why, where, when and by whom they will be assessed under the Act. When a suitable family member/caregiver is not available, the local health authority may refer to an AJPA list of approved Justices of the Peace who are trained as Section 9 Independent Witnesses.