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Issue 3

OFFICIAL JOURNAL OF THE ROYAL VICTORIAN ASSOCIATION OF
HONORARY JUSTICES

Custodes

Annual Dinner 2009



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From the President's desk



I would like to welcome two new Directors to the RVAHJ board. Harry Gibcus and Michael Tse were recently appointed and bring with them an abundance of experience which will be of great benefit to members.

Professional development continues to be an advantage of membership of the RVAHJ. Leo King and the team are committed to the provision of high quality training. We recently purchased some new audio visual equipment to improve the delivery of service to members.

Of course the Board is always interested to hear from members who would like to join the training team to deliver sessions under the guidance of the training group. If you have a background in training or would like to help out please contact the office.

Many of you will have read the Advisory Report submitted to the Attorney-General, Mr Rob Hulls following a review of the selection process of Justices of the Peace.

Front Cover: 40 year service certificates presented at the annual dinner by Garry Runge JP and President of the RVAHJ (centre) to Ron Milne JP and Noelene King, daughter of Jack Rae JP who was unable to attend due to illness

If you have not read the report I encourage you to access the Dept of Justice website and download it.

I also encourage members to provide direct feedback as I intend raising the Association's concerns directly with the Attorney-General.

Honorary justices do a remarkable amount of unpaid work in the community saving the police and the courts many hours and significant manpower. Members have signed in excess of one million documents in the past five years and provide voluntary service at signing centres located at 32 police stations and six courts across Victoria.

I met personally with the Attorney-General following the release of the report and expressed the Association's views about the important community service provided by honorary justices. On behalf of the RVAHJ I stressed the importance of a continued role for honorary justices in Victoria as we move toward our centenary year. I look forward to a positive outcome and an expansion of our role throughout the community.

The reimbursement of fuel costs associated with members performing their duties as honorary justices has been well accepted. I am pleased to advise the entire \$62,500 was distributed to members and the Board will be making a further application to the Federal Government for another grant. I would like to thank all those who returned their claim forms so promptly. This has been a great success story for all RVAHJ members.

The centenary celebrations are well underway for 2010. Director, Michael Cheshire, recently chaired a workshop

attended by directors and members and some very exciting ideas were suggested. There are big plans to invite our Chief Patron to be involved and hopefully all members will feel the desire to join in these important celebrations.

Finally I would like to thank all those who attended the 2009 annual dinner. The large number of honorary justices, together with representatives of the Department of Justice and the State Trustees Office enjoyed the guest speaker, former County Court Judge, Michael Strong, who closed his speech in song.

Garry Runge JP, President RVAHJ

From the Editor's Desk

Welcome to the "new look" *Custodes*. aim was for a fresh and modern look; more of a magazine than a newsletter. I hope you agree we have achieved our goal.

In this edition we feature the annual dinner, take a look at the Attorney-General's view on the future of JP's and your response, a new and regular column for BJ's and we welcome back advertising and the popular feature, JP in the Spotlight.

In a world consumed with technology have you ever considered the concept of a "virtual court". Turn to page 15 for the results of a trial conducted in the UK. Makes for interesting reading!

As usual your feedback is most welcome and I look forward to hearing from you over coming months.

A special thanks to all the contributors to this edition of *Custodes*. Your input is invaluable.

Helen Ward, Editor
Email: custodes@rvahj.org.au

Introducing new directors

Michael Tse JP

Michael is a Lecturer in Accounting at Deakin University. He holds a Bachelor of Arts degree in Accounting and Economics from the University of Essex, UK and a Master of Commerce degree in Accounting and Information Systems from the University of New South Wales.



He is a Certified Management Accountant and a Member of the Australian Computer Society.

Michael's community work is focussed on his appointment as a JP and his roles in RVAHJ and the Institute of Certified Management Accountants (ICMA). Michael is currently the Deputy Chairman of the Education Committee and a Member of the Executive Committee of ICMA. He is also serving on several academic journals as editorial board member and reviewer.

He is fluent in English, Cantonese and Mandarin.

Harry Gibcus JP

Harry started his work career in the building trade and turned to teaching in the early 1970's. He taught woodwork and building graphics at St. Paul's Technical College, Ballarat and when technical schools "disappeared", he taught at St. Patrick's College, Ballarat.



Harry has been retired, or rather, was the sole carer for his wife for the last three years of her life. She passed away two and a half years ago. He now spend most of his time gardening or at the local bowling or Probus Club, working on the South Street Society Eisteddfod and on roster at the Ballarat Police Station once a week and at East Melbourne Police Station once a fortnight.

Bert Kinnersly is chairman of the Ballarat branch of the RVAHJ and Harry is vice chairman. Apart from all of this, Harry still needs to keep his house in order being the "housewife." He has three sons, now all married and living in Perth, Brisbane and the youngest in South Melbourne. Harry has eight grandchildren.

Letters to the Editor

Dear Garry Runge JP

After reading the *Custodes*, I was amazed to read in your report that some Justices of the Peace are saying that this is a volunteer role and we should not accept any form of reimbursement.

In the same magazine, there is at the back an order form for stamps, badges, ID cards and many other things that are a necessity for this honorary job. These things are not offered to honorary justices for free, so I do think that a reimbursement for petrol for the many kilometers these people give, and most certainly some give many hours of their time also, is not much to feel guilty about accepting.

In fact if there was something like this before, we may still have a lot more Justices in our community. We all know that is honorary, and we do it willingly, with or without the petrol reimbursement. A little reimbursement certainly helps with the way money is these days and many of us are retired. Thank you for the informative magazine.

Patricia Martin JP 10739, Red Cliffs, Victoria

To The Editor of *Custodes*.

Dear Helen.

I am writing with regard to items that have been in the newspapers lately with regard to the Attorney-General Hulls talking about doing away with Justices of the Peace.

Who does he think is going to witness documents after hours, witness documents at the Family Court, the Royal Melbourne Hospital and the many Police Stations to name a few all manned by volunteer justices. I personally attended at the Family Court for about 10 years and the The Royal Melbourne Hospital for a further three years as well as seeing many people at my home.

The Family Court was particularly busy and at times signing several pages at a time. I am wondering if anything is being done by our association with regard to Mr Hulls and his wishes to disband the Justices of the Peace, who have served the public for years with distinction and all for free.

Regards, Ray Trengove. JP 8662.

RVAHJ annual dinner does it again!

The 2009 RVAHJ annual dinner proved to be another very entertaining evening enjoyed by 130+ honorary justices, partners and friends. The dinner was held at the beautiful Treacy Centre in Royal Park on Friday 21 August. A sociable and friendly atmosphere quickly developed and the hum of animated conversation filled the venue through-out.

The invited key note speaker was Mr Michael Strong, Director, Office of Police Integrity, who delivered an insightful address into the role of the judiciary, the police force, the value of independent oversight, and the role of the Office of Police Integrity. With a informal, engaging style, Mr Strong presented many a solid case for independent oversight, shared more than one witticism from his life on the bench, and culminated with a few verses from Gilbert and Sullivan's, 'A policeman's life is not a happy one'. A very memorable presentation indeed!

Other highlights of the evening included the presentation of Certificates of Service to recipients in the 25, 30, 35 and 40 year categories by RVAHJ President

Garry Runge, and vice president, Linda Rainsford.

Vicki Traintaflouros from State Trustees Limited also made a presentation on behalf of State Trustees to Paul Mracek JP. Paul was a very worthy recipient and has assisted the State Trustees on numerous occasions in the independent witnessing of documents. In making the presentation, Vicki commended the RVAHJ on the training it provides to honorary justices and the generosity of countless honorary justices, who give of their time so freely to serve their communities.

Written by Chris Reside.



Paul Mracek & Vicki Traintaflouros



25 year Certificate recipients

Annual Dinner 2009



Vale John Cheetham

15 November 1948—19 March 2009

John Cheetham was appointed as a Bail Justice on 1 September 1990 having completed the very first training course run by the Association. Upon receiving his appointment he immediately joined the RVAHJ. During his membership John contributed to the Association in a number of ways. He actively assisted in the Association's BJ refresher training where his

expertise as a psychologist, particularly in reading the body language of teenagers, and how they presented themselves at bail hearings was invaluable.

He also was a very popular figure at our annual dinners where he acted as a most capable MC for the past four years in spite of his increasing health concerns.

John died on 19 March 2009. He was obviously very highly

regarded by his peers, colleagues and associates as demonstrated by the number of mourners who attended his memorial service at St. Paul's Cathedral. Amongst those in attendance were Supreme Court Judges, professional colleagues, representatives of the RVAHJ and a vast number of others who knew him through his many professional and charitable activities.

Justice of the Peace provisions tightened

Thursday, 18 June 2009

Source: www.premier.vic.gov.au

The Office of the Justice of the Peace will be reviewed following an independent panel's report on the status of Hakki Suleyman as a Justice of the Peace. Deputy Premier and Attorney-General Rob Hulls today announced a number of new initiatives around the offices of Justice of the Peace (JP) following an independent review by an advisory panel made up of former State Services Authority chairman Peter Harmsworth and former Victorian Government Solicitor Ron Beazley.

The panel, which reported to Mr Hulls this week, was asked to look at whether Mr Suleyman was a fit and proper person to hold the office of Justice of the Peace in light of the Ombudsman's findings into the Brimbank City Council and also to review the appointment processes of JPs.

Mr Hulls said a number of the panel's recommendations would be immediately implemented. These included:

- 1) informing the Secretary of the Department of Justice in cases where the Justice Assessment Panel had exercised discretion in appointing a Justice of the Peace with a previous criminal record;
- 2) requiring Victoria Police to release all prior criminal convictions in formal police record checks in the interest of the administration of justice;
- 3) requiring all prospective JP's to sign a Statutory Declaration as part of the application process;
- 4) modifying the application

form to capture details of an applicant's current and former names to enable a comprehensive police record check;

- 5) asking the Honorary Justice Office to prepare separate Codes of Conduct for Justices of the Peace and Bail Justices and for these to be made available on a regular basis to office holders; and
- 6) requiring all prospective candidates to apply to the Honorary Justice Office for an application form, which would be forwarded with important background information about the role, responsibilities and Code of Conduct for Justices of the Peace.

Mr Hulls said he had also asked the Dept of Justice to prepare a report on the future need and role of JP's.

"The office of Justice of the Peace dates back to

medieval times, but reforms over the years have progressively removed their powers to their current function of witnessing Declarations and Affidavits – a function also provided by other professions under the Evidence Act," Mr Hulls said.

"It is open to debate whether there is still a need for Justices of the Peace in the 21st century.

"The panel also questioned whether a cap should be put on the numbers of Justices of the Peace, and whether there should be a legislated age limit. These issues will be explored and will involve consultation with all relevant stakeholders." Mr Hulls also announced Mr Suleyman's appointment as a

Justice of the Peace had been revoked by Governor in Council, following the independent panel's review, and based on behaviour revealed in the Ombudsman's report into Brimbank City Council.

Mr Hulls said he had recommended to Governor in Council to revoke Mr Suleyman's appointment after the panel determined the Ombudsman's findings of undue influence by Mr Suleyman in relation to the Keilor Lodge Reserve brought into question his integrity.

"The panel found this behaviour clearly questioned the integrity of

Mr Suleyman to the extent that he behaved in a way that could be judged as weakening public trust in the Office of Justice of the Peace," Mr Hulls said

"It is open to debate whether there is still a need for Justices of the Peace in the 21st century."

"It is on the basis of this finding that I sought to revoke Mr Suleyman's appointment"

The review found Mr Suleyman's appointment as a Justice of the Peace followed usual procedures. It found a police check of the Victoria Police LEAP system did not reveal any prior convictions, but a further check of records revealed convictions from an altercation when Mr Suleyman was a taxi driver in 1989.

The panel found these criminal convictions were taken into account in recommending his appointment but were not brought to the attention of senior departmental management or the Attorney-General.

JP's strike back at Attorney-General's comments

Wednesday, 8 July, 2009, Page 11

Pakenham-Berwick Gazette



JPs at Narre Warren Police Station are angry at recent comments made by Attorney-General Rob Hulls. Pictured from left: Jim McInerney, Ian Murdoch and middle, Kevin Moody, Elwyn Wride, Palen Sangiah, John Seymour, Des Devlin, and front, Margaret Tinschert, Norma McCauslan, Kay Smart, Acting Senior Sergeant Sheree Moore, Wendy Stapleton, Heather Woods, Jack James and Judy Murdoch.

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Picture: Luke Plummer

JPs strike back

By Melissa Grant

RECENT comments from Attorney General Rob Hulls questioning the role of Justices of the Peace, made in the wake of the Brimbank fallout, have sparked outrage among local JPs.

Two Cardinia Shire JPs say they are extremely disappointed that Mr Hulls has publicly stated that it is debatable whether there is a need for them in the 21st century.

Wendy Stapleton and Peter Nodin, JPs who volunteer at Narre Warren Police Station, are also outraged at discussion of an age limit being placed on JPs, saying it would see their numbers dwindle dramatically.

"The comments are quite offensive," Ms Stapleton said.

"I'm not sure that Rob Hulls understands the time and contributions some of us JPs do make."

Mr Hulls' comments were made after the Governor-in-Council revoked Labor heavyweight Hakki Suleyman's JP position, following a probe from an independent review through an advisory panel.

The panel was asked to examine whether Mr Suleyman was a fit and proper person to hold the office of JP, after an Ombudsman's report named him in a corruption investigation into Brimbank City Council. It was also asked to review the appointment and processes of JPs.

A number of the panel's recommendations will be immediately implemented, including the need for prospective JPs to sign a statutory declaration and modifying application forms to capture details of current and former names to allow a comprehensive police record check.

Mr Hulls has asked the Department of Justice to prepare a report on the future need and role of JPs.

"The office of Justice of the Peace dates back to medieval times, but reforms over the years have progressively removed their powers to their current function of witnessing declarations and affidavits - a function also provided by other professions under the Evidence Act," Mr Hulls said.

"It is open to debate whether there

is still a need for Justices of the Peace in the 21st century.

"The panel also questioned whether a cap should be put on the numbers of Justices of the Peace, and whether there should be a legislated age limit."

Mr Nodin, who commutes from his Emerald home to Narre Warren Police Station for a couple of shifts each week, said JPs definitely still had a role to play in society.

"A lot of JPs sign national and international documents that can't be signed by anyone else," he said.

Ms Stapleton, a JP for 11 years, was particularly concerned about any age limit being put in place, saying about three-quarters of the 26 JPs rostered on at Narre Warren Police Station were over 70.

She said JPs saved taxpayers a lot of money, with those at Narre Warren police station working 1000 hours and signing about 18,000 documents each year.

"Other professionals can do some of the work we do, but can also charge for their time," Ms Stapleton said.

JP's in the spotlight

Welcome back to JP in the Spotlight, a popular column in earlier editions of *Custodes*. We start this new series by introducing a family where being a JP is in the blood. Meet Ron Stanley and Wendy Caple, father and daughter, and both JP's from South Gippsland. Ron was appointed a JP in 1971 and Wendy in 2003.

Why did you decide to become a JP?

Ron: It was suggested to me at the time given my role as Shire Secretary, that it would be advantageous for the community if I were a JP. That was 38 years ago.

Wendy: I was living in a small rural community outside Leongatha and a local person suggested to me it would be a good idea to have a Justice in the area.

What is it like being a JP in Leongatha?

Both Ron and Wendy feel that providing a community service is a real positive of being a JP. Ron goes on to add that the downside is the after hours calls and the travel involved in some call outs.

Describe life in Leongatha.

Ron: I have lived in Leongatha for 38 years, am now retired and happy to stay as I have good friends and it's a nice community. Two of my four children and four grandchildren also live in Leongatha.

Wendy: We moved to Leongatha during my high school years. I left for a while to study and teach. I moved back to the area when I married as it is where my husband comes from. As much as I enjoy Leongatha there are certainly other places I would like to investigate and explore.

What are your hobbies?

Ron: Rotary, gardening, reading, church and traveling.

Wendy: Our two daughters left home at the start of the year so I am beginning to find time for hobbies. I enjoy gardening, I'm involved with the church, the local athletics club committee and I work full-time as assistant principal at the local primary school.

What are the challenges faced by JP's?

Ron: The current enquiry by the Dept of Justice, which from its website seems to give the impression they don't think much of JP's and are not really aware of what the RVAHJ does.

Wendy: The number of different forms we are asked to witness seems to be growing and it takes time to sift through them to ensure we have done our job properly.

Highlights of being a JP?

Both Ron and Wendy agree that their local group is a good support and a nice bunch to spend time with.

What is it like as JP's being related?

Ron: We sometimes confer with one another on issues. We tend to have different JP jobs because of the hours we are able to give to the role.

Wendy: It's good to be able to call on dad's experience and pick his brains about things that crop up. I tend to deal with people who come to me at work during the day mainly from the school community. Dad, because he is available, gets called out during the day by the State Trustees.

Has the role of a JP changed?

Ron: The biggest change is not sitting on the bench at the Magistrate's Court, using local knowledge to support the Magistrate. Also an increase in the number of professions that can sign a Statutory Declaration has decreased the workload for Justices.

Wendy: Having not been in the job that long, the biggest change I have noticed is not being able to sign documents for the Registry of Births, Deaths and Marriages. The need to sign documents for police checks and divorce papers seems to have increased significantly.



What skills does a JP need to do the job?

Ron: You need to be a good listener and have a desire to help.

Wendy: You need to give of your time to people and acknowledge that confidentiality, particularly in a small community is important.

If you could send a message to the world what would it be?

Ron: Be considerate to each other as individuals and as nations.

Wendy: Enjoy the time you are here, not at the expense of others and care and share more.

What is the future for JP's?

Ron: If the Dept of Justice continues on its present way the role of a JP will continue to diminish. It would also appear many people in power see the volunteer as irrelevant.

Wendy: In our community there still seems to be a need but only while our title appears on documents to witness. If this changes we won't have much to do.

Which five people would you invite to dinner?

Ron: Apart from my family, Ricky Ponting, Jeff Kennett, David Attenborough, Dawn French and James Morrison.

Wendy: Family are always fun but Dr Fiona Stanley, Jim Stynes, Jim Eion, Dame Elizabeth Murdoch and Pink.

Welcome new members

Welcome to all new members.

Ian Ballantyne JP	LARA
Kristopher Bolam JP	FRANKSTON
Donald Ewart Chenery JP	DINGLEY
Vernon Collins OAM JP	SEAFORD
Sharyn County JP	YALLAMBIE
Clarence Debnam JP	WARRAGUL
John Derman JP	WALLAN
Joseph Diffen JP	TORQUAY
Mursel Duz JP	CARLTON NORTH
Kaylene Evers JP	CAROLINE SPRINGS
Harvey Hilary-Taylor JP	MILDURA
Graeme Hind JP	RYE
Milton Holmes JP	MOUNT WAVERLEY
Karen Hynes JP	BACCHUS MARSH
Darren Langman JP	HEIDELBERG HEIGHTS
Scott McDonald JP	WHEELERS HILL
Grant McDougall JP	CRANBOURNE
Peter Mulholland JP	LILYDALE
Bryan Nicholls JP	SEBASTOPOL
Graeme Park AM JP	BELMONT
Walter Pilmore JP	TRARALGON
Geoffrey Porter JP	JACANA
Jason Potts JP	NEWBOROUGH
Kurt Reiter	HAWTHORN
Vernon Robinson JP	NEWCOMB
John Seymour JP	NARRE WARREN
Felicity Smith JP	OAKLEIGH SOUTH
Maria Sozanski JP	NEWLYN
Elizabeth Spicer JP	KYABRAM
Doreen Stoves JP	HEATHERDALE
Robert Taylor	CAMBERWELL
Leslie Zimmerman	ST KILDA EAST

Witnessing Victoria Police

National Police Certificate documents.

Recently there has been some confusion about the requirements of a Justice of the Peace (JP) when witnessing a Victoria Police, National Police Certificate application. There is no requirement for the JP to ensure the applicant has the 100 points required in the application. The JP is simply required to witness the applicant's signature and certify the photograph. Below is a copy of the response from the Department of Justice clarifying this matter.

The onus is on the applicant to ensure that the form is fully completed and that all required documents [photocopies] are attached. If the applicant fails to do this, then VicPol will advise the person. The JP has no part to play in this aspect. Similarly, the onus on achieving the required level of ID points rests solely with an applicant [ultimately in consultation with VicPol] - the JP has no formal part in this.

The role of the JP is clearly set out in Section G of the National Police Certificate Check. It states that a JP can:

- Witness an applicant's signature.
- Sign and date the photocopies of ID documents to be included by the applicant with the application form after first sighting the originals of such documents to ensure "true copy" etc.
- Verify [and certify to that effect] the photo ID presented by the applicant.

Garry Runge JP
President RVAHJ
0400 335 251 (mobile)

RVAHJ becomes signatory of Community Accord.

In July, RVAHJ joined the growing list of community organisations as a signatory of the Community Accord. This is a document developed by the Victorian Multicultural Commission which reaffirms Victorian's faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women.

The Accord was first signed in 2001 by 36 community organisations to affirm their commitment to the principles of community harmony and respect for all Victorians. Signatories include organisations from different sectors of the Victorian community such as Lions Clubs, Victoria Police, local governments and the ANZ Bank.

Annual General Meeting

For a complete version of the AGM Minutes and the year end financial accounts visit the RVAHJ website.

ROYAL VICTORIAN ASSOCIATION OF HONORARY JUSTICES
MINUTES OF THE 99TH ANNUAL GENERAL MEETING
HELD AT 53 BROADWAY ELWOOD ON THURSDAY 28 MAY 2009
COMMENCING AT 7.30 PM

PRESENT:

Garry Runge (President RVAHJ), Michael Cheshire, Rod McConnell, Laurie Taig, Fred Kent, Norman Wittingslow, Glenda Frost, Gerry Kerkvliet, Cliff Fisher, Heather Simmonds (minutes), Adam Trumble, Helen Gilhome, Kaylene Kacher, Harry Gibcus, Ray Walker (Skype)

APOLOGIES:

Joan Scott, Patricia Brown, Cathie Irvin, Cathy Owens, Chris Reside, Michael Tse, Constance Smith, Reg Kinnersley, Jim Kerin, Robert Campbell, Linda Rainsford, Gary Tragardh, Harvey Dunkley

WELCOME:

Association President and AGM Chairman Garry Runge welcomed members to the AGM and introduced Board Members who were present.

MINUTES OF THE 98TH AGM

Minutes of the 98th AGM as printed and circulated were confirmed. Moved Laurie Taig and seconded Fred Kent.
CARRIED

BOARD'S ANNUAL REPORT

Immediate Past President Rod McConnell presented his report.

ANNUAL ACCOUNTS:

The Audited Balance Sheet and Statement of Income and Expenditure for the year ended 31/12/2008 was presented and carried.

APPOINTMENT OF AUDITOR:

Mark Herold of CHN_Herold Ross was reappointed as auditor for the ensuing year.

FURTHER MATTERS:

Returning Officer Adam Trumble was thanked by President Garry Runge for his work. President Garry Runge thanked the Immediate Past President Rod McConnell for his excellent support and advice.

Meeting closed at 8.00 p.m.

Advertise in *Custodes*

Reach a state wide audience of influential community leaders and business professionals by advertising your business in *Custodes*. Very competitive casual and yearly advertising rates available starting at just \$20.00. Don't miss out on this important business opportunity. Contact the editor today at custodes@rvahj.org.au to arrange your booking.

Ad Size:	Yearly Rate(4 editions)	Casual Rate
Business card size	\$20.00 per edition	\$30.00
Quarter page	\$45.00 per edition	\$55.00
Half page	\$75.00 per edition	\$90.00
Full page	\$100.00 per edition	\$150.00
Loading for premium pages (inside front and back cover + 20%)		
Yearly rates are to be paid in full, in advance.		

Bail Justices

Enclosed in this edition is the Guildline to Hearing Forms and Usage as an aide memoir for your briefcase.

The role of a volunteer Bail Justice (BJ) is to hear bail applications (under the *Bail Act 1977*) and applications for Interim Accommodation Orders for children (under the *Children, Youth and Families Act 2005*) within Victoria. BJ's can remain appointed until the age of 70 however applicants must be under 65. They are often required to rule on bail applications on weekends and late at night when the courts are closed, and also witness Statutory Declarations and Affidavits.

BJ's, like JP's perform their vital community role in a voluntary capacity. In addition to witnessing documents BJ's have the added responsibility (which can be controversial and should not be underestimated) of ruling on the removal of a defendant's liberty.

To become a BJ applicants must undertake an extensive course of study and ongoing training programs are readily available and highly recommended. Whilst membership of the Royal Victorian Association of Honorary Justices (RVAHJ) is not mandatory, membership numbers clearly indicate the percentage of BJ's in Victoria is small compared to the number of JP's.

One major issue facing BJ's is

public awareness and recognition. Long serving BJ, David Ross Seggie believes that there is little if any public awareness or acknowledgement of what a BJ is and what they do.

A view it seems that is supported by the majority of BJ's

"Nobody goes into this job seeking recognition but when you have disturbed the household at 3 a.m. having been called out to the police station in the pouring rain to deal with an urgent matter, it would be nice to know your efforts are appreciated," says Ross.

To add further salt to the wound Ross believes that there are some State Government documents that require witnessing which don't list a BJ as an authorised witness!

One defendant needed to get home to feed his pet monkey.

On a lighter note, Ross shares one of the more memorable, and humorous moments he has encountered during his 19 years as a BJ.

Whilst driving to the St Kilda Road Police Complex for a bail hearing he recalls being caught in a traffic jam and hearing on the radio reference to the out-of-session he was to preside over. The report said that the hearing was to take place shortly. Ross thought to himself that if the traffic didn't get moving the hearing was going to happen later rather than sooner.

His job this day was to decide the bail on a number of individuals, each of which were to be heard separately on the request of police.

There were bags of evidence collected by the police and placed in

the room in which the hearings were being held and during the session hearings mobile phones could be heard ringing constantly from these bags.

The defendant's reasons for seeking bail were creative to say the least.

They included:

- One defendant needed to get home to feed his pet monkey.
- Another caught sleeping in a school claimed he used to be a tax payer and therefore owned the school.
- Yet another, when asked if he wished to apply for bail said he would "take the Fifth". It was pointed out to him that "the Fifth" was an amendment to the American Constitution and therefore did not apply in Australia.
- A defendant claimed every time he faced a "bail buster" he didn't get jail.

In terms of some positives, Ross considers the RVAHJ initiative of supplying teddy bears to children as a good idea and as far as the future goes for BJ's he recalls some time ago a move to combine the roles of JP's and BJ's; an initiative Ross supports.

An interesting fact that may not be widely known is that BJ's are not recognised in any other state than Victoria. National recognition is possibly another way of securing the future of BJ's according to Ross.

Editor's Note:

Thanks to Ross Seggie for his invaluable input into this article.

Guideline to Hearing Forms & Usage for Bail Justices



GUIDELINE TO HEARING FORMS AND USAGE

CRIMINAL PROCEEDINGS				
Outcome	Form	Number	Disposition	Notes
Bailed own undertaking	Undertaking of Bail	VP 472	Original to Court	provided
	Out of sessions	VP 1048	Staple to original	provided
	Record of Hearing Bail	RHB 01	BJ File	Available - RVAHJ Book or Website
If Show Cause +	Form 3 Reasons for granting bail	VP 497	Staple to original	provided
Bailed with Conditions	Undertaking of Bail	VP 472	Original to court	provided
	Out of sessions	VP 1048	Staple to original	provided
	Record of Hearing Bail	RHB 01	BJ File	Available - RVAHJ Book or Website
If Show Cause +	Form 3 Reasons for granting bail	VP 497	Staple to original	provided
If Surety used +	Affidavit of justification	VP 465	Staple to original	provided
If not admitted to bail +	Remand Warrant	VP 704	Court copy with original	provided
Remanded	Remand Warrant	VP 704	Court copy	provided
	Out of sessions	VP 1048	Staple to Court copy	provided
	Record of Hearing - Bail	RHB 01	BJ File	Available - RVAHJ Book or Website
PROTECTION				
IAO	IAO Form		Court copy	Provided -Must cause all parties to have a copy
	Out of sessions	VP 1048	Stapled to court copy	provided or on RVAHJ Website
	Record of Hearing - Protection	RHC 02	BJ File	Available - RVAHJ Book or website
If suitable person used +	Production Stat Dec		With Court copy	provided

Notes: No criminal hearing can proceed unless there is: A Charge or a Warrant



Are you aware the Association has a limited number of teddy bears (courtesy of the Lions Club) to provide comfort for distressed children. They are available to Bail Justices at no cost. Please contact Cathy at admin@rvahj.org.au or on 03 9525 7099.

Merchandise order form

Merchandise Order Form		PO Box 317, Elwood, Vic. 3184 Ph: (03) 9525 7099	
Spring 2009		Email: admin@rvahj.org.au Fax: (03) 9525 7765	

Item	Cost	Qty	Sub-Total
Photo ID's			
JP/BJ Wallet	85.00		
Tag with Clip (No PFee)	14.25		
Tag with Cord (No PFee)	14.25		
Dresswear			
Name Badge (Magnetic) ◇	25.95		
Lapel Badge <i>Blue</i>	9.95		
Cufflinks <i>Blue</i>	19.95		
Tie Bar <i>Blue</i>	12.95		
RVAHJ Tie	33.50		
Ladies RVAHJ Scarf	10.00		
Stamps – Self Inking			
ID Stamp *	29.50		
ID Stamp with seal *	45.20		
Certified True Copy	32.70		
Cert'd True Copy with ID & seal *	45.20		
Stamps – Handle			
ID Stamp *	24.95		
ID Stamp with seal *	38.00		
Certified True Copy	24.95		
Cert'd True Copy with ID & seal *	35.05		
Annexure/Exhibits	33.25		
Miscellaneous			
Business Cards (x 100) △	59.00		
Business Cards (x 200) △	94.00		
Key Ring	8.95		
Oaths Card (Free P&H)	3.60		
Record Forms – Bail Application	12.95		
Record Forms – Protection	12.95		
Window Transfer (No PFee)	3.60		
ADD 1st Item Processing Fee (PFee) then \$2.00 each extra Item (except on No PFee Items)	6.00		
	2.00		
TOTAL			

Membership Renewal for:
Name: _____

SPECIAL ORDERS:

△ **Business Cards:**
Name: _____
Reg. No/s. _____ Ph: _____
Fax: _____ Mob: _____
Address: _____
Town/Suburb: _____ P/code _____
Email: _____

◇ **Metallic Name Badge (Print as you want name to appear):**
Name: _____

*** Stamps: Notes: 1 Full, legal name and a street address (not PO Box) required. 2 We reserve the right to edit wording to comply with legislation and/or space limitations.**

Surname: _____
First & Middle Name/s: _____

*Street Address: _____
Town/Suburb: _____
Postcode: _____ Reg. No. _____

Delivery Details:
Post to: _____

Contact Phone No. _____

Payment: Send Chq/Money Order or Cr Card Details below:

Indicate One: Mastercard Visa
(Note: AMEX/Diners Club, Debit card, Phone payments not accepted).

Cardholder Name: _____
Card No. _____

M M / Y Y Cardholders signature: _____

Centenary Committee update

The Centenary Committee met early in July for a workshop to discuss and plan the suggestions put forward by members. There were nine people present with three apologies. Each suggestion was discussed and of those present, some took on an individual activity to run with. The input from all those present was professional and practical.

Some of the activities that are being planned include:

- **Opening and closing events** - for the centenary year. These plans are still under wraps as talks with dignitaries are ongoing. We are expecting to involve them with some events during the year.
- **Merchandise** - Production of a centenary tie and a pre-paid envelope have been agreed to. More may follow. Helen Gilhome is working on the ties and looking at what else we may produce, while Rod McConnell is working with Australia Post on the pre-paid envelopes.
- **Branch involvement** - Each branch is encouraged to put on a BBQ/dinner/or other activity to celebrate the year. Branches may wish to also invite local dignitaries to join in the celebrations.
- **A history book** - Fred Kent is writing it at the moment. It will be published for all to purchase.
- **Travelling display** - Ubaldo Martelli and Norm Gibbs are working on a mobile display to be used around Victoria. They are seeking volunteers and sponsors for this project.
- **Seminar** - A seminar may be planned to discuss the future of the honorary justice given we may well be at a crossroads of the duties justices take on in the years to come.
- **Media coverage** - Media kits will be available for the branches to use to gain coverage and showcase the work of honorary justices over the years and into the future.
- **Annual dinner** - The focus of the annual dinner will be our centenary year. The dinner will coincide with the Australasian Council of Justices' Associations meeting in Melbourne in October 2010. The ACJA represents all justices in Australia and New Zealand. They hold their meetings in rotation around the States. In 2010 the president will be RVAHJ director and past president Michael Cheshire.

The Centenary Committee are considering a theme for the centenary year. If members have any suggestions, please contact Michael Cheshire, Committee Chair on jp7913@rvahj.org.au.

There is much excitement around about our celebrations. Thanks must go to all those concerned who have made suggestions, put themselves forward to work on the activities and the centenary committee itself. President Garry Runge and vice-chair Harry Gibcus are both great people and have provided advice and assistance with our planning. The Committee is hoping to include many activities throughout the year which everyone can be involved in some way.

We are part of an honourable and ancient institution. It began when Richard the Lionheart went off to the crusades in 1195. It was the beginning of the judicial system as we know it. There were only Justices of the Peace running the judicial system in Australia for a long time before judges were established. We are held in good esteem by the community for the work we do.

Let us all celebrate this milestone!

Michael Cheshire JP
Chair – Centenary Committee

Petrol grant update

By Helen Gilhome

We are pleased to announce that the \$62,500 petrol grant generously provided by the Department of Families, Housing, Community Services and Indigenous Affairs has been distributed to members to reimburse fuel costs. This represents an amazing 128,000+ kms travelled by Justices.

The \$10,000 small equipment grant has similarly been used to purchase desperately needed training equipment, a laser printer, fridge, urn and vacuum cleaner.

A small grant of \$5,000 is available this year and of course we will be making an application. It is anticipated this money will be spent on small equipment (eg new computer or photocopier)

We will keep you advised of the outcome which may not be known until 2010.

We are still seeking sponsorship for the reimbursement of public transport costs and will raise this matter with the Justice of the Peace Reference Group when next it meets.

Virtual court cases go on trial in London

Camberwell Green Magistrates' Court is the unlikely venue for a new pilot scheme – the so-called Virtual Court.

The Virtual Court Scheme is now a daily reality. At Camberwell Green Magistrates' Court cases can now be heard within hours via a secure video link between Charing Cross police station and the court. The pilot has already seen two cases dealt with in this way. In one case, the hearing took place four hours after the defendant was charged with drink driving. The defendant pleaded guilty and was sentenced, at the end of the hearing, which lasted 20 minutes.

The new Scheme follows a 12-week prototype study in July 2007 that was hosted by Camberwell Green Magistrates' Court. That prototype study demonstrated that both custody and bail first hearings could take place in a single day with an average time of three and a half hours.

Other London police stations expected to join the pilot over the summer are Brixton, Kennington, Streatham, Peckham, Walworth, Lewisham, Plumstead, Bromley, Croydon, South Norwood, Sutton, Paddington Green, Belgravia, Bexleyheath. An estimated 15,000 cases are expected to be dealt with using the Virtual Court during the one-year pilot. A second pilot site in North Kent will launch in June 2009 so that the Virtual Court concept can be tested in areas with different characteristics.

During the hearing the Virtual Court will sit at both the court and police station. The defendant will be online at the police station, with the magistrates or district judge, legal adviser, Crown Prosecution Service and probation service based at the court. The defendant's solicitor can be either at the police station or court. The public will be able to see the defendant on a screen within the court. Defendants will still have access to confidential legal advice and a system of safeguards will be in place to ensure those with mental health or learning difficulties and vulnerable defendants' rights are protected. If the magistrates or a district judge feel that the process is unsuitable for a particular case they can terminate proceedings at any stage and refer the case for a standard court hearing. Claimed benefits of the Virtual Court scheme include:

- The potential for same-day sentencing of offenders who plead guilty.
- A reduction in delays caused by defendants failing to turn up to hearings and paperwork not being available.
- Reducing prisoner movements, saving money on transport costs.

It is suggested that the Virtual Courts Scheme has the potential to deliver savings of over £10million a year.

Justice Secretary Jack Straw praised the first Virtual Court pilot for delivering justice faster and more efficiently, when he visited Camberwell Green Magistrates' Court on 27 May. Mr Straw said: *'As I have seen first hand today, Virtual Courts have the potential to transform how the justice system deals with crimes. They are vital in the Government's drive to deliver swift justice - resolving cases faster, freeing up police time and improving the service given to victims, witnesses and defendants. Although at an early stage, this pilot helps the courts, police, prosecutors, defence lawyers and the judiciary work better together to deliver quicker and more effective justice without any loss of quality. The faster we get justice done, the more we improve public confidence in the criminal justice system as whole.'*

The Solicitor General, Vera Baird QC, said: *'By continuing to examine the Virtual Courts concept we can ensure that its potential is fully realised but that appropriate safeguards are in place to ensure it is used for the right kinds of cases. It can work for both complainants and defendants, while the public can continue to see justice being done.'*

Lord Justice Leveson, the Senior Presiding Judge for England and Wales said: *'The courts offer a public and open system of justice, but it is also important that they provide for the swift resolution of cases. The judiciary are therefore keen to look at new and innovative methods of increasing the efficiency of the courts, whilst preserving what is important about the system of justice that they provide. Using technology such as this to reduce delay must therefore be worthy of further investigation. I welcome this pilot and shall follow its progress with interest.'*

Andrew Morley, chief executive of the London Criminal Justice Board, which is coordinating the London pilot, said: *"The London Criminal Justice Board is committed to testing new ways of improving the public's experience of the criminal justice system by improving the timeliness and efficiency of the process. We have shown previously through a successful prototype that the technology makes it possible for the court to deal with first appearances over a video link from the police station, and are confident that the pilot will demonstrate significant benefits in terms of efficiency, victim satisfaction and confidence.'*

Published 27/5/2009

Source www.scl.org

Training update

A big thank you to the members who have responded to the request for trainers. The training committee will review these expressions of interest and contact you to discuss options. The aim is to have a pool of members we can draw from that can assist Leo King next year with training sessions.

Recently the RVAHJ provided training to 45 members in Traralgon. The training was attended by the president Garry Runge, vice president Linda Rainsford and Leo King again presented a professional training day. It is fantastic to see the level of attendance and interest that members have in keeping their skills up to date by attending these sessions. Despite the weather members enjoyed networking and the association is grateful to the local branch who provided the venue and refreshments on the day. Feed back on the day was positive and included suggestions that the training committee will consider for future sessions.

By **Linda Rainsford**

The last training date for this year is as follows:

When: 3 October 2009

Where: Felltimber Community Centre, Ritter Road, (off Melrose Drive), Wodonga

Registration: 8.45 am

This course covers your duties and legal responsibilities when Document Witnessing (Affadavits, Statutory Declarations, Certified True Copies and Powers of Attorney).

Time: 9.00 am sharp -3.00 pm (Note earlier start)

Full course Notes are supplied.

Morning tea and lunch provided.

Cost:

Members or those who have applied for membership	No cost
Non members	\$100.00

RSVP: 20 September 2009
Post PO Box 317 Elwood 3184
Email admin@rvahj.org.au.

Help needed!

Rosters are a great opportunity for those Justices who are anxious to serve their community but do not wish to have people coming to their house.

We need help on the following rosters:

Dandenong (Langhorne Street)

12.30 p.m.—3.30 p.m. weekdays.

Contact Bob Warren at jp8046@rvahj.org.au or call (03) 9574 0626.

Melbourne East (Flinders Lane)

11 a.m.—2 p.m. weekdays

Contact Helen Gilhome at bj1736@rvahj.org.au or call 0401 331 876

Moorabbin (Nepean Highway)

Tuesday and/or Friday 5 p.m.—7 p.m.

Contact Helen Gilhome at bj1736@rvahj.org.au or call 0401 331 876

What ever time you can give either frequently, infrequently or as an emergency is greatly appreciated by the Police and the community.

Updating contact details

Have your contact details changed? Please advise Cathy by

Email at admin@rvahj.org.au

Telephone on (03) 9525 7099

Fax (03) 9525 7765

Mail to PO Box 317, Elwood, Victoria, 3184

If you have changed address please don't forget to include any change to phone numbers as this is how the members of the public contact you.

Frequently Asked Questions

Should we witness a document for a relative?

In simple terms NO.

The Association advises against signing for any family members at all. Holding to this rule provides you a method to safeguard your independence as there is no requirement of where to draw the line from close to distant relatives and any possible family pressures are thus negated.

Reasoning:

It is inadvisable to put yourself in a position where if the document was called into question at later date a reasonable person could infer that the document or circumstances of the witnessing could have been compromised because of the family tie. This safeguards your reputation as an independent witness.

Can a JP witness a Passport Application?

In simple terms NO.

A Justice of the Peace is not an accepted witness by way of their office, as only an Australian Citizen who has known the applicant for 12 months may witness the application. This does not preclude a JP from signing as a witness but it is as an Australian Citizen who has know the applicant for 12 months not as a JP.

Reasoning:

This is the requirement of the Department of Immigration and more reasonably provides a proper identification check that previous requirements of a JP or other named offices would not.

Can I witness an Email as a Certified True Copy (CTC) ?

In simple terms YES

The association advises that Emails are often tendered in court and other locations as evidence or support for any number of events and can be certified as a copy of an original that has been sighted. As the original actually exists as a series of ones and zeroes in a magnetic field in a computer it can obviously be subject to manipulation at a later date and we therefore advise that the original (printout 1) be marked as the original and signed and dated by you and that you certify the copy or printout 2 as the CTC. This way the original cannot be altered and the copy clearly identifies itself as a copy of the original that is marked as original dated with your signature that you are attesting that you have sighted.

Can I witness my own documents?

The simple answer is NO.

The role of an honorary justice is to be an independent witness. You cannot act independently in matters in which you are directly involved.

Can I sign documents for other states?

Legislation in each state/territory allows for Statutory Declarations and Affidavits to be signed over state borders by honorary justices.

Does this mean I can sign documents when I go interstate on holiday?

It is recommended that you do NOT witness documentation outside Victoria unless you separately hold office in that state. The office of Justice of the Peace is a state appointment.

Can I sign documents to be used overseas?

The office of Justice of the Peace is recognised in many countries around the world, but not all. Firstly check the document and any paperwork for an indication of who is a recognised signatory. If still unsure, you could try contacting the Consulate of the country involved or contact the RVAHJ office to discuss.



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Christmas gift ideas

Does your family scratch their heads trying to find gifts for you? They need look no further than these terrific gift ideas!

NEW RVAHJ Plaque

This shield-shaped wall plaque bears the Association's logo, surrounded with gold-coloured oak leaves (you may have seen this badge in our RVAHJ ID Wallet). With a personalised, engraved plate (2-line max.), any Justice would be pleased to have this impressive item on display.

Cost: \$79.95 plus postage (\$7.00 1st item)



Shaeffer Pen

This beautiful, brushed-chrome Shaeffer pen comes in its own stylish gift box. (Ink colour: Black)

Cost: \$39.95 plus postage (\$6.00 1st item)

Alarm Clock

This handy analogue clock, with easy-to-read numerals would look stylish anywhere; from the bedside table to the boardroom table! The polished chrome case has been laser-engraved with the Association's logo.

Cost: \$24.95 plus postage (\$6.00 1st item)



Special Offer!

Purchase any item on this page and receive a free RVAHJ keyring, worth \$8.95 (One per customer and only until stocks last!)

Postage rates: please include the 1st item postage charge plus \$2 per item thereafter. For example, to purchase a plaque, a pen and a clock, add \$11.00 postage (\$7.00 plus 2 x \$2). To purchase the pen and clock only, add \$8 postage (\$6.00 plus 1 x \$2)

Order Form

Item	Cost \$	Qty	Sub Total
Plaque*	\$79.95		
Pen	\$39.95		
Clock	\$29.95		
Keyring	Free	1	
Postage			
TOTAL			

Payment: Send Chq/Money Order or Credit Card details (below) to Administration Officer, RVAHJ, PO Box 317, Elwood, Victoria, 3184.

Indicate Credit Card: Mastercard Visa
 Cardholder name: _____
 Card Number: _____
 Expiry date: _____
 Cardholder's signature: _____

* Engraved plate text

Line 1:

Line 2:

Members community service acknowledged

Members publicly acknowledged for their community service.

During National Volunteers week in May this year the City of Glen Eira awarded Laurie Taig, Fred Kent, Max Rose and Leo King a Certificate In Appreciation in recognition of their services in the special category of 10 or more years of service. Combined, these gentlemen have provided 93 years of service to the Association and the community.

Annually Glen Eira City Council acknowledge the importance of volunteers by holding a ceremony to publicly honour their contribution to community life in the City of Glen Eira. Known as the Volunteer Recognition Program, not-for-profit community based organisations are invited to nominate volunteers in recognition of their contribution of 500, 1000 or 2000 hours of service. There is also a special category which recognises 10 or more years of continuous voluntary service.

" I firstly want to congratulate Laurie, Fred, Max and Leo on receiving this award. They are excellent examples of the dedication and commitment made by all JP 's and I would encourage much more public acknowledgement of what we do through initiatives such as this one," said President Garry Runge.

"Whilst none of us look for thanks it is delightful to have long and distinguished service recognised."



New era for justice services in regional areas.

To help service regional areas better, the Department of Justice has adopted a new regional model, which will improve access to Justice services across Victoria by locating them closer to the communities they serve.

Newly appointed Regional Directors will lead the delivery of Justice services in Victoria 's regions under the Department of Justice 's new regionalisation model. Regional Directors will oversee regional head offices in eight regions across Victoria.

The new regionalisation model creates "one stop shops " for Victorians, with a Justice Service Centre to be located in each of the eight State Government regions, in line with the government 's commitment to drive growth in provincial Victoria.

The Department of Justice provides access to a range of services through its regional Justice Service Centres, including:

- consumer advice
- fine payments
- mediation services and dispute resolution.

Delivering justice services through eight geographical regions, the Department of Justice aims to provide justice services that are more focused on the needs of local communities and provide job opportunities in regional Victoria.

For more information about Justice regional services in your area, visit the Justice Regional Locations webpage.

July 2009, source www.justice.vic.gov.au

Royal Victorian Association of Honorary Justices



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EDITORIAL POLICY

The official journal of the Royal Victorian Association of Honorary Justices has appeared, in various formats, since 1910. As is common practice in publications, the current *Custodes* does not necessarily represent the views of the RVAHJ, since it encourages contributions from a wide cross-section of members and beyond. Articles and letters are most welcome, but are subject to the discretion of the editor.

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Advertising in *Custodes* reaches a statewide audience of influential community leaders and business professionals. Attractive advertising rates are available.

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