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THE OFFICIAL JOURNAL OF ...

THE ROYAL VICTORIAN ASSOCIATION
OF HONORARY JUSTICES

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Bail Justices were recognized at the Ballarat annual dinner by Superintendent Andrew Allen, Ballarat Regional Commander, Victoria Police. Guest speaker was Professor David Battersby from the Federation University Australia. From the left are Professor David Battersby, Bryan Nicholls - Ballarat branch chair, Superintendent Andrew Allen and bail justices - Margaret Kealtey, Lorraine Box, Geoff Johnson, Peter Ludbrook, Gary Chandler and Michael Cheshire.





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HOLIDAY OFFICE CLOSURE

The office will be closed for Easter break from Friday, 18 April 2014 and re-open on Wednesday, 30 April 2014.

If you need assistance with procedural matters whilst the office is closed, please contact one of the Directors listed on the back cover.

Enjoy your Easter break.

from the President's desk



Dear Members, Fellow Justices,

Greetings to all members and their families. I trust that you all had a peaceful Christmas break and are as excited as The Board is as we go forward in 2014.

I wish to say thank you to the Board of Directors for their support and confidence in reelecting me for another 12 months as the President of the RVAHJ at the December meeting.

At the last meeting John Wellington JP retired from the Board due to ill health. On behalf of the Board, we wish him well and thank him for his time he gave to the Association.

During my first year as President I had many meetings with the Attorney General and members of the Department of Justice to discuss matters of concern and benefit of our members and Honorary Justices in general. Robert Clark continues to be very supportive of the RVAHJ and the continued work that we do, especially the rostered signing centers. These are proving to be of great assistance to the public, but also offer a safe and supportive environment for our members to carryout their duties. I myself was confronted with a hostile male on one occasion, who was demanding that I certify his very dubious Copy! And it was very reassuring to have the strong arm of

the law to put balance back into the scene. So I would encourage you all, if you have any fears at all, to get on to the rostered signing centers or direct the public to them. My sources inform me that the tally of signed documents in 2013 was roughly 590,000.

The membership is steady at 2000 with branches totaling 24; this includes the new branches at Sunbury and Wellington.

My focus for my time as President has been and continues to be the premises and address of the RVAHJ. I am dedicated to a positive outcome of this and will continue to negotiate with correct Officers to achieve a satisfactory outcome. I am continually informed that the matter is nearing closure.

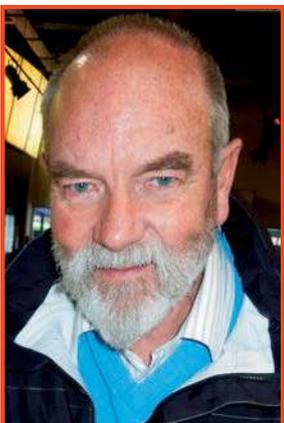
I am advised that we have had a very good response from members for the Grant. Applications closed at end of January and will be processed in due course.

It has been a real honour to represent the RVAHJ as President and I along with the Board will continue to work for the continuance of our Association and the benefit of its members.

Glenda Frost JP

President RVAHJ

from the Editor's desk



Fellow Readers

This edition carries more presentations from our 2013 Justices' Conference.

The Chief Magistrate, Peter Lauritsen, gives us a thorough insight into matters to do with bail. This is especially important to bail justices.

Carolyn Gale, from the Department of Justice provides an update of issues and initiatives around where the department is heading.

From a local police station perspective, Acting Senior Sergeant, Pete Carey from Ballarat, was both interesting and informative.

Thanks go to all our conference presenters, as they gave of their time at no cost, to benefit justices in this State.

I have included in this edition a report on signing centre' activities. If we can have more figures flowing in, then the next report

should be more complete.

I am off to New Zealand this month to represent Australia at the 200th anniversary of the first appointment of a justice of the peace in New Zealand, a Thomas Kendall. Interestingly he was appointed by Governor Macquarie from Australia and spent most of his later years living in Australia. I shall give you a report in our next edition.

Thanks again to all those who have made a contribution to this edition.

A handwritten signature in blue ink that reads "Michael".

Michael Cheshire JP
Editor

NOTICE OF ANNUAL GENERAL MEETING

Notice is hereby given that the Annual General Meeting of Members for 2014 will be held on Thursday, 29 May 2014 at 7.30 pm at 53 Broadway, Elwood.

Business

- (1) To confirm the minutes of the 103rd Annual General Meeting held on Thursday, 23 May 2013.
- (2) To consider and, if thought fit, adopt the Annual Report of the Board.
- (3) To consider and, if thought fit, adopt the Balance Sheet and Statement of Income and Expenditure for the year ended December 31, 2013.
- (4) To appoint an Auditor for the ensuing year.
- (5) To consider any Special Resolutions.

No other business for inclusion on the Agenda was lodged in writing prior to the advertised closing date.

Proxies

Members may appoint a proxy to act on their behalf at the AGM to attend and to exercise all rights and to discharge all duties, which that Member might have. A proxy must be a member of the Association. Notification, in the approved form, must be received by the Secretary at least 48 hours prior to the scheduled commencement of the meeting. Proxy forms are available from the office.

Michael Tse JP
Company Secretary

NEW LAW TO CRACK DOWN ON BAIL ABUSERS

New legislation came into operation on 20 December 2013 targeting those who commit further crimes whilst on bail or breach their bail conditions.

Attorney-General Robert Clark said the legislation means for the first time people breaching bail conditions will be committing an offence, carrying a penalty of up to three months in jail or a fine of up to \$4,330.

The legislation also sets out a range of restrictions that an alleged offender can be required to agree to if released on bail, including curfews, no-go zones, residence requirements and non-contact conditions.

"It is now an offence to breach bail conditions imposed to protect the community or prevent absconding, such as curfews, no-go zones, staying away from victims or witnesses or reporting to police," Mr Clark said.

The new law also creates an additional offence for re-offending while on bail, with offenders liable to a further penalty of up to three months jail on top of the penalty for the offence itself.

Each indictable criminal offence committed while on bail will in future be subject to the new penalty in addition to the punishment for the crime itself.

An indictable offence is a more serious offence usually carrying a maximum penalty of more than two years in jail. Examples include assault causing injury, theft, burglary and drug trafficking.

"Those who commit crimes while on bail not only break the law, they also mock the bail system itself and breach the community's trust," Mr Clark said.

"The community is sick and tired of offenders released on bail who go straight back to re-offending. All too often, offenders released on bail go on to commit a string of further offences, be it burglaries, drug deals or other crimes, before coming to trial.

"Under these new laws, if you re-offend while on bail, you will stand to go to jail for longer."

The new offences will also mean that police, bail justices and the courts will have a clear record of a person's history while on bail should they seek bail in the future.

"The new offences for breaching bail and re-offending while on bail will not only deter further crime, they will also ensure that our legal system is better equipped to judge someone's suitability for bail," Mr Clark said.

The new legislation also acts to end "bail shopping" by requiring that any further applications for bail must be heard by the same judge or magistrate whenever practicable.

Applications to vary bail conditions, or to be granted bail after bail has been refused, will also require three days notice to be given to the informant and the prosecution unless the court or the parties agree otherwise.

"These key changes to bail laws are a further part of the Coalition Government's reforms to strengthen the criminal justice system to better protect the community," Mr Clark said.

Source: Office of the Attorney-General

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CHIEF MAGISTRATE'S PRESENTATION

The Chief Magistrate's speech was given at our 2013 conference



Chief Magistrate
Mr Peter Lauritsen

Introduction

In 2011, the then English Lord Chief Justice gave a breakfast talk to the Anglo-Australian Lawyers Society¹. His theme was the preservation of peace in our community and the unique part played by non-lawyers in that process. He cited this passage from the Justice of the Peace Act 1361:

"In every county in England there shall be assigned for the keeping of the Peace ... three or four of the most worthy of the County, with some learned in the Law, and they shall have Power to restrain the Offenders, Rioters and other Barators ... and to cause them to be imprisoned and duly punished according to the Law and Customs of the Realm and according to that which to them shall seem best to do by their Discretions and good Advisement....to the intent that the People be not by such Rioters or Rebels troubled or endamaged, nor the Peace blemished ... nor other passing by the Highways of the Realm disturbed nor put in the peril which may happen of such Offenders."

"Barator" is a medieval term for a trouble-maker.

It is appropriate that in speaking to a conference of Justices of the Peace, I speak of bail.

Bail Amendment Act 2013

This Act amended the Bail Act 1977. The amendments commence on 20 December 2013. There are new regulations; they also commence on 20 December 2013. From the perspective of a bail justice and magistrates, the amending Act introduces a new sub-s 5(2A).

It sets out a non exhaustive list of conditions, which can be attached to a grant of bail. They are:

- (a) reporting to a police station;
- (b) residing at a particular address;
- (c) a curfew imposing times at which the accused must be at his or her place of residence;
- (d) that the accused is not to contact specified persons or classes of person;
- (e) surrender of the accused's passport;
- (f) geographical exclusion zones, being places or areas the accused must not visit or may only visit at specified times;
- (g) attendance and participation in a bail support service;
- (h) that the accused not drive a motor vehicle or carry passengers when driving a motor vehicle;
- (i) that the accused not consume alcohol or use a drug of dependence within the meaning of the Drugs, Poisons and Controlled Substances Act 1981 without lawful authorisation under that Act;
- (j) that the accused comply with any existing intervention orders;
- (k) any other condition that the court considers appropriate to impose in relation to the conduct of the accused. The expression "bail support service" is defined. Broadly, it means any service provided to assist the accused to comply with his or her bail undertaking. There will be a new form telling the accused of his or her obligations of bail - Form 2A.

¹ (2013) 87 ALJ 676 at 677-8.

Continued on page 6.

Powers of bail justices

S 12(1A) of the Bail Act 1977 provides:

"If a bail justice refuses bail to a person referred to in subsection (1), the bail justice must remand the person in custody to appear before a court –

(a) on the next working day; or

(b) if the next working day is not practicable, within 2 working days."

"Court" means court. There is one Magistrates' Court of Victoria. There are 54 venues of the Court. If the nearest venue of the Court does not sit on the next working day, then you should seek the nearest venue of the Court that does. For example, if it is Saturday and the nearest venue does not sit until Wednesday, then you should look for a venue that does sit on Monday, even if somewhat distant.

Presumption in favour of bail

The heading to s 4 of the Bail Act 1977 reads - "Accused person held in custody entitled to bail". The opening words of sub-s (1) read - "Any person accused of an offence and being held in custody in relation to that offence shall be granted bail...". This presumption reflects the presumption of innocence. That is, one presumes an accused person innocent of any offence unless the prosecution rebuts that presumption beyond reasonable doubt.

Exceptions to the presumption

A succession of amendments to s 4 has qualified the presumption in favour of bail. There are four circumstances:

(a) if the accused person is in custody because of a sentence of imprisonment for other offences, bail may be granted but only on condition that the person not be released on bail before he or she is entitled to be released under a parole order²;

(b) if the accused person is charged with treason, murder or the drug offences in s 4(2) (aa), bail must be refused unless the Court is satisfied that exceptional circumstances exist which justify the grant of bail;

(c) bail must be refused if the Court is satisfied that there is an unacceptable risk that the accused person if released on bail would:

(i) fail to surrender himself or herself into custody in answer to his or her bail; or

(ii) commit an offence whilst on bail; or

(iii) endanger the safety or welfare of

members of the public; or

(iv) interfere with witnesses or otherwise obstruct the course of justice whether in relation to himself or herself or any other person.

(d) where the person is charged with an offence referred to in s 4(4), bail must be refused unless the accused person shows cause why his or her detention in custody is not justified.

The unacceptable risk category

The police carry the burden of establishing the unacceptable risk grounds. There are two, which figure prominently - failing to answer bail; and committing an offence whilst on bail. They figure prominently because of their obvious importance.

Failing to answer bail

The accused must appear at his or her trial. In relation to indictable offences, the trial cannot proceed in the accused's absence. However, this issue should not be overstated. The risk of an accused forgetting dates can be overcome by conditions of bail. What is normally at stake is the risk of flight - the accused leaving Australia. Going interstate is inconvenient but there are ample extradition laws. Going overseas can be problematic. Australia does not have extradition arrangements with many countries.

These are some of the relevant factors:

(a) whether there is any history of failing to answer bail;

(b) whether the accused has family overseas;

(c) whether the accused has family in Australia;

(d) whether the accused has property in Australia;

(e) whether there is a surety available and the proposed surety is of good character.

One can lessen the risk of flight by imposing conditions of bail. For example:

(a) reporting to police regularly;

(b) surrender of all passports prior to release from custody;

(c) not to approach international points of departure;

(d) to reside at a particular address;

(e) a sizeable surety or even sureties.

Committing an offence whilst on bail

Where bail is at stake for many accused persons, a grant of bail carries the risk of those persons re-offending. Contrary to the view of one judge, I do not believe such a risk accompanies every grant of bail. Predicting re-

²S4(2)(b) and 4(2A).

Continued from page 6.

offending the likelihood of reoffending is difficult. The following passage is often quoted³:

"As to the risk of criminal behaviour if bail were granted, it is widely recognised that the prediction of future dangerousness is notoriously difficult. Making predictions is difficult enough when the person has been found guilty of relevant, recent criminal conduct. How much more difficult it is when - as will always be the case with a bail application - the applicant for bail is presumed to be innocent of the matters charged."

Whether the risk of re-offending is unacceptable is a function of the seriousness of the risk. If the consequences of any crime committed on bail are sufficiently serious then the level of acceptable risk is low. Correspondingly, if the consequences are slight, then the level of unacceptable risk is lower. As one judge put it⁴:

"There are ... situations in which the consequences of any crime he commits while on bail may be so serious and have such widespread effect that the possibility that he may commit a crime while on bail is an important consideration."

In some cases, if granted bail, you expect the police will watch the accused closely and the accused is aware of that⁵. This lowers the risk of re-offending. A very recent example is Moon Ja Kim. She was charged with an offence arising out of the activities of a syndicate, which recruited young women from South East Asia as sex workers in brothels in the inner suburbs of Melbourne. The accused's younger sister was the alleged head of the syndicate.

Conditions of bail can lower the risk of re-offending to an acceptable level. As one judge said⁶:

"... if conditions of that kind are imposed the risk that the applicant would not appear and the risk that she would reoffend whilst on bail may be reduced to a level which should be regarded as acceptable in all the circumstances." The classic example is reporting to police, which regularly reminds the accused as to the reason why he or she is on bail rather than in custody. Another is the imposition of a static residential address coupled with a curfew. A word of note - if you impose a curfew, it

cannot exceed 12 hours in any given 24-hour period⁷.

Other factors include:

(a) living in a stable household, especially where the householder will require the accused to obey house rules⁸;

(b) the preparedness of the householder to tell the police if the accused is taking drugs or breaches his or her curfew. Frequently, we hear this evidence and treat it sceptically - "it is asking a lot of a parent to re-involve the police in their offspring's already complicated life". Sometimes, the parent's evidence satisfies you of the genuineness of their assurances;

(c) being employed;

(d) if drug addicted, the provision of treatment including the provision of properly taken urine samples for analysis.

This is not an exhaustive list.

Affecting these unacceptable risk categories is the expected delay between arrest and final disposition of the charges. This period should be as short as reasonably practicable. To be exceptional, it must be inordinate delay. What is reasonable varies according to the circumstances of the alleged offences; the complexity of the matter, the subject of the charges; and the seriousness of the matters in question including the likely range of potential sentence⁹.

In Mokbel's case, Kellam J cited instances where his judicial colleagues held certain delay to be an exceptional circumstance¹⁰:

(a) a delay of 20-21 months over a charge of trafficking in a drug of dependence¹¹;

(b) a delay of at least 18 months¹²; and

(c) a delay of 24 months¹³;

(d) a delay of more than 24 months¹⁴.

The legal justification for intruding this factor into discrete unacceptable risk categories is¹⁵:

"The issue of detention by reason of unacceptable risk is an issue which must be balanced with the likelihood of the allegations

⁷ S5(2B) of the Bail Act 1977.

⁸ Re Richardson [2013]VSC 367 at [18].

⁹ Mokbel v DPP (2002) 132 A Crim R 290 at [20].

¹⁰ At [22] to [27].

¹¹ Kantzides, Supreme Court, unreported, 9 August 1996.

¹² Alexopoulos, Supreme Court, unreported, 23 February 1998.

¹³ Medici, Supreme Court, unreported, 27 September 1993.

¹⁴ Re Bail Application by Verry [2012] VSC 623.

¹⁵ Mokbel at [41].

³ R v Asmar (2005)VSC 487 at [19] per Maxwell P.

⁴ Burton v R (1974)3 ACTR 77 at 78 per Fox J.

⁵ Re Kim [2013] VSC 465 at [18].

⁶ MacBain v DPP [2002] VSC 321 at [17].

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against an accused man being brought before a court in the near future. The question of unacceptable risk is to be judged according to proper criteria, one of which is the length of delay before trial. That is, although the risk might be the same at different times, the question of acceptability must be relative to all the circumstances, including the issue of delay.

Show cause

Where s 4(4) applies, the accused must show cause why his or her detention in custody is not justified. The only question to be answered is whether the custody is not justified. In dealing with that question, a court could not be satisfied that cause is shown unless satisfied that there was no unacceptable risk of failing to answer bail, of committing an offence while on bail; of endangering the safety or welfare of members of the public; or interfering with witnesses or otherwise obstructing the course of justice¹⁶.

As I said earlier, the imposition of conditions to the grant of bail may mitigate any or all of the four risks. There are two types of conditions - those involving financial security, set out in s 5 (1); and the "special conditions" described in s 5 (2).

Exceptional circumstances

One should not read too much into the expression "exceptional circumstances" - "to be exceptional the circumstances must be unusual or out of the ordinary"¹⁷. That is, they are an exception to the norm. Anything may constitute "exceptional circumstances", whether singly or in combination with another or others. Usually, they are the personal circumstances of the accused but can even include the strength or weakness of the prosecution case.

Examples of personal circumstances are:

- (a) no previous criminal convictions or findings of guilt;
- (b) constant employment;
- (c) stable accommodation;
- (d) strong family support;
- (e) low risk of flight;
- (f) low risk of re-offending.

Likely sentence on the charges

Sometimes an influential factor is the real prospect that the accused's term of imprisonment might be as long or longer than

the length of time he or she might spend imprisoned in the event that he was found guilty of the charges.

Recently, I had an extreme example. The accused was charged with an offence. The maximum penalty for the offence was a fine of 20 penalty units, about \$2,900. She had gone onto the property of the Public Transport Corporation and sat on the railway lines. The problem was she had done this before persistently. She had a mental illness. The police and her lawyer worked out conditions of bail.

S3A

S 3A of the Act provides:

In making a determination under this Act in relation to an Aboriginal person, a court must take into account (in addition to any other requirements of this Act) any issues that arise due to the person's Aboriginality, including –

- (a) the person's cultural background, including the person's ties to extended family or place; and
- (b) any other relevant cultural issue or obligation.

There is a note to the provision. It refers to s 15AB(1)(b) of the Commonwealth Crimes Act 1914. In relation to commonwealth offences, this provision denies taking into consideration any form of customary law or cultural practice.

As to s 3A, in his Second Reading Speech¹⁸, the then Attorney-General said: "Under section 3A, a decision-maker would be required to take into account matters such as an obligation to attend a community funeral or participate in community cultural activities when imposing conditions of bail on an accused who is Aboriginal.

While the provision requires the decision-maker to take evidence into account it does not require the decision-maker to reach a particular decision. The test for granting remains unchanged, requiring a decision as to unacceptable risk."

S 3A deals with the conditions of bail, not with whether bail should be granted or denied. However, the conditions of bail are important. Requiring someone to reside at a particular address may be difficult if, culturally, he or she resides at more than one place. Reporting to police regularly may interfere unnecessarily with familial obligations.

¹⁸ Legislative Assembly, 2 September 2010 at p. 3608.

¹⁶ Re Fred Joseph Asmar [2005] VSC 487.

¹⁷ Re Meade [2012] VSC 11 at [14].

DEPARTMENT OF JUSTICE PRESENTATION

Carolyn Gale - Executive Director, Community Operations and Strategy, speaks at our 2013 conference



Carolyn Gale
Department of Justice

Improving our support for Honorary Justices

Thank you for inviting me to speak to you this morning, and congratulations on what I am sure will be a very successful conference.

My name is Carolyn Gale and I am the Executive Director of the Community Operations and Strategy Division in the Department of Justice. I report to the head of the department, Greg Wilson, and work closely with the Attorney-General and other Ministers as part of my role.

The focus of our division is on the important community-focused programs and services that support the effective operation of our legal system and enable people to participate in civic life. This includes the Honorary Justice Office.

The Honorary Justice Office

You would all know that the Honorary Justice Office is responsible for the day-to-day administration of the Honorary Justice program.

In practice, this means a team of seven people manage the recruitment processes, complaints handling, communication, training, publicity, consultation, business improvement and IT for the Honorary Justice volunteer system around Victoria. The team supports more than 4,300 volunteers, in addition to the many hundreds of individuals in the community who aspire to be Justices of the Peace (JPs) and Bail Justices (BJs). That's about one staff member to every six to seven hundred volunteers!

They are a small, busy and energetic team, and I have been very impressed with their enthusiasm and commitment to delivering the best service possible to the Honorary Justice community.

The Last Year

I want to turn now to some reflections on 2013. This last year has been incredibly busy, but I think extremely positive as we seek to improve our services to you and all Honorary Justices.

When the Honorary Justice Office came to our division we found that most of the team's time was being taken up, not by services to you and the other existing Honorary Justices we are there to support, but with enquiries from aspiring JPs and BJs seeking information about the status of their applications. And who could blame them? We had more than 500 applications on hand and more coming in every day.

As the numbers grew, the team's ability to process them in a timely fashion diminished and there was little capacity for new initiatives or improved services.

With the agreement of the Attorney-General, Robert Clark, we took a decision to suspend all recruitment other than that which was critical to cover local gaps in service. This was a hard call because as you would all know, the Attorney-General is firmly committed to the role played by the Honorary Justice community.

But we took a view that it was more important to deliver the right services to the existing volunteers, than to deliver poor services to a growing number of Honorary Justices. I believe that we are now improving our support for our existing volunteers and I hope we will be in a position to strategically expand our volunteer base in the near future.

As I said, it has been a busy year in the Honorary Justice Office. While we still have a way to go, we have implemented many improvements and innovative solutions so that the office can

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better support and assist the Honorary Justices. I would like to mention a few of them this morning:

- We have undertaken extensive consultation on the Government's proposal for new legislation which would give Honorary Justices their own Act. We have heard from the HJ community about what should be in the new Act and this legislation is now being drafted.
- We launched an extranet in June for the use of Honorary Justices and have produced regular quarterly newsletters, to increase communication with the HJ community and improve access to resources.
- To appropriately recognise volunteers during Volunteer Week, celebrations were held across Victoria in regional centres including Bendigo, Wangaratta and Shepparton – and a formal morning tea was hosted by the Attorney-General at the prestigious Queens Hall in Parliament House on 31 May 2013.
- The Honorary Justice Office has also concentrated heavily on the recruitment of BJs throughout 2013 in order to address critical shortages throughout the state. So far this year, we have recruited in Mildura, Swan Hill, Horsham, Portland, Warrnambool, Wodonga, the Latrobe Valley, Gippsland, Geelong and various metropolitan areas experiencing pressure.
- The team has delivered a number of development days for existing JPs throughout the year and in various locations. These development days are a new initiative and they have been very popular, in fact often oversubscribed.
- The Honorary Justice Office has been building regional relationships. The team has made a commitment to continue to build up local regional relationships and networks within the Honorary Justice community and has visited a large part of the state during the year.
- And, like everyone in government, we have to be very careful that we make every dollar of public funding go as far as possible. That's why we are increasingly communicating with

all volunteers via email rather than snail mail. It's faster, more flexible and much cheaper, so we can have more and better communication with volunteers, while also investing in new training and other initiatives.

The Future

Looking to 2014, I would like to take this opportunity to quickly outline what's on the drawing board:

- We will continue to improve our services. We are currently completing a procurement process for the Bail Justice After Hours Call Centre service and will shortly be announcing the name of the provider that will be delivering this service from 1 December 2013.
- We will be improving our IT. The Honorary Justice Office will be launching a new and improved version of Bail Justice Online (BJO). This newer version will go live in December, so the Honorary Justice Office will be contacting BJs in the near future regarding the changes. BJs will be able to view the new system in a test environment so that they can become familiar with its improved functionality and inform the Honorary Justice Office of preferred rosters and locations.
- Recruitment – JP recruitment will also be a focus in 2014, addressing need throughout the State. As part of this program, the Honorary Justice Office is currently in the process of finalising an improved application process that will better manage the high level of interest in the role within the Victorian community.
- Training – the training team is currently working towards the development of a professional development program for our volunteers to increase their skills and application of legislation. BJs can soon look forward to a handbook similar to the JP handbook, which has been very positively received by the JP community.
- In addition, subjects regarding diversity, Aboriginality awareness and cultural competence, further training on Children's Court matters and document witnessing are currently being explored with a view to develop specialised programs for Honorary Justices.

Continued on page 11.

NEW MEMBERS



The president and board warmly welcome the following new members:

Vernon K Bruce JP BALLARAT
Samuel E CowlshawLYNDHURST
Martin Cutler JPKEILOR DOWNS
Adam L Francis JPNOBLE PARK
Sharon M Harris JP DANDENONG
Lois J JohnsonMARNOO
Con Katakouzinos JPBRIGHTON

Trudy Land JP SOMERVILLE
David Lyons JPWILLOW GROVE
Alan MacConnell HOPPERS CROSSING
Milton R OliverSUNBURY
Philip G Webb JPCANTERBURY
Jian N Yao JP BOX HILL

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POLICE CHECK - CHECK!

Some Police Check forms are being returned to the applicants due to incorrect information.

It is VERY important that all the criteria is met to the letter!

Every application MUST have Certified ID which contains the following information:

A photo, the current address of the applicant, and a copy of their signature. A driving licence contains all three of these and is the best ID to use. This is still only 40 points though, so the remaining 60 points must still be

recorded in photocopy form.

Also, it is very important that the page of ID information is completed and signed by a JP or Police officer if done at the station. The same person who certifies the photocopies MUST be the person who signs the ID page. A partially completed application which has been returned, done by a JP on the signing centre roster can be finished by another JP on THE SAME roster, or if signed by a Police Officer can only be completed by another Police Officer (Not by a JP).

Ω

Continued from page 10.

- Honorary Justices will be able to view the training calendar and register for programs through the extranet. This self-registration process has already started with a limited number of JP development training days currently available.
- Stakeholder relationships – this has been a real success story during 2013 and an initiative that we are keen to continue. The team has developed strong and positive working relationships with areas within the Department of Human Services and Victoria Police, which has contributed to embedding a feedback loop on operational and legislative issues.
- Regions – we will continue to build upon this foundation through further initiatives and

programs for all Honorary Justices, including those in regional and sometimes isolated locations. We are currently exploring whether it is feasible to have a point person in each region. I am interested in what you see as the opportunities for closer links in the regions.

- Legislation – and of course we will be working to implement new legislation governing the role of Honorary Justices in Victoria.

Let me close by saying that while there will always be more work to be done, and more areas to improve, I am proud to say we are on a very positive journey to improve the services provided by the Honorary Justice Office. We are here to support you and I would welcome your input to how we could improve our operation and deliver what you need to acquit your vital service to the Victorian community.

Thank you.

Ω

VICTORIA POLICE PRESENTATION

*The Victoria Police speech was given at our
2013 conference*



Acting Senior Sergeant
Pete Carey

I have been a member of Victoria Police for approximately 18 years.

Performed duties in both country and city locations in uniform and approximately 8 years as a detective.

I am currently acting as the Sub-Charge of the Ballarat Police Station.

I first worked at Ballarat in 1997 in our old station in Camp Street. From memory, we had approximately 35 police members in the Uniform Section, ran two Divisional Vans and there was one Sergeant on duty per shift, and I would just like to remember those numbers for several minutes while I digress a little.

Some of my fondest memories from that period in time is the friendship I had with a man I can only describe as a local legend in Ballarat, and probably our "go to" Bail Justice, Jim Murphy. I'm sure many of you would know Jim, but for those that don't, Jim was everyone's friend, police, suspects, local lawyers, court staff, Magistrates alike.

He was a man who genuinely cared for all those he came into contact with and whilst he remanded far more of those charged than not, even those on the wrong end of his decisions seemed to acknowledge and have respect for the empathy he was able to show them.

Jim was also a true character and there wasn't a copper or a crook that he didn't know or could tell a story about and it didn't seem to matter what time of the night or day of the week it was, Jim was always available. He wasn't retired at this point and was the sports journalist at the Ballarat Courier, another reason why he was probably so widely known and respected.

Why talk about Jim? Well Jim was a person you couldn't help but respect and he is one of the reasons why I now see the role of the Honorary Justice as so important and integral to the modern policing service.

Now if you recall those numbers I just gave you, the Ballarat Police Station moved into a new premises, just 13 years ago. We are now in the middle of a one million dollar renovation in order to house a large number of new police in order to keep up with our service demand.

Ballarat Police Station current numbers –

We have over 100 uniform police

Five public servants

Next year we will also receive the first of our Protective Service Officers who will patrol the Ballarat Railway Station.

We currently hold anywhere from 15 to 24 prisoners at any one time.

We provide three Sergeants on every shift, one dedicated to Custody Supervision, one dedicated as a Patrol Supervisor and one completing the customary Section Sergeant duties.

We provide three Divisional Van patrols every shift and extra patrols on weekend evenings, foot patrols and sedan patrols as required.

We provide police members in the Custody Section and three in the Reception area for Day and Afternoon shifts.

We have a dedicated Family Violence Unit which focuses on recidivist offenders and repeat victims and reducing the long term affects it has on families.

And we also provide staff for the local courts.

What has driven the increase on service

Continued on page 13.

delivery demands? Quite simply it comes down to what the community expects and deserves and this is the underpinning principle behind government funding and the accountability that comes with that.

There are many things that Victoria Police do far better than we used to.

Our response and investigation to Sexual Assault, Family Violence, preventing Road Trauma and Emergency Response are just a few of those, but ones which have a major impact on local communities and Victoria as a whole.

Of course when you do things better than past practices and with a new focus on accountability there is always a price to pay, and that is time and obviously resources.

As an example, when police were called to a domestic dispute, we would separate the parties, if required we would take one of the parties to a friends or family member's home and hope that would be the end of it. Some minor details of the incident would be recorded on our Patrol Duty return.

Today, on attendance at a domestic dispute we take action, no matter what little cooperation we have at the time. We have a range of powers to reduce the likelihood of further incidents, such as holding powers, Safety Notices, Complaints & Warrants and Intervention orders.

Not only are the details recorded on our Patrol Duty Returns, but information is entered directly on to an electronic form detailing all sorts of information.

If criminal offences are detected, the offenders are held to account on most occasions. Referrals are made to both men's and women's support agencies and if kids are involved, DHS are also notified.

Our Family Violence Unit will then do follow ups with the parties within 48 hours of the incident and if they are a recidivist offender or repeat victim, further follow ups are undertaken and relevant referrals made.

So what once used to be a 20-30 minute job, now becomes a minimum of two hours, and on occasions can take a whole shift for a crew to sort out.

This is where the partnership between Victoria Police and yourselves is so critical to our service delivery capability.

The main focus of this partnership is providing a service to the local community by performing shifts at the Reception Counter for signing, certifying documents, and witnessing stat decs and Affidavits. I'll now give you some more numbers to think about.

Between October 2008 & February, 2012 the JP's at Ballarat signed a total 99,741 documents. Utilising a formula that on average each document takes approximately three minutes, this equates to 5000 hours in police hours saved. That is 623 police shifts given back to core policing duties.

Now these figures are climbing at a very fast rate. Between Jan and Dec, 2011 there were 37,730 documents sighted.

Between Jan and July this year there have already been 29,420 documents sighted, July being a record with 7,458 documents sighted. That is a saving of 1,471 police hours already this year, or 183 shifts back to operational duties. We're on track to be around the 100,000 document mark by the end of 2013.

There are currently approximately 30 JP's on the roster at Ballarat who man the desk every week day in two separate shifts. We do a 11.30 to 2.30 shift and then again at 4.30 to 6PM.

These are the times we have identified as having the biggest demand on JP services.

Interestingly as part of my fact finding mission I found out that the initiative at Ballarat was set up in 2006 by since retired JP, Burt Kinnersley. Burt would do two shifts per week from where he resided in Waubra, a 40 km round trip.

As far as the local police go, I know my members are extremely appreciative of the work the JP's do in allowing them to concentrate on other core policing duties.

At Ballarat the JP's work side by side with police behind the reception desk and are very much part of the team, sharing facilities, conversations and more than likely a few jokes.

For us, we want and need this very productive and integral relationship to continue, so we can strive to achieve a service the local Ballarat community wants and expects.

Ω

YOU JEST ...

I have finally figured out why I am overweight! The shampoo that I use in the shower (which

runs down my body) says: "for extra volume and body". I'm going to start using the dish washing liquid that says, "dissolves fat that is otherwise hard to remove".

Bob Stone

Position in RVAHJ: Branch Committee Member
Branch: Central Gippsland
Year appointed: 1995
Birthplace: Deans Marsh, Victoria
Present home town/suburb: Warragul
Wife: Shirley
Children: Five boys, one girl, one boy deceased.
Occupation: Retired
Football team: Essendon
Like Dog or Cat: Dog
Favourite book:
Favourite film: Sound of Music
Favourite food: Roast
Which 4 people would you invite to dinner: Daughter son in law.
Hobbies: Computers, Music, Crosswords.
Sport played:



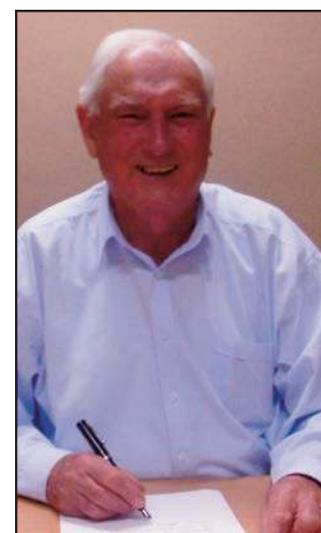
Donald Ferguson

Position in RVAHJ: Branch Secretary
Branch: Central Gippsland
Year appointed: 1976
Birthplace: Ballarat
Present home town/suburb: Moe
Wife: Julia
Children: Four (three boys, one girl)
Occupation: Metallurgist
Football team: Essendon
Like Dog or Cat: Dog
Favourite book: Popski's Private Army
Favourite film: Gone With The Wind
Favourite food: ... Any food is a favourite of mine, baring offal, particularly Pavolva.
Which 4 people would you invite to dinner: Albert Einstein, Martin Luther, General Monash & my Father Donald Ferguson.
Hobbies: Yachting, Big Bore Rifle Shooting Travel, Wood Working & Wood Turning.
Sport played: Yachting & Shooting.



Bernard Kingsley

Position in RVAHJ: Branch Committee Member
Branch: Central Gippsland
Year appointed: 1992
Birthplace: Oakleigh, Victoria
Present home town/suburb: Warragul
Partner:
Children: Three
Occupation: Retired
Football team:
Like Dog or Cat: Cat
Favourite book: Dali Lama
Favourite film: Western
Favourite food: Chinese
Which 4 people would you invite to dinner: John Denver, John Howard, Dali Lama & Julie Bishop.
Hobbies: Making wooden children's toys.
Sport played: Walking.



FROM THE BALLARAT BRANCH



27 members of the Ballarat branch of the RVAHJ, who are part of the roster for the Document signing centre, enjoy afternoon tea provided by the Ballarat police.
Photo by courtesy of the Ballarat Courier.

On December 9th 2013 twenty members of the Ballarat Branch, who are members of the Document Signing Centre which operates within the Ballarat Police Station, attended an afternoon tea hosted by senior members of Ballarat Police. The gathering was thanked by District Superintendent Andrew Allen APM and Senior Sergeant Peter McCormick for their tireless efforts over the last twelve months.

The centre, which has been operating since 2006, is now processing 3500 - 4000 documents each month with a peak of 7000 in July 2013. Thirty Branch members participate in the roster and are available each week day between 11.30 - 2.30 pm and 4.30 - 6.00 pm.

"These guys are fantastic." Snr Sgt McCormick said in a newspaper interview the same day. "The work they do takes so much of

a load off the police at the station. They all go above and beyond so we couldn't thank them enough." he told the Ballarat Courier. Their contribution is the equivalent of two uniformed members.

The afternoon tea was held at the newly commissioned Ballarat North Police Station as the main station is being refurbished. The Branch members were also given a tour of the station and the adjacent police training facilities.

The degree of cooperation between the Ballarat Branch and Victoria police was described by Superintendent Allen as exceptionally good and a model for others to emulate.

Bryan Nicholls JP
Chairman - Ballarat Branch



Margaret Keatley BJ and Peter Ludbrook BJ on being sworn in for their re-appointment as bail justices.

On December 18th last, Margaret Keatley BJ and Peter Ludbrook BJ were re-appointed as bail justices after being sworn by Magistrate Ms Hodgson at the Oath of office ceremony, at the Ballarat Magistrates' Court.

Both BJs have been exceptionally busy lately and were complimented on their demanding role

by Magistrate Hodgson. She said to them: "This is an important and necessary service which is entirely voluntary and we thank you for valuable work in the community. It is a real pleasure for me to perform this oath of office ceremony."

Bryan Nicholls JP
Chairman - Ballarat Branch

DOCUMENT SIGNING CENTRES REPORTS

Key:

Please note that this is the first time we have collated figures for Custodes. In doing so, we may have missed some individual monthly reports, for which we apologise.

The  symbol represents, either some months were grouped together or the signing centre may have not yet started.

We recognise the great work our centre coordinators do in collecting and forwarding these figures, and they do provide valuable statistics on just how much work justices do for the community.

If you wish to have your signing centre recorded in Custodes, please forward your figures to Cathy at rosters@rvahj.org.au

Centres	Jan	Feb	Mar	Apr	May	Jun
Ballarat	3959	3748	3138	3050	3547	4484
Benalla						
Broadmeadows	1317	2112	2653	2928	2962	2455
Corio		433		352	253	226
Courts						
Craigieburn	701	968	517	447	676	521
Cranbourne						
Dandenong	5878		9270	9617	10354	7614
Epping	1101	1525	1201	1220	1417	1343
Frankston	4472	4461	4091	4107	4894	4294
Geelong		2756		3351	3171	3139
Mansfield	9	11	48	50	26	44
Melbourne East		9188	4671	5316		5596
Mildura	1417	1130	1022	1549	1697	1445
Monash				315	193	117
Mornington	321	280	99	206	154	318
Morwell						370
Myrtleford						
Oakleigh	1537	680	2456	1136	4	1361
Pakenham				369	477	591
Preston						
Ringwood	311	298	183	362	517	562
RMH	609	1315	1106	857	724	767
Rosebud		83		67	488	135
Sale	274	269	286	311	272	223
Springvale	4674	4850	4906	4810	6675	6030
St Kilda						
Sunbury						
Wangaratta						
Warragul	518	450	681		568	452
Williamstown	569	1078	1080	1190	920	1072
Wodonga	1220	1475	1129	1217	1986	1224
Wonthaggi						
Monthly Total:	29285	37146	38537	42827	41975	44283

Following suggestions from members, we include figures supplied to us from the Document Signing Centres from around the

MEMBERS HONOURED

In the 2014 Australia Day Honours list, the following members received recognition for their outstanding service:

Maureen L CAPP OAM JP, Melbourne – for services to the community of Melbourne, particularly through advocacy roles for residents.

John V CHANDLER OAM JP, South Yarra – for service to local government and to the City of Stonnington.

Harold S HESLOP OAM JP, Swan Hill – for service to veterans and their families and to the community of Swan Hill.

Peter MARTIN OAM JP, Echuca – For service to veterans and their families and to the community of the Echuca region.

Heartiest congratulations to all!

Centres	Jul	Aug	Sept	Oct	Nov	Dec	Year Total
Ballarat	7458	3600	3305	4605	3829	3819	48638
Benalla	📖		265	📖	📖	130	395
Broadmeadows	3905	4356	3292	3426	3854	2441	35699
Corio		359	333				1956
Courts	📖	📖	📖	📖	📖	50695	50695
Craigieburn	1443	721	688	999	930	778	9389
Cranbourne	📖	📖	📖	📖	📖	16204	16204
Dandenong	19045	12071	11112	11101	11022		107084
Epping	1986	1669	1536	1852	986	847	16683
Frankston	5829	4796	4153	4581	4670	3240	53588
Geelong		2874	3042				18333
Mansfield	36	37	59	29	33	22	404
Melbourne East	6952	7452	6235	6123	7897		59430
Mildura	1933	1683	1786	1642	1447	1353	18104
Monash	104	238	121	28	📖	📖	1116
Mornington	336	258	244	254	228	154	2852
Morwell		📖	680			1140	2190
Myrtleford	📖	📖	45	16	25	50	136
Oakleigh	2280	1952	1925	1498	1466		16195
Pakenham	575	408	724	529	501	358	4532
Preston	2087			2616			4703
Ringwood	293	405	476	334	513	309	4563
RMH	1410	1057					7845
Rosebud		164	73	109	81	58	1258
Sale	318	391	219	329	235	115	3242
Springvale	8056	6806	6275	7138	6128	496	66844
St Kilda	64	260	611	299	124		1358
Sunbury	📖	📖	📖	803	86		889
Wangaratta	604	432	371	304	487	283	2481
Warragul	522	426	552	846	536		5551
Williamstown	1430	611	655	1027	722	413	10767
Wodonga	1919	1631	1645	1754	1278		16878
Wonthaggi					413		413
Monthly Total:	68585	54717	50422	52242	47491	82905	590415

State, for 2013.

Figures supplied give us a good indication of the service provided to our communities

through the signing centres.

We plan to make figures available through Custodes, in future editions.

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2014 MEMBERSHIP INVOICES-DID YOU MISS IT?

All membership fees fall due on January 1st each year.

By sending your invoice out with the December edition of Custodes each year, WE SAVE THOUSANDS OF DOLLARS on postage, envelopes and manpower.

So, if you haven't sent your \$54.00 yet, please do so ASAP to remain in membership.

Payment options include:

Cheque/Money Order

Make cheques/money orders payable to: RVAHJ and post to: PO Box 317, Elwood, Vic. 3184

Credit Card (MasterCard or Visa only)

Online - go to our website www.rvahj.org.au, click on *Membership* then *Renew* then fill in your details.

By Fax – send your credit card details to (03) 9525 7765

Phone - **Sorry, we do not take payments by phone.**

Internet Banking - Direct deposits can be made to the following account:

BSB 063-128 Account no. 10331656

Please include a Payer Ref: such as your Name, Reg. No. and/or Invoice No. so we know who the payment is from!

Ω



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FROM THE MORNINGTON PENINSULA BRANCH

The Mornington Peninsula Branch recently held its meeting at the Carrum Downs Police Station, being the first meeting for 2014 it was a short/ informal meeting.

As usual reports from Signing Centres were presented followed by general discussion. Bob Bolch JP the co-ordinator of the Frankston Signing Centre raised the issue of Australia Post as being the processor of KeyPass applications. Strong discussion took place on the issue, it was felt that another nail has been driven into the JP coffin.

Passports were, once upon a time (fairy tale) handled by JPs; this jurisdiction was removed with Australia Post handling those applications. Now KeyPass Identity has virtually been removed from our hands. Optional section 5 on the application form does include JP action. However why would a person seek out a JP when Australia Post is able to handle all of the requirements and is the last port of call.

It is believed by those at the meeting that the

RVAHJ should contact the Attorney General/s (Federal and or State) regarding what we feel are intrusions on what was our realm of operation (Free, Volunteer, Legal Service). GONE ARE - PASSPORTS/ YOUTH INTERVIEWS/ KEYPASS. WHAT NEXT??????

The next meeting of the branch will be held at Frankston Police Headquarters on Wednesday April 2nd at 7.30pm, the Guest Speaker will be from "Swags for the Homeless" Further details from Branch Secretary Fay Hunter 5976 1258.

Ian Lyons
Branch Publicity Officer

Editor's note: This and other issues relating to JPs' roles, have been discussed at length at both RVAHJ board meetings and at the Australasian Council of Justices' Associations council meetings. There are plans to raise this and other issues with Attorneys-General throughout all jurisdictions in Australia and New Zealand.

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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 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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