

ISSUE
2/2014

ustodes

**WINTER
2014**

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THE OFFICIAL JOURNAL OF ...

**THE ROYAL VICTORIAN ASSOCIATION
OF HONORARY JUSTICES**



Former president of the Australasian Council of Justices' Associations, Michael Cheshire JP, presents a gavel to the president of the Royal Federation of New Zealand Justices Associations, Greg Weake JP, on the occasion of the 200th Anniversary of the first justice of the peace to be appointed to New Zealand.



Royal Victorian Association of Honorary Justices



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Governor of Victoria

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Lord Mayor of Melbourne

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Casual Vacancy on the Board

Applications are sought to fill a casual vacancy on the RVAHJ Board.

Any member so appointed shall hold the office of Director until the next biennial election of the Board and will be eligible to nominate for re-election.

The Board will consider any petition of nomination to fill a casual vacancy made by a Branch or any two RVAHJ members.

To be eligible for consideration, nominations must be received in the office by 5pm 18 July 2014 and should be accompanied by a written submission which includes any relevant details about the nominee which may assist the board making a decision (such as any public and/or community work activities, work involvements etc.) Nomination forms are available from the office. Contact Cathy on (03) 9525 7099 or admin@rvahj.org.au

from the President's desk



Dear Members, Fellow Justices,

As I sit to write for this edition of CUSTODES I am preparing to go overseas to Gallipoli for the Dawn Service. This is the last year before the Centenary and the general public will no longer be able to visit the spot that where so many young soldiers gave of their lives. My uncle was only 19 years old, as were many others, a fact that I will reflect on at the service.

It is also timely to reflect on the passing of one of the Associations Soldiers in Kerry Grills JP who lost his battle on 8th April. Kerry joined the RVAHJ in December 1991, became a Director in August 2002 and Chief Financial Officer in December 2004 and resigned as a Director in 2008, but continued as a Member. His contribution to the Association is huge and our sincere thoughts go to Kerry's family at this time.

We are now well into the year and my 2nd term as your President and I confirm that the Attorney-General Robert Clark has been successful in having the Honorary Justices Bill passed and is presently receiving the Governors Assent. The Attorney acknowledges the assistance of the RVAHJ and I in turn wish to thank the Members and Board for their contribution to this legislative update. The Attorney is to

be our guest speaker at our Annual Dinner this year, so I would encourage you all to come along to hear all the good news that is associated with his Ministry.

With the changes in the legislation it becomes more and more important that we as Honorary Justices keep abreast of changes and knowledge, so we have set aside dates for Professional Development and encourage you to seek out, attend and network.

Many members have asked me how the Grant monies are going; I can advise that the Committee is sorting through all the claims and monies will be directly deposited into your nominated bank accounts very soon.

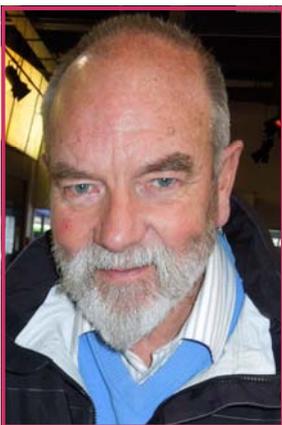
I am honoured to be appointed to the Adult Parole Board and I accept this on a personal level representing the community, but also as further acknowledgement and recognition of the RVAHJ and its members.

I as President 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

With the Honorary Justices Bill passing into an Act, the Attorney-General has provided his report on its content and what it means.

There is an opportunity to hear more from the Attorney by joining us at the Annual Dinner.

The department is also keeping us up to date with what changes have been made to their structure and what is required now under the new Act with regard to informing them of any changes to our contacts or other important details.

There is good feedback from a number of branches this edition. Thanks to those justices who have provided these interesting reports.

We continue to provide reports from our signing centres. Please keep this information flowing through to meet our

deadlines, which can be found on the back page. This continues to be a great insight into just some of the size of work provided by justices.

I was privileged to be invited to present a paper at the national conference of the Royal Federation of New Zealand Justices Associations, on the occasion of them celebrating the appointment of the first JP to New Zealand. There is a story on him in Custodes this edition.

Michael

Michael Cheshire JP
Editor

The President and Directors cordially invite members and friends to our

Annual Dinner 2014



Guest Speaker

The Hon. Robert Clark MP
Attorney General,
Minister for Finance, Minister for Industrial Relations

When: Friday 29 August 2014 at 6.30pm for 7.00pm

Where: Treacy Conference Centre, 126 The Avenue, Parkville
(Mel ref: Map 29 F12)

Cost: \$75 per head

Dress: After 5/Suit & tie

-----X-----
Don't miss out! Order your tickets now

By post:	Attn: Cathy Owens PO Box 317 ELWOOD 3184	
By fax:	(03) 9525 7765	
List first and last name of all attendees:		
1.	5.	
2.	6.	
3.	7.	
4.	8.	
9.	10.	
No. tickets @ \$75 per head:		
Credit card details		
Card type - <u>visa</u> or <u>mastercard</u> only (No payments by phone):		
Credit card number:		
Expiry date:		
Cardholder's name:		
Cardholder's signature		
Your postal address (for delivery of tickets)		
Name:		
Street Address / PO Box:		
Suburb / Town:		
Postcode:		
Contact Ph:		

RSVP: 15 August 2014 (or until sold out!)

NEW LAW TO STRENGTHEN ROLE OF HONORARY JUSTICES



The Hon Robert Clark MP, Attorney General

Legislation to restore the standing, community recognition and independence of Victoria's honorary justices has now been passed by the Victorian Parliament.

The *Honorary Justices Act 2014* for the first time consolidates the law relating to Justices of the Peace and Bail Justices into a single Act.

The reforms follow extensive consultation with honorary justices and other stakeholders, including a public consultation paper and a series of honorary justice workshops.

The RVAHJ played a key role in developing this landmark legislation, and I express my appreciation for the valuable contributions made by many RVAHJ members.

Major reforms introduced by the Act include:

- legislative protection against arbitrary dismissal;

- allowing bail justices to use the title 'BJ' or 'Bail Justice';

- the right of long-serving honorary justices to the use the title 'JP(Retired)' or 'BJ(Retired)' after ceasing active service, subject to eligibility criteria;

- a requirement for all persons who accept appointment as an honorary justice to make themselves reasonably available and active in the performance of their duties; and

- allowing bail justices to be appointed up to the age of 70 and re-appointed to serve until the age of 75.

As *Custodes* readers know, Justices of the Peace play a vital role in the Victorian justice system, witnessing the signing and making of statutory declarations and affidavits and certifying copies of documents. The introduction of 'signing centres' at many police stations and community centres throughout Victoria over recent years has further enhanced the visibility and accessibility of this important role, while freeing up police to focus on protecting the community.

The new Act introduces clearer eligibility criteria for appointment and provides for a code of conduct and training. It also requires all honorary justices to be reasonably available and active, so that the burden of service does not fall unfairly on others because some won't

play their part.

The Act also introduces a requirement that honorary justices inform the Honorary Justice Office (HJO) of changes to personal details and circumstances affecting service, which in turn will help keep the HJO informed about the availability of honorary justices in different parts of the State.

The Act further protects the integrity and standing of honorary justices by establishing a clear and transparent process for the investigation of any complaints or allegations of misconduct.

As readers are also aware, Bail Justices – unique to Victoria – serve in a highly specialised role, making important decisions relating to the protection of the community, the liberty of individuals who have been charged with serious offences and safeguarding children who are in need of protection. Bail Justices contribute enormously to the effective running of Victoria's justice and child protection systems.

The Act provides for improved support for Bail Justices and allows use of the title 'BJ' or 'Bail Justice' in a similar way to Justices of the Peace. The office of Acting Bail Justice is abolished, and Bail Justices can now be appointed up to the age of 70, and can be re-appointed to serve through to the age of 75.

As well, long-serving Bail Justices and Justices of the Peace will be able to apply to use the title BJ(Retired) or JP(Retired) after they have ceased active service.

The Act will come into operation on a date to be proclaimed and no later than 1 September 2014. The HJO will be providing all honorary justices with further details of the Act and the changes it will bring, and I encourage readers of *Custodes* to become familiar with these changes.

This new Act and the reforms it introduces will serve to reaffirm the regard and respect in which the offices of Justice of the Peace and Bail Justice are held, and will further assure the community of the high standards and dedication of those who have taken on these important offices of service to the community.



NEW STRUCTURE FOR THE DEPARTMENT OF JUSTICE

Greg Wilson, Secretary of the Department of Justice announced changes to the structure of the Department of Justice in February 2014.

Under the new structure, the Department of Justice is divided into eight divisions:

- Criminal Justice
- Civil Justice
- Corrections
- Regulation
- Emergency Management
- Service Strategy Reform
- Planning & Infrastructure
- People & Stakeholders.

The HJO will remain in the Community Operations and Victims Support Agency (CO&VSA). CO&VSA is now a part of the Criminal Justice division. Criminal Justice is headed by Marisa De Cicco, Deputy Secretary.

The new structure will better enable the Department of Justice to work together and deliver quality services to the Victorian community.

It will be business as usual at the HJO, with no operational or staff changes. The office will continue to support JPs and bail justices, and the important role they play in the Victorian community.

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UPDATING YOUR DETAILS

The Honorary Justice Office (HJO) has become aware of a number of instances where honorary justices are notifying their local association of changes to their personal circumstances, but failing to notify the HJO.

The HJO would like to remind all honorary justices that the HJO is independent of all honorary justice associations and groups. In order to update details, honorary justices must inform the HJO directly by email at jp@justice.vic.gov.au or by post at GPO Box 4349, Melbourne, Vic, 3001.

The *Honorary Justices Act 2014* will come into operation on a date to be proclaimed, and if not proclaimed, has a default start date of 1 September 2014. The Act introduces a number

of reforms governing honorary justices. One such reform is the requirement that honorary justices must notify the department within 21 days of a change of circumstances. These circumstances include:

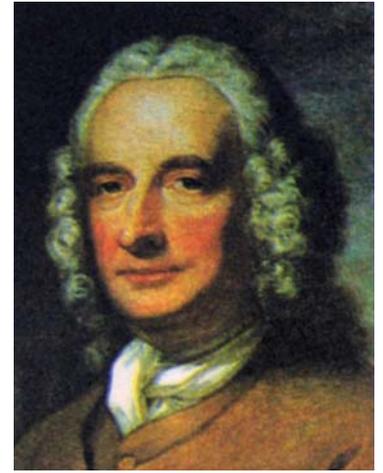
- change of name, residential address or contact details
- ceasing to be an Australian citizen
- ceasing to ordinarily reside in Victoria
- becoming bankrupt

The Act provides that a failure to notify the department may result in the honorary justice being removed from office.

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BOW STREET CASEBOOK

A JUSTICE OF THE PEACE GREATLY IMPROVES POLICE PRACTICE, AFTER WRITING THE NOVEL "TOM JONES"



Bow Street is the most famous magistrates' court of all. It is the senior court of the eleven established in the Metropolis in 1840. It was founded in 1748 and its story is interwoven with the history of crime in England and, in particular, with the development of the penal system. Many offenders, among them Oscar Wilde and Dr Hawley Harvey Crippen, have passed through this court.

It is here that the Chief Metropolitan magistrate sits - a practice which has been continued since its foundation. Indeed, in the private room reserved for him, there is a board setting out the name of Henry Fielding, followed by his half-brother, Sir John Fielding, who was widely known as the "Blind Beak".

Henry Fielding became Chief Magistrate in 1748. He was the son of a general in the army, and his mother was the daughter of a judge on the King's Bench. He started life as a playwright and one of his earliest plays was performed at Drury Lane. His fortunes varied, but he preserved with his literary work until he reached the age of thirty, when he joined the Middle Temple.

He was called to the Bar three years later. This was in the year 1737. In 1748 he was appointed a justice of the peace for Westminster and thereupon he moved to Bow Street, to a house belonging to the Duke of Bedford, which had been privately acquired by a Westminster magistrate, Sir Thomas de Veil. Thus it was that the court was founded. Fielding, a man over six feet tall and remarkably active, proved himself to be a most energetic magistrate. In 1749 he was chosen Chairman of Quarter sessions for Westminster and Middlesex. He appears to have devoted a good deal of attention not only to an inquiry into the increase of robbers in London but also to the operation of the Poor Laws.

In those days the detection of crime was in a very primitive state. Ever since the reign of King Alfred the Great, there had been what passed as a police system - the result of the appointment of constables - but the number was nearly sufficient for the purpose of

preserving Law and order and in London in the seventeenth century the Court of Common Council was instrumental in appointing a force of "watchmen" or "bellmen" to patrol the streets. But still crime abounded.

Thus Fielding was driven to the expedient of advertising in the *Covent Garden Journal* to request that notices of thefts and burglaries might be sent to his house in Bow Street. Indeed, he seems to have taken a somewhat singular view of his duties, for he is reported to have made a raid upon a gambling-house where he expected to find certain highwaymen.

But there can be no doubt that Fielding, with the help of his half-brother, who was associated with him as assisting magistrate for three or four years, played a pioneer part in putting the police system on a proper footing. They employed paid detectives and, in view of the results thus obtained, they got permission to establish, as an experiment, a small police force known as the Bow Street Foot Patrol. This force not only served in the streets of London.

The experiment proved a success. The Bow Street Foot Patrol became known far and wide as "The Bow Street Runners". Indeed they were by many nicknamed "Robin Redbreasts" in view of the fact that they were uniformed in scarlet waistcoats. Their only weapon or insignia of office was a small baton surrounded by a gilt crown.

This article shows light on how a justice of the peace, acting as a magistrate, improved the way in which police performed their duties in the eighteenth century. In the legal system of England and Wales, there is a history of involving lay people, namely people from the local community who hold no legal qualifications, in the judicial decision-making process of the courts. They are called justices of the peace or magistrates.

Source: Justice of the Peace, J.P. by Eddy Q.C. (Cassell, London).

FROM THE WESTGATE BRANCH



Left to right: Michael Southern JP; Bill Chapman JP; Tom Byrt, Victoria Police - Retired; Loretta Cormack JP; Glenn Hollibone JP, Sec/Treas Westgate Branch; Metka McDonald JP; Sgt Lachlan Holding, Water Police; Clive Pattie JP, Deputy Chair Westgate Branch, & LSC Jon Anderson, Water Police.



Leading Senior Constable Ian Garland - District Firearms Officer (*just retired*) & Clive Pattie.



Sgt Lachlan Holding & Clive Pattie.

On the 7th March members of the Westgate Branch visited the Water Police & Search & Rescue Teams based at Williamstown Police Station. The trip was organised by member Mrs Loretta Cormack JP & retired BJ. Loretta is the Co-ordinator of the Document Signing roster at Williamstown.

The pre visit organisation was a lengthy process, as it can take many months from the application stage until approval is granted - in our case November to March.

We were shown the vessels and the Command/Communications Area accompanied by informative talks by Sgt Lachlan Holding. L.S.C's Jon Anderson & Andrew Bell.

This was followed downstairs by a

comprehensive oversight on Firearms registration and relevant legislation and inspections by soon to retire District Firearms Officer L.S.C Ian Garland. The Firearms office at Williamstown comprises only two officers and is responsible for all the western area nearly down to Geelong and including Bacchus Marsh. This is in addition to running the courses and tests for Firearms Licences.

Certificates of Appreciation on behalf of the Branch were presented to the Water Police & Firearms Office by Deputy Branch Chairman Clive Pattie JP.

*Submitted by: Clive Pattie JP
Westgate Branch*

FROM THE NORTH EAST BRANCH



Back Row: Geoff Tually JP, Robert Ford JP, BJ, (DSS Coordinator), Michael Guinane JP, BJ, Peter Cardwell JP, Michael Worton JP, Ron Webb JP, Clive Voss JP, Sgt Trevor Schultz, David Williams JP,
Front Row: Ron Gibb JP, Cheryl Sargent JP (DSS 2IC), Dorothy Hurley JP, Robert Chuck JP, & Sam Degrazia JP.

On the 11th of March we had our first DSS meeting for the DSS North East Group which was a great success with just about all of the JPs attending; 14 out of 20. We also had a guest speaker for the night from the Wangaratta Police Station, Sgt Trevor Schultz. He spoke on the problems associated with the holding so many prisoners at the station. These prisoners are sent from Melbourne on a holding arrangement.

He also spoke about the amount of burglaries being committed to support the habits of some offenders and that more intervention orders are being issued due to the increase in family violence.

Also mentioned to all present at the meeting was that the Wangaratta Police are totally grateful for the work being carried out by DSS JPs and thank them all for their support. When I was talking with Snr Sgt Lance Werner the other day he mentioned that the work being carried out by the DSS personal enables the Station to place one more Police Officer on the road which I feel is well worth the time and effort put in by all.

On the night I spoke on some up and coming issues that had taken place during our time at

the DSS, which also gave some of our JP's the chance to raise some points of interest that they have come across which might be of some help to others if confronted with similar issues. It also gave others the chance to raise any questions they might have and have them answered.

The meeting was, as I said earlier, a great success and the JPs attending have requested that we hold meetings every quarter which I will instigate in support of their request. We also had the privilege of being able to hold the meeting at the Gateway Motel as one of our JPs is the owner; Wendy Lester JP. Wendy also supplies tea & coffee, cakes and sandwiches. Many thanks to Wendy and staff. Also I spoke about the Myrtleford and the NEW Bright DSS stations which are held at the Towns' Libraries. Both of these stations have had a great response and support from our local JPs. I gave thanks to those who attended the meeting.

*Submitted by: Robert M J Ford JP, BJ.
North East Group Coordinator*



NEW CRIME STATISTICS AGENCY TO IMPROVE ACCURACY, INTEGRITY AND ACCESSIBILITY

Crime statistics will be more accessible and transparent under the Victorian Coalition Government's new independent Crime Statistics Agency (CSA).

Legislation for the CSA was introduced into Parliament in March. The CSA will begin operation from 1 January 2015.

"The CSA will be charged with the responsibility of strengthening community confidence in crime statistics reporting and is an important addition to the Coalition Government's law and order agenda," Minister for Police & Emergency Services, Kim Wells said.

"In addition to improving access and availability to crime data in Victoria, the CSA will undertake and publish research into crime trends in Victoria, providing Victorians with a greater understanding about patterns of offending.

"The CSA will also establish a website, through which its quarterly and annual reports will be made accessible to the public.

"The website will include the quarterly reports with a breakdown of crimes by postcode, data which was never previously readily available to the public.

"The CSA will work with Victoria Police to develop methods to ensure a smooth transfer of statistics, with the interim period assisting in ensuring the statistics are presented in a way that people can easily understand."

The CSA will remain independent of Victoria Police.

Source: Office of the Minister for Police & Emergency Services

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VICTORIA'S COURTS ACHIEVE RECORD CLEARANCE RATE



Victoria's courts are clearing cases at a record pace, despite having the largest number of new cases lodged in 10 years.

Attorney General Robert Clark said the Report on Government Services showed Victoria achieved the highest clearance rate on record across the state's courts.

The clearance rate measures the number of cases finalised in the courts as a percentage of new cases lodged.

The report showed Victoria recorded a clearance rate of 107 per cent. The Supreme Court, County Court, Magistrates' Court and Children's Court finalised more than 342,000 cases in the 2012/13 financial year. That compares to total case lodgements of just over 320,000.

"This shows that reforms to our court system are working to help improve the clearance of both criminal and civil cases," Mr Clark said.

While the courts are clearing cases at a record pace, a range of efficiencies are reducing the cost

of finalising cases.

The cost per finalisation reduced by five per cent in the 2012/13 financial year to \$782 per case.

"These results show that not only are our courts able to provide access to justice more quickly, they are also doing so more efficiently," Mr Clark said.

The results come as the Victorian Government legislates to create a new statutory entity, Court Services Victoria, which will provide administrative support to the courts free of departmental and political control and accountable directly to Parliament.

The legislation will give the courts and VCAT greater freedom to manage their own operations and to introduce improvements and innovations.

The new body is expected to come into full operation from July 1 this year.

Source: Office of the Attorney General

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NEW MEMBERS

The president and board warmly welcome the following new members:

Mark Barrow.....BOTANIC RIDGE
 Peter Doyle JPROSEBUD WEST
 Milad El-Halabi JP.....PASCOE VALE
 Vern Fettke..... HOPPERS CROSSING
 Brian Geary JP..... HOPPERS CROSSING
 Ian GwynneTAYLORS LAKES
 Irene Harrington JP.....MONTMORENCY

Geoffrey Jones JP..... MILDURA
 Anthony Kennedy.....BOX HILL NTH
 Colin Smith.....EAGLE POINT
 Emmanuel Tanti JP..... SYDENHAM
 Tanya Tatulaschwili JP..... WANGARATTA
 Anna Vaughan JP NARRAWONG
 Carl WoodGEELONG



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FIRST JP COMMUNITY CONNECT PROGRAM?



Deepak Vinayak JP, has informed Custodes, that he is on board to start the first community connect program at the new Craigieburn central shopping centre.

Deepak will open every Thursday between 6.00 pm and 8.00 pm.

We congratulate Deepak on this initiative.

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VICTORIA POLICE SYSTEM IMPROVEMENTS



A \$2.5 million investment in Victoria Police resources and processes will ensure warrants will be available to all police electronically within one to four days of their issue.

“Currently, information about warrants to arrest a person takes longer than two weeks to reach police,” Minister for Police & Emergency Services, Kim Wells, said.

“We cannot have a situation where warrants for serious crimes are issued against a person but most police don’t know about them.

“In response to a request from the Victoria Police Chief Commissioner Ken Lay, the Coalition Government is pleased to provide

funding that will significantly streamline processes related to arrest warrants.”

Mr Wells said the improvements would reduce the time it takes for a warrant to appear on the police Law Enforcement Assistance Program (LEAP) which is available to all police.

Previously, when a warrant to arrest was issued by the courts or a warrant issued by police it was sent to a dedicated police officer to execute. That police officer had two weeks to execute the warrant before it was entered into databases available to all police.

Source: Office of the Minister for Police & Emergency Services

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PRESIDENT VISITS MORNINGTON PENINSULA BRANCH



Branch Secretary of the Mornington Peninsula Group, Fay Hunter, presenting Glenda Frost JP with a floral arrangement.

On Wednesday March 2nd the Mornington Peninsula branch held its meeting at Frankston Police headquarters. It was most fortunate that two guest speakers were on hand to address our members.

Inspector Drew Morgan, Tasking Coordinator of Frankston Police spoke on his role with the police department and expressed his gratitude and that of his Officers for the work carried out by JPs at Signing Centres. He recognised that many high profile people such as recipients of OAM Awards, Mayors, Retired Council Officers and many community minded citizens give of their time freely which allows police to concentrate on core policing duties.

A very special guest in the President of the RVAHJ, Glenda Frost JP spoke of her role as chairperson on the Board which include meetings with the Attorney General and members of the Dept of Justice on matters which concern our members. Glenda informed our members that she is now a member of the Parole Board, and sees this as an extension of her role within the RVAHJ. Glenda clarified the situation regarding documentation for the department of B/D/Marriages on a question from Henryk Kay.

Branch Chairman, Graham Unwin, thanked Glenda for her presentation, Branch Secretary,

Fay Hunter presented Glenda with a floral arrangement with thanks from our members.

Marie McIntosh will represent our branch at the Chelsea wreath laying ceremony on ANZAC DAY, we have been representing our Branch at these Services for the past four years at different locations within our area.

SIGNING CENTRE REPORTS were presented with Bob Bolch informing our group that as of the end of March that 260,537 documents have been signed/witnessed. Dawne Wallace, Mornington Co-ordinator, emphasised the need for more JPs to service that Police Station on Thursdays (one day a month) from 11.00am till 2.00pm contact Dawne on dawnewallace@yahoo.com.au.

JPs who are able to assist one day a month at Rosebud Police Station on Thursdays from 11.00am till 2.00pm should contact co-ordinator Helen Alcock on 0425 782 072.

The next meeting of the Mornington Peninsula Group will be held at Frankston Police Headquarters on June 4th at 7.30pm. Further details from Secretary Fay Hunter on 5976 1258 fayhunter2@bigpond.com.

*Submitted by: Ian Lyons Publicity Officer,
Mornington Peninsula Branch.*

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NEW ZEALAND CELEBRATES 200TH ANNIVERSARY

by Michael Cheshire JP

In February and March this year, Joy and I travelled to New Zealand to attend the national conference of NZ justices of the peace and celebrate their 200th anniversary of the first JP to be appointed to New Zealand.

Interestingly, Thomas Kendall was appointed a JP by Governor Macquarie, on the recommendation of the Reverend Samuel Marsden, chaplain to the New South Wales penal colony and a magistrate in his role as a JP.

Thomas Kendall was a Church Missionary Society (CMS) missionary and was sent to the Bay of Islands as the first arbiter of British justice in the crime-ridden colony. Kendall, unpaid JP, resident magistrate in the Bay of Islands was expected to:

- control the recruitment of Maori as seamen on British ships and the debarkation of sailors and others at New Zealand;
- be the linchpin of a policing partnership between colonial, state and Maori chiefs;
- reduce interracial friction;
- control order and trade throughout the islands of New Zealand and those immediately contiguous thereto;
- be respected and obeyed.

Thomas Kendall, his wife Jane, William and Dinah Hall and John and Hannah King together with their children, which numbered nine; were the missionaries who travelled together to New Zealand. Their wives were aged between sixteen and thirty nine. Thomas Kendall was a school teacher before becoming a missionary, William Hall a carpenter and John King a shoe and rope maker.

It is hard to imagine travelling half way around the world to a country populated by 100,000 Maori, of whom only a few understand your English language, cannibalism is practised and even fewer have any knowledge of your culture and beliefs. You are unpaid, live with three families sharing a leaky flax hut, seven and a half metres long and four metres wide, without windows or chimney and a mud floor. You and your children are cold and wet and hungry. You have to cook for twenty-six people on a fire outside in all weathers, and there's never enough food, and the supply ship doesn't arrive, and you have to wait up to two years for a letter from home.

Imagine trying to be a Justice of the Peace without any other legal and/or military presence to back you up. Worse still, they were all simply trying to stay alive, which required rather more than a



Maori chiefs Waikato and Hongi Hika with missionary and justice of the peace Thomas Kendall in England, shown in James Barry's 1820 oil painting..

signature and a stamp on a document.

Kendall, Hall and King all had to trade muskets and gunpowder with our Maori friends, for food. That was their price for the pork and potatoes we needed to feed our families. But the trade had to be done secretly because the Reverend Marsden did not approve, so there was competition and suspicion that caused constant tension - when all we wanted to do was feed our children.

This year marks two hundred years since these families arrived in the Bay of Islands - the first Europeans to live and work among Maori, the first Christians to come and share God's love with them, the first teachers to bring written language and farming skills, and the first representatives of British justice. Thomas Kendall produced the first books in Maori language, safeguarding the oral traditions. He was New Zealand's first Justice of the Peace and first schoolmaster. He built New Zealand's first church, and officiated at the first baptism (March 4th, 1823) and wedding (June 23rd, 1823) of a Maori (Maria Ringa). By 1823, he was leading church

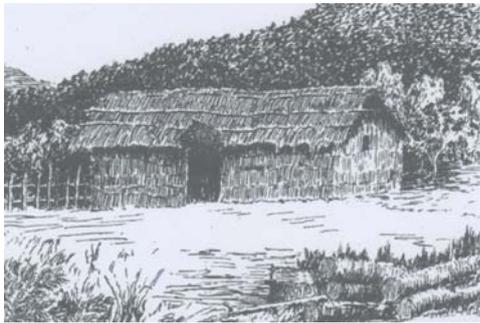
Continued on page 14.



Jane Kendall at 73 year old.

NEW ZEALAND CELEBRATES 200TH ANNIVERSARY

continued



Continued from page 13.

services every Sunday, for over 150 Maori, along with visitors from European ships.

Richard Hill, in *Policing the Colonial Frontier*, describes the insurmountable difficulties faced by Kendall as the colony's first judge and policeman: "By himself Kendall had no power to determine guilt and punishment: if he sent documents to Sydney, he might not receive a satisfactory reply for months, even years, by when the defender would long since have left. When detaining serious offenders, especially escaped convicts and stowaways, he had neither a lockup nor even a promised supply of leg irons and handcuffs. Attempts at detention led to easy escapes. When he asked visiting captains to goal prisoners aboard ship they were wont to liberate the prisoners to make up crew numbers.

The settlers were therefore relieved when Captain William Hobson arrived from Port Jackson in 1839 with a number of mounted trooper units to provide surveillance in the northern settlements.

From New Zealand Thomas Kendall and his family travelled to Chile, before returning to Australia where he finally died by drowning.



The Reverend Samuel Marsden.



Left to right: Cr John Carstairs JP; Helen Carstairs; The Hon Chester Borrows, Associate Minister for Justice; Joy Cheshire and Cr Michael Cheshire JP.

The Conference

The conference focussed on ***The Past, The Present and The Future***. The Royal Federation of New Zealand Justices Associations planned a very professional and informative program. Papers were presented by the Chief Justice, others from the judiciary, Ministers of the NZ government, stakeholders including the police and Maori elders plus a Church Service was celebrated by Bishop Te Kitohi Pikaahu. I presented a paper on the history which has existed between the NZ and Australian justices associations over some years, mainly through the Australasian Council of Justices' Associations. There were over 250 delegates to the conference which grew in numbers, with partners, for the celebratory dinner.

As a former president of the Australasian Council of Justices' Associations, I made a presentation to Royal Federation of New Zealand Justices Associations president Greg Weake of a gavel, to help "keep the peace", as a reminder of the strong link of justices' associations, between Australia and New Zealand.

Thanks go to the Reverend Amanda Neil JP, Dr Philip Harkness JP and Ms Wallis Walker JP who have provided information for this article.

Our NZ colleagues always make us very welcome when we visit their beautiful country. They have a strong administration which provides the best in training and education, plus have an excellent working relationship with their government.

We wish the New Zealand justices the very best for their next 200 years!

Helen Yorston

Position in RVAHJ: Honorary Secretary
Branch: Bendigo
Year appointed: 2006
Birthplace: Pyramid Hill
Present home town/suburb: Bendigo
Husband: Gary
Children: 3 sons married with a beautiful granddaughter all living in Bendigo.
Occupation: Manager , Bendigo Volunteer Resource Centre
Football team: Essendon (to keep my husband happy)
Like Dog or Cat: Like cats
Favourite book: ?
Favourite film: Pretty Woman
Favourite food: A good steak, vegies and a good wine
Which 4 people would you invite to dinner: ?
Hobbies: Live Theatre, walks along the beach, travel, researching my family history.
Sports played: Nil



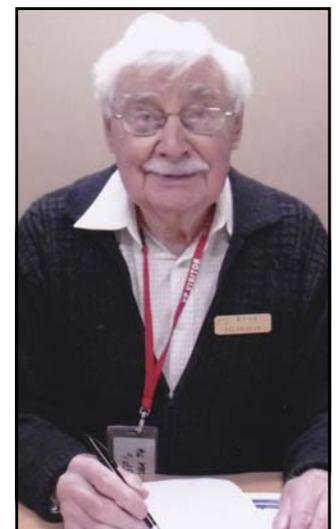
Terrence John Fisher

Position in RVAHJ: Branch Chairman
Branch: Wellington
Year appointed: 1974
Birthplace: Exeter, Devon England
Present home town/suburb: Rosedale
Partner: None
Children: None that I now of.
Occupation: Retired
Football team: Parramatta Rugby Union
Like Dog or Cat: Dogs
Favourite book: To many to pick from
Favourite film: Dam Busters
Favourite food: Sunday Roasts Dinners, Chinese.
Which 4 people would you invite to dinner: . Kerry Webb, Dawn Fraser, David Campsie & David Beckham.
Hobbies: Model Railways, (N Gauge)
Sports played: Rugby Union, Golf.



Pat Gogan

Position in RVAHJ: Branch Member
Branch: Central Gippsland
Year appointed: 1990
Birthplace: Dublin, Ireland
Present home town/suburb: Drouin
Partner: Helen
Children: 4 sons, 1 daughter
Occupation: Insurance
Football team: Hawthorn
Like Dog or Cat: Dog
Favourite book: Fiction
Favourite film: Nil
Favourite food:
Which 4 people would you invite to dinner: Family
Hobbies: Rugby Union Referee
Sports played: Rugby, Tennis.





NEW LAW TO SET LONGER SENTENCES FOR SERIOUS CRIMES

Offenders who commit a range of serious crimes will spend more time in jail under sentencing reforms introduced into Parliament in April, by the Coalition Government.

Those found guilty of murder, large-scale commercial drug trafficking, culpable driving causing death and child sex offences will all face big increases in sentences.

The new law will require courts to set higher sentences not just for the most serious instances of those offences, but across the sentencing range.

Under the reforms, the average sentences for these offences will increase to:

- murder — 25 years;
- trafficking in a large commercial quantity of a drug or drugs of dependence — 14 years;
- incest with a child under 18 — 10 years;
- sexual penetration of a child under 12 years — 10 years;
- persistent sexual abuse of a child under 16 years — 10 years; and
- culpable driving causing death — nine years.

“At present, the average sentence imposed for some of these offences is appallingly inadequate,” Attorney-General Robert Clark said.

“Those who traffic in large commercial quantities of drugs, inflicting lifelong harm and suffering on young people and their families, currently receive an average sentence of seven years. Under this Bill, that will double to 14 years.

“The average sentence currently imposed for sexual penetration of a child under 12 is only three and a half years. Under the Bill, the average sentence will be 10 years.

“Sexual abuse of children is completely unacceptable, whether it occurs in an institution or in the home.

“Those who sexually abuse young children, often shattering their faith and confidence in adults close to them whom they have loved and trusted, deserve the strongest condemnation by the community.”

The Bill is the first stage of the Coalition Government’s introduction of baseline sentences, under which the community through Parliament will be able to specify not just the maximum sentence that can apply for an offence, but the average, or median, sentence that Parliament requires the courts to apply.

“Under this reform, the law will require that cases of the sort that previously received the old median sentence will in future receive the baseline

sentence,” Mr Clark said.

“Thus, culpable driving cases of the sort that previously incurred the median sentence of five and a half years in jail will in future incur the baseline sentence of nine years.

“Cases that are more serious than average will be required to receive a higher sentence than the baseline, and cases that are less serious than average will be able to receive a sentence lower than the baseline.

“How the seriousness of an individual case before the court compares with the seriousness of other cases of the same offence will continue to be determined by the court in accordance with current sentencing principles based on the facts involved.

“However, what the legislation makes clear is that cases in the mid range of seriousness for an offence that would previously have received the old median sentence must in future receive the new, higher, baseline sentence specified by Parliament, with other cases of that offence having their sentences increased accordingly.”

The new law will also require that courts must order offenders sentenced for baseline offences to spend no less than a specified minimum proportion of their sentence actually in jail before they can become eligible for parole.

Offenders sentenced to 20 years or more will be required to serve a non-parole period of at least 70 per cent of the sentence in jail. The non-parole period for those sentenced to less than 20 years must be at least 60 per cent of their sentence, while those sentenced to life imprisonment will be required to serve a non-parole period of at least 30 years in jail.

The new law follows a detailed report by the Sentencing Advisory Council (SAC) in 2012. Offences to which the new law will apply include offences such as child sexual abuse and culpable driving causing death where SAC highlighted the inadequacy of current sentence levels.

These reforms add to the range of significant sentencing reforms already introduced by the Coalition Government to ensure stronger and more effective sentencing in Victoria.

These include abolishing home detention and suspended sentences, replacing the previous range of community orders with a new, stronger Community Correction Order and introducing four-year statutory minimum non-parole periods for offences of gross violence.

Source: Office of the Attorney General

Q&A

A. Justices of the Peace are sometimes asked to officiate at wedding ceremonies and, of course, we must say no. **Only Civil Marriage Celebrants or authorized Ministers of Religion may legally marry people in Australia.**

Q. Can a JP officiate at a renewal of vows?

But, a renewal of vows is not a legal ceremony and anyone may 'officiate'.

Thank you to Andrew Griffiths JP from Bendigo, who raised this question.

Ω

DOCUMENT SIGNING CENTRES REPORTS

Thank you to all those who provide these figures. It measures just some of the duties provided to our communities. Deadlines for each quarter are Spring - August 1, Summer - November 1, Autumn - February 1 and Winter - May 1.

As justices of the peace, it is our responsibility to make ourselves available to our local signing centre. The more that make themselves available, the less call that there will be on all justices. You may register your interest in a roster by contacting Cathy on admin@rvahj.org.au

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	Year to Date
Ballarat	2888	3950	2788	9626
Benalla			84	84
Broadmeadows	1381	2715	2752	6848
Corio	331	354	404	1089
Craigieburn	605	702	631	1938
Dandenong	4936	9089	8950	22975
Epping	1347	1486	1160	3993
Family Court			1137	1137
Footscray	2466	2837	2510	7813
Frankston	3397	4353	3367	11117
Geelong	2501	2237	2508	7246
Mansfield	19	21	24	64
Melbourne East	8498	6648	4977	20103
Mildura	1240	1522	1897	4659
Morwell	118	327	499	944
Myrtleford	57	3	23	83
Northcote			418	418
Oakleigh	1771	2548	2091	6410
Pakenham	621	493	699	1813
Ringwood	335	422	228	985
Rosebud		86	184	270
Sale	422	307	216	945
Shepparton	1155	1301		2456
Springvale	6248	7432	6902	20582
St Kilda	191	140	135	466
Sunbury	160	128		288
Wangaratta	467	458	511	1436
Warragul	1489	1557	1304	4350
Williamstown	726	700	524	1950
Wodonga/ Corryong	1215	1477	1113	3805
Wonthaggi	1027	809	743	2579
Monthly Total:	45611	54102	48779	148492



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Royal Victorian Association of Honorary Justices (Monash Branch)

don't miss our
SPECIAL GUEST SPEAKER

Thursday 11th September 2014

Time: 7pm

Council Chambers
City of Stonnington
Cnr Glenferrie Road & High Street
Malvern

Light refreshments will be provided.

Booking online at trybooking.com/EPOI or contact Alan Samuel JP 0408 024 224 JP10675@rvajh.org.au (limited seats available)

9/11 - The World Trade Center 13 years on...

How did the fires really start?

Dr Jonathan Barnett tell the inside story on the resultant fires from the disaster.

Dr Jonathan Barnett is a forensic engineer who was a member of the American Society of Civil Engineers/Federal Emergency Management Agency (FEMA) World Trade Centre Investigation Team. He also testified before the US House Committee on Science's May 1, 2002 Hearing On the Collapse of the World Trade Centre. Jonathan will offer first-hand knowledge of the outcomes and lessons learned from the collapse of Towers 1 & 2 on 9/11.

Currently Jonathan lives in Melbourne where he is the Technical Director for Olsson Fire & Risk and applies the lessons learnt from 9/11 to day to day engineering practice in Australia.

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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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