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THE OFFICIAL JOURNAL OF ...

THE ROYAL VICTORIAN ASSOCIATION OF HONORARY JUSTICES

SUMMER
2014-15

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RVAHJ president Glenda Frost JP (centre) and vice president Norman Wittingslow JP (right) meet with the president of the Queensland Civil and Administrative Tribunal, The Honourable Justice David Thomas. *Story page 4.*





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CHRISTMAS CHEER

The office will close on Friday, 19 December 2014 and re-open on Tuesday, 20 January 2015.

If you need assistance with procedural matters whilst the office is closed, please contact one of the Directors as listed in this edition of *Custodes*.

The president, directors and staff of the Royal Victorian Association of Honorary Justices wishes all a very Happy Christmas and a Healthy and Prosperous 2015.





Dear Members,
Fellow Justices,

This will be the last of my editorials as your President as my term comes to an end with the calendar year. It has been an enormous honor for me to represent and assist our 2000 members throughout the State and to liaise on your behalf with the relevant Ministers who have all been extremely supportive of the role and duties of Honorary Justices and the RVAHJ as the main

support group. I wish to thank the Directors for their assistance throughout my term and a special thanks to Vice President Norman Wittingslow and Cathy Owens, in Administration for their support, much appreciated. I can now state that I have accomplished my main goal in securing the address of the RVAHJ in the form of a long term lease at Elwood.

This year I have managed to travel as far as Queensland for the Australasian Justices meeting who meet with representatives from all states and Territories as well as New Zealand. It is extremely interesting to hear the different rules and powers that are attached to different places particularly Statutory Declarations and Powers of Attorney. It is very important to keep abreast of your States requirements and limitations; the Department of Justice has a very handy book of reference for the asking and I would urge one and all to keep a copy handy at all times and also remember we have "eLearning" for our members on our Webpage. I would encourage all members to avail themselves to the questions and answers that it offers.

The RVAHJ celebrated its centenary back in 2010, so we have been around a while. And until only a few years ago was the only independent body that was assisting or monitoring the Honorary Justices. We exist and continue to operate because 2000 voices are louder than one; however we work with and within the guidelines, together with the Department of Justice and ask that our members remember they were appointed to these roles as they were held in high regard by the community and as such should behave and conduct themselves in a respectful manner so as not to tarnish other Justices with bad behavior.

As we age or mature our tolerances and patience can diminish and our health doesn't always allow us to be objective. If you find yourself or a Fellow Justice experiencing difficulty in coping within the guidelines of code of conduct, offer assistance from your branch in the first instance who can then contact RVAHJ with the relevant person before it becomes a problem. The RVAHJ is not removing your right to deal with the Department of Justice but Branch matters and members should be notified to the RVAHJ in the first instance in order to avoid revocations. We also can refuse or deny membership if our code is not respected.

We now have 25 branches and have just appointed 2 more directors allowing us to have all our branches with a liaison director to contact and relate to. A letter has been sent out to all branches notifying them of that director. If you have not received notice please call Cathy to follow up.

So in closing I would like to wish you and your families a very Happy, Healthy and Blessed Christmas and that the New Year brings some form of Peace throughout the World.

Glenda Frost JP

President RVAHJ

NOTICE OF AGM

Notice is hereby given that the Annual General Meeting of Members for 2015 will be held on Thursday, 28 May 2015 at 7.30 pm at 53 Broadway, Elwood, 3184.

The closing date for receipt of Special Resolutions to be placed on the Agenda for this meeting will be 4.00 pm on Friday, 30 January 2015.

2015 Biennial Election of the Board

Under the Constitution, at least one third of all Board members retire every two years but are eligible for re-election.

Any Ordinary Member or Life Member of the Association may accept nomination in the prescribed form obtainable from the office and all nominations must be lodged with the Returning Officer, C/- PO Box 317, Elwood, 3184

no later than 4.00 pm on Friday, 30 January 2015.

Nominations must be signed by the proposer and seconder who shall in each case be a Life Member or an Ordinary Member of the Association, who is not in arrears with his/her subscription. The consent in writing of the person nominated shall be endorsed on each nomination.

Should the number of nominations exceed the number of vacancies on the Board, then a ballot shall be conducted with details of same to appear in the Autumn 2015 edition of the journal.

Michael Tse JP
Company Secretary



THE SUCCESSFUL JP TRIAL

The presentation by The President, The Honourable Justice David Thomas President, Queensland Civil and Administrative Tribunal; at the Australasian Council of Justices' Associations dinner in Brisbane, October 2014.

The Premise

I predict that 2014 will be looked back on as a very positive year in the history of Justices of the Peace in Queensland. Why do I suggest this? I make this prediction because I believe that the Queensland Civil & Administrative Tribunal (QCAT) JP Trial, may claw back some of the ground which has been lost by Justices of the Peace in the last few centuries. What do I mean by that? To consider this issue, it is necessary to briefly consider the history of your very noble calling.

History

The office of Justice of the Peace was first established in England by the enactment of statutes in the fourteenth century. *The Justice of the Peace Act 1361* says ...

*In every county in England there shall be assigned for the keeping of the Peace ... three or four of the most worthy in the County, with some learned in the Law ...*¹

*They had power to restrain the Offenders, Rioters and other Barators (that is a medieval term for trouble maker) ... 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 ...*²

Those first justices had extensive powers and were much respected members of the community. This approach embodied in our culture the principle of public participation in

¹ 34 Edward III c 1 (1361), cited in Holdsworth WS, A History of English Law (7th ed 1956),vol 1 at 288.

² 34 Edward III c 1 (1361), cited in Holdsworth WS, A History of English Law (7th ed 1956),vol 1 at 288

the administration of justice. A distinctive feature of the office of Justice of the Peace was its dual function: Justices exercised both executive or administrative duties and judicial duties. Included in their non-judicial duties was responsibility, *for keeping the peace, and apprehending offenders as well as performing constabulary duties.*³

The judicial functions of justices involved the hearing and determination of cases. There was no clear boundary between the executive and judicial functions performed by Justices of the Peace. Over the following years the powers and responsibilities of Justices of the Peace were increased, especially in the administrative area. By the late 1600s duties included *administration of the game laws, giving testimonials to dismissed servants, making regulations in time of plague, the supervision of accounts at hospitals, the inspection of decayed bridges, the supervision of the manufacture of malt, supervision of the cloth trade, weights and measures, and even the reading of gas meters.*⁴ The power of Justices of the Peace appears to have peaked in the 18th and 19th centuries.

Such was their power that it is said that "they were often able to control the entire administration of a county".⁵ Gradually many administrative tasks were taken over by paid government officials.⁶ Under the *Stipendiary Magistrates Act 1858* (UK) 21 and 22 Vic73

³ Michael Ward and Peter Kelly, "Summary Justice South Australia" (1993) page 601 at paragraph 1.330.

⁴ Michael Ward and Peter Kelly, "Summary Justice South Australia" (1993) page 603 at paragraph 1.410.

⁵ Michael Ward and Peter Kelly, "Summary Justice South Australia" (1993) page 603 at paragraph 1.410.

⁶ Castles AC, An Australian Legal History (1982) at 68

Stipendiary Magistrates were empowered to do all acts authorised to be done by two Justices of the Peace.⁷ This meant that Justices of the Peace were stripped of some of their power and stipendiary magistrates were invested with powers that could previously only be exercised by two Justices of the Peace. This seems to have been the start of a slippery slide. The system regarding Justices of the Peace was transported into Australia. The Australian system was similar, but there was a much greater use of what were called Police Magistrates. With the advent of stipendiary magistrates the workload of magistrates moved more into the judicial sphere. In Australia, the rise of the stipendiary magistrate contributed to a change in focus for Justices of the Peace. By 1914 Justices of the Peace were complaining that they had been reduced to “mere witnessing machines”.⁸

In recent times in Queensland there was a move to distinguish between qualified Justices of the Peace and Commissioners for Declaration with the Justices⁹ having powers beyond witnessing in areas such as issuing search warrants, issuing arrest warrants and granting bail.

Of course, the witnessing function is a duty which should not be taken lightly. The documents JPs attest have more weight than a document witnessed by someone without any official position. They are documents of importance in each of our lives, including for example: oaths and affirmations, affidavits, powers of attorney, and land title documents. However the original trial jurisdiction had, in practical terms, all but vanished in Queensland.

The Queensland Civil & Administrative Tribunal JP Trial

A change was on the way in 2012. In 2012 the current Queensland Government made a commitment to revitalise frontline services. In support of that, the Attorney-General committed to:-

7
Dr John Lowndes, 'The Australian Magistracy: From Justices of the Peace to Judges and Beyond – Part I' (2000) 74 Australian Law Journal 509 at 511 citing Whartons Law Lexicon, 10 ed p 727.

8
Dr John Lowndes, 'The Australian Magistracy: From Justices of the Peace to Judges and Beyond – Part I' (2000) 74 Australian Law Journal 509 at 515 citing Hilary Golder, "The Making of the Modern Magistracy" (1991) 77 (3) Journal of the Royal Australian Historical Society 30.

9
Justices of the Peace and Commissioners for Declarations Act 1991 (Qld)



ACJA Councillors, observers and their partners, await Justice Thomas' presentation, following his introduction by Queensland Justices Association president Cr Keith Revell JP.

- extend Justice of the Peace (Magistrate Court arrangements) to reduce court and tribunal backlogs; and
- engage with community and training providers to deliver JP programs and continuing professional development.

In June 2013 QCAT commenced a six-month QCAT JP Trial.

QCAT was tasked with developing and delivering a unique project, never before tried in Queensland.

The trial had five key objectives:

- To reduce the average time taken to finalise all Minor Civil Dispute applications and improve the clearance rate for all Minor Civil Disputes applications in the trial sites;
- To reduce the cost of hearing these matters;
- To enable QCAT adjudicators and magistrates (who act as QCAT members in regional areas) to deal with other matters;
- To recognise the substantial voluntary contribution of JPs to the community and provide opportunities to improve, develop and expand their role; and
- To contribute to Government commitments to improve the administration of Queensland's justice system and frontline services for Queenslanders.

To meet these objectives, QCAT collaborated with a range of key stakeholders including the Attorney-General, the JP Branch of Department of Justice & Attorney-General and the Queensland Justices Association. With their support, QCAT developed a

comprehensive recruitment, training and assessment process which has seen the trial extended as evaluation continues. QCAT has 110 JPs appointed as part of the trial (25 who are legally qualified). The Oath of Office of a QCAT Justice of the Peace is, essentially, the same oath taken by all QCAT Senior Members, Members and Adjudicators and, indeed, is very close to the Oath of Office taken by Judges of the Supreme and District Courts, and Magistrates.

This reflects the fact that Justices of the Peace in the QCAT pilot program have assumed a judicial role. The model is simple; there is a panel of two JPs (one legally-qualified) hearing minor civil disputes up to \$5000, excluding urgent residential tenancy matters. People are available at QCAT to whom Justices of the Peace can turn if they need guidance. **It is interesting – think back to the Act of 1361 – appointing the most worthy in the country, with a few learned in the law, adopting the age old principle, which is part of our heritage, of public participation in the administration of justice. The current approach is on a solid foundation with centuries of pedigree.** From that first commitment in 2012 to improve front line services, over 4,000 matters have been heard by JPs in Brisbane, Maroochydore, Ipswich, Southport and Townsville. The matters heard by JPs were, before QCAT, heard in the Small Debts jurisdiction of the Magistrates Court where no reasons were given and there was no appeal. JPs provide a more accountable system. As decision-makers, JPs follow the same process as any QCAT decision-maker hearing minor civil dispute matters. They make findings of fact, they apply the relevant law, they make an enforceable decision permitted by the relevant legislation and they provide oral reasons for that decision at the conclusion of a time-limited hearing. As with any other decision-maker at QCAT, the hearing is recorded, the parties are entitled to a copy of the reasons for the decision and the decision is subject to appeal to the QCAT Appeal Tribunal.

How do we evaluate the trial?

The trial has been evaluated against the objectives and evaluation framework by the Department of Premier and Cabinet. The mid-trial evaluation (completed September 2013)

reviewed the development, implementation and early operation of the trial. The post-trial evaluation (completed in March 2014) draws on administrative, survey and interview data to determine the extent to which the trial was successful in achieving its objectives. The outcomes of the evaluation were very positive. **The matters have attracted a low level of complaint (less than 1%), adjournment (9%) and appeal (2%).** These rates are consistent with our experience with QCAT adjudicators. The initial evaluation showed the successful implementation of the trial was:

“most likely due to the high level of initiative, dedication and innovation displayed by QCAT and courthouse staff, as well as the professionalism, flexibility and commitment to the model demonstrated by the JPs involved in the implementation and operation of the trial”.

This reflects well on all those JPs who have participated as well as the excellent collaboration between stakeholders. The jurisdictional limits placed on JP panel hearings, availability of an adjudicator helpline, and relying on a traditional approach to hearings have all proven highly successful in the operational context. JPs have proven to be extraordinarily conscientious and experience now suggests they have the necessary skills and experience to adjudicate matters.

In terms of performance against the five key objectives of the trial, evaluation showed:-

- the time taken to finalise Minor Civil Dispute applications and the Minor Civil Dispute clearance rate continued to improve during the trial period
- overall, JP panels are less expensive to operate matter-for-matter than the previous system
- a slightly higher than expected appeal rate (during the trial period)
- the average monetary value of Minor Civil Dispute matters dealt with by QCAT adjudicators, judicial registrars and magistrates continued to increase during the trial period
- there was evidence of improved time, cost and operational efficiency in the Minor Civil Dispute jurisdiction
- QCAT users report the quality of service provided by JP panels is equivalent to other areas of QCAT.

Overall the trial has successfully provided JPs with the opportunity to improve, develop and expand their role. Evaluation has showed that JPs feel recognised by QCAT for the contribution they make and the work has enhanced their role as a JP. However more work needs to be done to improve that recognition outside of QCAT, particularly within the legal community.

Where to from here?

The trial will continue in the current scope in the existing five locations through to 2015/16. The Attorney-General will consider recommendations arising from evaluation, and in due course will make a decision on the future of the JP-panel model. I think that there are further possible opportunities. One is whether it might be possible to spread the work through a network of JPs in regional Queensland. Another is the monetary limit upon the JPs' jurisdiction. Is \$10,000 a possible figure? A third is the most effective role for the non-legally qualified JP: if that person has no vote in the final decision, is there a possibility of training the non-legal JP as a mediator, to work hand in hand with the

legally qualified JP to assist in settling cases as they wait at the door of the hearing room? Would this be an appropriate role for a JP who does not want to preside at a hearing? In concluding I should record that I have been most impressed by the enthusiasm and interest the JPs have shown, and the fact they are demonstrating that they have the necessary skills for the role. ***I believe that the Justices of the Peace bring to the hearings a rich life experience, the value of which was recognised centuries ago in the UK and which the present government has identified when suggesting the program. On behalf of QCAT, I would like to thank the Justices of the Peace for the support provided to deliver this trial to date.***

But back to my opening comment, I suggest that 2014 could be a significant year in the history of Justices of the Peace as it might be the beginning of a new role for Justices of the Peace at the forefront of public participation in the administration of justice. I look forward to continuing to work with JPs to deliver tribunal services.

Thank you.

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RVAHJ vice president Norman Wittingslow JP (left), with His Honour Tim Carmody, Chief Justice of Queensland and QJA Patron (right), at the opening of the Australasian Council of Justices' Associations events for 2014, in Brisbane.



Councillors of the

Australasian Council of Justices' Associations - 2014

Left to right seated: Cr Marian Vierveyzer JP - Qld; Cr John Carstairs JP - WA; Vice President & Deputy Registrar Cr Rod Nicholas JP - ACT; President Ray Burrows JP - Qld; Registrar Cr John Carpendale JP - Qld; Cr Christine Cordingly JP - NSW; Cr Glenda Frost JP - Vic; *Left to right standing:* Cr Michael Sachsse JP - SA; Cr Graeme Kitto JP - NZ; Cr Gilbert Thomas JP - Tas; Cr Michael Cheshire JP - Vic; Cr Peter Maughan JP - WA; Cr Denise Hutchins JP - NZ; Cr Errol Neale JP - Qld; Cr Beverley Alley JP - ACT; Cr Noel Crowley JP - NSW; Cr David Paton JP - Tas; Cr Peter Brooke JP - Qld; Cr Keith Revell JP - Qld and Cr Ken Lysaght JP - NSW.

NEW MEMBERS



The president and board warmly welcome the following new members:

Roger Chao BJ BELGRAVE
Thomas Aubrey Corrigan BJ TRARALGON EAST
Stephen Christopher Day JP BARWON HEADS
Geoffrey Foster-Swan JP RYE
Roger Christopher Galway JP KEYSBOROUGH
Raymond Gill JP MOUNT WAVERLEY
Robert Paul Gwynne JP JUNCTION VILLAGE
James George Lane JP ELWOOD
Brian Lawrie Lawrenson JP MOUNT MARTHA
Craig Lloyd BJ GISBORNE

Rodney James Mason JP GLENROY
Susan McKenzie JP EDITHVALE
Patricia Vivien McLean JP HEYWOOD
Goldie Pergl JP YARRAVILLE
John Graham Richardson JP CRANBOURNE
Sandra Seif JP EPPING
Naciye Nadia Selvi JP GREENSBOROUGH
Adrian Robert Spinelli JP MERENDA
Robert James Street JP GRANTVILLE
Reynald Tibben JP WERRIBEE

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FROM THE MORNINGTON PENINSULA BRANCH

The Mornington Peninsula Branch held its AGM on the first Wednesday of November. The guest speaker was Helen Bnads who officiated the election of Officer Bearers for the ensuing year.

Helen Bnads, guest speaker, is the Aboriginal Liaison Officer for Peninsula Health. She spoke about her aboriginal heritage & her social work at Frankston Hospital. Helen, an aboriginal elder, is traditionally from the Queensland Murri Community. She now works with the Victorian Koori people.

The St Kilda Football Club's Social & Emotional Unit has called on Helen's expertise when their indigenous players need assistance.

Helen was recently hosted by the Navaho people while attending a conference in New Mexico & she is well travelled nationally as part of her vocation.

Graham Unwin JP thanked Helen for the interesting talk on her life & the difficulties that aboriginal people face in today's society, Helen was presented with an RVAHJ certificate of appreciation.

Apart from Signing Centre Reports, General Business covered issues regarding "Keeping of Records" of witnessed documents & the question of how to treat clients wearing Burquas - No male must request the removal - must be



(Left to right) Vice Chair, Suzanne Phillips JP; Secretary/Treasurer, Fay Hunter JP; guest speaker Helen Bnads & Chairperson, Graham Unwin JP.

referred to a female Police Officer at a signing centre or another female if out in the community.

The next meeting of the Peninsula Branch will be held on Wednesday February 4th at Frankston Police Headquarters.

Further information from Branch Secretary: Fay Hunter JP on 5976 1258.

Submitted by: Ian Lyons JP,
Publicity Officer,
Mornington Peninsula Branch

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FROM THE NORTH EAST BRANCH

At our last Document Signing Service meeting back in August, Robert James Broadhurst #9920, decided to resign from the Document Signing Service and also as a Justice of the Peace, after some 20yrs of service to the Community, as a JP and 12 months in the North East Group DSS. Robert was appointed as a JP on the 6th April 1994.

The photo was taken on the night by my 2IC Cheryl Sargent of myself presenting our DSS Award to Robert Broadhurst. Robert's wife Sharee was also in attendance on the night.

The night was, on the whole, a great success with 10 JPs, in attendance & 7 apologies. Our guest speaker for the night was Paula Griffiths, Registrar of the Wangaratta Court. Paula gave our Group a total break down of Court procedures and other activities.

And at the completion of our meeting Paula stated to me that what was discussed on the



Robert Ford JP presents a DSS Award to Robert Broadhurst JP for his long service as a JP.

night, was also of a advantage to her, as it gave her a better understanding of what challenges we come across and the issues at the DSS stations.

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2015 MEMBERSHIP INVOICES

A reminder to members that all membership fees become due on January 1 and your invoice for 2015 membership is on the **reverse of the address sheet that accompanied this edition of Custodes**. The ordinary membership fee for 2015 is \$55.00.

To reduce our postage and administrative costs, **individual invoices are not sent**.

If you are planning to be away in the new year, we encourage you to send your payment early to avoid having your membership lapse.

How to pay -

We regret that we are unable to take payment over the phone however, a variety of payment methods are available:

Cheque/Money Order

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

Credit Card - Payments by MasterCard or Visa only can be accepted.

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

By Fax – fill out the credit card section on your invoice and fax to (03) 9525 7765

By Post – PO Box 317, Elwood, Vic. 3184

Internet Banking

Direct deposits can be made to the following account:

BSB 063-128

Account no. 10331656

Payer Ref: Reg. No./Invoice No

*Please ensure your payer reference clearly identifies **you** as the payer.*

Ω

NEW VOLUNTEERS NEEDED AT THE ROYAL MELBOURNE HOSPITAL!

John Ayers JP, invites expressions of interest in joining the roster of volunteers assisting patients and members of the public with document witnessing at the Royal Melbourne Hospital, Parkville.

The service is scheduled Monday to Friday between 10.00am and 2.00pm and free parking is available for the volunteers.

Please note that completion of special training is necessary before commencement, to comply with hospital requirements.

For further information about joining this hard-working group of volunteers, please contact John Ayers JP at johnayers@optusnet.com.au or telephone (03) 9379 3067 or 0432 499 323.

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FROM THE WESTGATE BRANCH

Westgate Branch has opened a new signing centre at Altona Meadows Library & Learning Centre.

The Altona Meadows Library has only had the service since 1st October but is already becoming popular with residents. Library Co-ordinator Ellen Fischer said,

"I think it's fantastic that we have been able to partner and offer the JP Service to the community at this end of the municipality. I look forward to seeing use of the service grow, and am proud that the libraries are a part of it. Both Clive and Loretta have been so professional and easy going – an absolute pleasure to work with."

The library caters for many students, both secondary & tertiary as well as many migrants with English as a second language. The facility comprises two floors in a modern, extremely well equipped, spacious & open plan airy environment. Ultra modern technology in all forms is evident throughout the building in addition to an up to date catalogue of standard printed books, journals and newspapers.

The members of Westgate Branch of the R.V.A.H.J., although having only been formed for 18 months with only a few members have been extremely busy signing documents at three locations throughout the City of Hobsons Bay.



Clive Pattie JP and Altona Meadows Learning Centre Co-ordinator Ellen Fischer.

These centres are located at Williamstown Police Station on Tuesdays from 11-00am until 2-00pm, the Welfare Office of Altona RSL on Wednesday (10-00am – Noon) and Altona Meadows Library & Learning Centre also on Wednesdays (12-30pm – 2-00pm).

In addition to Hobsons Bay, Branch Chairman Angelo Auciello & Committee member Metka McDonald are long serving members at the extremely busy Footscray Police Station.

Submitted by: Loretta Cormack JP
Westgate Branch

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LAST READING OF THE RIOT ACT IN VICTORIA

Our thanks go to the Frankston Standard Leader for this article which appeared on Monday 16 June 2014. It tells the story behind the last reading of the Riot Act in Victoria in 1979.

Our Sovereign Lady, the Queen, doth strictly charge and command all manner of persons here assembled immediately to disperse themselves peacefully depart to their homes.

God Save the Queen.

The Justice of the peace reading this statement is visibly shaken.

In his 60's the JP has been hoisted by local officers to stand on the bonnet of a car at the then Frankston Police Station in Davey street.

In one hand he holds a megaphone and in the other, a document that contains the words of what is commonly known as the Riot Act, but is in reality more of a formal warning for a crowd to disperse.

It is May 5, 1979, and months of simmering tension between police and youths have exploded into full scale riot outside the police station.

In front of the JP is a mob of young people hurling missiles and abuse while standing toe to toe with police officers.

At the height of the riot, windows at the station are smashed, police vehicles trashed and officers lead a baton charge against the mob.

Retired former senior police inspector Carl Mengler, who headed the police response, recalled that the din from the crowd was so deafening he doubted they heard the reading of the Act.

"I don't know the crowd heard the JP, because there was so much noise. The important thing was he read it" he said. "It was very frightening. The crowd was standing virtually toe to toe with us."

"They were attacking the station. The noise and the abuse and the missiles coming in were frightening."

After the order to disperse was read, police moved forward with their batons.

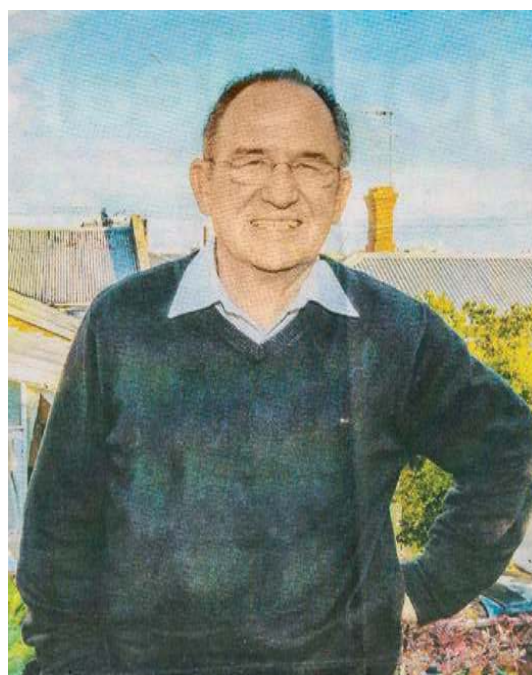
"The crowd turned and virtually ran." Mr Mengler said. "If they had stood their ground, it would have been very serious."

Thirty five years after the riot, the causes are still hotly debated. On one hand is the official police version - a mob of drunken troublemakers, spilling out from several pubs, spirals out of control and attacks police after several of their own are arrested.

On the other, there is still a story of growing hostility between Frankston North kids and the police, along with an over-reaction from officers.

Former top cop Brian Mace, who was called out to attend the riot, recalled a vastly different era in 1979 - a time when some bouncers were "not so professional". Frankston Police station was understaffed and patrons from three Frankston pubs all emptied out at around midnight.

Mr Mace said there had also been a series of skirmishes involving rival groups of patrons. There was also ill feeling between some locals and police.



Community worker John Finlayson says it was a simple case of mistaken identity that ignited the simmering tension between youths and police.

When Mr Mace arrived, 200 to 300 people were gathering outside the police station after several people had been arrested.

Pub patrons had marched to the station - then a short walk from the pubs near the intersection of Nepean Highway and Davey Street - chanting "Let them out".

"Some patrons tried to interfere with police who were making arrests ... It grew into an all in brawl." Mr Mace said. "A lot of them followed to see what happened and then got involved in the pushing and shoving."

"Windows at the station were smashed and police car tyres in the station compound were slashed. They tried to overturn police cars."

"It went on for 90 minutes. Mounted police helped disperse the crowd that had grown to 1,500."

Mr Mace acknowledged bad blood had built up between some locals and police.

"When some of these persistent offenders were arrested, it went from one thing to another. It got out of hand when their mates saw they were being arrested." he said.

John Finlayson, who was then director of the Pines Forest Community Centre, said Frankston North youths were wrongly blamed for the riot. He said youths had complained about a heavy handed police crackdown on street offences in the months before May, 1979.

Mr Finlayson is adamant the riot erupted after a crippled man mistakenly arrested in the belief he was drunk was placed in a police van.

"They wanted that guy out of the divvy van by hook or by crook ... They stormed the police station. Kids got on to the roof of the cop shop."

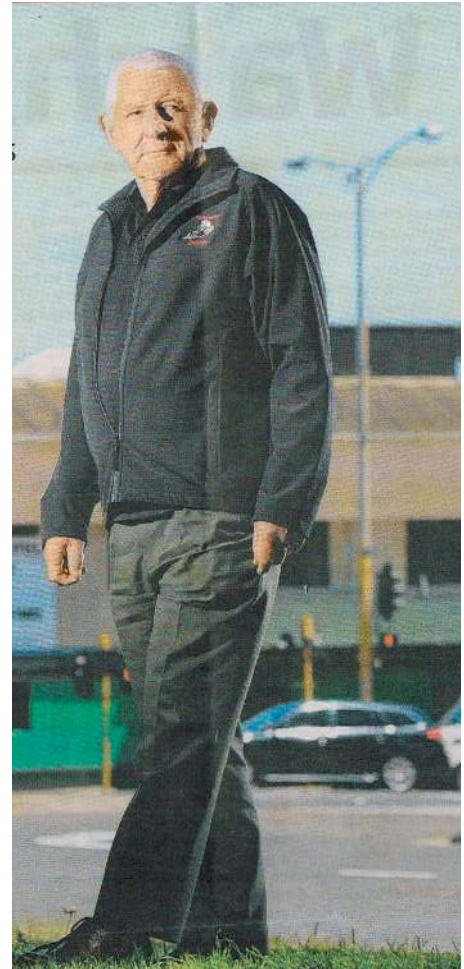
"It was spontaneous and that was the spark. It tells you how tense the relationship had got (between the police and some locals) for a silly thing like that (to cause a riot)." "They were not all from the Pines. The reason they picked (arrested) those guys was they recognised them."

Mr Finlayson said of more than a dozen people subsequently arrested, only two were from Frankston North.

Both Mr Finlayson and Mr Mace said positives came out of the riot.

Mr Finlayson said community policing was introduced and greater resources directed at Frankston North, including a youth centre.

"Within a year, they created community policing. Its role was to establish relationships



Former police officer Brian Mace recalls mounted police being needed to help disperse a mob of 1,500 the day Frankston erupted into violence.

with the community and address issues where there could be conflict," he said. "Community policing was designed to address social issues."

Mr Mace said the riot forced authorities to deal with key issues, including police staffing and pub security.

Locals were shocked by the gravity of what had occurred, particularly the level of violence. Frankston Historical Society president Glenda Viner said the riot gave the city a bad name.

"Things got out of hand ... At the time some young people thought what happened was cool, bit it wasn't." she said.

Current mayor Darrel Taylor said a lot had changed since 1979.

"Those days are behind us." he said. "We have history - we can't deny it, but we are moving ahead in great leaps and bounds."

Source: Frankston Standard Leader.

WHAT DO YOU THINK?

Please take this opportunity to complete this survey, on how you feel about Custodes. I would also like to invite you to make suggestions for new information or articles you would like included in the future.

Please forward your completed survey, either by scanning it and emailing to jp33@bigpond.com or post it to Michael Cheshire. 105 McDonalds Road, Clunes, Victoria 3370.

Custodes was the new name given to the journal, when I was editor the first time around. It used to be called *The Justice of the Peace*.

The journal was created just over 100 years ago, to inform and educate our members.

Please tick the box that best measures your response. Thank you for responding.

The Design

The design of Custodes has changed over the years.

- Do you like the present design and layout? Yes No
- Do you find the typeface easy to read? Yes No
- Do you find the size of the type easy to read? Yes No

The Content

Do you like articles ...

- which educate you about changes to Acts? Yes No
- about interesting cases? Yes No
- from the Department of Justice? Yes No
- around the branches? Yes No
- humorous anecdotes? Yes No
- from other jurisdictions? Yes No
- history of the association? Yes No
- history of the judicial system? Yes No
- photos of events and awards? Yes No
- like Quarterly Sessions? Yes No
- Q&A? Yes No
- stats from signing centres? Yes No

Is it relevant to your needs?

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Any other suggestions?

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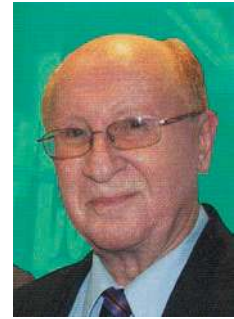
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HANDS ACROSS THE DITCH

Member Alan Free JP makes a justices' family link back to New Zealand
- by Michael Cheshire JP



Alan Free JP

When RVAHJ member Alan Free JP read the feature on the 200th Anniversary of the first JP to be appointed to New Zealand (*Custodes - Winter 2014*), he wrote to Alan Hart JP, Registrar of the Royal Federation of New Zealand Justices Associations, to inform him that his grandfather was the president of that association 1946-47.

Alan's grandfather, William Alexander Ott JP, had a long life of distinguished public service.

Mt Ott was son of Mr George Ott, an early settler who went to New Zealand and settled in Invercargill in 1862.

William Ott was a member of the Invercargill Borough Council for 20 years and in 1910 became the first mayor of Greater Invercargill for two terms.

William was also a member of the Bluff Harbour Board from 1927 and chairman for 6 years. He was involved in many local committees including Invercargill Savings Bank, the Fire Board, NZ society of Accountants, Southland War Savings Committee, Hospital Board of Governors, High School, National Savings Committee and the YMCA.

William was a JP for over 40 years and president of the Southland Justices Association

for 14 years.

During his term of office as mayor of Invercargill, he opened the electric Invercargill tram network, with the NZ Prime Minister Joseph Ward in attendance. It was the southernmost tram system in the world.

At this occasion, Ott was handed a cloak from the late paramount chief Topi Patuki. Ott is survived by his sons Bruce and Malcolm Ott, who live in Christchurch, NZ. Alan Free JP, as a member of the Ott family, returned the cloak to descendants of Patuki after six members of his family died in May 2006, when the fishing vessel Kotuki overturned in Foveaux Strait. Alan was made an honorary Maori at this presentation.

Alan Free JP has followed his grandfather's public service being sworn in as a justice of the peace in 1980 and serving on the bench for 4 years. He has served on various council committees for the City of Broadmeadows and the Hume Council. He was made Citizen of the Year in January 2013. Alan was an



Colin Topi (left) and David Blagg (right) accept the Topi cloak from Alan Free JP.



William Ott JP dressed for the opening of the Invercargill Tramways, New Zealand, in January 1911.

Independent Third Person and has been an active member of the Northern Suburbs Branch of the RVAHJ. He was a representative on the Victorian Education Tribunal, Western Region, an active member of Tullamarine Rotary and a past president of the Meadows Park Soccer Club.

We continue to hear of these close links between our colleagues in New Zealand. May it long continue.

NO CONFLICT OF INTEREST?

A well known JP had the experience of his own son being brought before him for using a shanghai. He fined the boy 10 shillings and paid the fine himself.

from the pages of the Ballarat Courier, 125 years ago.

If there is a conflict of interest here, it would be against the JPs' son, who was fined an extremely high amount of money, for the day. *Editor.*

Ω

LETTER TO THE EDITOR

Letter to the Editor

I refer to the article in the Spring 2014 edition of Custodes titled 'Distinguished Member Award'.

I would like to thank the President and members of the board of the RVAHJ for presenting me with the Distinguished Member Award. It was a great honour to receive such an award and I will wear the medal with pride at all formal RVAHJ functions.

I feel rather humbled by the list of achievements published in Custodes which led to the award being presented to me as without the assistance of the entire board and RVAHJ membership I do not think I could have achieved them.

My service on the board was filled with joy and fulfilment, however my professional and personal life has taken a new turn and I need to direct my energies elsewhere. I thank the board so much for the award and look forward to a long and happy life as an active Justice of the Peace.

Garry Runge JP

Ω

DOCUMENT SIGNING CENTRES REPORTS

DSC	Jul	Aug	Sept	Total
Altona RSL	63	66	52	181
Ballarat	5,765	4,448	4,475	14,688
Benalla			106	106
Box Hill	1,628			1,628
Bright	9	26	22	57
Broadmeadows	3,908	3,812	3,381	11,101
Corio	375	333	303	1,011
Craigieburn	1,487	930	1,107	3,524
Cranbourne	2,017	1,678	1,522	5,217
Dandenong	11,024	9,966	10,370	31,360
Epping	1,791	1,955	1,845	5,591
Family Court				0
Fawkner	3,464	926	2,108	6,498
Footscray				0
Frankston	5,347	5,069	4,514	14,930
Geelong	4,863	2,934	3,073	10,870
Horsham		92	129	221
Leongatha				0
Mansfield	54		59	113
Melbourne East/CBD	6,325	5,109	10,053	21,487
Mildura	1,855	1,948	1,525	5,328
Monash Uni	53	8	16	77
Moonee Ponds	2,394	2,043	1,924	6,361
Mornington	174	183		357
Morwell	438	802	414	1,654
Myrtleford	93	84	72	249
Northcote	126	133	150	409
Oakleigh	1,637	1,979	2,773	6,389
Pakenham	863	967	1,136	2,966
Preston				0
Ringwood	449			449
RMH				0
Rosebud	212	117	54	383
Sale	412	187	263	862
Shepparton	955	1,604	1,208	3,767
Springvale	8,949	6,863	6,424	22,236
St Kilda	285	275	209	769
Sunbury	112	138	135	385
Traralgon		1,087		1,087
Wangaratta	722	547	543	1,812
Warragul	1,470	1,415	1,605	4,490
Warrnambool	1,827	733	541	3,101
Werribee	7,957	6,860	7,129	21,946
Williamstown	535	402	518	1,455
Wodonga/Corryong	1,831	1,368	1,603	4,802
Wonthaggi	853	882	744	2,479
Totals	82,523	67,903	64,924	215,350

Thanks again for these figures. If you wish to have your signing centre recorded in Custodes, please forward your figures to - rosters@rvahj.org.au

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Q. What are the key features of the Honorary Justices Act 2014?

A. The Act:

- consolidates and modernises provisions relating to bail justices and justices of the peace into a stand alone Act
- extends the current provisions governing the appointment and training of honorary justices
- improves oversight of honorary justices by creating a statutory obligation on honorary justices to be reasonably available and active and to report changes in circumstances
- provides a new framework for the suspension, investigation and removal of honorary justices
- enables honorary justices to be granted permission to use the title BJ (Retired) or JP (Retired) on meeting certain service and suitability criteria
- creates new offences of:
 - receiving money for the provision of honorary justice services
 - providing false or misleading information to the Secretary, Attorney-General or an appointed investigator concerning an application for appointment, a person's capacity as an honorary justice or any changes in circumstances
- provides for a range of other reforms, including abolition of the office of acting bail justice.

Q. What happens to those already appointed as bail justices or acting bail justices? (s54)

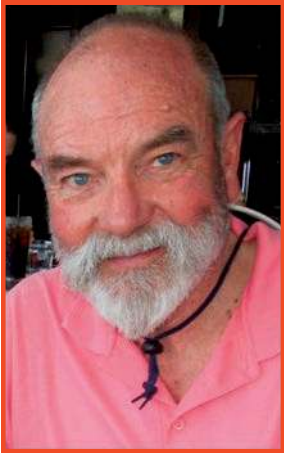
A. The Act provides that the appointment of a person who is a bail justice immediately before the commencement of the Act is taken to be an appointment under the Act and continues for the remainder of the term of the original appointment or re-appointment until one of the following events occur:

- the person resigns
- the person becomes insolvent under administration
- the person attains 75 years of age or their term of appointment or re-appointment expires, whichever is the earlier
- the person ceases to be an Australian citizen
- the person is removed in accordance with the Act.

The Act also provides that the appointment of a person who is an acting bail justice at the time of the commencement of the Act is taken to hold the office of bail justice until the earlier of:

- the day on which the person reaches 75 years of age, or
- the person otherwise ceases to hold office under the Act.

Taken from the Department of Justice, *Q & A For Honorary Justices* with the introduction of the *Honorary Justices Act 2014*.



Fellow Readers

We have a good mix of stories for you this edition.

I have been watching the Queensland Civil & Administrative Tribunal trial using JPs; most interesting. President of the QCAT, Justice David Thomas spoke to the Australasian Council of Justices' Associations (ACJA) dinner in Brisbane, about the great success of that trial. We shall watch with interest to see how long before JPs are trialled in Victoria.

The ACJA is working through to harmonise our appointments, training and the roles & duties throughout Australia and New Zealand. We expect this to take some years to work through, but we need to start sometime. The ACJA has agreed on our wish list, we just need to bring the Attorneys-General in line, with this progressive move forward.

Fascinating piece of history about the last time the Riot Act was implemented in Victoria, to be found on pages 12 & 13.

RVAHJ member Alan Free JP tells us his family story, about a justice link with New Zealand, on page 15.

Please take time to complete the survey on page 14. It will inform me about

what you would like to see in future editions of Custodes. As editor I would like to know exactly what you like and dislike, so I can continue to educate, inform and entertain you about matters judicial.

Our AGM will be held on Thursday, 28 May 2015 at 7.30 pm at our office at 53 Broadway, Elwood. This year we have our Biennial Election of the RVAHJ Board. Nominations are to be made on the prescribed form obtainable from the office and all nominations must be lodged with the Returning Officer, C/- PO Box 317, Elwood, 3184 no later than 4.00 pm on Friday, 30 January 2015.

Please ensure all on the form are financial by forwarding the \$55 memberships by 1 January 2015 - see page 10.

Michael Cheshire JP
Editor

State Trustees would like to say Thanks with a 20% off special offer

State Trustees has been helping Victorians with their financial needs for 75 years.

We recognise that JPs have played a crucial role in helping State Trustees to achieve this. By way of thanks for your ongoing assistance, we'd like to offer you and your partner 20% off the standard State Trustees price for a Will and Enduring Power of Attorney (Financial).

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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.

ADVERTISING OPPORTUNITIES

Advertising in *Custodes* reaches a state wide audience of influential community leaders and business professionals. Advertising costs: full page : \$345; half page : \$175; quarter page : \$90 & business card : \$45; member discount 20%. Contact the editor for advertising for your business.

CUSTODES DEADLINES

| Autumn - February 1 | Winter - May 1 | Spring - August 1 | Summer - November 1 |