



# ROYAL VICTORIAN ASSOCIATION OF HONORARY JUSTICES

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## EDITORIAL POLICY

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

## ADVERTISING OPPORTUNITIES

Advertising in Custodes reaches a statewide audience of influential community leaders and business professionals. Attractive advertising rates commencing at only \$100 are available. Contact the Editor, Erin Marcon, to discuss value for money advertising for your business.

## CUSTODES DEADLINES

Autumn - January 21 Winter - April 21 Spring - July 21 Summer - October 21

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# *Custodes*



THE OFFICIAL JOURNAL OF THE ROYAL VICTORIAN ASSOCIATION OF HONORARY JUSTICES

## Do you fit the bill?

The hunt for new Directors begins

Issue 2 of 2008



## Annual Dinner 2008

ORDER YOUR TICKETS TODAY

# Custodes

*The official journal of the  
Royal Victorian Association of Honorary Justices*

## Issue 2 of 2008

June

### Credits

Managing Editor – Chris Reside  
Editor – Erin Marcon  
Desktop Publisher – Cathy Owens JP

### Contributors:

George Armstrong JP   Helen Gilhome   Lindsay Hodge OAM JP  
Rod McConnell JP   Rod Pollack JP   Heather Simmonds  
Neil Thornton JP



### Words of Wisdom

*"It is impossible to begin to learn that which one thinks one already knows"*

- Epictetus (55-135)



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## Diary Dates

### Saturday 5 July

JP 1 Training (Document Witnessing)

### Saturday 26 July

JP2 Training (Independent Person for Police interviews, oversight search warrants, extension to questioning time)

### Wednesday 30 July

Closing date for applications to fill vacancies on the Association's Board

### Friday 22 August

The Association's Annual Dinner



## Editorial

This issue of Custodes finds the Association in a period of transition. A number of Directors have departed in recent months, including respected stalwarts Gary Tragardh and Leo King.

The Association now has the daunting task of seeking replacements possessing the same of kind of talent and determination. One factor firmly in the Association's favour is that you (the members) have already demonstrated enormous generosity of spirit in your roles as honorary justices. The question (somewhat cheekily) posed on the cover of this edition of Custodes is, are you willing to do even more? Hop on over to page 6 for further details on the Association's quest for a few good men and women.

It's almost that time of year again. I attended my first RVAHJ dinner last year and I can recommend the event without reservation. It's a great opportunity to network (and by network, I mean party) with your colleagues. This year's event features another outstanding guest speaker. Order your tickets using the handy form on page 14. I hope to see you all there.

If you have any thoughts on this issue of Custodes, or indeed on any matter relating to honorary justices, please drop me a line at [custodes@rvahj.org.au](mailto:custodes@rvahj.org.au).

Erin Marcon  
Editor



## Welcome to the RVAHJ

President Rod McConnell JP has extended a warm welcome to the Association's most recent inductees.

"On behalf of the Board and greater membership," he said, "we couldn't be more pleased to have you aboard."

### New Members

Subhan Ali JP	ENDEAVOUR HILLS
Wendy Booth JP	MILLGROVE
Roxanne Boughen JP	LOWER TEMPLESTOWE
Amber Byrnes JP	RED CLIFFS
Peter Cardwell JP	WANGARATTA
David Clancey JP	SOUTH YARRA
Christopher Cook JP	WATCHEM
James Corcoran JP	HAMPTON
Beverley Davis OAM JP	CAMBERWELL
Ian Earle JP	CRANBOURNE EAST
Christine Ffrench JP	ASPENDALE
Robert Glenn JP	SPRINGVALE STH
Andrew Groth JP	MT WAVERLEY
Susan Guice JP	ROWVILLE
Kenneth Harris JP	SOUTH MORANG
Mervyn Harris JP	TEMPLESTOWE
Edward Ho JP	DONCASTER EAST
Josip Hovanjec JP	TAYLORS HILL
Victoria Howitt JP	SUNSHINE NTH
Brett Keep	PAKENHAM
Donald Kelly JP	LAKE GARDENS
Bernard Kingsley JP	WARRAGUL
Nathan Kopel JP	TOORAK
Arthur Lammers JP	MOUNT WAVERLEY

Kerry Mather JP	CULGOA
Patrick McCormack JP	ORMOND
Jonathan Messer JP	ST KILDA
Peter Oswin JP	WARRANWOOD
Paul Pearce JP	SUNSHINE WEST
Debretta Potter JP	DROUIN
Ronald Roberts JP	ARARAT
Joan Rook JP	HOPETOUN
Barry Ryan JP	MORWELL
Denis Saunders JP	KEILOR PARK
Peter Saunders JP	WHEELERS HILL
Ross Seggie	BENTLEIGH EAST
May Sennett JP	MORWELL
Barry Sertori JP	ARARAT STH
Rosa Silva JP	GREENVALE
Beryl Stevens JP	NEWBOROUGH
Hakki Suleyman JP	ST ALBANS
Walter Synot JP	NEWTOWN
Robert Templeton JP	MILL PARK
David Treloar JP	MILDURA
Carol Trezise	DROMANA
Craig Walsh JP	WARRNAMBOOL
Warren Wilkins JP	SEBASTOPOL
David Williams JP	WANGARATTA EAST



## From the President's desk...

I am pleased to advise of the Board's decision to appoint Ms Linda Rainsford to fill a casual vacancy on the Board. Linda's enthusiasm, together with her computer skills and her continuance as our webmaster will be an asset from which we will all benefit.

An important event not mentioned in the March edition of *Custodes* was the signing on 19 February 2008 of a Memorandum of Understanding between the Association and State Trustees Ltd. The agreement was the product of negotiations involving Angela Burton (Attorneys Manager with State Trustees Ltd), Gary Tragardh (the Association's Immediate Past President) and myself. The agreement will provide the Association with generous funding for three years in return for the coordinating the services from honorary justices specifically trained by the Association in matters relating to powers of attorney and wills.

Immediate Past President, Gary Tragardh's resignation as a Director was reluctantly accepted at the Association's AGM last month. His greatly increased business and private affairs have made it impossible for Gary to continue as a Director; a position he served in with enthusiasm and genuine dedication over a long period.

Regrettably, our long serving Secretary and Director Leo King also decided it was time that he moved on and has resigned from both positions. The Board was aware of Leo's decision for some time before it came into effect, but we will not lose Leo's wide-ranging expertise altogether as he will continue in the training role in which he excels and clearly enjoys.

As a consequence of Leo's and Gary's resignations, the Board has decided to invite nominations to fill casual vacancies, so as to bring the number of sitting directors up to eleven. (Our constitution provides for a minimum of nine directors). Interested members should see the article in this edition of *Custodes*. Applications close 31 July 2008.

On a happier note, I am pleased to advise of the Board's appointment of Siu Cheung (Michael) Tse JP to the position of Company Secretary. Michael is a Lecturer in Accounting at the School of Accounting, Economics and Finance at Deakin University and has all the necessary qualifications to fill this important and responsible position. He will be a boon for our

organisation with a brief focusing primarily on ensuring our compliance with statutory rules and regulations. Michael has been appointed for an initial 12-15 month period to give him the opportunity to settle into the role, following which the board will review the position in full consultation with Michael.



Members should also be aware that Helen Gilhome has been appointed as Assistant Secretary and will, amongst other duties, focus on all office administrative matters, and work closely with our administrative officer, Cathy Owens.

It is encouraging to note that the once harmonious relationship between the Association and the Department of Justice (DOJ) appears to be well on the road to being restored. Clear and open communications with the recently appointed Manager of the Honorary Justice Office, Tracey Watson, have paved the way for a constructive and meaningful dialogue on issues of joint concern.

Director Michael Tiliacos and the Chairman of Diamond Valley Branch, Cliff Fisher represented the Association at the inaugural meeting of the DOJ JP Reference Group (JPRG) on 17 March 2008. Similar in nature and composition to the Bail Justice Reference Group, the aim of the JPRG is to create lines of communication between JPs and the DOJ, so issues can be addressed and ideas and initiatives openly discussed.

As reported in the April *E-News*, Supreme Court Justice Lex Lasry QC has accepted our invitation to attend and speak at our Annual Dinner on Friday 22 August 2008. Prior to his elevation to the bench of the Supreme Court in October last year, Justice Lasry was well known as one of Melbourne's most experienced criminal defence lawyers and a staunch advocate for human rights and civil liberties. Some of the high profile cases in which Lex Lasry QC was involved were those of Van Nguyen, David Hicks and several of the 'Bali 9'. Justice Lasry will be a powerful and entertaining guest speaker. For details, see the Annual Dinner notice in this edition of *Custodes*.

In closing I remind you that all financial members are not only welcome, but are encouraged to take up the open invitation to attend and observe board meetings.

Rod McConnell JP  
President



## Linda Rainsford joins the board

Ringwood East based Justice of the Peace, Linda Rainsford has been appointed to the Association's Board to fill a casual vacancy. Linda is a proud single parent of three adult girls and currently works for the Disability Services Commissioner as an Executive Support Officer. In a busy life, Linda is also the Association's web master.

In welcoming Linda to the Board, President, Rod McConnell said "Linda will bring a great deal of knowledge and a fresh perspective to the Board. I look forward to seeing her make her mark on the Association as she assumes the directors role".

Linda has worked in the health and disability sector throughout her career. "I find it challenging but extremely rewarding," she said. Her previous employment was with the Mental Health Review Board of Victoria.

Linda was raised in a rural area in the Goulburn Valley where her parents and siblings still live. She now resides in Ringwood East and has done so for the past 25 years.

Appointed as a Bail Justice in 2006, Linda joined the Independent Third Person Program with the Office of the Public Advocate in 2002.

Linda loves technology and antiques. "I am not sure they complement each other," she said, "however it is important to me that things in our past are preserved for the future, even if it is to look at objects from the past and say thank goodness we have progressed."

"The technology part has been both occupational and a hobby."

Linda is also the Association's web master. "I am looking forward to giving it a refreshing new look," she said.

When asked to nominate what she aimed to achieve during her time on the Board, Linda mused "I have a

favourite quote from Sara Henderson which tends to sum up this answer: 'Don't wait for the light to appear at the end of the tunnel... stride down there and light the bloody thing yourself.' I guess what I am trying to say is that you have to be involved to make a difference and I hope that I am able to make a worthwhile contribution and add my perspective to the Board."

Linda's vision for the Association is to promote accessibility and dissemination of information to honoary justices. "Already I see advancements such as the resurgence of *E-News* that promotes information sharing".

Linda may be contacted at [bj1848@rvahj.org.au](mailto:bj1848@rvahj.org.au) or on 0418 333 568.



## Grey Power

A poem by George Armstrong JP

*Of youthful years and sprightly step and heart afire with passion,  
I had this great enduring wish to keep up with the fashion,*

*I met a friend, a lovely friend with looks so sleek, attractive,  
We formed a close knit partnership, a relationship quite active,*

*We fell in love, as it would seem, while others lives were casting,  
We formed a bond and it would be unique and everlasting,*

*I introduced her to our farm where no one dare disparage,  
But for all our close affection, we could not consider marriage,*

*We've tilled the soil and sewn the crop in many kinds of weather,  
And despite the pains of droughts and rains, we've done it all together,*

*We've known the thrust of youthful lust, or strength and power and vigour,  
But through the years of doubts and fears we've sensed a taste of rigour,*

*Now times have changed and years have passed but our age is not a factor,  
For the one I've spent my whole life with is my old grey Fergie tractor.*





# Positions Vacant

## DO YOU FIT THE BILL?

Members with suitable experience or skills are invited to nominate for appointment as a Director on the Association's Board. "The Board has decided to invite nominations to fill casual vacancies so as to bring the number of Directors up to eleven," said President Rod McConnell.

So what does the role entail? First of all, this is a 'hands on' position. Directors must attend all board meetings (currently every second month), serve on subcommittees, and liaise with branches and members, whilst also assuming responsibility for individual assignments. This is in addition to the Director's primary responsibility for the overall governance of the Association, including financial management, communications, strategic planning and policy setting.

The Directors' role can be extremely rewarding and will give you the opportunity to shape the future of your Association. However, it can also be time demanding, challenging and occasionally quite stressful. It is definitely not a glamorous or prestigious board appointment. The position is honorary and unpaid. It is a demanding role and directors are expected to work.

Still interested in applying? Members interested in appointment to the Board are invited to email a concise application (in confidence) to Chris Reside, RVAHJ Vice President by 30 July 2008 at [bj1763@rvahj.org.au](mailto:bj1763@rvahj.org.au).

Applications should clearly explain why you want to join the board and what you would 'bring to the table'.

In particular, applications should address each of the following:

- professional and community service experience
- previous board experience with incorporated associations or companies
- qualifications
- skills (including computer literacy)
- your time availability to attend meetings and assume director's responsibilities
- what you think you would 'bring to the board'
- your reasons for applying
- your vision for the Association
- the name and telephone number of two referees

Country and regional members are welcome to apply as Board meetings may be attended via web conferencing (currently Skype). This adds to the importance of computer literacy skills and ready access to the internet and email. You will be expected to attend Melbourne meetings on occasions however.

Selection process: Applicants will be short listed and may be invited to an interview with directors during early August 2008. In determining any appointments, the board will be looking to complement existing board skills, whilst also planning for the ongoing governance of the Association.

To discuss the role in-confidence, feel free to contact Chris Reside, RVAHJ Vice President on (h) 03 9741 4521 (b) 0403 952 387 or [bj1763@rvahj.org.au](mailto:bj1763@rvahj.org.au). Applications close 30 July 2008.

**"An opportunity to shape  
the future of the RVAHJ"**



## The (Leo) King has abdicated

Long term Association Secretary, Leo King has finally hung up his pen, by resigning as a director, secretary and public officer of the Association.

Leo's contribution to the Association has been remarkable and is reflected in him being awarded life membership in 2004. Leo was elected to the Board in 1995 and was appointed Association secretary in July 1999. He has served on the training committee, ethics and rules committee, membership, awards, finance committee and facilities committee.

He was also the driving force behind the Association's Bail Justice Electronic Callout System, database



system, sometimes we just don't have the processes in place to fully recognise the value of the input from some of our members. It has been a privilege and an honour to work with that 'pig headed so and so, Leo' and he is leaving some big shoes to fill. I wish Leo all the best in his new endeavours and heartily thank him for his great work and ideas as well as his insights and assistance that he has given me personally in my roles in the Association". On behalf of all Association members, the Board thanks Leo for his contribution and wishes him well in future endeavours.

"Leo's contribution to the Association has been remarkable"

"an unflinching advocate for the independence of honorary justices"

system and current website. Leo wrote innumerable submissions on behalf of the Association and was an unflinching advocate for the independence of honorary justices.

Association Director Mark D'Alterio perhaps best summed up Leo's contribution, saying "Whilst we have thanked Leo in a number of ways through our awards

Leo will continue to have a focal role in the Association's in-service training program.

"he is leaving some big shoes to fill"



## RVAHJ planning day for members

A planning day for all RVAHJ members will be held on Sunday 14 September 2008 to plan the future of the Association. Together with the results of the current membership satisfaction survey, the 2008 planning day will inform our RVAHJ's corporate plan for the next three to five years.

**Start:** Registration and coffee from 10.15am for a 10.30am sharp commencement.

**Venue:** Royal Melbourne Hospital (Charles Latrobe Theatre)

**Access:** Tram or discounted car parking available in the hospital car park

**RSVP:** In writing, by Friday 29 August to Cathy Owens at the RVAHJ office  
Fax: (03) 9525 7765 or email [admin@rvahj.org.au](mailto:admin@rvahj.org.au)

Bring your passion and open mind, and be prepared for a day of rewarding work and challenges!





## Audit Committee established

The Association has established an Internal Audit Committee (IAC). President Rod McConnell said "The IAC will be an important plank in the Association's good governance strategy by providing strong and independent oversight of the entire organisation, including the RVAHJ board, Association operations and Branch administration."

The IAC will be chaired by Association Director Michael Tiliacos and will comprise at least four other RVAHJ members (who cannot be board members). External experts may be co-opted to the IAC as required.

"All IAC members must have the necessary skills and/or experience to contribute to the role, whilst also being prepared to attend meetings and complete some hands-on IAC work," Michael emphasised.

**"The IAC will be an important plank in the Association's good governance strategy"**

"The IAC's broad assignment includes reviewing all financial and non-financial systems and encompasses independent oversight of our financial reporting systems and risk management" said Michael

"It is about ensuring that the Association and its Branches comply with all relevant laws, regulations, RVAHJ rules, and best practice."

The IAC's focus will not be on finding errors and laying blame but rather on helping the Association and its Branches to continually improve the way we do business.

A copy of the IAC's Terms of Reference is available on the Association's website. Members interested in serving on the IAC are invited to contact Michael Tiliacos on 9459 0665 (AH) or email [jp11146@rvahj.org.au](mailto:jp11146@rvahj.org.au) to discuss potential appointment.



## Booklets for BJ's

Booklets containing conveniently pre-printed Record of Hearing forms are now available from the Association. Two booklets have been produced; one for bail remand hearings and a second for IAO hearings.

Booklets are priced at \$12.95 and contain 50 blank record sheets. This represents excellent value for money! To order, see the merchandise order form in this edition of Custodes.



## Member satisfaction survey

The Association has commenced a membership satisfaction survey as an initial step in developing a corporate plan.

During late May 2008, an eight page questionnaire was posted to 300 members chosen at random from the Association data base. The questionnaire covers all aspects of the Association's work, including current and future services, communication with members, membership fees and member engagement. The results of the survey will inform development of the corporate plan and ensure the Association remains relevant to members' needs.

As part of the corporate planning process, a planning day for members will be held in September 2008. Overall aims of the corporate plan include:

- producing a concise page plan which sets an agreed direction for the Association for the next three to five years
- establishing four or five priorities to focus upon
- better targeting where we allocate limited volunteer and paid resources
- establishing a simple ongoing corporate planning mechanism
- engaging members and establishing a transparent and inclusive planning process.



## Are you keeping up to date?

E-News is an occasional newsletter emailed to all members at their unique RVAHJ address (e.g. [jp123456@rvahj.org.au](mailto:jp123456@rvahj.org.au)). If you would consider it more convenient, you can easily arrange for all of the emails received at your RVAHJ address to be forwarded to on the personal or work email address of your choice. For instructions, see below.

Step	How to forward your RVAHJ email to another address
1.	Visit <a href="http://www.rvahj.com.au">www.rvahj.com.au</a>
2.	Click 'members area'
3.	Click 'web mail'
4.	Enter your user name. (Your user name is the letters 'jp' or 'bj' followed by your registration number e.g. 'jp123456')
5.	Enter your password. (Your default password is your registration number followed by the letter 'jp' or 'bj' e.g. '1234565jp')
6.	Click 'options'
7.	Click 'Mail forwarding options'
8.	Enter your regular email address in the yellow box (This is the email address to which your email will be forwarded)
9.	Do not click 'save a local copy' unless you intend to regularly read your email by visiting the RVAHJ website
10.	Click 'submit'
11.	Click 'sign out'

## A big thank you

Thank you to all those members who responded to our recent mail outs, i.e. confirming your contact details, confirming availability for the State Trustees call out system and the members survey.



## Choose a secure RVAHJ password

A benefit of your Association membership is a lifetime email address (e.g. [jp123456@rvahj.org.au](mailto:jp123456@rvahj.org.au)). The RVAHJ established initial default passwords for every member based on your unique JP or BJ registration number. However, it is important that you change this default password by setting a new password which is known only to you. When deciding on a new password, use a combination of letters, numbers, and other special characters. Also, keep in mind that passwords are case sensitive, so an 'A' is not the same as an 'a'.

If you ever forget your password, please contact Cathy Owens in the Administration Office on (03) 9525 7099 or at [admin@rvahj.org.au](mailto:admin@rvahj.org.au) for assistance.

Step	How to change your RVAHJ password
1.	Visit <a href="http://www.rvahj.com.au">www.rvahj.com.au</a>
2.	Click 'members area'
3.	Click 'webmail'
4.	Enter your user name. (Your user name is the letter 'jp' or 'bj' followed by your registration number e.g. 'jp123456')
5.	Enter your password. (Your default password is your registration number followed by the letter 'jp' or 'bj' e.g. 'jp123456')
6.	Click 'options'
7.	Click 'change password'
8.	Enter your current and new passwords where indicated
9.	Click 'change password'
10.	Click 'sign out'

Your input is vital to the progress of ongoing projects and we appreciate your prompt responses.

Please forward any further information updates as soon as possible.



## Branch Bulletins

### Joint meeting a hit for Wimmera and Buloke

The combined meeting of Wimmera and Buloke branches at Stawell on 8 May was most successful. Snr Sgt Paul Margetts, OIC of Stawell Police Station addressed the meeting regarding the structure of the State Emergency Services, particularly in relation to the recent Grampian fires.

Twenty-one members were in attendance (though one rascal escaped in time to avoid being photographed). Lovely food and intriguing



Wimmera and Buloke members commemorate their joint meeting

topics promoted camaraderie among the members, their partners and special guests. Many new friendships have been established.

Director Ray Walker also addressed the meeting and we were especially pleased to welcome Justices of the Peace of only 6 months standing to the ranks. Such was the success of the collective meeting, the two Branches are now planning an annual get together.

### It's an honour!

Congratulations to the following members who, this year, were recognised within the Order of Australia:

Donald Thomas Thompson OAM JP	ROCHESTER
Dein Vindigni OAM JP	LALOR

### Training days held in Horsham

The two Total Fire Ban days March 15<sup>th</sup> and 16<sup>th</sup> did not deter from the enjoyment, sociality and successfulness of the training days for JP's and BJ's conducted in Horsham.

The recently formed Wimmera Branch members were thrilled at the attendance of members from far and wide, especially the Buloke members.

37 attended on Saturday and 18 on Sunday. The venue "The CFA Station" was an ideal location for our 2 days, being both air conditioned and modern. The ladies auxiliary of the CFA are to be commended for their catering prowess.

During the morning session on the Saturday, Director Ray Walker presented Mrs. Shirley Smith with a certificate of appreciation, for her outstanding contribution to the RVAHJ in her duties as secretary of both Buloke and Wimmera branches. Shirley's efforts were the contributing factor in making our training days so successful.

Leo King, our tutor, was his usual bubbly, humorous self, and his style contributed to the

pleasantness of the learning process – which was what we were all there for.

Unfortunately, the Total Fire Ban days did preclude some of our members from attending, as they being also CFA members, felt obliged to remain in their respected districts in case of a dreadful event.

At the conclusion of the sessions, and following Chairman Neil's congratulatory remarks to the organizers and the RVAHJ, Mr George Armstrong JP of Murtoa, provided a recitation of a poem, relating to the positives and negatives of a country JP. His professionalism, flair and ability certainly concluded a wonderful weekend which was enjoyed by all.

Our Branch meetings are certainly important to all, in promoting education, togetherness and creating new friendships one with another – I strongly recommend all JP's & BJ's to consider becoming a member of a Branch.

Neil Thornton  
Chairman  
Wimmera Branch



## Legal help for victims of family violence

Victims of family violence in Broadmeadows now have dedicated legal assistance as a result of a new family violence program at the community legal centre, Deputy Premier and Attorney-General Rob Hulls has announced.

The Broadmeadows Community Legal Service (CLS) is one of a network of centres across the state to receive Brumby Government funding through Victoria Legal Aid for dedicated family violence lawyers. "This funding has allowed the Broadmeadows CLS to establish a family violence program and the lawyers who are working in the program support those who are applying for family violence intervention orders by providing legal advice, court representation and other assistance," Mr Hulls said.

The statewide family violence Community Legal Centre initiative was funded in the 2007/08 State Budget. The Brumby Government made a further commitment of \$24.7 million in the 2008/09 Budget aimed at breaking the cycle of abuse by stopping

family violence before it happens and extending support for victims. "Family violence is the leading contributor to death, disability and illness in Victorian women aged 15 to 45," Mr Hulls said.

Later this year the Government will introduce a new Family Violence Bill to better protect victims of family violence and hold perpetrators to account for their actions. Key elements of the proposed new Bill include making it easier for victims of family violence to remain in the family home with their children while the perpetrator may be required to leave, and ensuring that self-represented perpetrators cannot personally cross-examine their victims in court. "These changes will help ensure that victims of violence are not further distressed by being forced from their homes, often uprooting children from their friends and schools," Mr Hulls said.

"In the past family violence has been seen as a domestic matter. It's not – it's a blight on our community, which has a devastating impact on victims and families."

## Justices of the Peace cannot conduct hearings

It has been brought to our attention that there have been several instances in recent years where a Justice of the Peace has been approached by Victoria Police to conduct a hearing to consider an Interim Accommodation Order. Following consultation with Children's Court Senior Magistrate, Peter Power, his Honour requested that JPs be reminded that:

- (1) only Bail Justices are empowered to make remand orders and interim accommodation orders; and
- (2) if a JP was to make an order he or she was not legally entitled to make, a question arises as to whether that JP might be held liable in damages for acting outside his or her powers if an aggrieved party was subsequently to take legal proceedings.

The second issue arises because arguably the protection afforded by s.119 of the Magistrates' Court Act 1989 does not apply to a JP in the situation where a JP purports to conduct a hearing. That section provides: "A justice of the peace has, in the performance of his or her duties as a justice of the peace, the same protection and immunity as a Judge of the Supreme Court has in the performance of his or her duties as a Judge." The key words are "in the performance of his or her duties as a justice of the peace". A JP purporting to act as a BJ is not performing "his or her duties as a JP".

There is a relevant decision of the NSW Supreme Court, in which a person purporting to act judicially and who had acted outside his powers (such as a JP conducting a hearing) was held liable in damages.

## SPAM & your email

We are aware that in recent months, the RVAHJ email system has been the victim of an incredible amount of spam.

We are currently working with our IT expert to overcome this problem.



## The voice of justice

Supreme Court Judge, Justice Lex Lasry QC will be the guest speaker at the Association's Annual Dinner on Friday 22 August 2008.

Justice Lasry QC will be a remarkable guest speaker. Prior to his elevation to the Supreme Court in October 2007, he was one of Australia's most experienced criminal defence lawyers and a staunch advocate for human rights and civil liberties.

The breadth of his career includes the famous Costigan Royal Commission into the Painters and Dockers Federation, being an independent Law Council of Australia observer at the

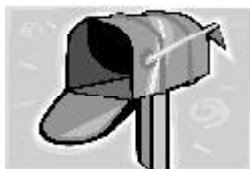
Guantanamo Bay trial of David Hicks, the defence of Van Nguyen and several of the 'Bali 9'.

Come and join your fellow honorary justices (and guests) for a night of fellowship and hear from one of Australia's great legal personalities. A very enjoyable night out is assured.

The Annual Dinner will be held at the Treacy Conference Centre, 126 The Avenue, Parkville, commencing at 6.30 pm. To order single or multiple tickets, see the Annual Dinner 2008 notice in

"hear from one of Australia's great legal personalities"

this edition of Custodes. Ticket applications will be accepted until 25 July 2008 unless sold out sooner.



## We've got mail

Dear Chris,

I read with interest your "Back on the Soapbox" article (*Custodes* March 2008) and considered the role of complaint in its various forms. To me, greater emphasis on governance is being focussed on all areas of organisational / corporate compliance by Government and all non-profit bodies / associations. The Association has its own magazine to voice and communicate its views and key interactions particularly with the Department of Justice. The latter is a key stakeholder interested in involvement, administrative process and outcomes.

The work and commitment of a volunteer organisation is difficult and the progress outlined by the President is indicative of endeavouring to position the

Association for the future level of involvement. Change must be accompanied through channelled communication to achieve higher and agreed levels of professionalism, surely the objective of all. As I would see it, an agreed process of complaint resolution, a code of conduct (general and / or specific) together with a visible email channel of communication (coupled with *Custodes*) may be important devices to facilitate the administrative requirements of both parties. Challenges like those identified occur when the respective representational value of an organization occurs.

Yours sincerely,

Rod Pollack JP  
Strathmore

## A report from court

A report has been received from one of our members, who attends on roster at the Probate Court, that is a timely reminder to us all.

Affidavits were presented to the Honorary Justice for swearing and, on enquiry, the Justice discovered that the person presenting the documents was not the person named as the Deponent but was instead, a courier.

When the JP explained that the documents had to be sworn (or affirmed) by the person named as the deponent on the affidavits, otherwise he was liable to a charge of perjury, the courier was horrified.

What became clear in the conversation was that this was not the first time the courier had been hired by

the deponent to 'deliver' such documents for 'witnessing' and yet this was the first time anyone had asked the question.

As anyone who has attended RVAHJ training will know, witnessing Statutory Declarations and receiving Affidavits is not just a matter of watching someone sign, although this is often all that the person with the documents expects. With Statutory Declarations, the ~~declarant must~~ must verbally declare that (1) they are the person named, (2) that they have signed with their signature and (3) that the contents are true.

Similarly, with an Affidavit, the deponent must swear or affirm, verbally, to the same three things.



# Merchandise Order Form

## Winter 2008

PO Box 317, Elwood, Vic. 3184 Fax: (03) 9525 7765

E-mail: admin@rvahj.org.au Ph: (03) 9525 7099

Item	Cost	Qty	Sub-Total
<b>Membership 2008 (No PFee)</b>			
Renewal Only (See Across)	\$5.90		
<b>Photo ID's (Special Order)</b>			
JP Wallet Δ	\$0.00		
BJ Wallet Δ	\$0.00		
Tag with Clip Δ (No PFee)	14.25		
Tag with Cord Δ (No PFee)	14.25		
<b>Name Badge (Magnetic)</b>			
Red RVAHJ Logo ♦	19.95		
Blue RVAHJ Logo ♦	19.95		
<b>On a Scarf</b>			
Red RVAHJ Lapel Badge	9.00		
Blue RVAHJ Lapel Badge	9.00		
Red RVAHJ Tie Bar	9.95		
Red Cufflinks	12.00		
RVAHJ Tie	31.50		
Ladies RVAHJ Scarf	10.00		
<b>Stamps – Self Inking</b>			
ID Stamp *	29.50		
ID Stamp with seal *	\$5.20		
Certified True Copy	32.70		
Cert'd True Copy with ID & seal *	45.20		
<b>Stamps – Handie</b>			
ID Stamp *	24.95		
ID Stamp with seal *	35.00		
Certified True Copy	24.95		
Cert'd True Copy with ID & seal *	35.05		
Annexure/Exhibits	33.25		
<b>Miscellaneous</b>			
Record Forms – Ball Application	12.95		
Record Forms – Protection Appli	12.95		
Car Badge (Metal)	29.70		
Window (Car) Transfer (No PFee)	3.60		
Decal (No PFee)	3.60		
Oatle Card (No PFee)	3.60		
<b>ADD Processing Fee 1<sup>st</sup> item</b>	<b>5.50</b>		<b>5.50</b>
<b>\$1.05 each extra item (except on No PFee items)</b>	<b>1.05</b>		
<b>TOTAL</b>			

### Membership Renewal for:

Name: \_\_\_\_\_

### SPECIAL ORDERS Complete or fill required below

Δ **Photo ID's with 2 Tags:** (Notes 1: Head & Shoulders Photo required; 2: Expiry date applies. Free update card supplied on successful completion of training)

Name: \_\_\_\_\_

Reg. No. \_\_\_\_\_

♦ **Magnetic Name Badge** Print as you want name to appear:

Name: \_\_\_\_\_

\* **Stamps:** photos 1: Full legal name and a street address (home or business) required – no initials or PO Boxes. 2: We reserve the right to add wording to comply with legislation and/or space limitations.)

Surname: \_\_\_\_\_

First & Middle Name/s: \_\_\_\_\_

Street Address: \_\_\_\_\_

Town/Suburb: \_\_\_\_\_

Postcode: \_\_\_\_\_ Reg. No. \_\_\_\_\_

### Delivery Details:

Post to: \_\_\_\_\_

Contact Phone No. \_\_\_\_\_

### Payment: Send Cht/Money Order or Cr Card Details below:

Indicate One: Mastercard Visa

(Note: AMEX, Bankcard, Debit Card, Union Club, Phone payments not accepted).

Cardholder Name: \_\_\_\_\_

Card No. \_\_\_\_\_

Card Expiry    /    YY

Cardholder's signature: \_\_\_\_\_

**Sale! Sale! Sale!**  
**Ladies Scarves now just \$10!**



Members and friends are cordially invited to attend the popular  
Royal Victorian Association of Honorary Justice's

# Annual Dinner 2008

**Friday 22 August 2008**

6.30pm for 7.00 pm  
(canapes & pre-dinner drinks)

**Special guest speaker**

**Justice Lex Lasry QC**

Supreme Court Judge and prominent human rights advocate

The event will take place at the Treacy Conference Centre  
126 The Avenue, Parkville (Melways Ref: 29 F12)

Dress code: Lounge suit / after five

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***Order your tickets now***

By post:	Royal Victorian Association of Honorary Justices Attn: Cathy Owens PO Box 317 ELWOOD 3184	
By fax:	(03) 9525 7765	
List full name of all attendees and list any special dietary requirements:		
1.		2.
3.		4.
5.		6.
No. tickets @ \$55 per head (drinks at bar prices):		
<b>Credit card details</b>		
Card type ( <u>visa</u> and <u>mastercard</u> only, no telephone payment):		
Credit card number:		
Expiry date:		
Card holder's name:		
Card holder's signature		
<b>Your postal address (for delivery of tickets)</b>		
Name:		
Street Address / PO Box		
Suburb / Town:		
Postcode:		

***RSVP: 25 July 2008 (or until sold out!)***



## Back on the soapbox...

### My very old girlfriend is turning 100

I've got an old girlfriend you probably know quite well. She is a sprightly 98 years old and looks set to turn a healthy century in 2010.

Quite an achievement for any ol' girl, particularly as she is still as spirited (some would say obstinate) and active as the day she set foot on this earth. She has had many faces over her time and evolved with the trends and fashions of each passing decade. She lived through both world wars, the White Australia policy, mass immigration, changing state and federal governments, the recession and economic boom, the hanging of Ned Kelly, the flower power sixties, the relentless onset of the computer age, and now, at 98, she plans for an even brighter future.

Who is this ol' girl? It's the Royal Victorian Association of Honorary Justices.

It's hard to believe isn't it? This crusty old organisation has been advocating for honorary justices for nigh on a century. Yes, it been through some good times and hard times; it has made some necessary (and sometimes unpopular decisions), but it has survived. As members, directors and even presidents have come and gone, the Association has held steady, gently flexing with the times and adapting.

It's interesting to reflect on the history of the Association. On 6 October 1909, three gentlemen, Messrs D. Buzlock, J.W. Clarebrough and J. Rowan issued a circular inviting their brother justices to meet at

the Vienna Café in Melbourne's central business district, to discuss the advisability of forming an Association of Justices of the Peace.

Thirteen Justices of the Peace attended this gathering, and whilst small in number, they showed earnestness and enthusiasm, and resolved that a provisional committee of nine should be appointed to approach the whole of the Justices of the State, explaining the aims and objects of the Association, and inviting them to send in their names as members.

The response to this second circular was extremely positive and nearly 344 gentlemen holding His Majesty's commission appear on its members' roll. This was considered a very gratifying result in so short a period and the fledgling council fully anticipated that before the end of that year the roll would contain 500 names.

The following year saw the inaugural meeting of the Honorary Justices Association of Victoria at the Melbourne Town Hall.

Reaching 100 years is a remarkable achievement for any organisation, one we should all celebrate and be proud of. Our Association has comprised thousands of honorary justices from all walks of life. We have served our communities and maintained our professional standards. Yes, we've had strong disagreements over that time, but we've also shared understanding, fellowship and commitment to honorary service.

Turning 100 is worth making a fuss. Get ready to pop a cork for the ol' girl and get involved with the celebrations!

I'll get off my soap box now...

Chris Reside  
Managing Editor



## Complaints and allegations policy

The Association has provided initial feedback to the Department of Justice (DOJ) about its Honorary Justice Complaints and Allegations Policy. Whilst welcoming the opportunity to comment on the policy, the Association felt the document needed more work to overcome a number of significant deficiencies.

The Association was particularly concerned with the apparent denial of natural justice inherent within the proposed investigation process, its lack of transparency and the insufficient consultation with honorary justices (particularly Justices of the Peace) in developing the policy.

The intent of the policy is commendable, as Victoria does need a clearly documented process to ensure complaints and allegations against honorary justices can be thoroughly and expeditiously

investigated. This will help raise public confidence in honorary justices by providing a transparent complaint and investigation process and also help to maintain a high standard of conduct amongst all honorary justices.

**"A single authority should not have the power to both investigate and determine"**

However the complaints and allegations process must also reflect the independence of the honorary justices role and accord natural justice. A single authority should not have the power to both investigate and determine the outcome of an alleged incident.