



ROYAL VICTORIAN ASSOCIATION OF HONORARY JUSTICES

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EDITORIAL POLICY

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

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Custodes

THE OFFICIAL JOURNAL OF THE ROYAL VICTORIAN ASSOCIATION OF HONORARY JUSTICES

Issue 2 of 2007

IN THIS ISSUE:

STALLING TACTICS

The Department of Justice continues to undermine your Association

Custodes

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

Issue 2 of 2007

(June 2007)

Credits

Managing Editor – Chris Reside
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We welcome your feedback.
Please e-mail your comments to:
admin@rvahj.org.au or post them to
PO Box 317, Elwood 3184.



Words of Wisdom

"Justice delayed is justice denied"

- William Gladstone (1809-1898)



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Editorial

I would like to begin by acknowledging the valuable feedback that we have received in relation to the new 'Custodes'. A number of you have been kind enough to write to us in response to the redesign. Your praise has reinforced our belief that we are headed in the right direction, while your constructive criticism has enabled us to identify areas for improvement. Thank you so much for taking an interest in the development of your journal.

This issue of 'Custodes' coincides with a vital juncture in the relationship between the Association and the Department of Justice. Our cover story, prepared by the Board, addresses attempts by the Department to undermine and marginalise the Association. The article makes for compulsory reading and the Association is keen to hear from you regarding this critical issue.

The Association's annual dinner, to be held on Friday 10 August 2007, promises to be a fantastic evening. Don't miss the opportunity to catch up with your colleagues and celebrate the ongoing success of the Association. We have reprinted the booking information of page 15 of this issue.

Contributions from the membership are the lifeblood of 'Custodes' and we are always on the lookout for new material. Perhaps you would like to recommend a book to your colleagues or share some news from your local branch. Please submit your material to custodes@rvahj.org.au. Articles selected for publication may be edited for length and content.

Erin Marcon
Editor



Dandenong roster seeks helpers

More volunteers are needed to attend the Dandenong Police Station for document witnessing.

Roster operates each weekday 10.00 am - 12.30 pm and 12.30 pm - 3.00 pm.

If you can help, please contact the roster co-ordinator, Bob Warren ph: 9574 0626 or e-mail: bobandrose@gmail.com to discuss.

P.S. This is a great opportunity for newer JP's to get some 'on-the-job' training!



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

Robert Anderson JP
Elisabeth Ashley JP
Rasa Bennett JP
Brendan Coulton
Sarah Davies
Terry Goldsbrough JP
May Hu JP

COBDEN
MORNINGTON
YINNAR
MARLO
BRIGHTON BEACH
MORWELL
NOBLE PARK

Clare Langford
Barry Minster JP
Jennifer Nickelson JP
Jennifer Phemister JP
Jack Ruddell
Sean Sunley JP
Stavroula Tsiakiris JP

MOONEE PONDS
COLLINGWOOD
CLIFTON SPRINGS
WERRIBEE
CARRUM DOWNS
WERRIBEE
CLARINDA



From the President's desk...

For some time your Board of Directors has been criticised for its perceived lack of transparency in reporting to its members in regard to ongoing issues and negotiations it is addressing with many stakeholders. More recently these criticisms centre on a lack of information regarding its correspondence with the Project Director of Court Services, Mr Michael Bourne, over issues predominately relating to the Bail Justice Electronic Call-out System.

In order to address this worrisome situation the board has authorised publication in this edition of Custodes an outline of its attempts to discuss with the Department of Justice issues that are seen as those causing most concern and angst among our Bail Justice members.

From the outset it must be pointed out that the Department of Justice, by its continued lack of response to these matters, refuses to acknowledge the concerns your Association is trying to negotiate to a sensible and equitable solution.

Members may gain further information in this regard by consulting the Association's Website at www.rvahj.org.au.



Annual General Meeting

The Association's Annual General Meeting took place on 31 May, where amongst other business, the motions to amend our Constitution (as advised in the last Custodes) were carried without further amendment. The amended Section 13 will give the Board, under certain conditions, the ability to appoint persons to the Board who have expertise and influence conducive to the promotion of the aims of our Association.

Elections

As the number of nominations to the Board did not exceed that of vacancies, Mr Michael Tiliacos was declared elected. We congratulate Michael on his election, and look forward to his contribution as a Director, and a member of the Audit Sub-Committee. We also acknowledge, and thank retiring Director Len King for his considered input while serving on the Board. For business reasons Len did not nominate for a further term as a Director.

Vice President

The Board has reluctantly accepted the resignation of Director Trish Vejby as Vice President, due to her workload pressures and commitments in other areas. Trish will continue in her role as a Director.

I am pleased to advise members that the Board has confirmed the appointment of Director Chris Reside to the office of Vice President.

External Director

Because of the amendment to the constitution the Board has been able to appoint Mr Cesar Melhem as the Association's first External Director. Cesar brings with him a wealth of knowledge in areas of advantage to the Association, and we look forward to his input at Board level.

Association Annual Dinner

Our Chief Patron, Professor David de Kretser, AC, Governor of Victoria, has accepted an invitation to attend our Annual Dinner at the Treacy Conference Centre, Parkville on Friday 10th August. The Governor has also kindly consented to be the guest speaker. Numbers for this function are strictly limited, and prompt bookings are advised.

Rod McConnell JP
President

It's an Honour!

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

Ibrahim Hussein Dellal AM JP

Graham James Dempsey OAM JP

Duncan Moir Malcolm AM JP

William James McCormack OAM JP

Kevin Lawrence Knight OAM JP

John Francis Leckey OAM JP

Stephen Kai Fun Ng OAM JP

Joel Albert Solomon OAM

Esad Zorlak OAM JP



Certified copies reminder

Honorary Justices are reminded that the Registry of Births Deaths and Marriages will currently only accept photocopies of documents where the copy has been certified by a police officer. A copy certified by a Justice of the Peace or Bail Justice will be rejected by the Registry.

When asked to certify a photocopy, honorary justices should enquire if the certified copy will be

lodged with the Registry, and if so, refer the person to a police officer.

The Association acknowledges that the current Registry restriction has been applied in the interest of heightened document integrity and is consulting the Registrar with a view to accepting certified documents where certified by suitably trained honorary justices.



New training sponsor

The Association is pleased to announce that it has secured funding for the in-service Justice of the Peace and Bail Justice training programs.

A donation of \$5,000 has been provided by O-I Asia Pacific, the leading glass packaging supplier in our region.

Please visit the website listed below for further information on this generous sponsor.



www.o-i.com



Chairmen and secretaries' forum

The next branch chairmen and secretaries' forum will be held in early 2008. The September issue of *Custodes* will provide further details.

- COVER ST



Stonewalled

In this major article prepared by the Board, we examine ongoing attempts by the Department of Justice to undermine the important work of your Association.

A decade ago, under the leadership of Graham Dempsey, the Board instigated a major review of the Association. This led to the first substantial alteration to the structure and activities of the Association in nearly 20 years. Four significant areas of change were identified:

- the professionalism and skills of Honorary Justices were to be enhanced through training and education.
- a committee system was to be established in order to promote participation and improve the Association's capacity to address disparate issues.
- the Association was to embrace information technology as a means of improving efficiency and minimising costs.
- finally, the Association would establish and maintain transparent and mutually beneficial relations with its stakeholders, including the Department of Justice ('the Department').

These reforms, implemented and refined under successive presidents, were aimed at improving many practices that our stakeholders regarded as inappropriate or unresponsive to the public need.

During the same period, courts, government departments and police were developing new approaches to the judicial and civil matters in which Honorary Justices are involved. Feedback from these

stakeholders confirmed the need to update the knowledge and professionalism of Honorary Justices.

The Board took the view that the Association needed to evolve in order to remain a vital and integral part of the judicial system. Although the Association had limited resources and relied on the auspices on the hard work of volunteers, the Board regarded this structural revolution as a worthwhile and achievable goal.

After the vital structural changes overseen by Presidents Adam Trumble and Keith Frampton, new president Laurie Taig oversaw the transition from simply identifying stakeholder issues, to actively implementing programs to resolve them. As a result, the Association entered into a more active relationship with the Department. Working together, it was theorised, the Association and the Department could foster the development of a highly proficient, well resourced and cost effective volunteer resource.

As the Association and the Department continued to negotiate on the most effective measures for ensuring this outcome, your Board has always sought to keep you informed. As some matters were commercial in confidence and/or subject to ongoing discussions, full details could not always be provided. Additionally, we have had to deal with repeated changes of

management within the Department necessitating a number of 'fresh starts'.

The time has come, however, to highlight the range of challenges the Association is facing in its dealings with the Department. All matters previously in negotiation are now put before the members for discussion.

The Association has at all times been open and transparent in its dealings with the Department. Unfortunately, it would appear that this candour has been to our own detriment. A number of projects

were undertaken by the Association because the Department had indicated it would provide financial support. The Association was then considerably

disadvantaged when said funding failed to materialise.

The Department has also appropriated a range of the Association's ideas and programs without acknowledging the source.

RAISE YOUR VOICE!

The Association values your feedback on this critical issue. Please e-mail your comments to admin@rvahj.org.au or post them to PO Box 317, Elwood 3184.

The Department has ignored correspondence.

Although space considerations prevent a full listing of initiatives, the Association has proposed a range of measures to tackle issues such as:

- projected / actual ageing of Justices
- projected / actual shortages of Justices
- training of Justices
- additional duties for Justices
- cost effective utilization of Justices
- concerns regarding the perceived 'favouritism' of some Justices
- concerns regarding the difficulties of obtaining the services of a Justice
- forms of recognition and reimbursement of expenses incurred in duty

In addition, the Association has expended its own scarce resources, a reflection of its absolute commitment to tackling these challenges.

The Board now believes that Department representatives are not coming to the table with a view to meaningful discussions. The Department has engaged in a number of stonewalling tactics, including cancelling (and failing to reschedule) important negotiations with the Association. It has ignored correspondence from the Association or provided only partial responses. This has led the Board to conclude that the Department is attempting to marginalise your Association and downgrade the standing and function of Honorary Justices.

This hypothesis is confirmed by the Department's recent formation of a Bail Justice Reference Group. Only one member of the Association was invited to participate while four other Justices, purportedly representative of a small number of Justices or merely of themselves, have been appointed. It would appear that criteria for selection include close alignment with the views of the Department and a willingness to criticise the Association. The introduction of this reference group is nothing more than a bureaucratic measure to dilute the influence of the Association and provide a nominally independent body to rubber stamp the schemes of the Department.

The Association is also greatly concerned with the Department's philosophy, evident during negotiations, that Honorary Justices are not independent judicial officers. Honorary Justices are described as being 'quasi judicial' on the Department's website.

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New police stations

The Minister for Police & Emergency Services, Bob Cameron has overseen the opening of no fewer than seven new police stations. Residents of Koroit, Robinvale, Nhill, Olinda, Hustbridge, Warrandyte and Murchison will all benefit from an increased police presence.

"We recently handed Victoria Police its largest ever budget, \$1.6 billion, which included funding for new weapons and 100 police cars," Mr Cameron said.

"After the largest recruitment program in Victoria's history, crime is at a record low and we have more police than ever before, with an additional 1400 police officers added to the beat since 1999.

Authorities seize \$6m worth of assets

The State Government has announced that assets worth \$6.6million were seized from criminals in the last financial year under Victoria's asset confiscation scheme. The total includes revenue from the sale of property owned by criminals or debt collected from convicted offenders.

"This is up from \$4.8 million in 2004/05 and is an eight-fold increase since 1999," said the Attorney-General Rob Hulls.

Authorities have the power to confiscate property used in the commission of a crime, confiscate property purchased with the proceeds of crime and enforce court orders as monetary punishment.

Assets confiscated included a house used for cultivating cannabis. The house sold at auction for \$237,300.

"The Bracks Government is sending a clear message that crime does not pay in Victoria," Mr Hulls said.

Free online legal information now available

Disadvantaged communities will now enjoy greater access to legal advice following the launch of 'The Law Handbook Online' by the Attorney General Rob Hulls.

"The Law Handbook Online includes 678 web-based pages of legal information available free of charge to the general public at any local library across Victoria," Mr Hulls said.

"School and university students can also access the Law Handbook Online through their respective libraries."

The online handbook covers more than 25 areas of law, including family law, children's legal issues, debts and bankruptcy, neighbour disputes, employment

- COVER ST

The Association has always approached the Department with the view that both Justices of the Peace and Bail Justices are independent judicial officers when performing their duty. This view has been repeatedly reinforced by the courts at training sessions. This is also confirmed in the *Magistrates Court Act* 1989 whereby Justices of the Peace and Bail Justices are afforded the same protections of a Supreme Court Judge in the performance of their duties.

Your Association recognises that you are an honourable and high minded individual. You have volunteered your valuable time in service of the community and deserve to be treated with respect by the arms of government. It is disappointing to see the Department embark on a blatant campaign to control the activities of independent judicial officers without seeking their agreement.

The following passages address some of the matters canvassed with the Department.

Justice of the Peace shortage

The community is in desperate need of additional Justices of the Peace. The Association receives daily calls from members of the public frustrated by how difficult it is to obtain the services of a Justice. Members of the Victoria Police are needlessly diverted from their core duties because there are insufficient Justices to cover document witnessing rosters.

While certain professionals (e.g. doctors and pharmacists) have the authority to witness and sign documents, this is not always a service that they wish to provide. They often lack sufficient training (particularly with regard to complex matters) and it detracts from their main business. As we know, certain documents can only be signed by a Justice of the Peace. The Association has been advised that some members of the public have been exploited by parties who are not Justices of the Peace. In some particularly unsavoury circumstances, a fee is charged for the service.

The Association has reason to believe that hundreds of applications from prospective Justices have been submitted to the Department. Some of these applications are now two years old. Rather than take swift action to address the shortage of Justices, the Department has failed to process the applications, even going so far as to deny the existence of a significant backlog.

Justices of the Peace are appointed for life. Inevitably, therefore, a significant percentage of Justices are now quite elderly and no longer practicing. However, the Department continues to insist on appointing only three Justices per postcode, irrespective of the size, population or unique characteristics of each area.

The Association proposed a recruitment scheme to address the shortage. This involved collaborating with a number of local councils in order to identify suitable recruits and establish an internet database system for Justices. A pilot program was devised and 10 councils committed to trial and develop the system and (crucially) pay for the initial training of Justices of the Peace. Unfortunately, without consultation with the Association, the Department took action to sabotage this promising initiative.

To this day, the Department has not adequately explained why it wrote to all Victorian councils proclaiming that it did not sanction the pilot program.

The Association also upgraded its online database and offered to provide access to the Department for a modest annual fee. Information on the number and availability of Justices of the Peace is a vital tool for meeting demand and the Association was confident that the Department would value an already operational system with a proven track record. The Association has received no response to its offer.

Bail Justice shortage

The community is currently experiencing a shortage of Bail Justices. This has come about as a result of mandatory retirement, illness, interstate moves, work commitments and petrol price increases. As a result Bail Justices are expected to remain on call for most of the year, leading to disenchantment and further pressure on numbers. Recent criticism of the role by the Victorian Law Reform Committee is also unhelpful.

Regional areas have been hit particularly hard, with Swan Hill forced to make do with a single Bail Justice. The next closest Justice currently has to undertake a 180 km round trip in order to provide support.

The Association has repeatedly lobbied the Department to rectify this profoundly unsatisfactory situation. Although the Association has been informed by sources in Swan Hill that two people are

undergoing training for the roles, the Department has not provided official advice of this outcome.

The Latrobe Valley is another area in desperate need of additional Justices.

The Association provided the Department with a list of areas in urgent need of Bail Justices in October 2006. The Association was then surprised and disappointed to note that of nine recently appointed Bail Justices, only three were in the areas of most need. It is a pity that the Association is not involved in the recruitment process as we are in the best position to input information generated by the electronic call out system on matters such as Bail Justice numbers required to adequately cover the large number of hearings (over 4,500 last year) held and areas requiring additional Justices.

Experience suggests that recruitment levels are simply too low. Bail Justices are facing unreasonable and unsustainable demands on their time. Consider the case of the Monash roster. At its inception, the branch had 64 Justices available for service with each Justice rostered to serve one duty period every six weeks. Today, there are only 22 Justices at Monash, with each rostered to serve a duty period every three weeks. More and more responsibility is being shouldered by fewer and fewer volunteers.

Prior to the introduction of the Association's electronic call-out system and the standardisation of record keeping, no reliable data was available with regard to the level of service provided. Now that the data is available, the enormity of the task has become clear. Your Association firmly believes that decisions on the quantity of Bail Justices should be based on this statistical data.

Insufficient funding for training programs

The training of Justices is one of the key functions of the Association. The training programs for both Justices of the Peace and Bail Justices were initially developed by Barbara Irving JP in consultation with a range of stakeholders. One of the most useful of these early courses provided Bail Justices with information on the status of children within the justice system.

Over time, a range of additional training modules have been developed and introduced. One such module, produced in conjunction with State Trustees, Victoria Police, Federal Police, Department of Immigration, the Courts and the Department of

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disputes, discrimination, bail, criminal law issues, accidents, injuries, wills and estates.

It was developed by the Fitzroy Legal Service through a \$30,000 grant from the Victoria Law Foundation and with the assistance of the Centre for Electronic Commerce and Communication at the University of Ballarat.

"As an online version of the Fitzroy Legal Service Law Handbook, which was first published in 1977, more people than ever will be able to access legal information written in plain language for all to understand," Mr Hulls said

Transition centre opens its doors

The \$4.8 million Judy Lazarus Transition Centre, Victoria's first centre to help prisoners prepare for release back to the community, has been opened. Located in West Melbourne, the Centre is designed to replicate community living in a secure setting and will house about 25 low risk prisoners nearing the end of their sentence.

Minister for Corrections, Mr Bob Cameron, said the centre would help break the cycle of crime and keep the community safe from repeat offenders of crime.

"The centre will assist them with budgeting, vocational training, finding employment and re-integrating with their families to help ensure they are better prepared and less likely to re-offend," Mr Cameron said.

"Victoria is proud to have one of the lowest recidivism rates in the country at 36 per cent and, significantly, research shows prisoners are less likely to re-offend when you provide access to housing and support."

Mr Cameron emphasised that community safety is paramount and the same security measures at prisons - such as random searches, drug and alcohol testing, curfews and lock down - apply at the centre.

Victoria to join national DNA database

Victoria will participate in a national DNA database enabling the states and territories to share information freely and help each other solve crimes. The NCIDD system has been partially operational since 2003, but legal and procedural inconsistencies between the states, territories and Commonwealth delayed its full operation.

Attorney General Rob Hulls has introduced amendments to the Crimes Act into Parliament that will ensure that Victoria's database and its classifications of material are consistent with other jurisdictions. The changes mean Victorian authorities will no longer repeatedly have to seek permission from each state and

- COVER ST

Human Services, provides valuable training on the role of Honorary Justices in the custom search permission process.

The Association has always provided training not only to its own members but also to non-affiliated Justices. Seemingly unmoved by the Association's altruism, the Department has rejected or ignored requests to fund these essential programs.

In April and May 2007, the Association wrote to the Department and requested funding in order to conduct Bail Justice refresher training. The Department indicated that it will likely engage the services of an educational body to provide this training. This decision has been taken without any consultation.

Given the high level of doubt surrounding the capacity of a profit-driven organisation to provide adequate and cost-effective training, the Association has sought to clarify whether it will be free to tender for the role. The Association has also queried whether funding will be available to cover the *current* refresher training which deals in part with the introduction of the *Children, Youth & Families Act 2005*, which took effect this year.

The Department has not responded to either of these enquiries.

The Association has expended considerable resources in seeking funding in the form of sponsorship. Although success in this area is never assured, the Association is pleased to confirm that funds have been secured for this year and all training will be conducted at no charge to members.

The Association's policy is that these costs are the responsibility of the government. No Honorary Justice should be required to pay for such training.

Duplication of the electronic call-out system

The Association has been reliably informed that the Department is trialling its own call-out system. This system is said to involve a call-centre, with operators assigning tasks to Bail Justices.

The Association introduced the current electronic call system in response to the needs of stakeholders and at the request of the Chief Magistrate. The Department was offered the opportunity to participate in the program not once, but thrice. The Department didn't actually

decline the Association's offers. It didn't respond at all.

The Department now appears determined to expend a vast sum of public money to develop a system that duplicates the functions of an existing program. The availability of this money is surprising given the Department's ongoing reluctance to fund the Association's training programs.

The introduction of the Association's electronic call-out system ensured hearings were distributed fairly between available Bail Justices. This assisted the Chief Magistrate and the Victoria Police in alleviating the perception of bias that can arise where the services of a single Bail Justice are repeatedly engaged.

The system is also structured to negate the possibility of any single operator excluding a Bail Justice on the basis of personal preference. As the Association was not consulted on its development, it cannot be certain that equivalent safeguards exist in Department's 'new' system.

The Department is demonstrably unwilling to work with the Association with regard to electronic call-out requirements.

Judicial independence compromised

Reports that the Department is scrutinising the activities of a number of Honorary Justices is troubling. The Association does not believe that the Department's legislative charter provides scope to conduct such investigations and is actively lobbying for the formation of a more transparent body to consider such matters. The Association has suggested a tribunal consisting of representatives of the Magistrates Court, the Department and the Association would be more appropriate.

The Association is concerned that the Department, in pursuing these activities, is inappropriately breaching the principle of judicial independence from Government

Lease for 53 Broadway, Elwood

In September 2002, the incumbent Attorney General promised the Association that it could occupy this property at a peppercorn rental.

The Department has rejected or ignored requests to fund these essential programs.

The Department is demonstrably unwilling to work with the Association.

While the premises were officially opened on 2nd February 2003 by John Griffin (Department of Justice), the Department has thus far failed to provide a lease. Unless a formal agreement is signed, the Association's tenure will remain insecure.

In summary

The Association have raised these and other matters over the course of several years and with a number of management regimes within the Department. The Association has not been provided with sufficient grounds for the apparent rejection of its many proposals. In many cases, the Department has not replied at all.

The failure to observe even this most basic of courtesies is inexcusable.

Your Board is of the view that the Department is deliberately stonewalling the Association. Even as it benefits from your voluntary labours, the Department is seeking to marginalise the Association by ignoring its correspondence, disregarding your voice by hand-picking its own reference group, outsourcing your training to unproven organisations and introducing unnecessary technology at great cost to the taxpayer.

Boosting the number of Justices, particularly in areas long overstretched, does not appear to be a high priority.

Why is the Department unwilling to address the real issues facing Honorary Justices?

Where to from here?

The Association has been patient and exhausted all reasonable recourse in its attempts to foster a constructive dialogue with the Department. While the Association will continue to strive towards a close and productive working relationship with the Department, such a relationship requires willingness on the part of both parties. Your Board is reluctant to become involved in the political process or court the media on this issue, but it has a responsibility to take whatever measures are required to resolve this impasse.

Copies of the Association's submissions, letters and briefing notes, along with the rare responses from the Department, are available on our website for members to evaluate.

If you are as exasperated by these circumstances as your Board, please take the time to write to the Association. Your ideas, suggestions and support are greatly appreciated.



Newsire

territory to access their databases under time-consuming bilateral agreements.

"The Commonwealth has now passed the necessary amending legislation, the *Crimes Act Amendment (Forensic Procedures) Act No 1 2006*, opening the way for other jurisdictions to also legislate to engage in matching DNA through the NCIDD system," Mr Hulls said.

While NCIDD contains DNA information, it does not contain any other identifying information, such as a person's name. Once a match has been made through NCIDD, it is incumbent on the jurisdictions involved to provide identifying information in accordance with each jurisdiction's legislative framework.

Victoria now the safest state

Recently released Australian Bureau of Statistics crime stats show that Victoria is now the safest state in Australia with a crime rate 22% below the national rate. Victoria's crime rate is 7.6% below the next safest state, Tasmania.

The 'ABS Recorded Crime - Victims' survey reports that since 2001, homicide has declined 17.5%, kidnapping has declined by 25%, robbery has declined by 46%, burglary has declined by 44.6%, motor vehicle theft has declined by 59.9% and other forms of theft have declined by 28.3%.

Court powers clarified

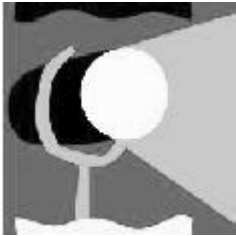
The Supreme Court power for authorising wills on behalf of Victorians without the capacity to express their own final wishes will be clarified under an amendment to the *Wills Act 1997* before State Parliament. The court will be able to authorise a statutory will that reflects what the intentions of the person might reasonably be, if they had the capacity to make a will.

"This amendment will enhance the rights and dignity of people with intellectual disabilities or those who suffered a brain injury from a young age, who have never been able to express their final wishes," Mr Hulls said.

Mr Hulls said the amendment was designed to address potential injustices such as a family member who had not helped to raise a child with severe disabilities then becoming entitled to a portion of the child's estate when the child dies.

"If the child had been awarded damages arising from an accident, their estate could be sizeable," Mr Hulls said.

"This amendment will provide peace of mind to families and loved ones of a person who has never been legally capable of making a will."



Justice in the spotlight...

The subject of this month's 'Justice in the spotlight' is Margaret Campbell JP. Margaret became a Justice of the Peace in 1994 after being encouraged to apply for the post by her local member. Margaret, already volunteering her time at Werribee Citizens Advice Bureau and the Werribee Legal Service, leapt at the opportunity to provide yet further assistance to her community.

What has been the most rewarding aspect of the position?

Every person who brings a document to be witnessed brings a story with them and I feel privileged to have them share their story and, as a JP, to play some part in that story. It could be certifying papers for further education, photographs for a passport application, witnessing an affidavit for a court case, a statutory declaration for a speeding fine, or any of the many occasions that require the assistance of a JP. I offer them the welcome and respect of my home and am honoured by their trust and respect in return.

Your passion for Werribee and its history is well known. Why is Werribee such a fascinating topic for you?

I love Werribee, and I'm always proud to stick to our original name instead of Wyndham. I am a Queenslander and came to Point Cook in 1954 to join the WRAAF. I have returned there only to visit. Werribee was a tiny country town in 1954, now it is a city of over 120,000. For five and a half years I worked on an oral history project documenting migration from first invasion to the present day. Apart from my marriage and children, it was the most fulfilling time of my life. I collected 165 stories, excerpts of which were published in a book, 'From There to Here'.

Werribee is a microcosm of multicultural Australia and as I recorded the stories of migrants (including Indigenous migrants because the original people were wiped out or removed) I was given a unique opportunity to know and understand my city and its people. The old 1954 community values still thrive – we fought the toxic dump and won. Werribee people care about each other and we are proud of and celebrate our multicultural heritage.

Werribee has everything – the beach, the bush, sporting and tourist attractions, and we're only twenty minutes by car from the city.

Should JPs set standards for young people to aspire to? Is this a realistic goal?

We should all set standards for young people. If we have expectations of the way young people should behave, the values they should embrace, the standards they should aspire to, it is up to us as adults to set them. However, as JPs we have the advantage/disadvantage of a more public profile and, with this in mind, we should be more aware of the examples we set. Realistic goals are limiting. There's an old saying: Aim for the moon, even if you miss you'll land amongst the stars. I am fortunate to work with young writers and this is what I encourage them to believe.



You're a very creative person, with a range of published books to your credit. Does the creative side of you compliment your work as an honorary justice or do you set it aside?

Part of the creative side is the sensitive side. When I write fiction I try to be sensitive to my characters' beliefs, actions and responses, when I collect oral history the same applies, and I have always tried to do that in my personal relationships. As I understand it, all relationships, be they personal, business or official, need to be based on mutual respect, and in my official capacity as a JP it is important that I remain myself, rather than become some distant legal official.

I trust that my creative side adds sensitivity to the manner in which I deal with those who need my services as an honorary justice.

Tell us a little about, 'Cecilia's War', your most recent publication.

'Cecilia's War' is a verse novel, a young girl's childhood during World War II. When her mother leaves in the midst of a scandal, Cecilia's life is dramatically altered as she is shifted from one aunt to another, boarding school, and then to an unhappy relationship with a step-mother after her father's remarriage.

Although it is not aimed particularly at children, it echoes the situation of many children today. It is actually my own story fictionalised and the writing of it was a very healing process

We had a very successful launch and I am pleased that the book is being used as I hoped it would be, as a positive example to young people struggling with their lives after a family break-up. I have been reassured by the responses I have received and the book has been purchased by schools. It is now being translated into German.



John Francis Leckey OAM JP

10 July 1929 - 22 May 2007

John was one of the original members of the Central Gippsland Branch which commenced nearly 20 years ago, participating in all of the activities of the Branch. He rarely missed a meeting in all of that time.

It was during his early life on the farm that his love of machinery developed into a fascination with vintage cars which he collected, restored and, most importantly, enjoyed. Boats and boating was another passion in which he indulged himself and others as often as he could. He was dedicated to the betterment of his community, serving on various committees and groups. He was a Moe Rotarian for 40 years and was recognised for his work with induction as a Paul Harris Fellow in 1989.

He served with the Latrobe Valley and District Ambulance, being rewarded with the position of Life Governor. He also received the City of Moe's highest honour, that of Citizen of the Year.

John commenced in the funeral industry nearly 45 years ago and is remembered for his professionalism and dedication, along with his great caring and assistance to grieving families. Although he was a very humble and unassuming man, his crowning

achievement and one which gave him immense pride was the bestowal upon him of the Order of Australia Medal for services to the community and the funeral industry. Nobody deserved such recognition more than he.

John was a wonderful, generous friend, who was loved, admired and respected by all who knew him. The world is the poorer for his passing.

Sunraysia locals mourn the passing of Myra Fay Grinter, Bail Justice.

Myra Grinter was tragically killed in a car accident near Robinvale in the early hours of May 24, this year. The local community have been shocked and saddened at the sudden loss.

One of the first Indigenous Bail Justices appointed, Myra was well known as a tireless worker and highly respected for her knowledge and understanding

She will be greatly missed.



Tips for Safe Internet Use

It is important to keep your anti virus software up to date. This means downloading the updates at a minimum of weekly intervals, if not more frequently. You can often set the updates to download automatically and I recommend you do this. Most anti virus software requires you to pay a yearly subscription fee to continue to receive updates.

Run your virus scans weekly at a convenient time perhaps over night. This will check your hard drive for viruses that may have slipped through before updates.

Some good antivirus programs are:

Nortons <http://www.symantec.com>

Macafee <http://us.mcafee.com>

AVG has a free one which I recommend <http://www.grisoft.com>

Those of you that may have broadband connections, or if your home PC is connected to the internet for long periods of time, you should consider a

firewall to prevent other malicious attacks from the internet. If money is an issue an extremely good free firewall is ZoneAlarm and quite easy to set up. <http://www.zonelabs.com/store/content/home.jsp> Windows XP has a built in firewall and this is usually turn on by default.

Last but not the least it is important to keep your version of Windows up to date. This is particularly important for Windows 2000 and XP users. Good old Windows 98 versions are not as vulnerable. For more information about Windows updates look here:

<http://v4.windowsupdate.microsoft.com/en/default.asp>

Apple Mac users may not be affected by the bulk of viruses that are written but that does not mean that you should be complacent with security measures. Ensure that adequate steps are taken to protect your computer.



UPCOMING TRAINING COURSES

Document Witnessing (JP1):

The Documentation module includes Statutory Declarations, Oaths & Affirmations, Certifying True Copies, Interstate & Federal matters, persons under a disability, Powers of Attorney and more. Suitable for the recently appointed or as a refresher for Honorary Justices of longer standing.

Independent Witness (JP2):

The Independent Witness module includes the role of the Independent Witness in Police interviews with juveniles, forensic procedures, fingerprints and searches.

All sessions start promptly at 9.00am and conclude at 3.30pm (approx.). Attendees are requested to arrive at least 15 minutes prior to the start time to sign in and collect training materials.

Lunch supplied.

Thanks to the sponsorship of OI Asia Pacific, we are pleased to be able to offer these sessions at a special price.

Booking Slip: Complete the section below and return with appropriate payment.

Please tick the box corresponding to the course/s you wish to attend.

Name of attendee: _____ Ph: _____

Book	Date	Course	Venue	RYAHJ Members	Non-Members	RSVP
<input type="checkbox"/>	8 Sep	JP1	Charles Latrobe Theatre, Royal Melbourne Hospital, Parkville	\$35.00 Free	\$70.00 \$35.00	31 Aug
<input type="checkbox"/>	6 Oct	JP2	Charles Latrobe Theatre, Royal Melbourne Hospital, Parkville	\$35.00 Free	\$70.00 \$35.00	21 Sept
<input type="checkbox"/>	17 Nov	JP1	Mildura (Venue to be advised)	\$35.00 Free	\$70.00 \$35.00	2 Nov
<input type="checkbox"/>	18 Nov	JP2	Mildura (Venue to be advised)	\$35.00 Free	\$70.00 \$35.00	2 Nov

Payment – Payments accepted by Visa, Mastercard, Cheque or Money Order.

Cr Card No. _____ Card expires: _____ / _____ / _____
M M Y Y

Name of Cardholder: _____

Signature of Cardholder: _____

Annual Dinner

The President and Board of the
Royal Victorian Association of Honorary Justices
cordially invite you to attend our Annual dinner

GUEST SPEAKER

Professor David de Kretser AC, The Governor of Victoria

WHEN

6.30 pm on Friday 10 August 2007

WHERE

The Treacy Conference Centre – 126 The Avenue, Parkville

COST

\$55 per person

RSVP

to Cathy Owens by Monday 30 July 2007
post: PO Box 317, Elwood 3184/fax: (03) 9525 7765

Return this section with payment

By post to: Royal Victorian Association of Honorary Justices or By fax: (03) 9525 7765
Attn: Cathy Owens
PO Box 317, Elwood, 3184

Payment enclosed: Cheque / Money order / Credit card* for seats @ \$55.00 each.

List first and last names of ALL attendees below, and **indicate any special dietary requirements**:

_____	_____
_____	_____
_____	_____

*Credit card details: (Circle one) Visa Mastercard (Note: American Express, Diners Club, phone payments, not accepted)

Credit Card Number: _____ Expiry Date: ____ / ____

Card Holder's Signature: _____ Card Holder's Name: _____