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Custodes

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THE ROYAL VICTORIAN ASSOCIATION
OF HONORARY JUSTICES

**AUTUMN
2015**

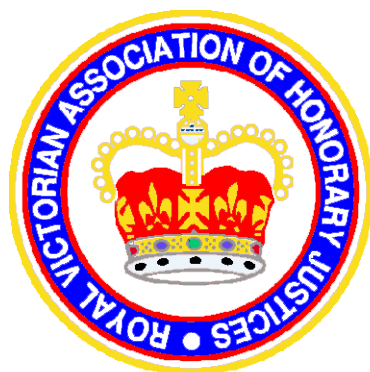
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Left to right: Bryan Nicholls, Ballarat Branch chair; Norman Wittingslow, RVAHJ president; Tim Cartwright, Acting Chief Commissioner and Andrew Allen, Ballarat Police superintendent, at the Ballarat Branch annual dinner.





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MEMBERS HONOURED

In the 2015 Australia Day Honours list, the following members were recognised for their service:

William Bernard Carrington

OAM JP, Traralgon - for service to the community of Traralgon.

Peter Thomas Newman OAM

JP, Mount Eliza – for service to veterans and to the community.

Walter Ross Synot OAM JP,

Newtown – for service to sport and to the community of Geelong.

Heartiest congratulations to all!



Dear Members,
Fellow Justices,

First and foremost I wish to express my delight and pride in being elected as your President for the ensuing year, and to that end I look forward to meeting as many of you as possible during my term of office.

During my working life I have always subscribed to an open door policy so if anyone has a problem, concern or for that matter a complaint please share it

with me, so that whatever the problem is, it can be addressed and hopefully rectified. 'If we don't know it's broken we can't fix it.'

I would also like to congratulate the Board of Directors and in particular Glenda Frost our Immediate Past President and the succession of previous Presidents for leaving the Association in such a robust state. Much has been achieved during the past few years.

We have also seen the introduction of the new *Honorary Justices Act 2014* and the *Powers of Attorney Act 2014*, which received royal assent in August and is scheduled to come into operation on 1 September 2015 unless proclaimed earlier. The Association prides itself on having had considerable input to both of these Acts, and I feel sure that once their full impact is fully realised it will assist greatly the role that Justices play and will help clarify and assist them in undertaking their duties.

In summary the *Powers of Attorney Act 2014* consolidates the provisions for non-enduring (general) powers of attorney, enduring powers of attorney and a new appointment, that of supportive attorney. It repeals the requirements of an enduring power of guardianship

and provides that appointments for personal or lifestyle matters are made as enduring powers of attorney.

Some of the more significant changes to the Act, that will effect Justices are, there is a definition of capacity, a description of matters that the Act cannot be for, disqualification of care workers or accommodation providers acting as a witness, the attorney on the statement of acceptance must be witnessed, compensation by the attorney if the power is used inappropriately, different witnessing requirements plus a number of offences under the Act.

Furthermore, it should be noted that there is provision within the Act to enact Regulations, so it is expected that there will be prescribed forms as and when Regulations are introduced. Any Enduring Powers of Attorney made before the commencement of the Act will continue to have full force and effect.

Now that the Department of Justice has taken over the role of training the RVAHJ will continue to hold refresher courses both face to face and electronically and is also in the preparation stages to more comprehensively explain the changes that will come with the new *Powers of Attorney Act 2014*. It is hoped that rather than run large seminars, the training team can conduct more intimate sessions at **Branch** level. Paul Mracek JP Director responsible for training will be pleased to hear from you, via the RVAHJ Office if your Branch would like to participate.

Norman Wittingslow JP
President RVAHJ

NOTICE OF ANNUAL GENERAL MEETING 2015

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.

Business

- (1) To confirm the minutes of the 104th Annual General Meeting held on Thursday, 29 May 2014
- (2) To declare the Biennial Election of Directors
- (3) To consider and, if thought fit, adopt the Annual Report of the Board
- (4) To consider and, if thought fit, adopt the Balance Sheet and Statement of Income and Expenditure for the year ended December 31, 2014.

- (5) To appoint an Auditor for the ensuing year.

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

Proxies

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

Michael Tse JP
Company Secretary

BJ OR JP?

With the passing of *The Honorary Justices Act 2014*, bail justices may now use the post nominals "BJ". But if you may also use "JP" as a post nominal, which comes first?

Having communicated with the recognised experts - Debrett's, the Department of Prime Minister & Cabinet and the Protocol Office of the Premier, the following conclusion is made.

The Peerage is a hierarchy of titles of various ranks conferred by the Sovereign upon his or her subjects, which has its roots in feudal times. The use of letters after an individual's name (post nominal letters) follows a prescribed order.

The usual sequence of precedence followed is that the senior or higher rank takes precedence. As the bail justice is in a position with higher powers/standing than a justice of the peace, the "BJ" comes before "JP" in order of precedence.

ORDER OF LETTERS AFTER THE NAME

The series of other letters are grouped, and ordered, either by regulations or by custom as follows:

1. Orders and decorations conferred by the Crown (Crown Honours).

2. Appointments in the following order, Privy Counsellor, Aide de Camp to HM, Honorary Physician to HM, Honorary Surgeon to HM, Honorary Dental Surgeon to HM, Honorary Nursing Sister to HM, and Honorary Chaplain to HM. Thus PC, ADC, QHP, QHS, QHDS, QHNS and QHC.

3. Queen's Counsel, Justice of the Peace and Deputy Lieutenant. Thus QC, JP and DL.

4. University degrees.

5. (a) Religious orders (b) medical qualifications.

6. (a) Fellowships of Learned Societies, (b) Royal Academicians and associates, (c) fellowships, memberships, etc, of professional institutions, associations, etc, and (d) Writers to the Signet.

7. Member of Parliament.

8. Membership of one of the Armed Forces, such as RN or RAF.

It is important to keep the group order.

Note: The abbreviation "Bt" (for a baronet), and "Esq", if applicable, precede all other letters. Justices of the peace, amongst others so appointed, may use "Esq" also as a post nominal. Therefore a Justice of the peace who is also a bail justice may use the post nominals: John Smith Esq, BJ, JP

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From left to right: RVAHJ Board Members, Manny Spiteri BJ JP, Rhonda Smith JP, Geelong Magistrate Ronald Saines, Geelong branch Chairman Bob Bailey JP, Glenda Frost JP, President RVAHJ.

The Annual General Meeting and Dinner of the Geelong Branch of the RVAHJ held at Lyndon Grove Receptions Grovedale on Monday 1 December 2014.

Thirty-two members, family and guests included RVAHJ President Glenda Frost JP; husband Max, RVAHJ Board Members, Manny Spiteri BJ JP, Rhonda

FROM THE GEELONG BRANCH

Smith JP, former president Rod McConnell JP, wife Gwen and guest speaker Magistrate Ronald Saines, Barwon South West Region Regional Coordinating Magistrate.

Glenda Frost JP, chaired the AGM and conducted the election of Office Bearers before giving a brief update of the Board and the plans and vision for the future.

Guest speaker Magistrate Saines gave an interesting talk on his days as a solicitor, becoming a magistrate and the work involved on a day-to-day basis. Followed by question time with the audience being able to ask, and receive answers on a number of subjects.

Prior to the closing of the Annual Meeting our guest Speaker Magistrate Ron Saines via RVAHJ president Glenda Frost presented Police Certificates of Appreciation to roster members at the Geelong and Corio Police Stations.

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OUR NEW DIRECTORS

The Board has appointed three new directors late last year. Rodney, Nick and Manny come with varied experience to add to the existing board. By way of introduction, they have responded to a questionnaire on their backgrounds.

Rodney Lavin JP

Other position/s in RVAHJ: Vice Chairman Wellington Branch

Branch: Wellington Branch

Year appointed as a JP/BJ: 1993

Vision for the RVAHJ: Expand our service offering to various Judicial Tribunals as has been successfully trialled in Queensland.

Birthplace: Cabrini Hospital, Malvern, Victoria

Present home town/suburb: Traralgon South, Gippsland, Victoria

Partner: Kathy Lavin (married for almost 25 years)

Children: Carly Lavin (currently 11 years old)

Occupation: Accountant/ Financial Adviser
(Practice Principal Lavin & Associates Pty Ltd)

Other volunteer work/positions: President Cooina Hill, a disability service provider based in Traralgon; Chairman of the Gippsland Chapter of the Financial Planning Association of Australia; Immediate Past President of the Downtown Investment Club and Past Master of Argyle Lodge No 105, Freemasons Victoria.

Football team: The mighty Tigers (Richmond)

Like Dog or Cat: Dog (especially "Tully", our 8 month old King Charles Cavalier)

Favourite book: "Of Mice and Men" by John Steinbeck

Favourite film: "One Flew Over the Cuckoo's Nest"

Favourite food: Roast Lamb with roast potatoes and vegetables and gravy

Which 4 people would you invite to dinner: Professor Stephen Hawking, Nelson Mandela, George Washington and Bill Gates.

Hobbies: Travel and family and friends

Sport played: Table Tennis, Fishing, and Tennis



THE NEW DIRECTORS

HOLIDAY - OFFICE CLOSURE

The office will be closed for Easter break from Friday, 27 March 2015 and re-open on Tuesday, 7 April 2015.

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

Nicholas (Nick) O'Connell JP

Other position/s in RVAHJ: Secretary of the Branch
Branch: Monash
Year appointed as a JP/BJ: 2010
Vision for the RVAHJ: To see all JPs & BJs as members of our association
Birthplace: New Zealand
Present home town/suburb: Mt Waverley, Melbourne
Wife: Dianne
Children: Two daughters
Occupation: Australasian Sales & Marketing Manager
Other volunteer work/positions: Life Member of Apex Australia
Football team: Geelong
Like Dog or Cat: Either
Favourite book: Anything by Jack Welch
Favourite film: Don't have a favourite. Not a movie goer.
Favourite food: Fish
Which 4 people would you invite to dinner: Presidents of the USA, Russia, North Korea & India
Hobbies: Performance sports cars
Sport played: Rugby League, Baseball & Tennis



A RIOT ACT CHALLENGE

Doug Comrie JP has challenged the story in the Summer edition of *Custodes* about the last reading of the Riot Act in Victoria.

Doug has provided a copy of a page from the publication *Mildura Police Station - The First Hundred Years* by the late Les Milborn, which tells the story of a Riot Act being read on Saturday 18th April 1981, which was Easter Eve or Holy Saturday.

There was trouble on Good Friday, the previous day, when some 82 men and 2 women were arrested.

20 extra police were rushed from Melbourne on the Saturday via the Air Wing and a brawler van also attended.

There were more than 1,000 people gathering on Saturday night. The Australian Street Rod Federation were holding their nationals in Mildura over this weekend.

Cr Roy Burr JP was asked to read the Riot Act, which was the first time this had been done in Mildura's history.

As the senior police officer in Mildura was away, Senior Sergeant Les Milborn was in charge of proceedings.

In an article by George Tilley in an article of the day recorded a big thank you to Les Milborn and his men and women, for a great job done under difficult circumstances.

There were no reports of damage to property and no reports of people being injured. A fine result.

Mildura received much publicity around Australia due to these events at the time.

Again this is another recorded piece of history, showing the value of justices in so many and varied situations assisting their community.

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JUDGE: I have read your case, Mr Smith, and I am no wiser now than I was when I started.
SMITH: Possibly not, my Lord, but better informed.
F.E. Smith, 1872 - 1930

The one great principle of the British law is, to make business for itself.

Charles Dickens, 1812 - 1870

Emmanuel (Manny) Spiteri BJ JP

Other position/s in RVAHJ: Membership Committee

Branch: Northern

Year appointed as a JP/BJ: 2012

Vision for the RVAHJ: The vision for the RVAHJ would be an organisation that reacts in the right way to the structural changes in the offing; an organisation that is not constrained by old thinking; as practitioners are inspired to promote and innovate, research and stimulate new thinking; an organisation that is connected to its constituents; an organisation that is structured around solving problems and really geared towards driving behaviour change.

Birthplace: Malta

Present home town/suburb: Attwood

Partner: Sue

Children: Four

Occupation: CEO, Company Director

Other volunteer work/positions: Small Business Mentoring Service, Multicultural Ministerial Council, Registered Government Lobbyist

Football team: Collingwood

Like Dog or Cat: Yes both

Favourite book: Plato Republic; Books 1 - 10

Favourite film: Casablanca,

Favourite food: Japanese & Seafood

Which 4 people would you invite to dinner: Plato, Mother Theresa, King Solomon, Albert Einstein

Hobbies: Food, Walking, Chocolatier, Cheese Making, Photography

Sport played: Football, Soccer, Squash, Surfing



NEW MEMBERS

The president and board warmly welcome the following new members:

Mr Dean Atkins BJ DROUIN

Mr Ronald Keith Bailey JP TARNEIT

Mr Alan Earl BJ FOOTSCRAY WEST

Mrs Janette Lineker BJ PORTLAND

Ms Christine Mckersie JP WYCHEPROOF



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YOU JEST

Although lynching was popularised during the Old West, the practice actually started during the American Revolution. Colonel Charles Lynch, a justice of the peace and

farmer before the war, led a group of vigilantes to dispense swift and final justice on British supporters and outlaws. Soon, stringing up without a trial became known as "Lynching" and the groups that performed the activity were called "lynch mobs".

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FROM THE BALLARAT BRANCH

Ballarat area JPs were presented with their 100 Club certificates and badges by the Acting Chief Commissioner Tim Cartwright at the annual dinner of the Ballarat Branch.



In attendance were president of the RVAHJ, Norman Wittingslow JP with his wife Judith; Superintendent Andrew Allen, and former president of the RVAHJ, Michael Cheshire BJ JP. Some 70 members of the branch attended the function to see 10 local JPs presented their awards.

Tim Cartwright was the guest speaker and spoke about his family connection with justices of the peace. His Father was a JP, and Commissioner Tim spoke of his Father sitting on the Magistrates court bench in early days. He also spoke of the important work carried out by justices throughout Victoria.

The Frankston Police Station Document Signing Centre introduced a 100 Club. Justices of the Peace who had attended the centre on at least 100 occasions were presented their 100

club certificates by the then Chief Commissioner of Police.

The Ballarat Branch then considered a proposal to introduce a similar recognition for its roster members at the Ballarat Police Station.

The same criteria as Frankston was to apply: a JP, in order to qualify, had had to attend the police station on at least 100 occasions since the inception of the document signing centre at Ballarat in 2006.

Ten JPs, who have qualified, will be inducted into the 100 Club at this inaugural event. It is further proposed that at each subsequent annual dinner to induct those JPs who have qualified in the preceding year by virtue of their achievements.



Members of the 100 Club - left to right: Bert Kinnersley JP, Bryan John Nicholls JP, Harry Gibcus JP, Rhonda Jean Smith JP, Loes Pearson JP, Michael Denis Tubb JP, Acting Chief Commissioner Tim Cartwright APM, Ian Philip Martin JP, Warren Jack Wilkins JP, Robert Leslie Coleman JP and Rupert Thomas Brown JP.



Bob Coleman JP, left being presented with a certificate of Appreciation for his long service as branch secretary by Ballarat branch chair Bryan Nicholls JP.



ROSTERS - CAN YOU HELP?

You will have been made aware by the Department of Justice of the new Honorary Justices Act 2014 which sets a minimum standard for JPs to demonstrate their level of activity and being on a roster is one way to tick that requirement.

Many JPs volunteer at Document Signing Centres (DSC) in various locations around the State. A large number of these DSCs are located in Police Stations. We are grateful for the JPs that already contribute to this service but we *desperately* need more willing JPs to volunteer.

What is involved? Most roster shifts are for 3 or 4 hours (some can be shorter) and you can chose to be rostered on once a month or more if you wish. Some DSCs have an evening shift, so those JPs that work can also contribute. If you have holidays planned, then that is not a problem. The roster is structured to accommodate personal commitments.

We currently have critical shortages in the following locations:

DANDENONG

Monday - Friday 10.00am-12.30pm, 12.30pm-3.30pm & 5.00pm-8.00pm
(Extreme shortage Monday & Friday, all shifts; Tues evening)

OAKLEIGH

Mondays/Tuesdays/Wednesday/Thursday 7.00pm to 9.00pm

MELBOURNE CBD (various venues)

Monday – Friday – 11.00am – 2.00pm;
Monday – Friday – 9.30am – 1.30pm;
Monday – Friday – 9.30am – 4.00pm

MT WAVERLEY POLICE STATION

Monday - Friday – 10.00am – 4.00pm

Rosters are conducted by the RVAHJ in the following locations and are always looking for new JPs to assist:

Altona RSL	Cranbourne	Mansfield	Pakenham	Sunbury
Altona Meadows	Dandenong	Melbourne CBD	Portland	Traralgon
Library	Epping	Mildura	Preston	Wangaratta
Ballarat	Fawkner	Monash Uni	Ringwood	Warragul
Benalla	Footscray	Moonee Ponds	Royal Melb. Hosp.	Warrnambool
Box Hill	Frankston	Mornington	Rosebud	Werribee
Bright	Geelong	Morwell	Sale	Williamstown
Broadmeadows	Hastings	Myrtleford	Shepparton	Wodonga/ Corryong
Carrum Downs	Horsham	Northcote	Springvale	Wonthaggi
Corio	Leongatha	Oakleigh	St Kilda	
Craigieburn				

If you can assist with this very worthwhile and rewarding duty, please contact rosters@rvahj.org.au and we will refer you to the roster coordinator for the DSC of your choice.

SWIFT & SURE JUSTICE

Scott Simpson JP, Member of Parliament for the Coromandel, New Zealand and Chair of the Justice and Electoral Select committee; addressed the Annual Conference of The Federation of New Zealand Justices Associations on the 200th Anniversary of a JP being appointed in New Zealand. This is just part of his speech which raises the new "Swift & Sure Justice" initiative, which he reports as a trial program in the United Kingdom.



Recently, I have been reading a White Paper prepared by the British Government called "Swift & Sure Justice".

It was published in July 2012 and makes the case for a justice system that is able to tackle delay and waste, while increasing accountability and transparency, all aimed at increasing public confidence.

The White Paper highlights that the large majority of cases within the criminal justice system are of a relatively minor nature. Most actually don't need to actually go to trial or are uncontested.

The White Paper proposed a greater focus on restorative justice programmes and looks to build upon the concept of so called "Neighbourhood Justice Panels".

These panels are to use trained community volunteers to offer restorative justice to the victims of anti-social behaviour and low level crime.

The Neighbourhood Justice Panels are seen as a way of reconnecting communities with justice.

Too often offenders are dealt with behind the scenes, with little regard for the effect of crimes on the victims and on local communities.

This British scheme of Neighbourhood Justice Panels is one way of reconnecting the justice system to the local communities they serve.

I understand 15 panels have been established as a trial programme.

I will be watching the results with keen interest because if they work, and common sense says they likely will work, it means that a big step will have been taken to ensure local areas have a direct say in determining the appropriate response to the crime and anti-social behaviour which affects them.

I am not sure how the panel's volunteer officers are to be appointed, trained and will be functioning, but it strikes me that an obvious talent pool for such panel members might be people currently serving as the equivalent of our judicial JPs.

The White Paper makes it clear the panels will only work with offenders who have admitted their guilt and only where the victim consents.

Serious offences would continue to be dealt with by the Criminal Court System.

But what is important about the proposed programme is that the panel's appointed, committee volunteers, all appropriately trained and qualified, will work with the perpetrator and the victim to form an outcome agreement, for example to repair damage done to property or to work in the community.

If the outcome is not completed by the perpetrator the offence may be then referred to the courts.

Now I'm not saying we should do anything more than watch this programme with interest at this stage.

But it does certainly indicate to me that such a model could provide an opportunity for properly trained, qualified and willing community volunteers, such as what we now know as Judicial JP's, to be involved in an effective way to the overall betterment of our local communities.

And that's what it's all about after all.

We all want to make our meaningful contribution and we all want that contribution to be more than a mere gesture.

As I said at the outset I don't have either a magic wand or a crystal ball.

I don't know what the future holds for us as JPs.

But what I do know for absolute sure is that in 200 year's time new generations of JP's will have successfully adapted and adopted to meet the challenges and opportunities of the day and they in turn will be mulling their own future and how it too may respond to the inevitable change they will be confronting.

Because it was Winston Churchill who said, *"The empires of the future are the empires of the mind"*.

Thank you for your time and for the invitation to speak today.

JUSTICES AROUND THE WORLD



England and Wales

A magistrates' court in England and Wales is composed of a bench of (usually three) JPs or magistrates, who dispense summary justice: that is they decide on offences which carry up to six months in prison, to a maximum of one year of imprisonment over not less than two indictable offences. They are advised on points of law and procedure by a legally qualified justices' clerk and their assistants. No formal qualifications are required but magistrates need intelligence, common sense, integrity and the capacity to act fairly. Membership is widely spread throughout the local area and drawn from all walks of life. All magistrates are carefully trained before sitting and continue to receive training throughout their service. Magistrates are unpaid volunteers but they may receive allowances to cover travelling expenses and subsistence. Lay justices or magistrates must sit for a minimum of 26 sessions (half-days) per year, but some sit as much as a day a week, or possibly more.

In addition to the lay justices, there are a small number of district judges, formerly known as *stipendiary magistrates*. These are legally qualified, full-time members of the magistracy and hear cases alone, without any other magistrates on the bench. It is important to distinguish the district judge (magistrates' court) from the district judges who usually sit in the county court.

Magistrates' courts today can deal with minor offences (fines of up to £5,000, and, or imprisonment of up to six months for a single offence or 12 months for consecutive sentences and handle over 95% of the criminal cases in England and Wales and Northern Ireland. With more serious offences, magistrates are responsible for indictment and committal to the Crown Court (a task in former times dealt with by a grand jury). Magistrates also have a civil jurisdiction, such as a family jurisdiction. Although they had a licensing jurisdiction dealing with liquor, betting and clubs licensing applications, this was transferred under the Licensing Act 2003 to local authorities. The magistrates now act in licensing matters only as an appeal court from the decisions of the local authority.

Cardiff Magistrates' Court is the only court in the country which deals with offences under the Companies Act, such as for late filing of accounts or directors' offences. Westminster Magistrates' Court has special responsibilities for dealing with all terrorism and extradition offences throughout the UK.

Until the Courts Act 2003 came into force, magistrates were tied to a particular area (see magistrates' courts committee, commission area, petty sessions area). This has now been changed so that they are assigned to local justice areas, but less strongly.

The Courts Act provides the current framework for appointment of the justices, which is done by the Lord Chancellor in the name of Her Majesty. Justices can also be removed by the same mechanism. District judges (magistrates' court) – previously known as stipendiary magistrates – must have a seven years' general legal qualification, and are appointed by Her Majesty on the advice of the Lord Chancellor.

Before 1714, magistrates were liable to be approached at any time and in any place by people legally recognised as paupers, appealing for aid if parish authorities refused to provide any. It was relatively common for these magistrates to write out, on the spot, an order requiring aid to be granted.

Scotland

Within the Scottish legal system justices of the peace are lay magistrates who currently sit in the justice of the peace courts. These courts were introduced in 2009 as a replacement for the district courts (established in 1975), which in turn replaced burgh police courts. Justices sit alone or in threes with a qualified legal assessor as convener or clerk of court. They handle many cases of breaches of the peace, drunkenness, minor assaults, petty theft, and offences under the Civic Government (Scotland) Act 1982. By 2011 the system of district courts had been entirely replaced by justice of the peace courts.

In Glasgow, the volume of business requires the employment of three solicitors as "stipendiary magistrates" who sit in place of the lay justices. The stipendiary magistrates' court has the same sentencing power as the summary sheriff court. However, in 2006, the Scottish Government announced its intention to unify the management of the sheriff and district courts in Scotland, but retaining lay justices, as part of its initiative to create a unified judiciary under the Lord President; the justice of the peace courts were implemented on a sheriffdom-by-sheriffdom basis.

Taken from ...
Wikipedia - The Free Encyclopedia

FROM THE DIAMOND VALLEY BRANCH



The Diamond Valley branch celebrate Christmas at the Greensborough RSL. Photos opposite below are also from this event.



The Diamond Valley Branch of the RVAHJ held its first meeting for the 2015 year on 23 February.

We have an exciting year lined up with a talk by a Magistrate in June, 2015 and a visit to a Magistrate's court later in the year .

Coordinators also indicated a need for further JP volunteers to be rostered at the following Signing Centres:

1. Epping Signing Centre: Tuesdays from 10.00am-2.00pm.
2. Northcote Signing Centre: Thursdays from 10.00am-2.00pm.
3. Eltham Signing Centre: Wednesdays from 10.00am-2.00pm

If you would like to volunteer your services to any of the above Signing Centres, please contact Chairperson, Silvana Marasco JP at silvana@marasco.id.au. Your details will be forwarded to the relevant Coordinator.

The Diamond Valley Branch also celebrated Christmas 2014 in style at the Greensborough RSL on Sunday 7 December.

We welcome any new members to our Branch and look forward to the return of any members that we have missed in recent times.

Submitted by: Silvana Marasco JP
Chairperson Diamond Valley Branch



Left to right: Sylvia Lempke, Department of Justice; Wendy Booth JP, Secretary Yarra Valley Branch and Norman Wittingslow JP, president RVAHJ at the Yarra Valley Branch AGM.

FROM THE YARRA VALLEY BRANCH

The Annual General Meeting and Dinner of the Geelong Branch of the RVAHJ held at Lyndon Grove Receptions Grovedale on Monday 1 December 2014.

President Norman chaired the AGM and conducted the election of office bearers.

Sylvia Lempke gave a presentation on the future training of the Department of Justice and reported on the "Commencement of Status Confirmation Process and Activity Requirements" for Justices of Peace.

FROM THE MORNINGTON PENINSULA BRANCH

Extending Hearts & Hands of Hope to women in the Victorian prison system & their families is the best way to describe the Prison Network Ministries.

Laurel Gore, Snr Support Worker of Prison Network Ministries (PNM) addressed branch members on the work carried out by her organisation. PNM is a Christian charity organisation that helps people of all religions who find themselves in jail, at the branch's first meeting of the year. The organisation has been in operation for 67 years in Victoria, has a staff of 6 workers & 40 volunteers.

Over 300 women are incarcerated at the Dame Phyllis Frost Centre which is the maximum security prison in Deer Park & approximately 70 women are imprisoned at Tarrengower, Low Security Prison near Maldon. 80 percent of approximately 500 women who spend a term in prison each year involve crimes linked to drugs, with 7 out of 10 being mothers.

The number of women spending time in prison continues to rise & PNM offers help to the women & families by way of visiting prisoners, running weekly craft workshops, holding regular sports programmes and competitions, to organising children's visits to their mothers and court attendance & support. The network also works with women & their families on their release, offering crisis support, material aid, transport and outreach to the children.

Laurel said "We receive funding from the Department of Corrections and the Magistrates Court which helps to deliver programmes like Fun with Mum and the purchase of Art & Craft supplies. It's our volunteers who run most of the programmes".

Suzanne Phillips JP thanked Laurel for her insightful discourse on the work carried out by



Picture shows Suzanne Phillips JP, Vice Chairperson, presenting Laurel Gore with a certificate of appreciation with Peter Newman OAM, JP & Board Liaison Director Ben Loois JP looking on.

PNM & presented her with a RVAHJ certificate.

A donation has been forwarded to PNM from the Branch. Laurel can be contacted on 0419 302 664 or prisonnetwork.org.au.

Reports from Signing Centres were presented with Bob Bolch JP (Frankston) reporting that 4,511 documents were dealt with in January & that he was delighted to inform us that Peninsula Signing Centre members were recipients of OAM awards (Aust Day), being Peter Newman JP, while Bob Sieffert JP received his in 2000 and John Tame JP in 2011.

The next meeting will be held at Frankston Police Headquarters on April 1st. 7.30pm - all welcome. Further details from branch secretary Fay Hunter JP on 5976 1258

From Ian Lyons JP,
Publicity Officer;
Mornington Peninsula Branch.

Ω

WHAT DO YOU THINK? - THE RESULTS

Thank you to all those who took the time to respond to the survey on *Custodes*. It will be a great assistance when planning what we include in the journal, for your information and how it is designed.

Design seems to be OK, but from time to time we can always look at improvements.

The content had a very good response with **stats from signing centres** coming in last at 29% not liking this section. Most popular sections were **which educate you about changes to Acts** and **Q & A** at 96% liking them. Following up closely were **about interesting cases** and **from the Department of Justice** at 94% liking them.

What shows up overall is that we like keeping up with training issues and unusual and different cases.

Interestingly enough is that the main reason the association was formed over 100 years ago was to provide a training medium for its members. Just shows that the important things don't change.

The Design

- Do you like the present design and layout? 92% - Yes
- Do you find the typeface easy to read? 96% - Yes
- Do you find the size of the type easy to read? 100% - Yes

The Content

Do you like articles ...

- which educate you about changes to Acts? 96% - Yes
- about interesting cases? 94% - Yes
- from the Department of Justice? 94% - Yes
- around the branches? 80% - Yes
- humorous anecdotes? 92% - Yes
- from other jurisdictions? 77% - Yes
- history of the association? 75% - Yes
- history of the judicial system? 80% - Yes
- photos of events and awards? 80% - Yes
- like Quarterly Sessions? 91% - Yes
- Q&A? 96% - Yes
- stats from signing centres? 71% - Yes

Is it relevant to your needs? Overwhelmingly Yes. Would like more problems that have occurred in the past. I'd like to see more of education about Acts, details of interesting cases, humorous anecdotes and cartoons (always!), the history of the judicial system and Q&A section and Quarterly Sessions.

Any other suggestions? Improvement over previous format. Include more difficult situations and perhaps "Pointers & Pitfalls". Unusual and rare documents. Perhaps an online or email version being available.

NB: An electronic version of *Custodes* is always available on the RVAHJ website, soon after publication.

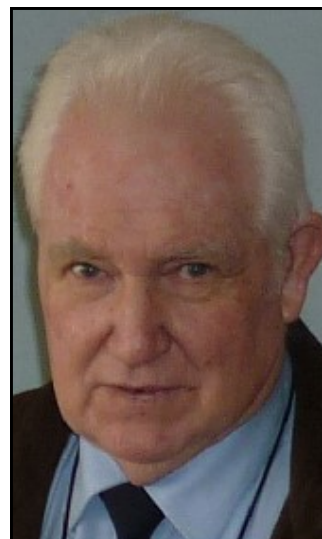
Donald Ferguson JP

Position in RVAHJ: Secretary
Branch: Central Gippsland Branch
Year appointed: 1976
Birthplace: Windsor, Melbourne
Present home town/suburb: Bendigo
Wife: Julia
Children: Four Children. David, Mark, Peter, & Kim
Occupation: Retired
Football team: Essendon
Like Dog or Cat: Dog lover
Favourite book: Popski's Private Army
Favourite film: Gone with the Wind
Favourite food: Any food is a favourite of mine baring offal. Anything with disgustingly high colestoral
Which 4 people would you invite to dinner: Albert Einstein, Winston Churchill, General Monash and my best friend, my father, Donald Ferguson
Hobbies: Yachting, Big Bore Rifle Shooting, Travel, Wood Working and Wood Turning.
Sports played: Yachting and Shooting.



Donald T. Jagger JP

Position in RVAHJ: Signing Centre Coordinator
Branch: Wimmera
Year appointed: 1990
Birthplace: Horsham
Present home town/suburb: Horsham
Partner: Late wife (Doreen)
Children: Three
Occupation: Retired
Football team: Geelong Cats
Like Dog or Cat: Dog
Favourite book: Kilo Class
Favourite film: Where Eagles Dare
Favourite food: Roast Lamb
Which 4 people would you invite to dinner: Andrew Bolt, Bruce Roxton, Rob Katta & Ita Buttrose.
Hobbies: Hunting, Fishing & Reading
Sports played: Too old



Suzanne Naomi Phillips JP

Position in RVAHJ: Vice Chair Person
Branch: Mornington Peninsula
Year appointed: 2007
Birthplace: United Kingdom
Present home town/suburb: Mornington
Partner: Deceased
Children: Four
Occupation: Food Service Advisor
Football team: Arsenal
Like Dog or Cat: Dog
Favourite book: "Pillars of the Earth"
Favourite film: "Charge of the Light Brigade"
Favourite food: Balti
Which 4 people would you invite to dinner: My four children.
 We enjoy talking about our bus journey from England to Australia.
Hobbies: Writing & history.
Sports played: None.



DOCUMENT SIGNING CENTRES REPORTS

DSC	Oct	Nov	Dec	Total	2015
Altona RSL	215	32	61	308	496
Ballarat	5362	3868	4770	14000	49272
Benalla			66	66	350
Box Hill	1610	1628	636	3874	10502
Bright	66	32		98	254
Broadmeadows	3697	2514	2455	8666	32757
Corio	334	383	511	1228	4374
Craigieburn	1352	1016	657	3025	10510
Cranbourne	1837	1628	1039	4504	18698
Dandenong	6777	6059	4957	17793	105372
Epping	1918	1358	1135	4411	17888
Family Court					3521
Fawkner	1946	1668	1325	4939	23059
Footscray					23059
Frankston	4417	4478	3114	12009	51010
Geelong	3338	2476	2466	8280	34063
Horsham	56	122	292	470	691
Leongatha	95		53	148	690
Mansfield	24	16	25	65	320
Melbourne East/ CBD			33859	33859	90294
Mildura	2023	1755	1495	5273	19962
Monash Uni	34	18		52	363
Moonee Ponds	1926	1704	777	4407	20166
Mornington					2410

DSC	Oct	Nov	Dec	Total	2015
Morwell					3260
Myrtleford	20	66		86	503
Northcote			404	404	1854
Oakleigh	2906	1803	1086	5795	22384
Pakenham	1194	745	955	2894	9799
Portland – new			20	20	20
Preston			2957	2957	9946
Ringwood	352	379		731	3550
RMH			3489	3489	11613
Rosebud	139	151	127	417	1546
Sale	379			379	2915
Shepparton	765			765	11624
Springvale	8457	6671	5103	20231	82660
St Kilda	245	248	124	617	2449
Sunbury	128	91		219	1435
Traralgon			1540	1540	7910
Wangaratta	646	471		1117	5991
Warragul	1448	1432	1287	4167	17462
Warrnambool	581	807		1388	8748
Werribee	5442			5442	8748
Williamstown	636	465	397	1498	5935
Wodonga/ Corryong	1564	1549	1295	4408	16478
Wonthaggi	737	447	548	1732	16478
Totals	62451	46048	78964	187463	813535

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

Ω

REAL ESTATE

This means property, but at first “real estate” seems a peculiar expression. Why “real” and is there property that is “unreal”? It turns out that the origins of the term have less to do with the nature of reality than with the law. In law the word “real” is understood to relate to a thing rather than to a person, and the distinction is made between “real property” and “personal

property”. The first of these is land, and anything attached to it; the second is most things, such as money, clothes and other possessions. The idea is that real estate, a term in use since 1666, is immovable property which would be sold if the land it stood on were to be put up for sale.

*from the pages of
Bees' Knees and Barmy Armies*

Ω



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Q. What is the length of appointment for an honorary justice?

- A.**
- Justices of the peace are appointed for life.
 - Bail justice appointments and reappointments are for the period ending on the earlier of:
 - ★ 30 November in the fourth calendar year after the calendar year in which the appointment was made, or
 - ★ the day on which the person attains 75 years of age.

□

As an example: person A is appointed as a bail justice on 10 May 2015 and person B is appointed as a bail justice on 10 December 2015. The appointment of both person A and person B as a bail justice

Q. What are the requirements for a bail justice re-appointment?

- A.**
- Section 15(1) of the Act requires that, in order to be re-appointed, a bail justice must have held the office of bail justice within the previous two years, and to have met the two tests of being reasonably available for the roster and when rostered, reasonably available to perform the duties of a bail justice during their previous appointment.
 - Specific minimum criteria for availability and activity for the bail justice role will be developed by the Honorary Justice Office and communicated to all bail justices.
 - Under the Act, a bail justice who

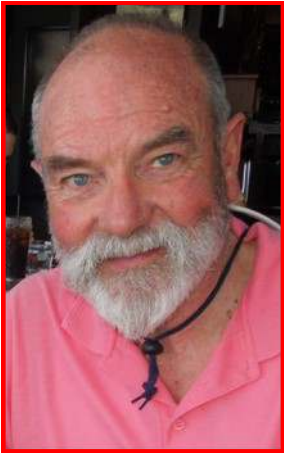
seeks re-appointment must undertake the training prescribed for re-appointment. This training will build on the bail justice's previous training and experience as a bail justice.

Q. What are the honorary justice training obligations (s23)

- A.**
- Under the Act, honorary justices will be required to undertake any training or professional development prescribed (in the relevant regulations) or any training which the Secretary of the Department of Justice directs them to undertake.
 - Any obligations in relation to training will be communicated directly to the honorary justices.
 - Any training that is prescribed or that an honorary justice is directed to undertake will be free of charge and provided by the Honorary Justice Office. Training provided by other organisations will not qualify as acceptable for this requirement.
 - Bail justices will generally be required to complete training as part of the reappointment process.
 - Justices of the peace will generally be required to complete training as part of the Status Confirmation process.

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

Ω



Fellow Readers

What a great response from readers to our survey on *Custodes*. While it was rewarding to know we are basically on the right track, it was more interesting to take on board some interesting ideas for future editions.

One great idea that was put forward by many of those who responded, was that of being informed more about unusual, different and challenging cases and documents.

When I first started to attend our branches over thirty years ago, a time was set aside at every meeting to discuss these very interesting issues. We all shared stories and discussed the proper manner in which we handled them.

I would like to reintroduce this as part of *Custodes*. It will only work if you send in such cases and challenges you have encountered, so we can publish the case and correct solution.

Please take advantage of this invitation and forward your stories to me at custodes@rvahj.org.au

Since late last year we have been joined by 3 new directors, Rodney Lavin, Nick O'Connell and Manny Spiteri who

bring with them a wide variety of skills and life experience. We welcome them to the board and look forward to their contribution to the association.

It was great to see that the concept of the 100 Club has been taken up in Ballarat and again supported by the Victoria Police at the highest level.

We are also seeking more volunteers for our signing centres. Please give thought to what you can do. It raises an old concern of mine, that we just need many more justices appointed in Victoria. We have fewer justices per head of population than any other jurisdiction in Australia and New Zealand. With more justices, we could open up signing centres in shopping centres and places where the community could more readily find us and continue to expand our commitment to serving our communities.

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

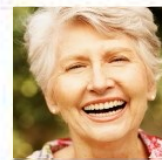
Michael Cheshire BJ JP
Editor

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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

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