



Custodes



THE OFFICIAL JOURNAL OF ...

**THE ROYAL VICTORIAN ASSOCIATION
OF HONORARY JUSTICES**

ISSUE 1/2017

Royal Victorian Association of Honorary Justices

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Governor of Victoria

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Greg Davies APM, Victims of Crime Commissioner receives a presentation gavel from Bryan Nicholls JP, Ballarat Branch Chairman.
(Photo: Michael Cheshire)



Dear RVAHJ Members,
I must take this opportunity to express, on behalf of all of the members of the RVAHJ, our most sincere and deepest sympathy to all of those people affected by the Bourke Street tragedy. I'm sure it still feels surreal that this could actually happen in our wonderful City of Melbourne, as usually tragedies of this magnitude are in other

parts of the World.

This incident is currently the most important issue facing the RVAHJ, particularly our Bail Justice members. If any of you, our members, are feeling any stress, feeling vulnerable or just having any emotional difficulty in regards to this incident, please contact the office, as there are many services that we can call upon to assist you, and for that matter even if you would simply like someone to talk to, please do not hesitate give the office a call. Experts predict one in five witnesses will develop a mental health condition such as post-traumatic stress disorder, depression or anxiety and I feel sure those feelings are not exclusive to the witnesses.

I must also acknowledge and thank Peter Wadeson, Terry McKay and Linda Rainsford who have made a wonderful contribution of not only making the case to protect the reputation of Bail Justices, but also to try and educate politicians and the general public as to the important work that is performed by Bail Justices and the selfless contributions they make to the community of Victoria. Obviously there were many others who have also made significant contributions in this area and wherever you are, my apology for not being able to name you all, but rest assured you have and deserve our heartfelt thanks. A number of submissions and private meetings have taken place with politicians, The Hon Paul Coghlan QC and his team of senior legal counsels assisting, which have all been very positive and have been received by them with respect and grateful thanks, which has also assisted to reinforce the reputation of Justices in general and Bail Justices in particular..

One person in this whole tragedy that appears to have been forgotten as also a genuine victim as well, is the Bail Justice who actually granted Bail to the alleged perpetrator Dimitrious "James" Gargasoulas. I have met this Bail Justice and can report that I have not met a more genuine, honest, open individual who is holding up remarkably well, given the issues they have had to

face. This Bail Justice has assured me that they are receiving every help and assistance from the Honorary Justice Office, who are doing everything they can to protect, and assist them by way of providing counselling and psychological support required and asked for. After extensive discussions with this person, it is absolutely apparent that the events that took place at that fateful hearing are far more complex and involved than has been divulged at this stage. Certainly, bits and pieces have been reported, however until you know the full story, it is hard to put the pieces together. I am confident that the truth will eventually unfold, certainly during the Coroner's Inquest, which unfortunately will be many months away. I can however comfortably predict that given the issues and dynamics of what information was available and what was revealed at the hearing, the Bail Justice acted in accordance with the act and will be completely exonerated of any wrong doing. In the meantime let us all as a united membership keep this person at the forefront of our minds and prayers for their peace and wellbeing, as they have our total and unmitigated support.

Unfortunately, many attempts to equalise and balance the opinions of the press, have gone unnoticed. Rebuttal statements and press releases have not been recognised or published, probably because they were not sensational or controversial enough to sell newspapers. I was particularly disappointed in a very biased and ill-informed article put out by the Law Institute of Victoria ("LIV"), of which I am a member. I prepared a rebuttal paper, but it was not published, however I am sure it was read because as of the 29th of July the LIV has published an article which is very supportive of the retention of Bail Justices. Those who are on email will have already received a copy of my rebuttal and this article.

Last but not least as this will be my final report as President, after two and a half years, which I have thoroughly enjoyed representing your interests. My term has had its challenges with many ups and downs, however I have enjoyed every moment and sincerely thank you the members, the Board and the administration for their assistance and support, and I take this opportunity to sincerely wish my successor every success in their term of office.

A handwritten signature in black ink, which appears to read 'Norman Witting slow'. The signature is stylized and somewhat cursive.

Norman Witting slow JP
President RVAHJ



2017 Membership Fees

All membership fees became due & payable on January 1 and your invoice for 2017 was on the reverse of the address sheet that accompanied the last edition of Custodes.

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

Don't let your membership lapse. Forward your \$60.00 payment now!

Recognition of service

We congratulate the following members who, in recognition of significant contributions to the Association and the wider community have received the Award of Fellowship.

Nomination forms for the award of Fellowship are available from the office.

Australia Day Honours

Heartiest congratulations to our members who received recognition for their contributions in the Australia Day Honours.

Norman P Banner OAM JP, Seaford

– for service to aged care

Meredith A Doig OAM JP, St Kilda East

- For service to the community, to higher education, and to business

Athol D Graham OAM JP, Benalla

- For service to the community of Benalla

Roland E Jabbour OAM JP,

Melbourne - For service to commerce and industry, and to Australian-Arab relations

Susan L Marstaeller OAM JP,

Heathcote Junction - For service to local government, and to the community of the Mitchell Shire

A John Archman JP FRVAHJ.....SPRINGVALE STH
Cheryl Berchdolt JP FRVAHJ.....YAN YEAN
Loretta Cormack JP FRVAHJ.....ALTONA MEADOWS
The Hon. John E Delzoppo OAM JP FRVAHJ.....JINDIVICK
Robyn Desmond JP FRVAHJ.....DROMANA
Timothy Desmond JP FRVAHJ.....DROMANA
Ian Dyett JP FRVAHJ.....KENNINGTON
Donald Ferguson JP FRVAHJ.....MOE
Terence Fisher JP FRVAHJ.....ROSEDALE
John Fleming JP FRVAHJ.....WONTHAGGI
Norman Gibbs OAM JP FRVAHJ.....MT WAVERLEY
Francis Harris OAM JP FRVAHJ.....GLEN WAVERLEY
William Hearn JP FRVAHJ.....MULGRAVE
James Hood JP FRVAHJ.....TRARALGON
Angelos Kenos JP FRVAHJ.....NIDDRIE
Rodney Lavin JP FRVAHJ.....TRARALGON STH
Leonard May JP FRVAHJ.....FRANKSTON
Terence McKay BJ JP FRVAHJ.....GLADSTONE PARK
Patricia McLean BJ JP FRVAHJ.....HEYWOOD
Desmond McRae JP FRVAHJ.....WONTHAGGI
John Meehan JP FRVAHJ.....WHEELERS HILL
Paul Mracek JP FRVAHJ.....HIGHETT
Catherine Owens JP FRVAHJ.....ELWOOD
Jack Rae OAM JP (Retd) FRVAHJ....NARRE WARREN NTH
Linda Rainsford BJ FRVAHJ.....LANCEFIELD
N Bruce Reid JP (Retd) FRVAHJ.....BENDIGO
Trevor Ricketts JP FRVAHJ.....MONBULK
Bruce Shearer JP FRVAHJ.....CAMBERWELL
Darryl Wagstaff JP FRVAHJ.....MARYBOROUGH
John Whelan JP FRVAHJ.....BROADMEADOWS
Robert Williams JP FRVAHJ.....WOODEND
Wendy Williams BJ JP FRVAHJ.....DUNKELD
Bryan Woodward JP FRVAHJ.....HAMILTON

Bail Review

On 23 January 2017, the Andrews Government announced that it would establish a Night Court for magistrates to hear bail requests over weekends and after hours as part of a major shake up of the bail system, following the Bourke Street tragedy.

This will mean more matters are heard by magistrates, rather than bail justices.

The Government has also asked former Supreme Court Judge and Director of Public Prosecutions, Justice the Honourable Paul Coghlan, to provide urgent advice to the Government about additional changes to Victoria's bail system that will best manage risk and maximise community safety.

In providing this advice, Justice Coghlan will consider a range of matters, including:

- How the necessary balance between protection of the community and the presumption of innocence should be best reflected in the *Bail Act 1977*
- The appropriateness of the current tests of exceptional circumstances, show cause

- Whether additional offences should be added to show cause or exceptional circumstances categories
- The way in which other relevant circumstances (for example, a history of prior offending or offences committed while on bail), are considered
- The conduct of bail applications out of hours, including the role of bail justices

Steps have also been taken to toughen bail laws, with amendments to the *Bail Act 1977* reversing the presumption of bail for people who have been charged with serious offences and have convictions for failing to appear on bail in the past five years.

The changes also doubled the sentence for people who fail to appear on bail and there is now a presumption against bail if the accused is charged with aggravated carjacking, home invasion or aggravated home invasion.

Justice Coghlan will provide his advice on practical legislative reform by Monday, 3 April 2017, and on any other relevant matters by Monday, 1 May 2017.

Read the RVAHJ's submission on Pages 6-9

Did you get the message?

In the wake of the tragedy in the CBD earlier this year, and the negative and, in many cases, ignorant, publicity surrounding bail justices and the bail justice system, Directors and members of the RVAHJ have been active in trying to set the record straight. Much of these activities have been reported to you, our members, via e-mail.

If you have not received these communications, it probably means we do not have your current e-mail address.

As previously reported, we are in the process of switching off the e-mail addresses hosted by the RVAHJ. In order to receive the most up-to-date news from us, please let us know your e-mail address so that we can update our records and keep you informed.

RVAHJ response to the bail review

Background:

Royal Victorian Association of Honorary Justices (RVAHJ)

The RVAHJ is the peak body for Honorary Justices (Justices of the Peace and Bail Justices). Founded in 1910, Royal Victorian Association of Honorary Justices provides Membership, Training and Support services for Honorary Justices. Through our commitment, experience, and expertise the Royal Victorian Association of Honorary Justices has established a relationship with our stakeholders that makes the RVAHJ the voice of Honorary Justices within the Courts System, Government and the Community.

Bail Justice

The role of Bail Justice was implemented in 1989 by the then Labor government of Victoria. It was specifically designed to replace the Judicial functions previously performed by Justices of the Peace but did not include the issue of warrants which were removed from JP's. The role itself is unique to Victoria however other states in part use the office of Justice of the Peace to hear applications for bail and other court matters in a similar way.

Jurisdiction in other states and relevant countries

New South Wales - When a person is charged with a Criminal Offence in NSW it is the Police who initially decide if the person will be granted bail from the Police Station. If the Police are of the view that Bail should not be granted the person will be brought before a Magistrate who will determine whether bail should be granted. The concept of a 'show cause' offence is new to bail in NSW and was introduced by the 28 January 2015 amendments to the Bail Act. Section 16B of the Bail Act sets out a number of offences where an accused, over the age of 18, charged under one of these offences will need to 'show cause' as to why detention is not justified.

A decision to dispense with bail can be made only by a court or authorised justice with power to make that bail decision under the NSW Bail Act.

Tasmania - Currently, the Magistrates Court rosters bench justices to deal with various matters, including out-of-hours applications for bail. Bench justices are drawn from the ranks of Justices of the Peace and are provided with additional training around the exercise of their powers.

Queensland - A "justice of the peace (qualified)" has the additional powers to issue search warrants, arrest warrants, Justices Examination Orders, and in conjunction with another justice of the peace (qualified) constitute a magistrates court for exercising powers to remand defendants in custody, grant bail, and adjourn court hearings.

South Australia - A Special Justice (SJ) is a higher level of justice of the peace in South Australia; they sit casually on the bench of the magistrates court hearing cases in the petty division.

Western Australia - As well as presiding in the Magistrates Court, justices of the peace are regularly called upon by the WA Police to sign search warrants and authorise the issuing of summonses. The administrative tasks include witnessing affidavits and documents such as wills and statutory declarations. 'Visiting justices' are a special group of justices of the peace, appointed to preside over cases within the prison system.

New Zealand - Justices of the Peace have certain powers to issue search warrants, and (in conjunction with another justice of the peace) may try minor criminal trials in the district court and exercise powers to remand defendants in custody, grant bail, and adjourn court hearings.

United Kingdom - A magistrates court 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.

The Bail Justice role in Victoria initially followed the common traditions of the various jurisdictions above and similar to the requirement for Justice of the Peace provided that the men and women to be appointed must demonstrate outstanding character, maturity and the necessary intelligence, and after training, be competent to perform the duties required on behalf of their community.

We would consider that it should be a given that those who have been appointed are a properly accredited representative of the people. They have met the criteria and examinations of the Department of Justice and even more so are sworn and duty bound to determine the outcome according to the Bail Act 1977 and not their personal social policy preference.

RVAHJ response to the bail review ~ cont'd

Terms of Reference responses:

1. How the necessary balance between protection of the community and the presumption of innocence should be best reflected in section 4 of the Bail Act 1977;

Currently Section 4 of the Bail Act 1977 includes provision that are able to be used by a court but the reality is that this is not being used to the full extent that it could. Long delays from the time the accused is charged and the case brought before a court, in some cases, prevents the effective application of this section of the Bail Act. Victorians are currently being impacted by a sharp increase in crime variously attributed to the use of illicit drugs, gang culture, police and court resources including the perception that the courts and sentencing is too lenient.

It is our view that there should be greater focus on the potential impact on the community if the accused re-offends, particularly if the offence involves violence.

Our members have, over the years, regularly reported surprise that accused they have remanded are bailed next day and their very real concerns that they have somehow got it wrong. At our training sessions, both Judges and Magistrates attending have sought to allay these concerns by reminding our members they are the first "judicial" officers to encounter the accused after the police and are therefore exposed to the full effect of the accused's character and behaviour that is perhaps not so readily observed when they are represented in a superior court the following day. The Association believes it is probably to be expected that remand statistics will be different given the very different circumstances, however, we note the present public concern at the disparity.

The demeanour of the accused and other factors such as drugs, alcohol or cognitive impairment is often overlooked and more consideration of these risk factors should be included when making decisions regarding bail. Involvement of clinicians who can recognise the potential risks at the time of sentencing should be provided to the court.

2. The appropriateness of the current tests of exceptional circumstances, show cause and unacceptable risk, and an examination of the offences to which those tests apply;

On the assumption that the accused is guilty, what is the point of show cause if in all reality the accused will be released on bail by magistrates because the time period before the case is heard maybe in excess of the final sentence handed down by the court. Suitable additions to the show cause (reverse onus)

provisions of the Bail Act Section 4 which incorporate anyone presently under a court or judicial ruling including but not limited to children on bail, parolees, accused on bail and Supervision Orders.

3. Whether additional offences should be added to the list of offences which place an accused person into the show cause or exceptional circumstances categories;

Currently the list of offences which places an accused in show cause includes violence with a weapon but not rape. We would recommend that all crimes that include the use of violence on a victim or victims either directly or as a consequence of crime should be included in the show cause category.

4. The way in which other relevant circumstances (for example, a history of prior offending or offences committed while on bail), are considered in assessing whether an accused person should be granted bail;

Look at statistics of breaches of bail. It is an offence but is this section of the Bail Act being used? There is a need to ensure that those who are granted bail recognise that if they fail to respect bail and its conditions the consequences for them will be serious. On top of bail reform, wider reform is also required in sentencing. Current court outcomes have enhanced the dramatic increase in crime in the State, in particular offences committed on bail or after minimal sentences which have had little or no impact on a recidivist's behaviour.

Whilst it may be desirable to remand the current length of time before a case is heard in the courts makes this an unrealistic decision. Attention needs to be given to reducing the time spent on bail before the case is heard. In the interim the introduction of mandatory conditions such as residential and/or reporting arrangements attached to bail if the accused is in a show cause category, if there is any history of failing to answer bail or breaches of the bail act.

5. Whether information available for consideration by decision-makers in the bail system is sufficient to properly consider and assess the risks that are posed by accused persons, including those with complex risks, needs and case histories;

The identification of additional risks including any mental health or drug and alcohol issues. This does not need to be in the form of clinical advice but the presence of an Independent Third Person at the time of police interview would indicate that there may be risk factors, such as cognitive impairment, to

RVAHJ response to the bail review ~ cont'd

explore. If the accused is to be denied bail, bail justices are required to ask three welfare questions of the accused. The three questions are; Are you taking any prescription medication? Do you need any medical treatment? and Do you have any concerns for your welfare? It is the experience of this writer that these questions often highlight a psychiatric condition or illicit drug use. This information is not included in the court documents and I doubt ever seen or considered by the court..

6. The conduct of bail applications out of hours including the role of Bail Justices;

Police should not be able to remand. Only an independent court should be able to deprive anyone of their liberty. The Victorian Law Reform, Review of the Bail Act, page 32, discusses bail and Human Rights and states 'People must not be subjected to 'arbitrary' arrest or detention' it goes on to recommend that 'The new Bail Act and regulations should comply with not only the provisions but the intentions of the Charter of Human Rights and Responsibilities Act 2006..'

There is considerable concern about the night courts that only sit until 9pm in the metropolitan area. What will happen in rural areas where access to electronic links are not available and police resources will be used to transport the accused significant distances to have their case heard by a magistrate. Even outsourcing this service is fraught with a logistical nightmare. It is often the experience of a bail justice to conduct hearings at the cell door because the accused is in such a heightened state that it would be unsafe for both police and the bail justice to conduct the hearing in the usual location.

Bail justice work at the coal face dealing with recidivist offenders of all ages and frequently there is good reason to bail that person despite the decision being contrary to a bench warrant or Police request to remand. The nature of the offence may be minor but because of a current bail the accused is immediately in a show case category. It has been the experience of many bail justices that police have been reluctant to grant bail to a person in a show cause situation and would rely on a bail justice or the court to make that decision.

7. Whether, in relation to out of hours applications, different rules are required for different types of offences.

More matters that have an outcome of bail are heard by magistrates rather than Bail Justices. Statistics released by the Honorary Justice office in 2016 shows between May 2015 and May 2016 over 11,000 hearing were conducted by bail Justices after hours. Of this number only 1,500 were released on bail most with bail conditions. The remainder were remanded to appear before a magistrate at the next available court sitting day. Further statistics from the Sentencing Advisory Council – Sentencing Statistics shows that magistrates granted bail to 75% of cases that appeared before them. One would reasonably

draw the conclusion that having magistrates hearing cases at night would in fact release more accused on bail at a time when the accused is in a heightened state and potentially return to an environment where there would be a risk to victims. It is the experience of many bail justices that when attending police stations to hear matters the accused is often irritable, unreasonable, in varying levels of dress and cleanliness. The accused usually has not been able to obtain legal advice and if they do the advice is 'make a no comment interview and I will see you tomorrow'.

Other relevant issues:

Current complaints regarding the training of bail justices..

It is our view that Bail Justices when performing their duty sit as a court and, under our system of government should therefore only be responsible to a superior court. This necessarily includes instruction, training and interpretation of the Bail Act and any laws associated with granting or denying Bail. It was recommended in the Victorian Law Reform Commission, Review of the Bail Act recommendation No 44, that the Secretary of the Department of Justice should have responsibility for the administration of the bail justice system, however this has not been successful and indeed may have contributed to a system whereby bail justices have not been effectively trained or supported. We propose that responsibility and the supervision of bail justices be moved from the Department of Justice and Regulation and returned to the judiciary of the magistrates' court.

Currently bail Justices are trained to consider what decision that a magistrate would make when presented with the case the next day. Time between the offence and the actual hearing date is often months away giving rise to the accused breaching bail conditions or committing further offences.

Instead of pumping resources into a night court allocate more resources to reduce the amount of time an accused is on bail before their case is heard.

Consideration needs to be given to the identification of risk factors such as mental health or drug and alcohol issues at the time of arrest. The involvement of the Forensic Medical Officer, or Independent Third Persons seems to be hit and miss.

Recommendations:

- 1) That the supervision of bail justices be moved from the Department of Justice and Regulation to the judiciary of the Magistrates Court.
- 2) That the changes to Section 5 *Bail Act* 1977 include mandatory reporting or residential condition when granting bail to an accused if;
 - a) there is a prior failure to appear in court or
 - b) a breach of the *Bail Act* 1977.

RVAHJ response to the bail review ~ cont'd

- 3) That all crimes that include the use of violence on a victim or victims either directly or as a consequence of crime should be included in the show cause category.
- 4) That additional resources be available to the courts to reduce the time it takes to bring a case before the court.
- 5) That additional resources be made available to assist the courts assess the risks when the accused presents with psychiatric, drug or alcohol issues.



Police will have the information they need to catch criminals quicker thanks to a new intelligence system to be rolled out this year.

In February, Minister for Police Lisa Neville announced leading data analytics company SAS Institute Australia will develop an overarching software system to connect current police databases such as LEAP and Interpose.

The advanced analytical tool is part of the government's \$227 million investment in police technology.

It will help police close in on terrorists, perpetrators of family violence, organised criminals, networked youth gangs and other serious offenders.

From the middle of this year, Victoria Police's 600-plus specialised crime analysts will be able to use the system to gather highly valuable intelligence in minutes instead of hours.

Next year, the system will expand to include more databases, and more police officers will be trained so they can also use the powerful search engine to catch local offenders.

References:

- Victorian Law Reform Commission -Review of the Bail Act
- Honorary Justice Office – Report on the Bail Justice service in Victoria (attached)
- Sentencing Advisory Council – Sentencing Statistics

New hi-tech intelligence for Police

The system is the first of its kind for Victoria Police and is part of the government's work to give police the resources they need to keep the community safe.

Once the databases are connected, police will be able to quickly pull information to:

- gather information on crimes and offenders more quickly as complex intelligence that once took hours to create will now take just minutes
- link people, events, vehicles, properties and activities to produce highly sophisticated intelligence
- integrate open-source social media with police information
- better identify previously unknown criminal links, and trends and patterns in criminal activity
- better predict local crime trends and hot-spots.

SAS Institute Australia, which has significant experience with other police worldwide, has already begun work to roll out the intelligence system.

A message from our Chief Patron, the Governor of Victoria



GOVERNOR OF VICTORIA

25 January 2017

Mr Norman Wittingslow
President
Royal Victorian Association of Honorary Justices
PO Box 317
ELWOOD VIC 3184

Dear Mr Wittingslow

I wanted just to write you a quick note to thank you and the Royal Victorian Association of Honorary Justices, your volunteers and your members for all the work you do to strengthen our Victorian community.

Like many Victorians, I have been reflecting quite a bit on the tragic events that occurred in the centre of Melbourne last Friday.

All of us ache for those who were so needlessly lost and for those injured, both physically and emotionally. Our thoughts and prayers remain with their loved ones, their families, friends, colleagues and schoolmates, whose grief must feel unbearable.

That terrible event did not distinguish people regardless of gender, age, cultural background or religion. But neither did the response. Our entire community responded regardless of gender, age, cultural background or religion.

Since that moment, the Victorian community has wrapped its collective arms around those who have been impacted. Strangers have offered support to strangers. In that support, people have shown the innate goodness that sits within our Victorian community and makes our community what it is.

The Hon. Linda Dessau *AM*
Government House
Melbourne Victoria 3004 Australia

A message from our Chief Patron, the Governor of Victoria ~ cont'd

As we prepare for Australia Day, I keep coming back to that goodness and how an event that has shown our vulnerability has also reflected the strength of our community and the decency and care we show to each other.

And when I think of that decency and care, I think of how lucky we are to have so many community organisations that are vital in building that strength and sense of care for each other and who magnify that decency.

So, thank you. Thank you for everything that you and the Royal Victorian Association of Honorary Justices do to strengthen our community and to create the unity and the generosity of spirit that ensure the goodness of our community shines brightest, even on our darkest days.

I would be grateful if you could please pass on my sincere thanks and appreciation to everyone at the Royal Victorian Association of Honorary Justices and my best wishes for the year ahead.

Yours sincerely



2017 Annual General Meeting

Notice is hereby given that the Annual General Meeting of Members for 2017 will be held on Thursday, 25 May 2017 at 7.30 pm at 53 Broadway, Elwood 3184.

Business

- (1) To confirm the minutes of the 106th Annual General Meeting held on Thursday, 28 May 2016
- (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, 2016.
- (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

Document signing centres need your help

The yearly statistics as shown, demonstrate the incredible service being offered, and utilised, from the suburbs to regional areas.

Saying, Well done!, to all of you who participated on these rosters seems hardly sufficient, yet we know you don't do it for the pats on the back. Nevertheless, we thank you on behalf of the community you serve so well.

To those who are not on a roster, we encourage you to consider giving a little time each month to a local roster. They need your support and they offer an

opportunity to see a wider range of documentation than you might otherwise see, in a safe environment.

The Association relies upon the statistics provided when making representation to government and other stakeholders and we are aware that many rosters are unable to provide the coverage needed, due to a lack of available justices.

Why not discuss your availability with a local coordinator? Contact details for roster coordinators are available from the office. [🔗](#)

DSC	Sep	Oct	Nov	Dec	Year Total
Altona Library	189				1784
Altona RSL	118				1016
Ballarat	3521	3967	3608	3137	51866
Benalla	140			127	514
Bendigo	1057				9979
Box Hill	5009	4097	3945	4506	45016
Bright	44	45	44	35	551
Broadmeadows	4354	4147	3743	3938	52057
Caroline Springs	437				5372
Caulfield	1123	1146	1173	1329	9787
Corio	218	404	560	533	4362
Corryong	18	57	44	29	312
Craigieburn	1339	1511	1707	1250	15914
Cranbourne	2987	2607	3069	2318	30420
Dandenong	10289	8369	7389	6193	104305
Drysdale	31	13	33	3	548
Eltham	180	143	349	66	2537
Epping	2670	1950			20068
Family Court	2599	822	893	8987	15980
Fawkner	1784	1739			12959
Flemington	32	25	44	34	478
Footscray					11377
Frankston	4141	4152	3917	2392	50650
Geelong	2179	2633	2163	2199	28235
Hamilton	72	67	41	76	975
Hastings			78		703
Horsham	75	92	80		825
Laverton Hub	18	33			455
Mansfield	64	52	39	11	557
Melb Town Hall	1985	1351	2089	947	20084

DSC	Sep	Oct	Nov	Dec	Year Total
Mercy - Austin Health - New		123	235	345	703
Mildura	1807	1504	1726	1311	21337
Monash Uni					59
Moonee Valley	1612	1366	1353	966	18205
Mornington	236	301	400	152	1660
Morwell	274		384	199	2801
Myrtleford	32	48	33	44	928
Northcote	129	138	82	107	2494
Oakleigh	1368	2107	2464	301	12924
Pakenham	1046	1089	1513	1246	12328
Portland - New	70	85	68	71	753
Preston	1078	671	703	841	9710
Reservoir	171	87	139	166	1470
Ringwood	395	395			3487
RMH	1266				14327
Rosebud	445		92		2460
Sale	453	453		147	3988
Springvale	7769	7490	9135	7579	100104
St Kilda		596			1748
Sunbury					1179
Traralgon				4916	4916
Wangaratta	366	476	572	512	6949
Wangaratta Library	91	81	233	48	1334
Warragul	1519	1611			16087
Warrnambool	665	510	593	586	6972
Werribee	5408	5204		6104	94831
Williamstown	576	505			4017
Wodonga	1034	1198	1060	688	16393
Wonthaggi	485	923	699	831	9274
Monthly Total	74968	66383	56492	65270	873124

New Members



The president and directors warmly welcome the following new members:

- Joy Ahearn BJHAMILTON
- Sharon Andrews BJ..... NARRE WARREN STH.
- Debbie Barber JPCOWES

Letter to the editor

Multiculturalism affects the number of JP's

In reference to an article in the Custodes, issue 3/2016, titled: "Dandenong Roster in urgent need of more assistance –

Well, unfortunately Dandenong and Springvale are not the only two suburbs which need more new Justices of the Peace. For instance in Ringwood I was the last JP, when I moved to Wantirna.

However, I believe that due to the multicultural content of our local community, people are more selective about who they let into their home. Here, I would like to share my method of "being taught to be cautious.

In Ringwood, as I lived 200m from the great Ringwood RSL club (of which I am a proud affiliate member) when somebody rang me, with permission I gave an appointment at the Ringwood RSL club when I did not know the caller.

Now that I live in an aged care home, there are always staff members around, so I am not like if I was in my own home on my own!

People can also work from police stations, the Family Court etc. People, Justices of the Peace, do not have to work from home if they do not want to!

I have been a Justice of the Peace since 1990 and I thoroughly enjoyed it. Other than doing the JP job, it can be a socialising opportunity too.

Over the years, I have met many nice people, so have no intention of retiring. Also, we keep ourselves up to date with the relevant laws for ourselves.

Steve Raskovy JP

Office Holiday Closure

Please note the office will be closed:

Friday, 7 April 2017 – Tuesday, 18 April 2017 inclusive.

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

Editor's note

In the last edition of Custodes, we reported on methods of handling, sensitively, attempts by members of the public to pay us for our services. One of the ideas was to suggest 'Paying it Forward'.

The reference appears to have caused some confusion and misunderstanding.

The term comes from a book called "Pay it Forward by Catherine Ryan Hyde (later made into a Hollywood movie) which tells the story of a Social Studies teacher who gives an assignment to his class to think of an idea to change the world for the better and then put it into practice. One of the students comes up with a plan of paying favours forward, instead of paying them back; that is, by doing a favour for someone else.

We hope this clarifies the matter. 



The President and Directors cordially invite members and friends to our

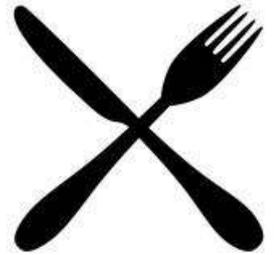
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Dr Andrew Coleman PhD

(International Law, Monash University)



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By fax:	Fax: (03) 9525 7765 E-mail: ad.officer.rvahj@gmail.com	
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2.	7.	
3.	8.	
4.	9.	
5.	10.	
No. tickets @ \$80 per head:		
Payment accepted by Credit card/cheque/money order/direct deposit (BSB: 063-128 Account: 10331656)		
Credit card details		
Card type - <u>Visa</u> or <u>Mastercard</u> only (No payments by phone):		
Credit card number:		
Expiry date:		
Cardholder's name:		
Cardholder's signature		
Your postal address (for delivery of tickets)		
Name:		
Street Address / PO Box:		
Suburb / Town:		
Postcode:		
Contact Ph:		

Minutes of the 106th Annual General Meeting of members

PRESENT:

Directors: Norman Wittingslow (President, RVAHJ) Geoff Legge (Vice President & CFO) Glenda Frost (Immediate Past President), Michael Cheshire, Rodney Lavin, Terry McKay, Rhonda Smith, Carl Adams (Auditor), Damian Nosedo and Cathy Owens.

APOLOGIES:

Robert Campbell, Cheryl Duff, Terry Fisher, Sil Garoni, Rosemary Garoni, Joseph Giramondo, Jim Kerin, Reg Kinnersly, Ben Loois, Rod McConnell, Paul Mracek, Jack Rae OAM, Linda Rainsford, David Smith & Bob Williams.

WELCOME:

Norman Wittingslow, Association President and AGM Chairman, opened the meeting at 7.30pm welcoming those present and thanking them for their attendance.

MINUTES OF THE 105th AGM:

Moved M Cheshire, seconded R Lavin that the minutes of the 105th AGM be taken as read and approved. CARRIED

ANNUAL REPORT:

The Chairman tabled the Board's Annual Report, which is reproduced herewith:

As President it gives me great pleasure to deliver my first Presidential Report at this the 2016 Annual General Meeting

First and foremost I could not continue without first thanking all my fellow Directors who have assisted me throughout the past year, for their individual work and input to the benefit and wellbeing of the RVAHJ, each of you have made a very valuable contribution of selfless dedication for all of the work you have undertaken and delivered over the past 12 months.

I would especially like to thank Geoff Legge Vice President and Glenda Frost Immediate Past President for their continued support, loyalty and for the work they have contributed to assist me and the RVAHJ during this period.

Last but not least I would like to personally acknowledge our Administrative Officer 'Cathy Owen' for her work, not only as the administrative arm of RVAHJ, but more importantly as the wise and experienced ear on the other end of the telephone dealing with many complex and delicate issues raised by our membership, I am indebted to your work thank you Cathy.

Yes, we have secured our Elwood premises for the next 21 years and as a result have expended funds to satisfy our undertakings to our Landlord, but secondly to make our premises compliant with the current building codes. We now have disabled access, greater security and a general upgrade of the whole facility, which will now enable branches to meet here and it can be more readily be used for training purposes.

The introduction of the Powers of Attorney Act 2014, implemented 1 September 2015 has given me the opportunity to visit many Branches, particularly in the country regions in order to make presentations on the interpretation of the Act and to meet and fraternise with many of the members of the RVAHJ. As the Department of Justice and Regulation has taken over the training of JPs, the RVAHJ will continue to run refresher courses and assist in the Re-Certification process for our existing JP members.

One of our challenges over the past year is to ensure our membership abides by the Standards of Conduct not only set by the Department but by RVAHJ itself. Unfortunately there have been a few incidents throughout the year which have resulted in exclusions from the office. When a person is granted the honour of the appointment as a Justice they have to understand and appreciate that that appointment will hold them to a higher accountability of behaviour than that expected from Mr or Mrs average Citizen.

As a direct example of our status in the community and as measure of our value, during the year, 3 of our members were appointed to a Tribunal of the City of Knox to re-hear and decide on the future of a dog ('Izzy') who had been sentenced to be put down. This case had gone all the way to the High Court of Australia and at its direction the case had to be reheard by an independent tribunal and the three members filled that role.

As of this evening a new Constitution is before you to vote upon, which brings the RVAHJ more in line with current standards and language. It also rectifies a number of conflicted areas in the previous constitution. I would like to thank those directors and past director who spent many hours considering every word as to its importance and relevance.

RVAHJ is facing many challenges in regards to our falling membership, which is due to a number of factors, but includes - our aged profile, members dropping out because of the Re Certification process, and not as many Justices being appointed. As directors therefore, we are ever vigilant to indentify where we can make the membership of RVAHJ as a source of genuine value to any Justice who is a member. To that end I am very pleased and excited to advise that there will be a number of initiatives to be announced in the next edition of Custodes, which will affect all members of RVAHJ and make their membership of RVAHJ a valuable asset.

In conclusion I would like to thank and congratulate all of our membership in general and of our Branches in particular, particularly the Office Bearers, and not forgetting the Roster Co-ordinators who really have a very difficult task in keeping their Signing Stations sufficiently staffed to satisfy demand. Your combined contribution to the community and the State of Victoria is immeasurable as to its true value, and RVAHJ is determined to support you in your endeavours..

Norman W. Wittingslow - President

Moved T McKay, seconded R Smith, that the Annual Report be accepted. CARRIED.

ANNUAL ACCOUNTS

The Chairman invited the Chief Financial Officer to present the Auditor's report, with respect to the accounts for the year ended 31 December 2015.

The CFO noted that further grants from State Trustees Ltd. were, as yet, unconfirmed. He further noted the depreciation on capital expenditures required under the new lease agreement. He thanked the auditor,

AGM Minutes~cont'd

Carl Adams, for his attendance. The President also expressed his appreciation for Mr Adams' attendance at the meeting. Questions were invited from the floor. It was agreed that future audit reports include an extra note which shows the original cost, against which, depreciation is made.

Moved G Legge, seconded R Lavin to accept and adopt the annual accounts as presented.

CARRIED

APPOINTMENT OF AUDITOR:

Moved G Legge, seconded M Cheshire, that Mr Carl Adams be re-appointed auditor for the forthcoming year. CARRIED

Mr Adams confirmed his willingness to act and recommended a quarterly audit to oversee and manage the accounts. Mr Adams to coordinate with the Administration Officer.

With regard to membership income, Mr Adams queried the fall in the numbers of members of the RVAHJ. The President reported that the reasons were various, including competing interests, lack of time, a slower appointment process and the introduction of legislative changes such as the status confirmation process and the 'Retired' status. It was noted that most membership organisations were experiencing similar reductions in numbers.

SPECIAL RESOLUTION:

Moved M Cheshire, seconded T McKay that the recommended changes to the Constitution, as published in edition 1/2016 of Custodes be accepted.

GENERAL BUSINESS:

The Chairman opened the floor to any matters without notice.

D Nosedo queried the collection of information regarding traffic infringements from Honorary Justices during the Status Confirmation Process, noting that the Department of Justice & Regulation had replied to his query, that traffic infringements 'may' not affect re-appointment. Mr Nosedo expressed concern that this response did not rule out an Honorary Justice being refused re-appointment on this basis and that it was open to abuse. The Chairman advised that an increase in the collection of personal information was widespread and that, should a person be refused re-appointment on such a basis, the matter would need to be tested to see if it would be upheld.

T McKay suggested that Honorary Justices at Signing Stations could further assist Police if they were authorised to deal with persons reporting on Bail. He was requested to put the suggestion in writing to the President for raising with stakeholders.

C Adams queried the outcome of the Knox City Council matter where Honorary Justices were called in to determine the fate of a local dog. The Chairman reported that the dog was unable to be retrained and had been euthanised.

There being no further business, the Chairman declared the meeting closed at 8.12 pm and invited those present to stay for a light supper.



New police hub for CBD

Victoria is set to get a policing hub like New York's 1 Police Plaza thanks to a new modern headquarters to be built in the centre of Melbourne.

Minister for Police Lisa Neville has announced the new Victoria Police Centre at 311 Spencer Street – next door to the City West Police Complex that opened in 2015 and near the Melbourne Assessment Prison and courts.

“This hub will become the nerve centre for policing in Victoria by bringing together some of our best investigators to solve some of our most complex crimes and support our frontline police.” Police Minister Neville said.

The new secure 39-storey complex will house about 2500 police personnel and be Victoria's first purpose-built headquarters since the 1940s. It will provide unprecedented safety and security for frontline police and staff.

It will be close to Southern Cross Station and has good access to Melbourne's freeway and arterial

roads so specialist police can respond to incidents more quickly.

When finished, 311 Spencer St will join City West to form a custom-built crime-fighting nerve centre of about 4000 officers. The centre will create jobs for Victorians during construction and once complete. Construction will use a minimum of 82 per cent local content.

The centre will include frontline police and investigators in transit and public safety, road policing, family violence, state emergencies and security, crime, counter terrorism and intelligence and covert support command. Neighbourhood Watch will be offered space at the centre.

Construction is due to start in 2017 and finish in 2020. Police will move into the new building in 2020 when the current lease at the World Trade Centre expires.

(Source: Office of the Minister of Police)

Mornington Peninsula Branch

Officers of the Rosebud Police Station and colleague Justices were present to witness presentations of certificates to Nigel Edwards and Ken Davis from Local Area Commander Brett Coloe and Signing Centre co-ordinator Helen Alcock on behalf of the Royal Victorian Association of Honorary Justices for outstanding service to the institution (JPs) and the community. Over twenty five people attended the special morning tea at Rosebud Police Station to farewell the two distinguished Justices on their retirement from the volunteer service to the public - eight years at the Rosebud Signing Centre.

Nigel has served the public as a JP on the bench at Prahran & Rosebud Police Centres, he will continue his role as a Civil Celebrant, during his impressive thirty year period he has conducted numerous weddings / funerals and other services within the Rosebud community. His combined service period as a JP and Civil Celebrant totals a significant thirty four years.

Ken Davis served as a JP on the bench of Prahran 5th Court, Camberwell 2nd Court and Richmond Court and has worked at the Rosebud Signing Centre since its inception. Whilst in Kew, Ken joined the Police and Education Dept in visiting students at secondary level to inform and discuss their roles in the community. Ken continues to provide assistance to people in need of advice from his home. His dedication and valuable commitment to the community has spanned a remarkable period of thirty eight years. The Mornington Peninsula Branch of Honorary Justices wished the gentlemen all the very best in their retirement.



Above Lto R: Local Area Commander, Brett Coloe, Nigel Edwards JP, Ken Davis JP & Roster Coordinator, Helen Alcock JP.

Helen Bnads & Peter Aldenhoven were guest speakers for the first 2017 meeting of the Mornington Peninsula Branch of Honorary Justices at Frankston Police Headquarters.

Peter as President of Willum Warrain Aboriginal Association addressed JPs & Bail Justices on the establishment of the association at Hastings in 2014. The gathering place (Willum Warrain) is supported by the Mornington Peninsula Shire and funding from "Closing the Gap", it is a place where Aboriginal and Torres Strait Islanders come together to explore their goals, ideas and identity. The organisations main focus is cultural strengthening and being a destination for reconciliation.

The programme relies on volunteers, philanthropic funding and government support. Helen, in her capacity as an Elder on the Koorie Court (childrens' - magistrates) explained how the system worked, bearing in mind Aboriginal people have many cultural and belief systems which need to be addressed whilst dealing with the law within the court system.

Helen is also employed through Peninsula Health as the Aboriginal Liaison Officer. Chairman of the Mornington Peninsula Branch of Honorary Justices Graham Unwin made a presentation to both of the speakers.

From Ian Lyons,
Publicity Officer, Mornington Peninsula Branch



Above: front:: Helen Bnads, Peter Aldenhoven & Peter Newman. Rear: Peter Fulton, Henryk Kay, Graham Unwin, Ben Loois, Fay Hunter & Trevor Duddy.

Central Gippsland Branch

The Warragul Police Station was the setting for the presentation of two certificates for service.

Also at the AGM recently, John Guy chaired the election of office bearers. The following office bearers were elected:

Chairperson - Jim Hood
Vice Chairperson - John Guy OAM
Secretary - Donald Ferguson
Treasurer - Alan Potter
Committee – Bernard Kingsley, Bob Kirkland
Roster Coordinator – Bernard Kingsley
Statistical Analyst – Kevin Potter

VALE

Bob Kirkland JP 17/01/1937-03/12/2016

Sadly, Bob Kirkland passed away in December. His contribution to this Association and to the wider community was an inspiration and he will be much missed by those who had the privilege of knowing him. Farewell Bob.



Above: Superintendent Anne Maree, Jim Hood, Alan Potter & Senior Sergeant Chris Major.

Ballarat Branch



Left: Long-standing branch members were presented with certificates recognising their contribution. From L to R: Norman Wittingslow JP RVAHJ President, Michael Cheshire BJ (Retd) JP FRVAHJ, Stanley Parker JP, Margueritte Middling JP, Leslie George JP, Desley Beechey BJ JP & Bryan Nicholls JP Branch Chairman. Photo: Joy Cheshire

Below: Superintendent Andrew Allen APM, Divisional Commander, Western Region; Graeme Strachan JP; Jeffrey Lowe JP; Leslie George JP; Desley Beechey BJ JP & Bryan Nicholls JP, Chairman Ballarat Branch. Photo: Michael Cheshire.

The Ballarat Branch of the Royal Victorian Association of Honorary Justices held its Annual Dinner on Tuesday 14 February 2017 at the Tangled Maze.

Guest speaker was Victoria's Victims of Crime Commissioner, Greg Davies APM. Discussion also took place on the recent false facts around the bail justices following the tragic Bourke Street incident. Figures show that bail justices remand into custody some 86% of all cases while magistrates remand only 18%.

Michael Cheshire BJ (Ret'd) JP FRVAHJ
Mail to: jp33@bigpond.com
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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. The editor reserves the right to edit any material. Submission of any material constitutes permission to edit and publish any material. Articles and letters are most welcome, but are subject to the discretion of the editor.

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