

# Custodes

The Official Journal of the Association Issue 2 2019

LEARNING &  
DEVELOPMENT

Questions  
Certifying  
True Copies



## Royal Victorian Association of Honorary Justices

*The peak membership body for Victoria's  
Justice of the Peace and Bail Justice volunteers*



53 Broadway,  
Elwood, Victoria, 3184



+61 (0)3 9525 7099



admin@rvahj.org.au  
PO Box 317  
Elwood, Vic, 3184



Facebook.com/  
honoraryjustices



www.rvahj.org.au

# From the <sup>new</sup> President's Desk

Dear fellow Justices,

This is my inaugural President's column so I would like to start off by thanking Past President Geoff Legge for his dedication and hard work over the past 2 years and Norman Wittingslow (IPP) together with Glenda Frost (CFO) for their ongoing effort and dedication to the Association. I look forward to the continued support and counsel from each of the Past Presidents on the Board, as well as from the Executive and other Directors.

Congratulations to all our Honorary Justices who were recognised for their outstanding service in the recent Queen's Birthday awards. They are also listed on our Facebook Page. ([www.facebook.com/honoraryjustices](http://www.facebook.com/honoraryjustices)).

Welcome Rodney Lavin, our new Vice President and thanks to Geoff Legge who has agreed to take on the Chief Financial Officer role as well as being the Immediate Past President.

For those members who have not yet had the opportunity to meet Rod, here are a few words by way of introduction: "I am honoured to be elected as Vice President of this great institution. I've been a member of the Association for nearly 25 years and I know we have a lot of work ahead of us. We need more JPs around the State and I will work tirelessly with the new President and the Board to help build this. I look forward to meeting many of you in my travels around the branches."

The last few months have been very busy with the rollout of the Oaths & Affirmations Act 2018 in March. As is usually the case whenever new or changed legislation is introduced, there has and remains a number of unanswered questions. We have provided these concerns to the HJO and have been in constant contact with them seeking clarification. As of the end of June, we are advised that they hope to release updates addressing these issues shortly (hopefully within the next 4 weeks).

In the mean time our training committee has been very active providing training on how the new Oaths & Affirmations Act impacts our role as authorised witness takers. You can read more about this on Page 8.

In this Custodes we have featured an article 'Bail Justice For All' which I highly recommend. We all need to support our Bail Justices. They do great service for the community and, based on recent media coverage, get little appreciation or respect in return.

....continued on Page 24



Paul Mracek JP  
MIEAust, CPEng, NER, APEC Engineer  
IntPE(Aus), FAIM, GAICD, FRVAHJ

# Welcome to Custodes Issue 2 2019

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### COVER

This issue's cover features Paul Mracek JP FRAVHJ presenting a training session for the Law Institute of Victoria on the recent changes to Oaths & Affirmations

# Feature Article

*The role of the Honorary Bail Justice in Victoria's criminal justice system has been under severe scrutiny over the past 2 years. Recent legislation has diminished this vital role which now only applies for young people, aboriginal people and "at risk" people with mental health or cognitive challenges rather than providing the broad independent review before an accused, but as yet presumed innocent's liberty is removed. Andrew Harrington is a Bail Justice with a wealth of experience over many years and shares here his knowledge and views:*



*Taking away a person's liberty, even if only for a day or two, should not be done lightly.*

## BAIL JUSTICE for ALL

*By Andrew Harrington BJ JP*

Bail Justices were first appointed in Victoria under the Magistrates Court Act 1989, when the then Labor Premier, John Cain, dissolved the Court of Petty Sessions, from which Justices of the Peace were presiding, and replaced them with Magistrates. The Bail Justice role was enacted to provide the court system with an afterhours bail service designed to assist Victoria Police (VicPol) with Bail and Remand applications in regards to the Bail Act of 1977. The role also considers Department of Health and Human Services (DHHS) applications for Interim Accommodation Orders (IAO) for children who are deemed to be "at risk" and need to be taken into safe custody. DHHS applications come under the Children's, Youth and Families Act (CYFA) of 2005, Chapter 10, Best Interests Principle: "The Best Interests of the Child Must Always be Paramount".

Under Victoria's Charter of Human Rights and Responsibilities, and in any civilised society, every man, women and child has and must always have the right to freedom of movement, the right to liberty and security of person, the right to a fair hearing and the presumption of innocence. These rights provide the cornerstone which has not only laid the foundation for our laws but which has helped us build a society based on the fundamental freedom that every member of society may go about their daily lives within the protection of our laws.

There are cadres within Victoria Police and DHHS who view Bail Justices as an impediment to their processes. These groups make it abundantly clear that they should be the ones to decide Bail or Remand (in the case of VicPol) or approve Interim Accommodation Orders (in the case of DHHS). They believe that they are in the best position to make these important decisions. It is interesting to note that in their submissions to the Coghlan Bail Review, both Victoria Police and the Police Association argued for the abolition of the Bail Justice role because "It is frustrating and a time wasting exercise when we should be locking them up..."<sup>1</sup>.

Such a position by these stakeholders removes the ear of fairness from the equation, that independent review which is the Bail Justice, and may invite the Bail Act and CYFA Act to be used as a means to achieve an outcome that suits a particular officer or Department.

The majority, 96% of Bail applications, are granted by Victoria Police. In 2016 Bail Justices conducted around 11,000 (4% of the total) bail hearings where Victoria Police had formally refused bail to the accused person. Bail Justices tend to be very conservative and remand twice as many accused persons as are remanded by Magistrates. Out of the 11,000 Bail Justice hearings, 75% were remanded and 25% were granted bail (later figures suggest this number has increased to 89% remand rate by Bail Justices). If Victoria Police had carte blanche, as they do now under the new legislation, then some 2,750 members of the public would have had their freedom and liberty revoked and been incarcerated unjustly with the presumption of innocence falling by the wayside in the process.

## ***Police now have the power to remand alleged offenders, without the need for independent scrutiny.***



The role of the Bail Justice is vitally important and integral to our system of Justice. They attend Police stations or DHHS offices, hospitals or any other location where they are needed, after hours when there is no Court available. This is normally from 4.00pm to 6.00am Monday to Friday, weekends and public holidays. They enact the Bail Act 1977 or Chapter 10 of the Children's, Youth and Families Act 2005. During a Bail hearing, the Bail Justice hears the evidence presented by the Informant (Police Officer) making the case for remand.

If a young person is accused, then that young person may first talk to a worker from the Central After Hours Assessment and Bail Placement Service (CAHABPS) to discuss their situation. Prior to such a hearing, the Bail Justice will confer with the officer from CAHABPS who will advise whether they support bail and if they can, if necessary, provide accommodation for the child. Children must also be supported by a parent or guardian, and if one is not available, then a volunteer Independent Person (IP) from the Youth Referral and Independent Person Program (YRIPP) helps out. The Bail Act requires a Bail Justice to consider all other options before remanding the child in custody.

Accused persons with cognitive or mental health challenges (Vulnerable Adults) can be difficult to deal with, especially at 2am in a bail hearing when they may be in an agitated state. Support services are limited and the options available to a Bail Justice can be few. Whilst not specifically required by law, it is best practice and standard Police procedure to seek the assistance of an Independent Third Person (ITP) appointed by the Office of the Public Advocate to ensure that they are not disadvantaged during the Police interview process or the bail hearing.

Aboriginal and Torres Strait Islander people in Victoria are nearly 13 times more likely to face jail than the rest of the community. Consequently, Bail Justices are required by the Bail Act to take into account any issues that arise due to the person's Aboriginality, including the person's cultural background, their ties to extended family or place and any other relevant cultural issue or obligation.

.....continued next page

# Bail Justice for All

Continued from the previous page

As prescribed under the recent changes to the Bail Act, a bail hearing is generally quite structured and follows a standard process. Bail Justices only hear cases where the accused is a Child, an Aboriginal person or a Vulnerable Adult. All other after hours hearings are now decided exclusively by Victoria Police, by the same people that are making the case against the accused person.

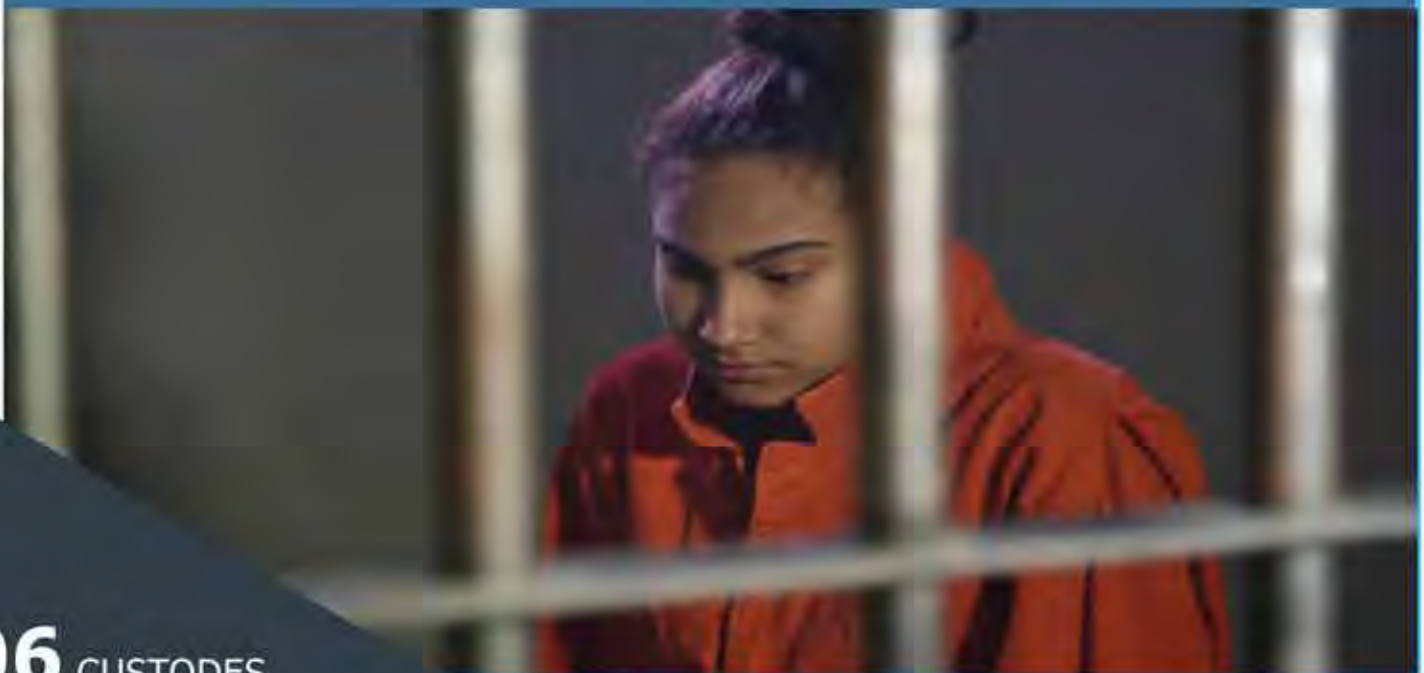
For a Bail Justice hearing, the charges being asserted by the Police determine the scope of the hearing and drive the possible outcomes. Firstly, the Bail Justice is required to enquire of Police concerning any family violence orders, notices or Domestic Violence Orders (DVO) made and must take these into account.

Offences fall into a number of categories. Murder, Treason and Terrorism offences cannot be heard by a Bail Justice and the accused must be remanded pending a Court hearing. Very serious charges (Schedule 1) such as aggravated home invasion, aggravated carjacking, trafficking a large quantity of drugs and committing a serious offence whilst already on bail for a serious offence requires a person to be remanded unless they can demonstrate that there are "exceptional circumstances" which might warrant bail. Serious charges (Schedule 2) including things like rape, manslaughter, causing serious injury intentionally in circumstances of gross violence requires a person to be remanded unless they can demonstrate that there are "compelling reasons" which might warrant bail.

If a Bail Justice is considering bail in one of the above situations, and for any charges which do not fall within Schedule 1 or Schedule 2, the onus in the bail hearing is on Police to make the case for remand. Police normally assert that the accused would, if released on bail, endanger the safety or welfare of another person, commit an offence whilst on bail, interfere with a witness or otherwise obstruct justice or fail to surrender themselves into custody at the appointed Court.

The Bail Justice then considers their decision, taking into account any relevant surrounding circumstances including, but not limited to, any prior convictions, the seriousness of the offence, the strength of the Police case and the demeanour of the accused person. If the accused person is remanded, they are taken into custody until the next court sitting by a Magistrate.

In 2014, the then Liberal Government, under the leadership of Hon Robert Clark MP Attorney General, introduced the Honorary Justice Act, repealing part 6 of the Magistrates Court Act of 1989. This new Act not only gave Honorary Justices recognition within the Acts, being both Justices of the Peace and Bail Justices, but set new standards for Honorary Justice appointments, re-appointments, training and the Code of Conduct.



# Bail Justice for All

Continued from the previous page

In 2017, in response to the Bourke Street massacre and under the guise of "getting tough on bail", the State Government allowed Police the power to remand alleged offenders, except children, Aboriginal persons and "at risk" adults, without the need for independent scrutiny. It is noteworthy that under these revisions, being flagged for mental health issues, after hours bail for James Gargasoulas would still be heard by a Bail Justice.

The appointment of an Honorary Justice, both Bail Justice and Justice of the Peace, does not come easily. Bail Justices must not only be Australian citizens, reside in Victoria and be 18 years of age but they need to go through a vigorous vetting process. This process involves National Police checks, ASIC checks, character assessments, decision making ability and conflict management skills, empathy and cultural awareness and the ability to understand relevant Legislation. The Department of Justice and Community Safety Honorary Justice Office (HJO) oversees this process. An applicant must attend an interview with two department heads of (DJCS) (HJO), who assess the suitability of the applicant prior to progression to training. The training of a Bail Justice is intense and intensive. A series of online learning modules must be completed. Intensive training with stakeholders over many days culminates in real time assessments of actual hearings for both bail/remand and DHHS applications at DJCS offices in Melbourne. If an applicant fails in any one of the above then they will not be appointed. Training is also ongoing through the complete term of appointment and must be completed and passed to maintain the qualification. Once an applicant has passed all exams and assessments, then the name of the applicant is placed before the Governor-In-Council for approval. Upon approval from the Governor, the applicant's name is forwarded to the Attorney General for appointment.

Victorians should be proud that we are the only State with Bail Justices. It is a most effective and successful model for after hours bail and remand hearings. The alternative, which we have since moved to for most alleged offenders, gives those making the assertion of a crime the power to impose a penalty as well. That's no way to dispense justice. Bail Justices are well trained and consummately professional in the exercise of their duties. The numbers prove it - the anecdotal data supports it. Bail Justices protect the community and balance that demand for protection against the rights of accused people to maximise the outcome for everyone.

## MEDIA RELEASE - BAIL JUSTICE

On 19 June, the Association released a statement through AAP Medianet to the mainstream press, including TV, radio and print, clarifying some of the misconceptions about the role of Bail Justices. The piece went to more than 211 media contacts and was opened by 52 (25% - a strong result). We can expect more press about the role of Bail Justices over the next few months as the Coronial enquiry into the sad events on Bourke Street, back in 2017, gets under way. If you would like a copy of the press release, please email [social@rvahj.org.au](mailto:social@rvahj.org.au). Any BJs experiencing worry or concern, please use the Employee Assistance Program from DJCS on 1300 361 008.

**YOUR  
ASSOCIATION  
NEEDS YOU**

please kindly recommend  
RVAHJ Membership  
to your JP & BJ colleagues



# LEARNING & DEVELOPMENT

Institute of Legal Executives



RVAHJ Yarra Valley Branch Training



There have been a number of changes over recent times that have added new requirements and changes to the way we, as Honorary Justices, perform our role. They include the Honorary Justices Act, Enduring Powers of Attorney, Advanced Care Directive and the Oaths and Affirmations Act which was rolled out in March 2019.

As part of the need for continuous professional development (CPD) the RVAHJ has reviewed how we deliver training and also the format and style of information that we have traditionally used. This has resulted in a number of changes being made to the design and approach of the presentation materials. We have also created a number of short videos to assist with training at branches, document signing stations or through online self paced elearning.

The style has been updated to be more interactive with key points and takeaways with a new and fresh look that better reflects professional Justices and the association.

Training sessions have been run for a number of branches including Central & South Gippsland, Yarra Valley, Cranbourne, Williamstown and Geelong. The feedback has been very positive:

*"On behalf of the Members of the Geelong Branch, a very big thank you for an excellent presentation of the new Oaths and Affirmations Act 2018. Your Power point presentation was really good and provide a lot of explanations to members in simple terms".*

We have also been invited and presented to the Law Institute of Victoria in Wangaratta and Melbourne and the Institute of Legal Executives in Melbourne.

*"the session was well received, and it was great to see an engaged group of attendees!" "thankyou once again for presenting for us. We will continue to be in touch in relation to opportunities for future LIV CPD"*



RVAHJ Cranbourne Branch Training





# Unlock savings and convenience.

AS A MEMBER OF THE RVAHJ YOU HAVE ACCESS TO MBA'S COMPLETE END TO END CAR PURCHASING SERVICE THAT PUTS YOU IN THE DRIVER'S SEAT.



As your advocate we take the stress and hard work out of purchasing your new car. Experience the MBA Car Assist difference and see how we can help get you behind the wheel. Contact MBA Car Assist today!



1300 119 493  
mbacarassist.com.au

## Learning & Development Resources

How often have you gone looking for something to help with your JP or BJ work, only to spend hours searching and not finding anything?

Introducing:

[www.rvahj.org.au/resources](http://www.rvahj.org.au/resources)

A new, special place on our web site with easy access to a range of tools especially for those times when you need to find the latest info:

- Oaths and Affirmations:
  - Presentation
  - One pager info sheet
- PoA and Advanced Care Directives
  - Presentation
  - One pager info sheet
- DSS and Branch Tools
  - Posters
  - Videos

Plus lots more as we add them

This focus on building up our Learning & Development resources has positioned our Association as subject matter experts and unlocked possible future opportunities and cooperation with many other groups and associations with a need to provide professional development for their teams on the intricacies of witnessing.

Additional resources are continuing to be developed for the use of our Justices for Branches, Documents Signing Stations and members for training and education and to continue to rebuild the image, trust and respect of Justices in the community.

We currently have further training sessions planned for Swan Hill, Mildura and Willamstown over the coming months. To find out about these sessions or to enquire about setting up a training session for your Branch, please contact the RVAHJ Admin Officer - Cathy Owens by phone or email.



INSTITUTE OF LEGAL EXECUTIVES



# BRANCH NEWS

Here is just some of the latest news and announcements from our network of 25 RVAHJ Branches across the State. Do you have a story from your local branch that you would like to share? Send in your ideas to Cathy at [admin@rvahj.org.au](mailto:admin@rvahj.org.au).



Witnessing the Execution of a Document

## Police to Bail Dandenong JPs

One of Victoria's busiest Document Signing Stations at Dandenong is under threat of closure. Local Police have begun negotiations to remove the DSS from the Police Station. They cite a risk to the general public mixing with criminal elements at the Police Station enquiry counter as the main reason behind the move.

The action is being driven by Southern Metro Region command and is said to be a test case as part of a broader strategy to remove JPs from all stations across the region.



## Citizen of the Year: Graham Christie JP

Graham Christie has worn many hats in his service to the Borough of Queenscliffe community. A Justice of the Peace, former Councillor, Chair of the local Business Association, and cricket coach, Graham also played a major role in the organisation of the annual March and Service for Anzac Day and Vietnam Veterans' Day.

A veteran himself, having served in Vietnam at Fire Support Patrol Bases Coral and Balmoral, Graham's Queenscliffe Citizen of the Year Award follows the prestigious Shrine of Remembrance Medal presented to Graham in 2018.



Graham in the centre, with Shrine CEO Mr Dean Lee on his left and Shrine Chairman of Trustees, Air Vice-Marshal Chris Spence AO (Retd)

## New Branch in Swan Hill & Region - welcome to the team

After consultation with the Community of Swan Hill & Region, 12 months ago (2018) a new JP Signing Station was created at the Swan Hill Library with great success and interaction with the Swan Hill Library. This not only created wonderful rapport with the locals of Swan Hill and various Communities to have regular hours of attendance for normal offerings of Justice of the Peace duties, but also enabled the beginning of interactions with many of the JP's & BJ together, along with social get-togethers of them and their partners leading to the discussions of a new branch of the RVAHJ for our area of the State.

Between the JP's and BJ's of Swan Hill and Region there are many centuries of experience as Justices and a wonderful spread of knowledge and history with many having been previous Mayors of Swan Hill and multiple vocations. As a result, the natural next step of progression was to create a Branch of the RVAHJ which took place on 29 May 2019 and it was voted unanimously to create a new Branch by all attending JP's & BJ and office bearers were elected.

Immediate Past President & CFO of the RVAHJ, Geoff Legge is visiting Swan Hill to present training for local JP's at 3.00pm on Tuesday July 16th, 2019 and will be joined by his lovely wife for an informal dinner.

All JP's and BJ's if passing through Swan Hill, let us know, call in and have a cuppa or drink along with a bite to eat with one or more of us. We are a friendly bunch up here in the North West.

Greg Keyes JP PhD MSc Dip V.E.T Vice Chairman & Publishing Officer

# SOCIAL MEDIA UPDATE

Our Facebook Pages continue to grow. There are two pages: one for the general public where we actively promote issues concerning JPs and BJs. The other page is only for members where we have wide ranging discussions on current topics of interest. Go to [facebook.com/honoraryjustices](https://www.facebook.com/honoraryjustices) to join in. Please feel free to share any posts on the general public page with your friends.

## Key Social Media Indicators



## Join in the fun - share & learn



**RVAHJ is on Facebook**

## HONORARY JUSTICE FOR ALL



## VICTORIA POLICE LEGACY

Victoria Police Legacy (VPL) is a charitable organisation that provides a range of services to police families who have suffered the loss of a loved one. Their quarterly magazine, CARE, featured an article "Honorary Justice for All" which highlighted the amazing work done by RVAHJ JPs and BJs across the State.

The CARE magazine is widely distributed to police and their families and the Honorary Justice article is well worth a read. Do you have a good contact that could help us promote Honorary Justices? Email [social@rvahj.org.au](mailto:social@rvahj.org.au) if you do.

In the last edition of Custodes, we missed listing one of our members receiving Australia Day Honours:

**James Charles McCarthy OAM JP FRVAHJ**

for service to the community through social welfare organisations. Well done, James!

\*\*\*\*\*

## Stoneyfell Document Signing Station



## Promote your Document Signing Station

Help your local community find your Document Signing Station with a custom minivideo advertisement. These are perfect for placement on your community Facebook pages, directories, local council web site or anywhere you like.

Check out an example on our RVAHJ Youtube channel: [https://www.youtube.com/watch?v=6\\_3nUrLmjAQ](https://www.youtube.com/watch?v=6_3nUrLmjAQ)

Simply send your details to [social@rvahj.org.au](mailto:social@rvahj.org.au) and we will send you back a custom minivideo within a few days.

## 20 Years of Service in Warragul

Kevin Potter was recently congratulated on reaching 20 years of signing as a Justice of the Peace. In his role, Mr Potter attends Warragul Police Station.

Association President Geoff Legge presented Mr Potter with his certificate of service during a dinner at the Morwell Bowling Club.

Mr Legge spoke well on the work Mr Potter has done and continues to do as a Justice of the Peace. Mr Potter was sworn in as a Justice of the Peace at Moe on February 5, 1998.



## 100 200 300 CLUB CRANBOURNE

The Cranbourne Rotary Club hosted a presentation evening to members of the Cranbourne JP Roster group who undertake duties at the Cranbourne Police Station.

Leading Senior Constable Fi Jeffreys presented certificates to the JP's who have reached milestones over the past three years:

100 CLUB: Barry Blake, Jeni Garnham,  
Jenni Nicholls.

200 CLUB: Vishnu Prasad, Robert Gwynne

300 CLUB: Sue Martin

LSC Jeffreys expressed her appreciation to the JP's for their outstanding work and commitment to the signing centre. She said that the police in Cranbourne are extremely busy and to have the assistance of this dedicated band of people was amazing.

LLoma Shaw JP expressed her particular thanks to Sue Martin for her work as secretary and on achieving such a milestone.

JPs volunteering for the signing roster are encouraged to contact: Sue on 0409702200 or LLoma on 0407687031

Cut out the page opposite for your Document Signing Station

# Document Signing Station Poster



Here is a poster for your Document Signing Station. Cut this out, fill in your roster times and display it at your Station. The back is intentionally left grey with our logo and tag line.

# Justice of the Peace

Your JP will be in attendance:

JPs are volunteers and there are times which unfortunately are outside of our control and that we are not able to provide this service. We ask for your understanding and support at these times to find a local JP by visiting our online find a JP service at [www.findajp.com.au](http://www.findajp.com.au)

## JP services provided include:

- witnessing a Statutory Declaration
- certifying a True Copy of an original document
- Attesting the execution of a document
- witnessing an Affidavit for use in court
- witnessing a Power of Attorney
- witnessing a Medical Treatment Decision Maker

A FREE  
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of Honorary Justices  
*Independent, Trusted, Respected*



## Royal Victorian Association of Honorary Justices

*Independent, Trusted, Respected*



53 Broadway,  
Elwood, Victoria, 3184



+61 (0)3 9525 7099



admin@rvahj.org.au  
PO Box 317  
Elwood, Vic, 3184



Facebook.com/  
honoraryjustices



[www.rvahj.org.au](http://www.rvahj.org.au)



# Justice of the Peace

in the State of Victoria



## JPs across Victoria:

- **sign** around **1.5M documents** each year
- **help** more than **350,000 people** each year
- **volunteer** more than **385,000 hours** each year
- **save** the community more than **\$23M** in real costs



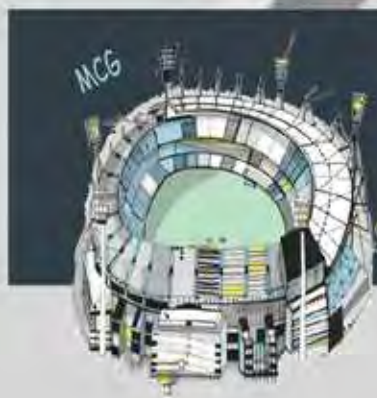
**3,750**  
JP Volunteers

Free up  
More than  
**250**  
Police

**98**  
Document  
Signing  
Stations

## TOP DOCUMENTS

- Certified True Copies 70.0%
- Statutory Declarations 12.0%
- Affidavits 8.0%
- Power of Attorneys 5.0%
- National Police Checks 1.5%
- Birth Death & Marriages 1.0%
- Other 2.5%



Signed end on end,  
JPs signatures would circle  
the MCG 183 times  
each year

Royal Victorian Association of Honorary Justices  
*Independent, Trusted, Respected*



ROYAL VICTORIAN ASSOCIATION OF HONORARY JUSTICES  
PRESENTS

TREACY CENTRE

RVAHJ 2019

# Annual Dinner

*INCLUDING 3 COURSE MEAL AND SPECIAL GUEST SPEAKER*

TREACY CENTRE, 126 THE AVENUE, PARKVILLE

FRIDAY AUGUST 30

6:30PM UNTIL 10PM | COST \$80 PER HEAD | DRESS SUIT & TIE/ AFTER 5  
ENTRY AND REGISTRATION FROM 6.30PM FOR 7.00PM START OF DINNER  
BOOKINGS CLOSE 19 AUGUST OR WHEN SOLD OUT



# BRANCH NEWS

Our branches do a fantastic job. Here are just a few snippets about some of the wonderful work happening around the State.



L/R: Sunraysia Justines Trevor Aust, Jennifer Bennett, Marian Tobin, Cheryl Wright, Penny Hodgetts, Anthony Dal Corobbo  
Absent: Geoffrey Jones, Peter McWilliams, Janine Reid, Anthony Robbins

## Vale

Kerry Watson JP  
1948 - 2019

former mayor of Traralgon,  
remembered for his tremendous  
service to the community



## Central Gippsland Branch

The Central Gippsland Branch held their Annual General Meeting on Thursday 21st March at the Morwell Bowling Club. The AGM was Chaired by Rodney Lavin, Director RVAHJ and the following Office Bearers were elected for 2019-2:

Chairman - John Guy OAM JP  
Vice Chairman - Jim Hood JP  
Secretary - Bernie Carrington OAM JP  
Treasurer - Alan Potter JP  
Publicity Officer - Kevin Potter JP

One minute of silence was observed at the start of the meeting in memory of Kerry Watson who passed away earlier this year. Kerry was the Vice Chairman of the Branch and had served as Chairman.

John Guy OAM JP, Chairman

## Sunraysia Branch

At the Annual General Meeting of the RVAHJ Sunraysia Branch held on Tuesday 11th December 2018, the following appointments were made:

Chair: Mr Anthony Robbins JP  
(Geoffrey Jones JP did not seek reappointment due to ill health)  
Deputy Chair/Media Officer: Mrs Jennifer Bennett PSM, JP  
Secretary: Mrs Cheryl Webb JP  
Assistant Secretary: Mr Peter Griffin JP  
Treasurer/Signing Station Co-ordinator: Mr Trevor Aust OAM, JP

Mr Geoffrey Jones JP was named the 2018 Justice of the Year and was awarded the John Malcolm Perpetual Trophy.

The President and Directors cordially invite members and friends to their

## 2019 Annual Dinner



Enjoy a 3-course meal  
and hear our Guest Speaker

**The Hon. Edward O'Donohue**  
Shadow Attorney General for Victoria



When: Friday 30 August, 6.30pm for 7.00pm

Where: Treacy Conference Centre, 126 The Avenue, Parkville  
(Mel ref: Map 29 F12)

Cost: \$80 per head

Dress: Suit & tie/After 5

---

**Seats are limited! Order your tickets now**

By post:	Attn: Cathy Owens PO Box 317 ELWOOD 3184
By fax:	Fax: (03) 9525 7765 E-mail: ad.officer.rvahj@gmail.com
Attendees names <i>(please indicate if a vegetarian option is required)</i> :	
1.	6.
2.	7.
3.	8.
4.	9.
5.	10.
No. tickets @ \$80 per head:	
Payment accepted by Credit card/cheque/money order/efpos* (BSB: 633-000 Account: 160973715) <i>*Please make sure, when paying by efpos, that you are clearly identified as the payer so that we can record your payment</i>	
<b>Credit card details</b>	
Card type - <u>Visa</u> or <u>Mastercard</u> only:	
Credit card number:	
Expiry date:	
Cardholder's name:	
Cardholder's signature	
<b>Your postal address (for delivery of tickets)</b>	
Name:	
Street Address / PO Box:	
Suburb / Town:	
Postcode:	
Contact Ph:	

**Bookings close: 19 August (or when sold out!)**

# ORDER of AUSTRALIA

*Queen's Birthday Honours List - 2019*

## MEMBER OF THE ORDER OF AUSTRALIA (AM)

**Jeremy William JOHNSON AM JP BALLARAT**  
For significant service to tourism and to the community of Ballarat

## MEDAL OF THE ORDER OF AUSTRALIA (OAM)

**Alexander Irvine ANDERSON OAM JPMT MARTHA**  
For service to the community of the Mornington Peninsula

**John McKenzie FLEMING OAM JP FRVAHJ INVERLOCH**  
For service to the community of Wonthaggi

**Roger William GREENE OAM JP LWR PLENTY**  
For service to veterans and their families

**Alain Maurice GROSSBARD OAM JPCAULFIELD**  
For service to the community through a range of organisations

**Leslie Julius KAUSMAN OAM JP FRVAHJ HAWTHORN EAST**  
For service to sport and to the community

**Anthony Gerard KENNEDY OAM BJ BOX HILL NTH**  
For service to the community through a range of organisations

**Shashi Kant KOCHHAR OAM JP FRVAHJ OAKLEIGH**  
For service to the community through charitable initiatives

**Garry Alan RUNGE OAM JP BEACONSFIELD**  
For service to local government and to the community

Late **Keith George THOMAS OAM JP FRVAHJ WARBURTON**  
For service to the community of Warburton

*Congratulations to you and thanks*



We've made it even easier to find a JP in Victoria with this new, easy to remember web address:

[WWW.FINDAJP.COM.AU](http://WWW.FINDAJP.COM.AU)

A free community service by RVAHJ



We are pleased to welcome the following new members to the RVAHJ team:

Vincent Aitkin JP OAK PARK  
Peter Hooper JPCRANBOURNE EAST  
Bruce Knight JP MOONEE PONDS  
Robert Manuell JP LOWER PLENTY  
Alison Noonan JP WODONGA  
Brendan McKenzie JPSWAN HILL  
Faye McPherson JP NYAH WEST  
Michael Williams JPMORNINGTON

.....there is a lot of space here to add more new members. Maybe you know a JP or a BJ who might join? Please encourage all JPs and BJs across Victoria to join our member-based Association.





# Note of thanks from the new Attorney General

This is an extract from a recent letter received from the new Attorney-General, Hon. Jill Hennessy MP. We thank Ms Hennessy for her kind recognition of JPs and BJs and also the work of the Association.



Hon Jill Hennessy MP

Attorney-General  
Minister for Workplace Safety

Level 26, 121 Exhibition Street  
Melbourne Victoria 3000  
Telephone: (03) 8684 1111  
DX: 210098

Our ref: CD/19/311408

Volunteer justices of the peace and bail justices offer valuable services to the Victorian community. On behalf of the Government, I extend our deep appreciation for the active role that the RVAHJ plays in the delivery of high quality honorary justices services.

Yours sincerely

Hon Jill Hennessy MP  
Attorney-General  
Minister for Workplace Safety

27 / 5 / 2019

Your details will be dealt with in accordance with the *Public Records Act 1973* and the *Privacy and Data Protection Act 2014*. Should you have any queries or wish to gain access to your personal information held by this department please contact our Privacy Officer at the above address.



## 2019 - 2020 RVAHJ Board Elected

Here are the members of the RVAHJ Board following the biennial election reported to the AGM in June. We thank them for their ongoing commitment and service in the support of JPs and BJs across Victoria:

President: Paul Mracek JP

Vice President: Rod Lavin JP

IPP & CFO: Geoff Legge JP

Directors: Glenda Frost JP

Andrew Harrington BJ JP

Ben Loois JP

Nicholas O'Connell JP

Linda Rainsford BJ

Rhonda Smith JP

Norman Wittingslow JP

The team are brilliantly supported by our Admin Officer, Cathy Owens.

**MINUTES OF THE 109<sup>th</sup> ANNUAL GENERAL MEETING**  
**HELD AT 53 BROADWAY, ELWOOD ON THURSDAY 30<sup>th</sup> MAY 2019**  
**COMMENCING AT 7.30PM**

**PRESENT:**

President & Chairman Geoff Legge, Andrew Harrington, Rodney Lavin, Ben Loois, Kevin Mackin, Paul Mracek, Nick O'Connell, Cathy Owens, Linda Rainsford, Rhonda Smith & Norman Wittingslow.

**WELCOME:**

The Chairman opened the meeting at 7.34pm welcoming those present and thanking them for their attendance. Apologies from the following members were received:

**APOLOGIES:**

Cheryl Duff, Terry Fisher, Eliezer Francois, Glenda Frost, Rosemary Garoni, Sil Garoni, Cathie Irvin, Bruce Latimer, Rod Mason, Rod McConnell, Damian Nosedo, Jack Rae OAM, Steve Raskovy OAM OLY, Joan Scott & Bob Williams.

**MINUTES OF THE 108<sup>th</sup> AGM:**

Moved L Rainsford, seconded N Wittingslow that the minutes of the 108<sup>th</sup> AGM be taken as read and approved. CARRIED

**BIENNIAL ELECTION RESULTS**

The Chairman called on the Returning Officer, R Lavin, to report the results of the Biennial Election.

The Returning Officer reported that, as the number of nominations received by the closing date did not exceed the number of seats, the following nominees were duly elected:

Andrew Harrington BJ JP, Geoffrey Legge JP, Ben Loois JP, Paul Mracek JP & Rhonda Smith JP.

**ANNUAL REPORT:**

The Chairman gave a verbal report, which is reproduced herewith:

As President, it gives me great pleasure to give my 2<sup>nd</sup> Presidential Report at this, the 2019 Annual General Meeting.

The last two years have been both very challenging and also very rewarding. And I take this opportunity to sincerely thank those Directors who have assisted me and made a genuine and valuable contribution to the RVAHJ. Of course the success of an organisation such as the RVAHJ is not incumbent on any one person and to that end I extend my sincere gratitude to the great support and guidance I have received during my term from Past President Norman Wittingslow; CFO and Past President Glenda Frost and from Vice President Paul Mracek. Their support and counsel during my tenure has been invaluable and very much appreciated. Similarly I also acknowledge Cathy Owens (Administration Officer) for her dedication and contribution to the RVAHJ. Her knowledge and breadth of experience in dealing with questions or tricky situations by the membership is greatly appreciated by all our members.

The role of President demands many challenges and many sacrifices, particularly in time. However, in spite of these challenges I have enjoyed my tenure as your President as it has been both an honour and privilege, particularly attending many Branches and meeting so many Justices on a personal basis. I have endeavoured to visit as many branches as possible during my term and I take this opportunity to once again thank all those branches and Justices'

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groups I have had the privilege of visiting over the last two years for the warm reception given to both myself and my wife Gillian. And it would be very remiss of me not to extend my appreciation to Gillian for her support and encouragement during the term.

Our relationship with the Honorary Justice Office and, in turn the Department of Justice and Community Service, is sound and on a very good and respectful base. On this note I take this opportunity to thank the Honorary Justice Office and the Department for their respective support over the term.

Involvement with the Australasian Council of Justices Associations (ACJA) is a worthy organisation to cross-fertilise ideas and meet to discuss mutual difficulties and of course opportunities. And we look forward to the opportunity to host the ACJA Annual Conference in October this year. And I sincerely thank directors Glenda Frost and Nick O'Connell for their time and effort to ensure that, as hosts, this year's ACJA Conference is a great success.

This year saw the introduction of a new and vastly improved web site which provides access to a raft of information not only for Honorary Justices and Bail Justices but for the public at large. Our web site's success is measured not only in the number of hits it continues to receive but the information contained therein has provided a valuable source for other users such as local councils and the Neighbourhood Watch program as they have joined our Face Book page to access the information therein. And I acknowledge the enormous time and effort expended by both Paul Mracek and Kevin Mackin BJ in moving our website forward.

The RVAHJ continues to actively assist many members in the Status Confirmation process in order for them to continue their important community focused role. Additionally, the RVAHJ in liaison with the Department of Justice and Community Services has actively rolled out training sessions in the Oaths & Affirmations and its affect on Justices and other associations now empowered by the 2018 legislation.

Finally I acknowledge our members for their countless hours of dedicated and tireless community involvement.

The RVAHJ has an exciting future ahead, and the way forward must be guided by diligent directors and a committed membership who have the best interests of the association at heart.

Geoffrey Legge JP CPA President

**ANNUAL ACCOUNTS**

In the absence of the Chief Financial Officer, the Chairman reported that the accounts for the year ended 31 December 2018, as presented, had been prepared by the auditor and accepted by the Executive Committee.

R Lavin queried the increase in travel and accommodation expenses. The Chairman explained that these were mainly due to the attendance of a Board representative at the interstate ACJA meeting and the President's attendance at various branch meetings around the state.

A Harrington queried 'bad debts' of \$175. The Chairman advised that he would confirm the details and report back.

R Lavin queried the increase in interest. The Chairman reported that movement of funds to a higher-interest account explained the difference.

Moved: N Wittingslow, seconded P Mracek that the accounts, as presented, be accepted.

CARRIED

**MINUTES OF THE 109<sup>th</sup> ANNUAL GENERAL MEETING**  
**HELD AT 53 BROADWAY, ELWOOD ON THURSDAY 30<sup>th</sup> MAY 2019**  
**COMMENCING AT 7.30PM**

**APPOINTMENT OF AUDITOR:**

The Chairman reported that 'The Field Group Accounting' company had agreed to act as auditor for the 2019 year, if appointed.

Moved P Mracek, seconded R Smith, that 'The Field Group Accounting' be appointed auditor for the forthcoming year. CARRIED

**MATTERS WITHOUT NOTICE:**

The Chairman opened the floor to any matters without notice.

It was noted that former President and Director, Michael Cheshire, is seriously ill in hospital. It was resolved that R Smith liaise with the family on the Board's behalf and that their best wishes for a full and speedy recovery be passed on at the earliest opportunity.

There being no further business, the Chairman declared the meeting closed at 7.55 pm and invited those present to stay for a light supper, thanking R Smith for her baked goods.



## From the President's Desk

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Earlier this month we issued a press release 'In Support Of Bail Justices' in response to a Four Corners program. We are driving an ongoing communication effort to provide a more balanced and factual perspective of Bail Justices so that the general public may better appreciate the role.

I believe that the reputation, respect and standing of Honorary Justices in the community is deteriorating. I believe it is time we addressed this to reclaim the respect Honorary Justices, who provide such great value to the community of Victoria, have rightfully earned. This includes the right of reply, a better gender balance and a greater say in the direction and appointment of Honorary Justices.

Finally, I would also like to welcome all JPs & BJs who have recently joined the RVAHJ. We all wish you a long and joyful tenure as Justices within Victoria and we commit to you that the Association and its directors will always be available to support you and all members at all times. As Rod noted, we have a lot of work to do and with Rod and the rest of the Board, I look forward to working with all our members for your benefit and for the community of Victoria.

*Paul Mracek*

Paul Mracek JP  
President RVAHJ  
MIEAust, CPEng, NER, APEC Engineer  
IntPE(Aus), FAIM, GAICD, FRVAHJ



# Justice of the Peace (Victoria) Information Aide Summary

## Oaths & Affirmations

### Oath

*I, [name of person making oath], swear [or promise] by Almighty God [or the person may name a god recognised by the person's religion] that the contents of this affidavit are true and correct.*

### Affirmation

*I, [name of person making affirmation], solemnly and sincerely affirm that the contents of this affidavit are true and correct.*

### Child or cognitively impaired deponent

*I, [name of person making the promise] promise that I have told the truth in this affidavit and it is correct.*

To be spoken aloud in front of the Justice of the Peace or Bail Justice

## Statutory Declarations

### Declaration

*I, [full name of person making declaration] of [address], declare that the contents of this statutory declaration are true and correct.*



### New Forms

A Prescribed Statutory Declaration Form effective from 1 March 2019. Older formats can be used until 31 December 2019 but new forms must be in place before 1 January 2020.

A new, but not prescribed form of Affidavit effective from 1 March 2019. There is no transition period.



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## Certifying Copies

**Certified copy of an original document**

*Certified to be a true copy of the original seen by me.*

**Certified copy of a certified copy**  
*Certified to be a true copy of another certified true copy seen by me.*



## Penalties

Making a false Stat Dec: 600 penalty units or imprisonment for 5 years or both.

Present a false copy for certification: 600 penalty units or imprisonment for 5 years or both

Making a false statement by oath, affirmation or affidavit: Perjury – up to 15 years imprisonment



+61 (0)3 9525 7099



admin@rvahj.org.au

PO Box 317 Elwood, Victoria 3184

43 Broadway

facebook.com/honoraryjustices



www.rvahj.org.au



# Justice of the Peace (Victoria) Information Aide Summary

## Overview – What Witnesses Certify

What Witnesses Certify	Enduring Power of Attorney (EPOA)
Decision making capacity	That the person appears to have decision making capacity at time of signing in relation to the making of the EPOA
Understands nature & effect	That the person appears to understand the effect of their decision to make the EPOA
Freely & voluntarily signs	That the person appears to freely and voluntarily sign the document and in the presence of the witnesses
Eligibility to be a witness	That you are eligible, 2 witnesses required – One <b>Authorized to sign Affidavits or Registered Medical Practitioner &amp; One Adult Supportive Attorney</b> – 2 witnesses required – One <b>Authorized to sign Stat Dec &amp; One Adult</b>
What Witnesses Certify	Appointment of medical treatment decision maker
Decision making capacity	That the person appears to have decision making capacity at time of signing in relation to making the appointment
Understands nature & effect	That the person appears to understand the nature and consequences of making the appointment
Freely & voluntarily signs	That the person appears to freely and voluntarily sign the document and in the presence of the witnesses
Eligibility to be a witness	That you are eligible, 2 witnesses required – One <b>Authorize to sign Affidavits or Registered Medical Practitioner &amp; One Adult</b>
What Witnesses Certify	Advanced Care Directive
Decision making capacity	That the person appears to have decision making capacity at time of signing in relation to each statement in the directive
Understands nature & effect	That the person appears to understand the nature and effect of each statement in the advance care directive
Freely & voluntarily signs	That the person appears to freely and voluntarily sign the document and in the presence of the witnesses
Eligibility to be a witness	That you are eligible, 2 witnesses required - One <i>Registered Medical Practitioner &amp; One Adult</i> Note: Ensure that you are not an appointed medical treatment decision maker for the person.



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admin@rvhj.org.au

PO Box 317 Elwood, Victoria 3184

43 Broadway

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Royal Victorian Association  
of Honorary Justices

# Royal Victorian Association of Honorary Justices

## CHIEF PATRON

Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

## PATRON

The Right Hon. The Lord Mayor of Melbourne Sally Capp

## CONTACT DETAILS

Postal Address: PO Box 317, Elwood, 3184

Address: 53 Broadway, Elwood, 3184

Telephone: (03) 9525 7099

Facsimile: (03) 9525 7765

Email: [admin@rvahj.org.au](mailto:admin@rvahj.org.au)

Facebook: [facebook.com/honoraryjustices](https://facebook.com/honoraryjustices)

Website: [www.rvahj.org.au](http://www.rvahj.org.au)

## PRESIDENT

Paul Mracek JP 0418 885 122 [pres@rvahj.org.au](mailto:pres@rvahj.org.au)

## VICE PRESIDENT

Rodney Lavin JP 0408 395 495 [vicep@rvahj.org.au](mailto:vicep@rvahj.org.au)

## IMMEDIATE PAST PRESIDENT

Geoff Legge JP 0407 303 205 [ipp@rvahj.org.au](mailto:ipp@rvahj.org.au)

## CHIEF FINANCIAL OFFICER

Geoff Legge JP 0407 303 205 [cfo@rvahj.org.au](mailto:cfo@rvahj.org.au)

## DIRECTORS

Glenda Frost JP 0409 719 279 [glendafrost6@bigpond.com](mailto:glendafrost6@bigpond.com)

Andrew Harrington JP 0408 504 359 [andrew@harringtonhomes.com.au](mailto:andrew@harringtonhomes.com.au)

Ben Loois JP 0423 284 704 [bernard.loois@gmail.com](mailto:bernard.loois@gmail.com)

Nicholas O'Connell JP 0429 533 994 [nickjoconnell@gmail.com](mailto:nickjoconnell@gmail.com)

Linda Rainsford BJ 0418 333 568 [ljrainsford@bigpond.com](mailto:ljrainsford@bigpond.com)

Rhonda Smith JP 0408 317 872 [rhondasmith48@outlook.com](mailto:rhondasmith48@outlook.com)

Norman Wittingslow JP 0413 888 688 [nww8@optusnet.com.au](mailto:nww8@optusnet.com.au)

## ADMINISTRATION OFFICER

Cathy Owens JP (03) 9525 7099 [admin@rvahj.org.au](mailto:admin@rvahj.org.au)

## COMMITTEES

Rosters: [rosters@rvahj.org.au](mailto:rosters@rvahj.org.au)

Training: [training@rvahj.org.au](mailto:training@rvahj.org.au)

## MEDIA

Custodes Editor: [custodes@rvahj.org.au](mailto:custodes@rvahj.org.au)

Facebook: [social@rvahj.org.au](https://social@rvahj.org.au)

Media Relations: [social@rvahj.org.au](https://social@rvahj.org.au)

# RVAHJ BRANCH NETWORK

## Metropolitan & Geelong Branches

### City & Northern

Bob Williams JP  
(B&H) 03 5427 3366

### Cranbourne

Sue Martin JP  
(M) 0409 702 200

### Dandenong

Nigel Carter JP  
mapaandus@optusnet.com.au  
(H) 9795 8798

### Diamond Valley

Cheryl Duff JP  
cheryl.duff@bigpond.com  
(M) 0417 318 173

### Geelong

Robert Bailey JP  
oceanmanor@bigpond.com  
(M) 0428 553 329

### Glen Waverley

Richard Sluggett JP  
bowl7@optusnet.com.au  
(M) 0403 023 288

### Maroondah

Brian Ross-Soden  
bdross@optusnet.com.au  
(H) 9874 7793

### Monash

Felicity Smith JP  
felicityjts@gmail.com  
(M) 0412 772 711

### Mornington Peninsula

Bob Bolch JP  
bob.bolch@bigpond.com  
(M) 0412 155 634

### Sunbury & Districts

Terry Larkins JP  
(M) 0417 398 869

### Westgate Roster Group

Loretta Comack JP  
lorettacomack1@hotmail.com  
(M) 0401 312 395

### Wyndham

Robert Bradley JP  
(M) 0407 974 944

## Country & Regional Branches

### Ballarat

Gillian James JP  
gillian.james@bigpond.com  
(M) 0409 351 354

### Benalla

Frank Stephens JP  
(M) 0417 587 602

### Bendigo

Helen Yorston JP  
d.d.wright@bigpond.com  
(H) 03 5442 8859

### Buloke

Garry Larmour JP  
raymond1973@gmail.com  
(B&H) 03 5491 1647

### Yarra Valley

Wendy Booth JP  
(M) 0407 051 757

### Central Gippsland

Bernie Carrington JP  
berniecea  
@aussiebroadband.com.au  
(B&H) 0408 761 673

### South Gippsland

Wendy Caple JP  
wendy.j.caple@gmail.com  
(M) 0428 724 852

### South West

Bernard Reid JP  
bernardreid@bigpond.com  
(B&H) 03 5565 9476

### Sunraysia

Cheryl Webb JP  
rvahjsunraysia@gmail.com  
(M) 0419 531 020

### Swan Hill & District

Brendan McKenzie JP  
brendan@golconda.com.au  
(M) 0403 156 313

### Upper Murray

Ian Elston JP  
(B&H) 02 6024 3917

### Wellington

Lyn McLindin JP  
quincy1935@bigpond.com  
(M) 0408 393 338

### Wimmera

James McKay JP  
james.mckay3@bigpond.com  
(B&H) 03 5385 7491

## 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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## CUSTODES DEADLINES

Issue 1 - March 1 | Issue 2 - July 1 | Issue 3 - November 1



**Royal Victorian Association of Honorary Justices**

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