



Justice of the Peace Best practice manual



MINISTRY OF
JUSTICE
Tabu o te Ture

July 2016

Foreword

Justices of the Peace provide a valuable service for all New Zealanders. There are 9,000 Justices of the Peace of whom the majority belong to one of the 29 Associations affiliated to the Royal Federation of New Zealand Justices' Associations (Inc).

We are very pleased to present the Justices of the Peace Best Practice Manual.

It contains best practice guidelines for Justices of the Peace, recommended by the Royal Federation of New Zealand Justices' Associations (Inc) and approved by the Associate Minister of Justice.

This manual was originally developed from the 2007 research by the Ministry of Justice and Royal Federation into the customs, processes and practices of Justices of the Peace throughout New Zealand. Research included a survey by the Royal Federation of all Justices of the Peace Associations which indicated unanimous support for establishing consistent standards for Associations and a desire by Justices of the Peace to work together to provide a consistent standard of service.

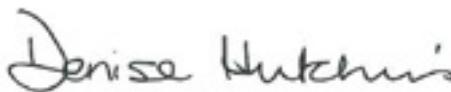
The manual contains the following best practice guidelines as follows:

- a national standard for the appointment of Justices of the Peace;
- a national standard complaints and dispute resolution process to support the legislative requirements of the Justices of the Peace Act 1957; and
- formal recognition of the retirement of Justices of the Peace.
- a national standard for Justice of the Peace service desks in district courts (refer Part D (7)).

We would like to thank everybody who contributed to the original manual through their submission to the Stocktake Report, and to this amended 2016 version.



Hon Simon Bridges
ASSOCIATE MINISTER OF JUSTICE



Denise Hutchins
PRESIDENT
ROYAL FEDERATION OF NEW ZEALAND JUSTICES' ASSOCIATIONS (INC)

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1. Appointment of Justices of the Peace

1.1. Nomination

1.1.1. Nomination form

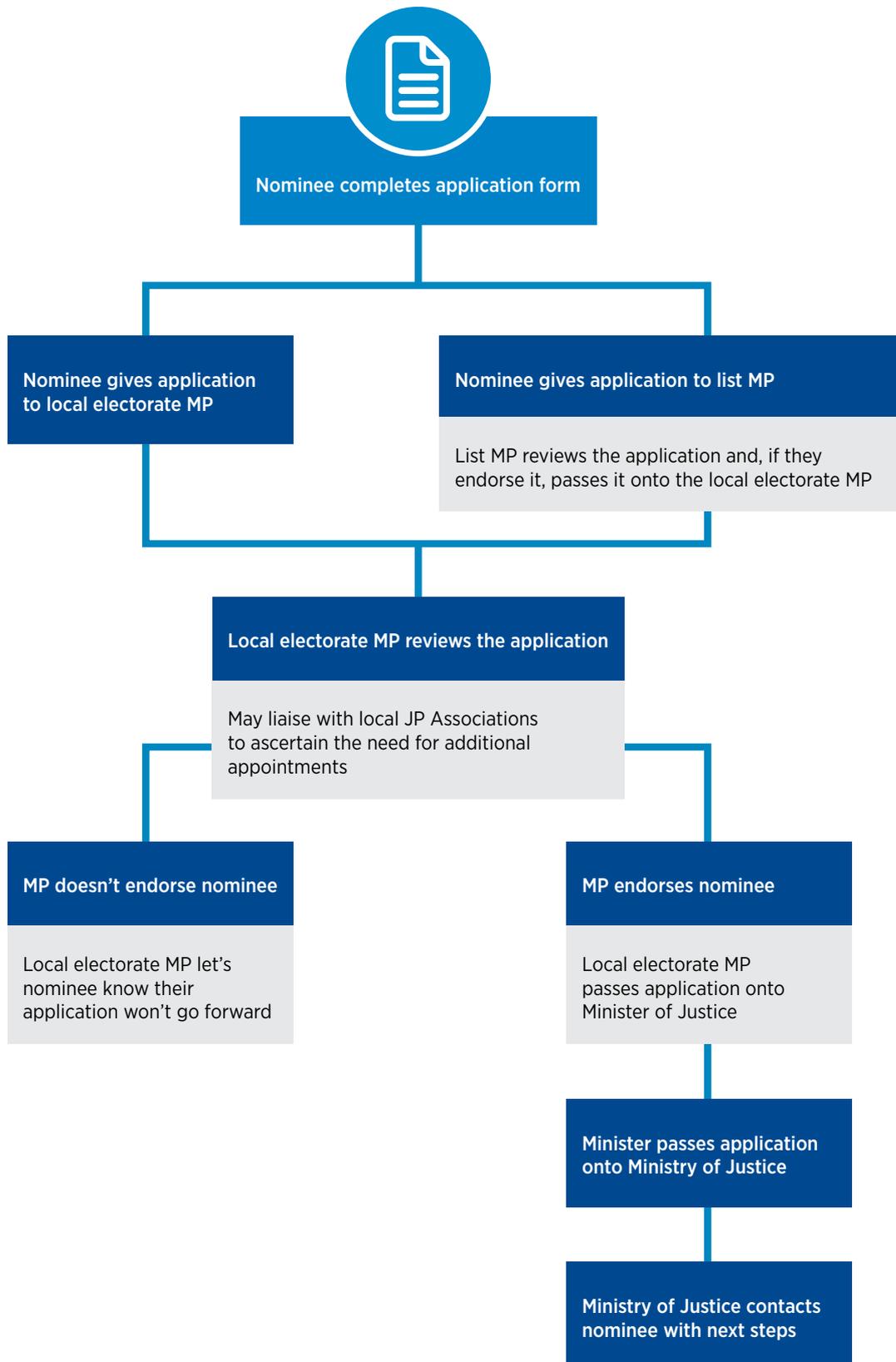
Nomination packages are available at electoral offices of Members of Parliament and include:

- nomination form
- guidance notes for Members of Parliament *issued by the Associate Minister of Justice*
- advice for intending nominees *issued by Royal Federation.*

The form can also be found on the Ministry of Justice website justice.govt.nz and the Royal Federation website justiceofthepeace.org.nz

1.1.2. Nomination process

1. The nominee completes the nomination form and must attach:
 - supporting letters from an office holder of at least two community groups, stating the reasons the community group endorses the nominee. (The nominee does not have to be a member of the groups)
 - a curriculum vitae that includes details of community involvement
 - a paragraph explaining their reasons for believing they are suitable to become a Justice of the Peace.
2. The nominee submits the nomination form and attachments to the local electorate Member of Parliament for endorsement. Nominations are only accepted from the Member of Parliament for the electorate where the nominee resides or from a List Member of Parliament with the endorsement of the appropriate electorate Member.
3. Members of Parliament are encouraged to interview nominees prior to making a decision on whether or not to endorse the nomination.
4. Members of Parliament may liaise with the local Justice of the Peace Association to ascertain the need for new Justices in the area.
5. The Member of Parliament submits the nomination to the Office of the Minister of Justice or delegated Associate Minister.
6. The Minister of Justice or delegated Associate Minister reviews the nomination and forwards the nomination material to the Ministry of Justice (Office of Legal Counsel).
7. The Ministry of Justice informs nominees about further steps in the appointment process, including the interview process with district courts and Justice of the Peace Associations.



FILLING IN THE NOMINATION FORM

The details collected in this form are used for your nomination to become a Justice of the Peace. The information assists in determining your suitability for appointment.

For more information about serving your community as a Justice of the Peace, please refer to the Advice for Intending Nominees to the Office of Justice of the Peace for New Zealand. You can get this from your local Justice of the Peace Association, or at justiceofthepeace.org.nz

The form asks for your consent to share the information you provide with the Ministry of Justice and the Justice of the Peace Association.

You will also need to attach:

- A copy of your CV, or a list of your work and community service history
- At least two letters from community organisations supporting your nomination
- A paragraph stating why you are suitable to become a Justice of the Peace.

You need to complete the form and have your local electorate Member of Parliament sign the form to support your nomination. Your local electorate MP will then forward your application to the Minister of Justice or delegated Associate Minister for consideration. List Members of Parliament must get the endorsement of the electorate Member of Parliament.

As part of the process of considering your nomination, you will be interviewed by a representative of the district court and a member of your local Justice of the Peace Association. Each of these people then writes a confidential report to the Minister of Justice, with their consideration of your suitability to be appointed.

After the interview, the Minister of Justice or delegated Associate Minister will approve or decline you to undertake induction training. You will be sent self-study materials including access to online learning, and details of the induction training and assessment, which should be completed within six weeks.

Upon successful completion of the induction training, the Minister of Justice recommends that the Governor-General appoint you as a Justice of the Peace. After the Minister and Governor-General sign the Warrant for Appointment, you will be sworn in by a district court judge.



Office use only

Nominees must provide with this form:

- A CV or a list showing work and community service history
- At least 2 letters of support from community organisations
- A paragraph stating their suitability for the role of Justice of the Peace.

Justice of the Peace Nomination Form

(A) STATUTORY DECLARATION – To be completed by NOMINEE

I,
(Title) (Given Names) (Surname/Family Name)

of
(Full residential address including postcode– PO BOX NUMBER ALONE IS NOT ACCEPTABLE)

Occupation
(Full details required – SELF EMPLOYED IS NOT SUFFICIENT DETAIL)

solemnly and sincerely declare that:

1. I hold the following honours/decorations:.....

2. I was born in:.....
(Town or City) (Country)

3. My date of birth is:

4. My nationality is: by
(State whether by birth, descent, or naturalisation)

5. I am enrolled in theElectorate.

6. Either (DELETE whichever is not applicable)

1. I have not been convicted of an offence against the law.

OR

2. I have been convicted of the following offences against the law (includes traffic offences).
(Please note that the Criminal Records (Clean Slate) Act 2004 does not apply to Justice of the Peace nominees.)

.....
.....

7. I am prepared to accept the duties and responsibilities of a Justice of the Peace and undertake to make myself available to the public.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared atthisday of..... 20

.....
(Signature of Declarant/Nominee)

Before me
(Signature of witness)

Justice of the Peace, Solicitor, Registrar or other person authorised to take a statutory declaration.

(B) CONSENT - To be completed by NOMINEE

I consent to the information supplied on and with this form being disclosed to the Ministry of Justice and the Justices of the Peace Association;

Signed Date
(Signature of Declarant/Nominee)

(C) GENERAL INFORMATION - To be completed by NOMINEE

Phone number(s) Home: Work: Mobile:

Email address

Employer

Nearest District Court to residential address (for swearing in)

Ethnic origin (for statistical purposes only).....
(e.g. Maori, Greek, Western Samoan, Indian, Chinese).

Fluent in language/s other than English

Educational qualifications

Note: The information you supply on this form (except ethnic origin statistical data) is collected solely to assess your suitability for appointment as a Justice of the Peace. Failure to complete all sections truthfully will result in your application not being considered. You have the right to request access to, and correction of, your personal information.

(D) NOMINATION - To be completed by Member of Parliament

I consider that there is a need for an additional Justice of the Peace in the
electorate for the following reasons

.....
.....

I therefore wish to nominate for consideration for appointment as a Justice of the Peace, the person from my electorate whose name and details are completed above.

Name..... Signed..... Date.....
(Member of Parliament)

(E) ENDORSEMENT - To be completed by Electorate MP (if applicable)

Name..... Signed..... Date.....
(Electorate MP, if list Member of Parliament signed above)

1.1.3. Guidance for Members of Parliament

Set out below is a statement on the procedures and general policies in respect of Justice of the Peace nominations, as issued August 2015 from the Associate Minister of Justice, Hon Simon Bridges.

INTRODUCTION

Although the office of Justice of the Peace does hold a status, the position is not an “honour” but one involving serious duties and responsibilities. Justices have the important responsibility of assisting to preserve the rule of law.

It is the responsibility of each electorate Member of Parliament to ensure that his or her electorate is adequately serviced by Justices of the Peace. Nominations for persons to be appointed as Justices of the Peace are accepted only from Members of Parliament. List Members of Parliament may submit nominations in their own name but they will need to have the prior endorsement of the appropriate electorate Member of Parliament.

NOMINATIONS

Two matters are important in considering a person for appointment; first, the nominee’s personal suitability for appointment; and second, the need for the services of additional Justices of the Peace either in the area where the nominee spends the working day or in the nominee’s residential district.

Persons nominated must have an adequate standard of education and be well-regarded in their community. The nominee must be respected as a person of good sense and integrity.

Justices of the Peace are required to deal with a variety of legal documents and Members of Parliament need to satisfy themselves that their nominees possess the acumen to exercise the powers of the office. Nominees should have a genuine desire to serve the community and it must be stressed that if they are appointed they are expected to be active in discharging their duties.

Members of Parliament should also bear in mind the need for balanced representation in the community. In some electorates, there may be a need to improve the representative mix of Justices of the Peace.

Notwithstanding a person’s character and ability, appointments are made only where there are not already sufficient Justices of the Peace to meet the requirements of the public. The purpose of appointment is not to bestow an honour on a deserving citizen but to meet a public need. Members of Parliament should not submit nominations unless they are satisfied more Justices are in fact necessary to serve a public need.

I would commend to Members of Parliament the value of liaising with the local Justices of the Peace Association prior to submitting nominations. The Associations are in a position to provide advice about the number and mix of active Justices of the Peace residing in their area.

When nominating a Justice of the Peace, Members of Parliament also need to:

- consider whether there might be any conflict of interest, or a perception of a conflict, created by appointing Justices of the Peace with close personal ties, particularly where judicial functions are concerned; and
- take care to avoid any appearance of patronage or favour being shown to a particular family, group or organisation.

Members of Parliament should be wary of nominations where appointment is sought to facilitate the operation of the nominee’s own business. In order to avoid this, Members of Parliament should ensure that nominees include at least two letters from recognised community organisations stating specifically that they support the nominee for appointment as a Justice of the Peace. Prospective nominees are also required to provide with their nomination form:

a curriculum vitae describing their work history and community involvement; and,

a paragraph stating their reasons for wishing to become a Justice of the Peace.

PROCEDURES

Nominations are to be submitted to the Associate Minister of Justice on the nomination form, which is available from the Office of the Associate Minister of Justice. Members will note that they are required to sign the nomination form on the lower half of the reverse side of the form. Nominations by list members must be endorsed by the relevant Electorate Member of Parliament.

All nominations received will be acknowledged by letter from the Office of the Associate Minister of Justice.

Three reports are completed on each nominee. The first is a report made by the Manager of the local district court following an interview with the nominee. The second report is completed by the local Justice of the Peace Association, who attends the interview between the Manager and the nominee. Both of these reports address the nominee's personal suitability for appointment and the need for an additional appointment in the area. The remaining report is a routine check made through the Ministry of Justice Criminal Records Unit for any conviction records. The conviction report is used to verify the conviction information supplied by the nominee on the nomination form and to determine the nominee's suitability for appointment as a Justice of the Peace. This information is disclosed to the Ministry of Justice and is not provided to the local Justice of the Peace Association.

If the reports indicate that the nominee is suitable and that the appointment is necessary, the Associate Minister of Justice then provisionally appoints the nominee and will inform the Member of Parliament by letter. Members of Parliament will also be advised when nominees are not provisionally appointed. The general reasons why the nomination was declined will be given.

Following satisfactory completion of training by the Royal Federation of New Zealand Justices Associations, an appointment will be recommended to the Governor-General. Those nominees who are appointed will receive an appointment letter from the Ministry.

A nomination that is unsuccessful is not carried forward. Members of Parliament need to submit a new nomination should they wish to nominate the same person at some future time.

GENERAL POLICIES

The settled policies towards the appointment as Justices of the Peace members of certain occupational groups or professions are these:

Members of Parliament

Members of Parliament are not appointed as Justices of the Peace. However, section 9 of the Oaths and Declarations Act 1957 gives Members of Parliament the authority to take statutory declarations.

Clergy and Persons in Religious Orders

The personal and confidential relationships that often exist between the lay members of a church and their clergy could make it difficult for the clergy to maintain the detachment necessary to perform some of the functions of a Justice of the Peace. Moreover, it may be regarded as inappropriate for the clergy or persons in religious orders to preside over court sittings to convict and to pass sentence on offenders. For these reasons it has been the general policy for many years to decline nominations of clergy and those in religious orders. However, occasional exceptions have been made in special cases, for example where the nominee is a leader of a particular community.

Legal Practitioners and Staff Employed in Legal Firms

For many years it has been settled practice not to appoint practising barristers or solicitors as Justices of the Peace. Barristers and solicitors are officers of the court with a particular part to play in the administration of justice. They can as such take statutory declarations without further appointment. The restriction does not apply to legal executives or other employees of legal firms so long as the appointment is made for the full purpose of the Act and not just to assist the work of the legal firm.

Medical Practitioners

Practising medical practitioners are not, as a general rule, appointed. Doctors' responsibilities in the community are demanding and important and the additional obligations imposed by appointment as a Justice of the Peace would be difficult to discharge effectively.

Public Servants and Employees of Local Authorities

Those public servants and employees of authorities whose duties include law enforcement responsibilities, for example police officers, are not appointed. Public servants employed in courts or prisons, or as probation officers or social workers with government agencies are not appointed.

Similarly it is not the practice to appoint former members of law enforcement agencies if only a short period has elapsed since they left that employment. Where a reasonable period has passed, however, the appointment of otherwise suitable nominees has been made.

Other public servants may be appointed but are exempt from court work while in the service of the Crown.

1.1.4. Advice for nominees

APPOINTMENT PROCESS

Justices of the Peace are appointed by the Governor-General on the recommendation of the Minister of Justice following nomination by an elected Member of Parliament. A Justice of the Peace is then sworn in by a district court judge.

The Minister's decision to recommend an appointment includes an assessment of the need for an additional Justice of the Peace in the applicant's area. Thus non-appointment is not necessarily a reflection on the suitability of the individual, but may simply reflect the situation in the locality. The nomination process can take quite some time, generally about six months.

S19 of the Criminal Records (Clean Slate) Act 2004 specifically excepts applications for appointment as a Justice of the Peace from the general effect of the clean slate scheme, so an applicant must state any convictions on the application form. However, past convictions do not automatically preclude someone being accepted for appointment and those with minor convictions should not be put off from nomination. Every nomination must also be accompanied by letters of support from an office holder of at least two community groups, stating the reasons the community group endorses the nominee. (The nominee does not have to be a member of the groups).

DUTIES OF A JUSTICE OF THE PEACE:

Justices of the Peace are empowered to act by s4 Justices of the Peace Act 1957. A Justice of the Peace is not a marriage celebrant. To become a marriage celebrant you must apply to the Department of Internal Affairs dia.govt.nz.

The standard tasks of a Justice of the Peace are referred to as ministerial duties and include:

- Taking oaths and declarations under the Oaths and Declarations Act 1957 or any other enactment;
- Witnessing signatures;
- Certifying copies/transcripts of documents (including electronic documents).
- Administering affidavits

A few Justices of the Peace undertake further training to enable them to carry out other duties which may include sitting in court, and issuing search warrants.

WHY WOULD I APPLY TO BE A JUSTICE OF THE PEACE?

A Justice of the Peace serves the community in a voluntary capacity, so an application for nomination should arise from a genuine desire to contribute to one's community.

The purpose of the statutory appointment as a Justice of the Peace is to enable a person to serve the public. It is not to honour a deserving individual nor to improve a person's social status

WHAT SKILLS ARE REQUIRED?

A person nominated as a Justice of the Peace must be able to demonstrate that they are already actively involved in serving the community.

Justices of the Peace also need:

- Sufficient English literacy and computer literacy to deal competently with official documents.
- To be able to listen, understand and respond positively to others and show sound judgement.
- To be consistently accurate and to follow specific instructions.
- To show initiative when faced with unusual requests.

WHAT TRAINING IS THERE?

Initial training is provided by your local Justices of the Peace Association and is based on a manual and online practice exercises which you study at home during a four-week period, as well as attendance at learning sessions with members of your local Justices of the Peace Association. There is a formal online assessment.

You may not undertake any Justice of the Peace duties until gazetted and sworn in, even if you have completed training.

Ongoing education is provided by your local Justices of the Peace Association and is necessary to regularly update your understanding of and confidence in the role. New and unusual circumstances can arise with any client and an up-to-date Justice of the Peace is more likely to have the depth of knowledge to deal competently with them.

It is very important to become a member of your local Justices of the Peace Association. The advantages of membership include:

- Participation in the ongoing education sessions which each Association organises for its members.
- Support in resolving any problems or queries that arise when carrying out ministerial duties.
- Interaction with fellow Justices of the Peace at meetings, social occasions, presentations and visits.
- Receipt of the New Zealand Justices' Quarterly.

WHAT REWARD OR PAYMENT IS THERE?

Justices of the Peace serve their community in a purely voluntary capacity.

Under no circumstances may payment of any kind be accepted for Justice of the Peace services. (Payment may be acceptable when acting as an electoral officer or taking part in activities that are not actually Justice of the Peace duties but for which the Justice of the Peace has been chosen because of their role as a trusted community member).

WHO USES THE SERVICES OF A JUSTICE OF THE PEACE?

Everyone in society may need the services of a Justice of the Peace at different times. Under your oath of office you will be called on to serve "all manner of people".

You need to be able show sensitivity and patience with all your clients, whatever their backgrounds or circumstances.

WHAT COMMITMENT IS EXPECTED OF A JUSTICE OF THE PEACE?

Justices of the Peace make the commitment to be available to the public at any time. While you may establish reasonable times for access, the needs of the public could potentially make demands on you outside your normal routines, for example being asked to travel to a rest home or to see a client during your lunch hour.

Your commitment to serve includes having your phone numbers and street address publicly available.

To retain public confidence in the office Justices of the Peace must maintain the highest standards in their personal affairs and working lives.

WHERE WILL I SEE MY CLIENTS?

You need to have a place in your home and at your workplace where confidential matters can be dealt with privately. Your residence and/or business needs to be easy to locate and reasonably accessible.

Many Justices of the Peace also see clients at public Justice of the Peace service desks held at libraries, courts or other local venues. All Justices are encouraged to join the roster for their local service desk. New Justices of the Peace find it especially valuable as service desks see a wide range of clients.

CAN EVERYONE BE A JUSTICE OF THE PEACE?

There are certain occupations whose practitioners are not usually appointed because of potential conflicts of interest, for example members of the clergy, lawyers and legal executives, medical practitioners, police officers. Also, it is not usual for both members of a couple to be appointed as a Justice of the Peace.

However, even if one of these applies to you, you are encouraged to discuss your situation with your local Justices of the Peace Association.

WHAT ARE THE OATHS OF OFFICE?

Justices of the Peace swear (or affirm) 2 oaths before a district court judge.

- **Judicial oath**

I [name] swear (or solemnly, sincerely, and truly declare and affirm) that I will well and truly serve Her [or His] Majesty [...], Her [or His] heirs and successors, according to law in the office of Justice of the Peace, and I will do right to all manner of people after the laws and usages of New Zealand without fear or favour, affection or ill-will.

- **Oath of allegiance**

I [name] swear (or solemnly, sincerely, and truly declare and affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

If for any reason you cannot swear (or affirm) these oaths, you should not proceed with a nomination.

HOW WOULD I BECOME A COURT-SITTING JUSTICE OF THE PEACE?

Having taken the judicial oath, every Justice of the Peace becomes a 'judicial officer'.

Other judicial officers who take the oath include the Chief Justice, all judges, Community Magistrates, coroners, sheriffs and disputes tribunal referees.

However, only a very small percentage of Justices of the Peace actually sit at the Bench in court. Those who do must undertake special training. When there is a need on the local Court panel Justices of the Peace who are endorsed by their Association undertake an academic training course, similar to a first-year university paper.

Following successful completion of the course there is a two-day court-skills practicum during which the Chief District Court Judge assesses each individual's competence at the Bench.

If rostered to the Bench, you will be expected to keep up to date with recent decisions and legislative changes, and attend regular judicial education sessions organised by your local Justices of the Peace Association.

WHAT COSTS ARE THERE?

The only compulsory 'cost' associated with appointment as a Justice of the Peace is your time spent discharging the duties of the office.

There are some minor discretionary costs such as the membership fee of your local Association, travel to ongoing education sessions and service desks, and replacement stamps.

DO I NEED INTERNET ACCESS?

Yes. Information for Justices of the Peace is available on the website of your local Justices of the Peace Association and/or the Royal Federation of New Zealand Justices' Associations Inc., increasingly more communication about Justice of the Peace issues is taking place via email. Components of training for Justices of the Peace are provided via websites and Justices of the Peace are expected to have internet access and be competent to use it regularly.

MORE INFORMATION

- The electorate office of your local elected Member of Parliament. (List MPs can nominate individuals as Justices of the Peace with the endorsement of the electorate MP).
- The website of the Royal Federation of New Zealand Justices' Associations Inc. justiceofthepeace.org.nz
- The Ministry of Justice: justice.govt.nz (Search for 'Justice of the Peace').

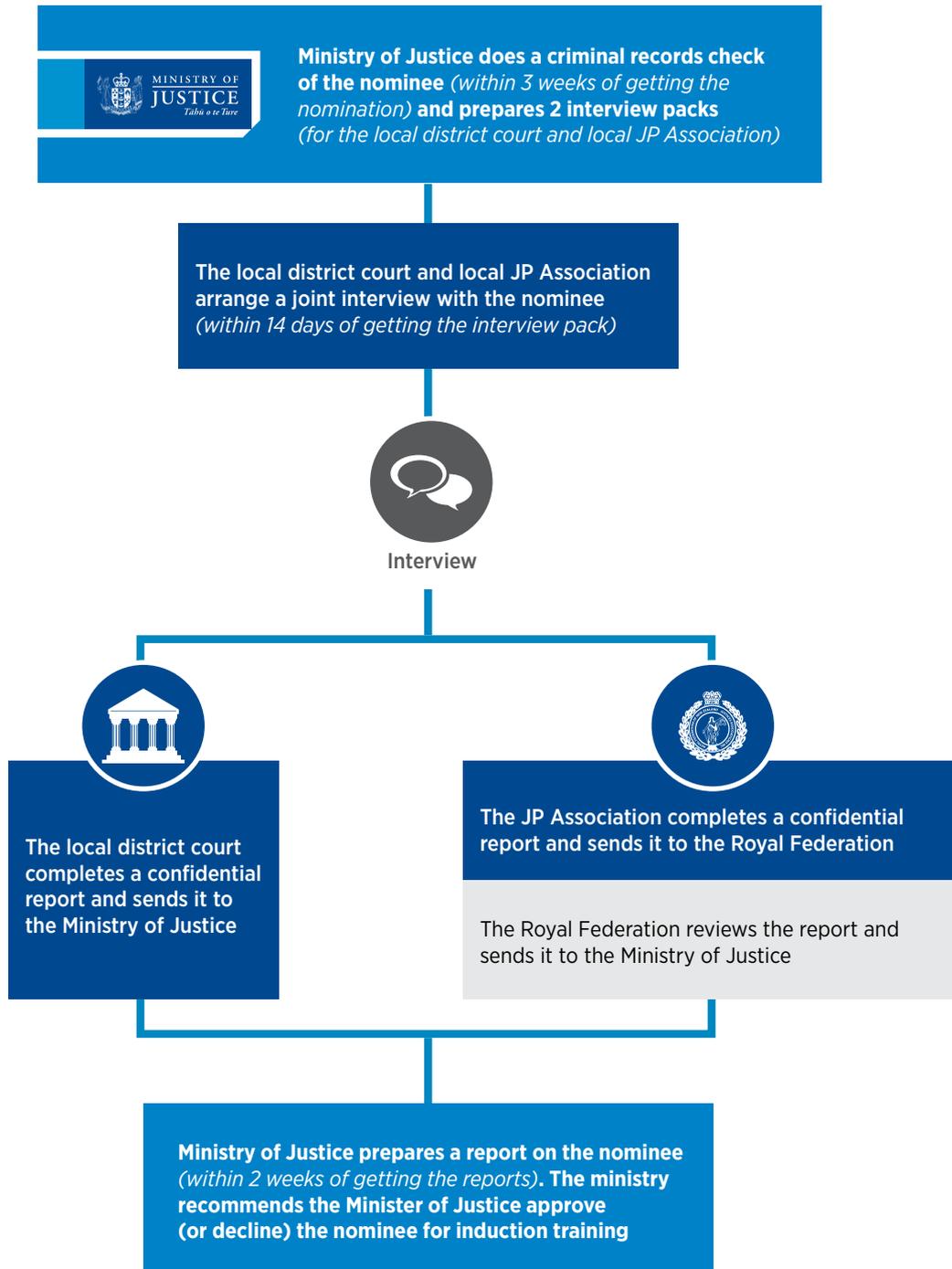
Your local Justices of the Peace Association may be contacted through Royal Federation of New Zealand Justices' Associations Inc.

The Registrar
Royal Federation of New Zealand Justices' Associations Inc.
PO Box 5005
Wellington 6140

EMAIL registrar@jp.org.nz
SKYPE [rfnzja](https://www.skype.com/en/contacts/skype/rfnzja)
PHONE 04 918 8447
FAX 04 918 8034

justiceofthepeace.org.nz

1.2. Nominee interviews



The Ministry of Justice prepares and forwards interview packages to Royal Federation to forward to the local Justice of the Peace Association and relevant district court. The interview package contains the nomination form and the nominee's curriculum vitae.

The next step is an interview which is undertaken jointly by the local Justice of the Peace Association and the Court Representative. There are interview templates and guidelines for conducting the interview.

- **For Justice of the Peace Associations**

(These documents are provided by the Royal Federation)

- Confidential report for the Minister of Justice: Justice of the Peace Association interview template
- Guidelines for Justice of the Peace appointment interview.

- **For Court Representatives**

(These documents are available on the Ministry of Justice intranet)

- Confidential report for the Minister of Justice: district court Justice of the Peace interview template
- Guidelines for district court appointment interview.

The interview templates and guidelines for Justice of the Peace Associations and district courts are separate, and in parts include different questions. This is because the information that is of interest to the Justice of the Peace Association and the Court is different.

Justice of the Peace Associations and district court should only obtain the information required in the interview templates and guidelines. No additional information should be requested from the nominee.

After the interview, confidential reports are completed. In the case of Justice of the Peace Associations, the confidential report must be forwarded to Royal Federation within 14 days after the interview of the Nominee. Royal Federation then reviews the confidential report and forwards it to the Office of Legal Counsel, Ministry of Justice.

District courts must also complete their confidential report and forward it to the Office of Legal Counsel, Ministry of Justice. The report should be sent to the Office of Legal Counsel within 14 days from receipt of the interview package.

The ideal timeframe is that the interview must be held and both of the confidential reports sent to the Ministry of Justice within six weeks of receipt of the interview package.

On receipt of the confidential reports, the Office of Legal Counsel prepares a report for the Associate Minister of Justice's consideration on the suitability of the nominee. The report requests that the Associate Minister of Justice either provisionally approves the nominee to undertake the induction training, or declines the nomination. If provisionally approved, the nominee will be sent self-study materials for induction training and assessment which should be completed within six weeks. Upon successful completion of the induction training, the Minister of Justice recommends that the Governor-General appoints the nominee as a Justice of the Peace. After the Minister and Governor-General signs the Warrant for Appointment, the new Justices is sworn in by a district court judge.

Information requested from the nominee must be in accordance with the interview templates and guidelines for Justice of the Peace Associations and district courts.

Confidential Report for the Minister of Justice

Justice of the Peace Association Justice of the Peace Interview

1. Full name of nominee:
2. Ministry of Justice number:
3. Male/female (circle one)
4. Date of interview:
5. Name of Association:
6. Nominee's date of birth:
7. Nominee's residential address:
8. Nominee's business address:
9. Nominee's occupation
10. Nominee's employer:

Note: the contents of this document may be discoverable under the Official Information Act

This form must be completed and returned to the Royal Federation within 14 days of the interview, for onward forwarding to the Ministry of Justice

UNDERSTANDING THE FUNCTIONS OF A Justice of the Peace

11. Does the nominee have sufficient understanding of the functions of a Justice of the Peace?

YES/NO

Explanation.....
.....

12. Does the nominee understand the unpaid nature of the role of a Justice of the Peace?

YES/NO

Explanation.....
.....

MOTIVATION AND AVAILABILITY

13. Describe the nominee’s motivation for wanting to become a Justice of the Peace.

.....
.....

14. Does the nominee have a clear understanding of the commitment and responsibilities of a Justice of the Peace? (If “Yes” tick appropriate boxes)

Being available to public.....

Privacy of client information.....

Taking part in ongoing education.....

Explanation
.....
.....
.....

15. Is the nominee aware of any potential conflicts of interest if s/he is appointed as a Justice of the Peace?

YES/NO

Explanation
.....

.....
.....

16. Is the nominee willing to have his/her contact details publically available?

Explanation

.....
.....

17. How available is the nominee to carry out Justice of the Peace duties
(day/night/work/home/service desks?)

Explanation

.....
.....

COMMUNITY INVOLVEMENT

18. What are the community activities of the nominee?

.....
.....
.....

REPRESENTATIVENESS:

19. In what ways does the nominee represent a particular demographic need/s
within the electorate?

Ethnicity

Age

Gender balance

Occupation / Workplace

Other

Explanation

.....

.....
.....

RELEVANT SKILLS FOR THE POSITION:

- Sufficient English literacy to deal competently with official documents.
- Computer skills and experience – internet / word processing
- To be able to listen, understand and respond positively to others and show sound judgement.
- To be consistently accurate and to follow specific instructions.
- To show initiative when faced with unusual requests.

19 Does the nominee have the necessary skills for the role? YES/NO

Explanation

.....
.....
.....

20. Describe the nominee’s understanding of the responsibility to deal equally with “all manner of people” irrespective of their place and role in society?

.....
.....
.....

21. Describe the nominee’s understanding of the need for commitment to ongoing education.

.....
.....
.....

22. What is the nominee’s level of computer literacy and internet access?

.....
.....
.....

NEED FOR APPOINTMENT

23. What is the established need for the appointment of this nominee which s/he can satisfy?

.....
.....
.....

GENERAL COMMENTS

.....
.....
.....

RECOMMENDATION

Having regard to the suitability of the nominee, the established criteria for appointment and to the requirements of the community in the area, we

RECOMMEND / DO NOT RECOMMEND

the appointment ofas a Justice of the Peace for New Zealand.

..... (Signed)

..... (Designation)

For the Justices of the Peace Association

Date: / /

Quality Assurance Check

..... (Signed)

..... (Registrar)

Royal Federation of NZ Justices Associations Inc

Date: / /

Confidential Report for the Minister of Justice

District Court Representatives - Justice of the Peace Interview

This form must be completed and returned to Office of Legal Counsel, Ministry of Justice within 14 days from the date of receipt of the interview package.

NAME OF NOMINEE:

DATE OF INTERVIEW:

CONFIRMATION OF NOMINEE'S PERSONAL DETAILS

1. Check that the nominee's personal details are correct and current on the nomination form.

CONVICTION AND BANKRUPTCY STATUS

2. Has the nominee been convicted of a criminal offence (not covered by the Criminal Records [Clean Slate] Act 2004), or does s/he have any civil matters or criminal charges pending in a Court? *For more information on the Criminal Records (Clean Slate) Act refer to the Ministry of Justice website*

YES/NO

If "YES" obtain comment from nominee on conviction history:

.....
.....
.....

3. Is the nominee facing bankruptcy proceedings or professional proceedings?

YES/NO

Comment:

.....
.....
.....

4. How available is the nominee to carry out Justice of the Peace duties (day/night/service desks?)

Explanation

.....
.....

COMMUNITY INVOLVEMENT

5. What are the community activities of the nominee?

.....
.....

REPRESENTATIVENESS

6. Does the nominee meet a particular demographic need in respect of: (tick as appropriate)

Ethnicity

Age

Gender balance

Occupation / Workplace

Other

Comment:

RELEVANT SKILLS FOR THE POSITION

7. What skills does the nominee have that are necessary for the role?

.....
.....
.....

Comment:

CULTURAL COMPETENCY

8. What is the nominee's understanding of cultural diversity in New Zealand and of the Treaty of Waitangi?

.....
.....
..... YES/NO

NEED FOR APPOINTMENT

1. What is the established need for the appointment of this nominee ?

.....
.....
.....

2. General comment

.....
.....
.....

RECOMMENDATION

Having regard to the personal suitability of the nominee, the established criteria for appointment and to the requirements of the community in the

.....area, I

RECOMMEND / NOT RECOMMEND
(delete as appropriate)

the appointment of

as a Justice of the Peace for New Zealand.

.....

Name and designation

Date

1.3. Induction and training

Once the Ministry of Justice is advised by the Minister of Justice or the delegated Associate Minister that the nominee has been provisionally approved to undertake Justice of the Peace induction training, it informs Royal Federation. Royal Federation makes the online induction training material and the ministerial manual available to the nominee, and informs the nominee's Justice of the Peace Association.

The induction training programme comprises the following self-study materials:

- Justices of the Peace Ministerial Duties Manual; and
- Initial Training Module (online)

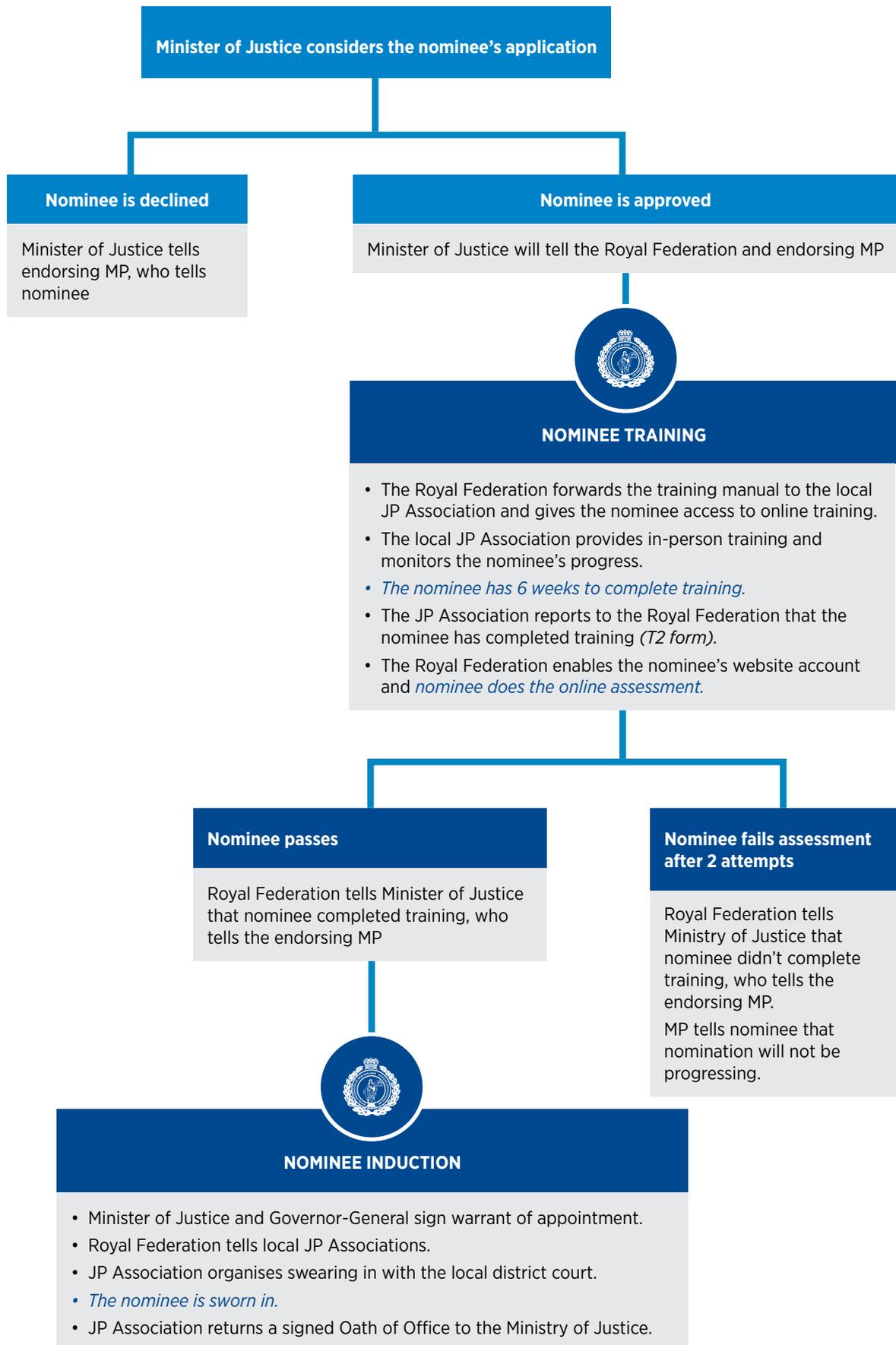
Local Justice of the Peace Associations are required to manage the training of provisionally approved nominees, and aim to ensure that training is completed within 6 weeks of receiving the training materials.

As part of this best practice Royal Federation will monitor Justice of the Peace Associations to ensure that Associations comply with this standard practice. Justice of the Peace Associations are required to report to Royal Federation on the completion of training, and attest that the nominee is ready to undertake the online assessment. Royal Federation makes the online assessment available to the nominee and oversees its completion.

Following notification that the nominee has passed the online assessment, Royal Federation advises the Ministry of Justice (Office of Legal Counsel) that the nominee has either completed or not completed the training.

If the nominee has met the training requirements, the Ministry of Justice will report to the Associate Minister of Justice requesting that he or she advise the Governor-General that the nominee may be appointed a Justice of the Peace. The Warrant is signed by the Governor-General and the appointment is gazetted.

The new Justice is then sworn in by before a district court judge, and signs the oath of office and judicial oath, which are sent to the Ministry of Justice.



2. Complaints and dispute resolution process

2.1. Ministerial duties

Section 5 of the Justices of the Peace Act 1957 provides for a range of disciplinary measures. The complaints and disciplinary process is outlined below.

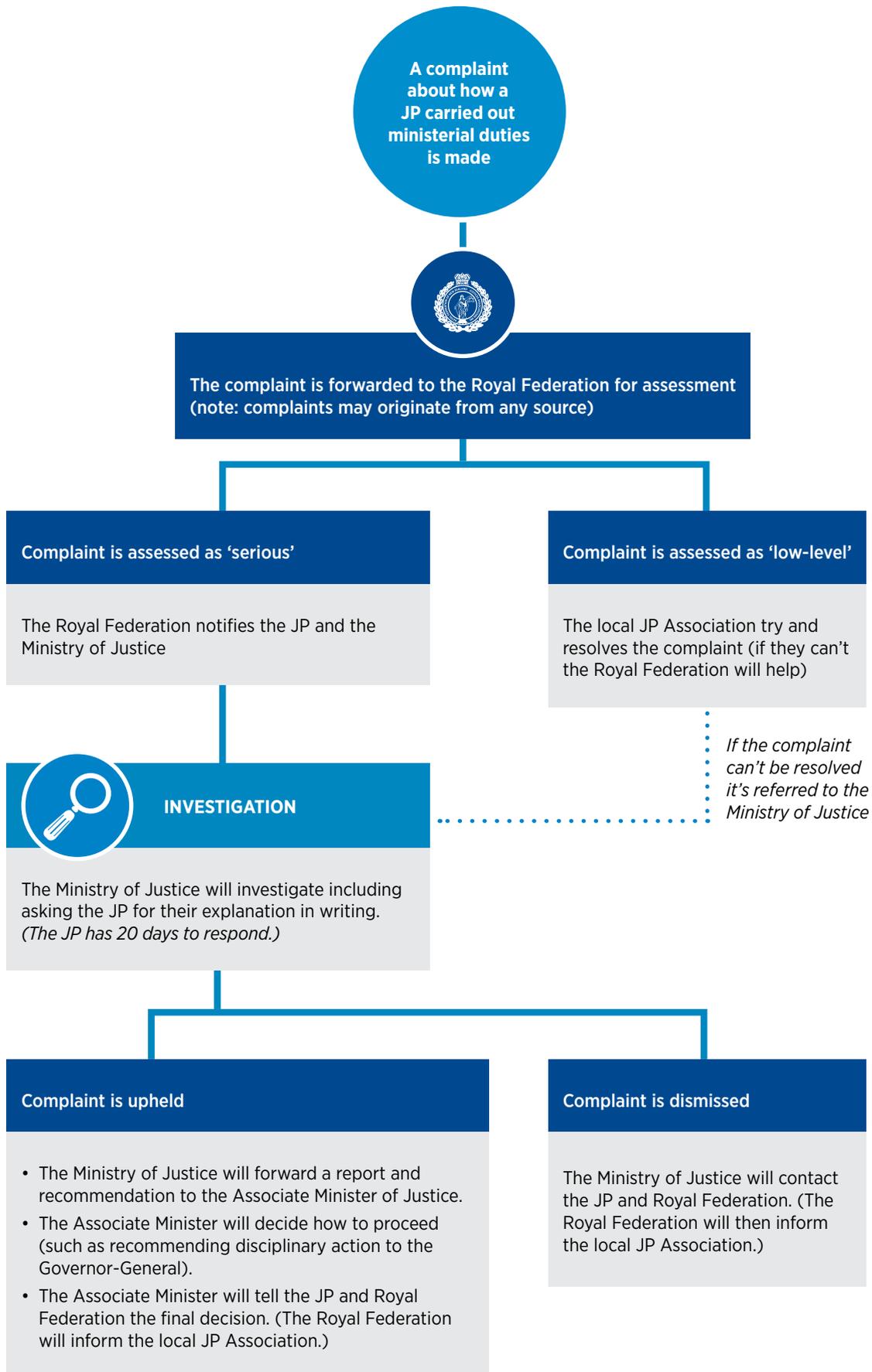
Where a complaint against a Justice of the Peace in relation to ministerial duties is of a minor nature, such as an incorrect following of process, the issue will be dealt with at the local Justices of the Peace Association level. There will be liaison between the Justice of the Peace Association and Royal Federation as to how the investigation will progress, and a register of all such complaints should be held.

'Low level' complaints, complaints that are not serious enough to justify removal or suspension of a Justice of the Peace, that cannot be appropriately resolved and more serious complaints such as charging for services, breach of confidence or incompetence will be referred to the Ministry of Justice.

If the complaint is considered justified the Minister of Justice may recommend to the Governor-General to direct the Minister to either reprimand, direct the Justice of the Peace to apologise, request the Justice of the Peace undertake further training, or suspend or remove the Justice of the Peace from office.

Key points about the Complaints and Dispute Resolution Process for Justices of the Peace when undertaking ministerial duties:

- Complaints that are low level are dealt with by the Justice of the Peace Association, if possible.
- Royal Federation keeps a register of all complaints.
- Low level complaints that cannot be appropriately resolved and serious complaints are referred to the Office of Legal Counsel, Ministry of Justice for investigation.
- If the complaint is considered justified, the Minister of Justice may recommend to the Governor-General that the Justice of the Peace be disciplined in accordance with section 5 or section 5D of the Justices of the Peace Act 1957.



2.2. Judicial duties

'Low level' complaints, complaints that are not serious enough to justify removal or suspension of a Justice of the Peace, should be dealt with by local Justices of the Peace Associations. If, after investigation, the complaint cannot be appropriately resolved then it should be referred to the Office of Legal Counsel, Ministry of Justice.

Formal complaints which are not 'low level' will be first addressed to the Chief District Court Judge for investigation. This may be after consultation with the local executive judge or liaison district court judge.

All complaints should be notified to Royal Federation by Justice of the Peace Associations and the Royal Federation is to be notified of the outcome by Justice of the Peace Associations.

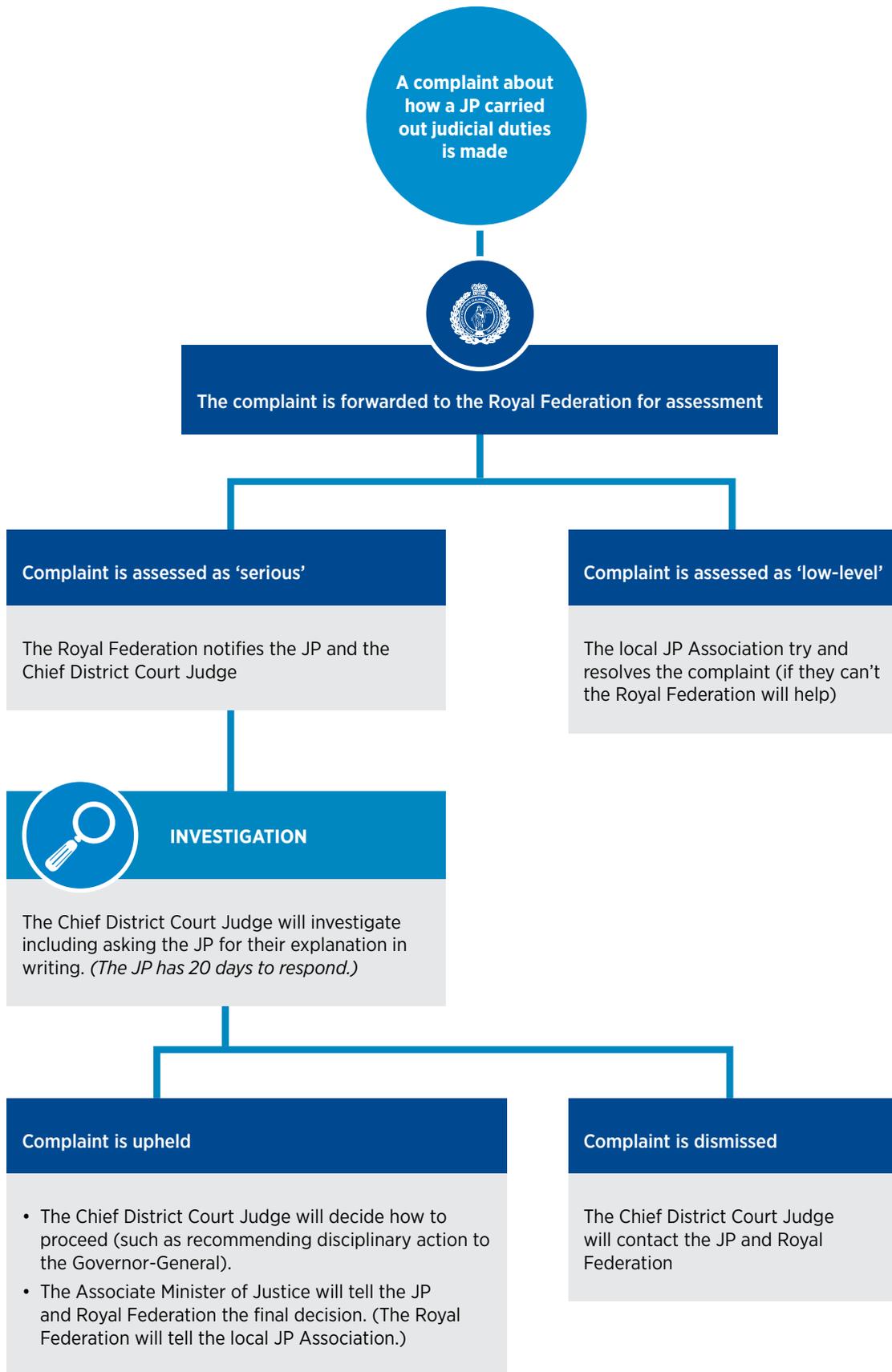
The Justice of the Peace must be notified of the complaint and asked to comment.

The role of the Ministry of Justice in relation to complaints against Justices exercising judicial powers and functions is limited because of judicial independence.

The Minister of Justice has the authority to recommend to the Governor-General the removal or suspension of a Judicial Justice of the Peace following consultation with the Chief District Court Judge.

Key points about the Complaints and Dispute Resolution Process for Justices exercising judicial powers and functions.

- Formal complaints are to be referred to the Chief District Court Judge for investigation.
- Low level complaints are to be dealt with by Justice of the Peace Associations if possible.
- Low level complaints that cannot be appropriately resolved should be referred to the Office of Legal Counsel, Ministry of Justice.
- The Justice who is the subject of the complaint must be notified of the complaint and asked to comment.
- The Minister of Justice has the power to recommend the removal or suspension of a Justice of the Peace after consultation with the Chief District Court Judge.
- The Ministry's role with respect to serious complaints is limited because of judicial independence.



3. Recognition of retirement

Justices of the Peace can choose to resign at any time. The Justices of the Peace Act 1957 provides that Justices can either resign or retire. If they choose to resign or retire they are able to apply to the Secretary for Justice to use the title ‘Justice of the Peace (retired)’ under section 3C of the Justices of the Peace Act 1957. This involves the Secretary of Justice formally approving the retiring Justice of the Peace’s request. Provided the Justice of the Peace does not meet the criteria stated in section 3C(2) of the Justices of the Peace Act 1957, the approval will be gazetted.

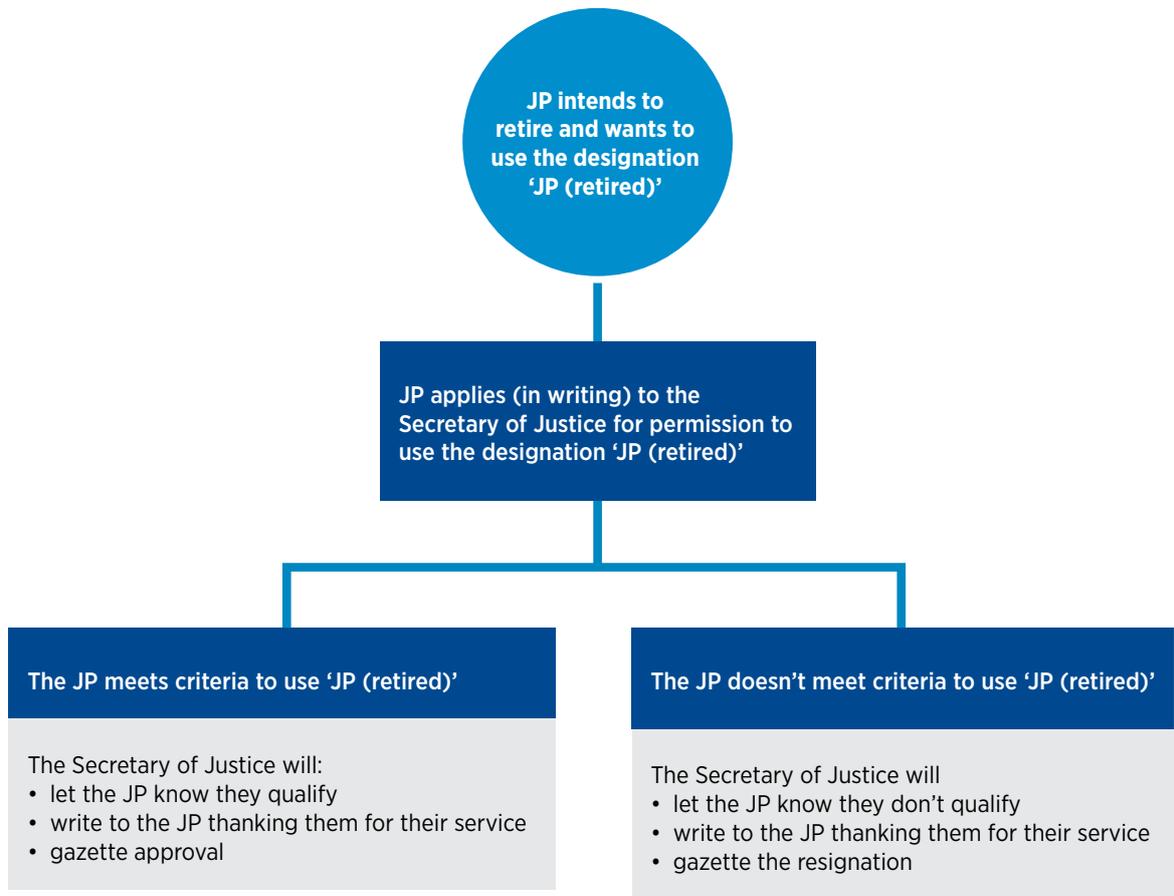
3C Use of designation “Justice of the Peace (retired)”

- (1) On or after retiring or resigning as a Justice, a former Justice appointed under section 3(1) may apply to the Secretary in writing for authority to use the designation “Justice of the Peace (retired)”.*
- (2) The Secretary must publish in the Gazette a notice authorising the former Justice to use the designation “Justice of the Peace (retired)”, unless satisfied that the former Justice –*
 - (a) had served as a Justice for less than 10 years; or*
 - (b) before retiring or resigning as a Justice, without reasonable excuse, –*
 - (i) had abandoned the performance of the functions of a Justice; or*
 - (ii) had from time to time failed or refused to perform the functions of a Justice; or*
 - (c) retired or resigned while suspended from office; or*
 - (d) retired or resigned to avoid being removed or suspended from office, or otherwise disciplined.*
- (3) No former Justice may use the designation “Justice of the Peace (retired)” unless the Secretary has published in the Gazette a notice authorising him or her to do so.*
- (4) No person may use the designation “Justice of the Peace (retired)” or a similar designation unless he or she is a former Justice.*
- (5) Subsection (1) applies to former Justices (appointed under section 3(1)) who retired or resigned before the commencement of the Justices of the Peace Amendment Act 2007.*

Additionally, to recognise the work of Justices of the Peace in the community, the Secretary for Justice will individually write to the retiring Justice of the Peace acknowledging and thanking them for their services rendered to the community.

Key points about recognising the retirement of Justices of the Peace:

- Justices of the Peace can write to the Secretary for Justice requesting that they may use the title ‘Justice of the Peace (retired)’ in accordance with the section 3C of the Justices of the Peace Act 1957.
- Provided the Justice of the Peace does not meet the criteria states in section 3C(2) of the Justices of the Peace Act 1957 the Secretary of Justice will formally approve the Justice of the Peace’s request and the approval will be gazetted.
- Justices of the Peace will also be formally acknowledged by the Secretary of Justice.



4. Service desks in district courts

Justice of the Peace Service Desks (JPSD) have been established to provide the public with an alternative to visiting a Justice in their home or workplace. In 2015 the majority of the 29 associations that make up the Royal Federation of New Zealand Justices Associations Inc have established desks that operate either, daily, weekly, fortnightly or monthly for varying lengths of time.

Service desks are a Justice of the Peace initiative; there is no legislative provision that covers this method of service delivery. The 2015–2018 contract for service with the Ministry of Justice, recognises for the first time, service desks operating in district court buildings. A national standard for those desks has been agreed and is appended.

All services provided by Justices at any venue comes under the auspices of the relevant Justice of the Peace Association.

The Association Council identifies a need for a service desk and is satisfied that:

- the identified venue has sufficient ‘foot traffic’ to ensure a viable Service Desk
- there are sufficient Justices available to staff the desk
- a Justice is identified who is responsible for coordination and rostering
- a satisfactory arrangement is agreed with a venue, preferably at no cost to the Association
- the venue is accessible for all clients including those with a physical disability
- there is sufficient space and appropriate furniture for Justices, clients and those waiting
- there is appropriate signage at the venue advertising the service
- any other factors related to the venue including but not limited to privacy provision, website access, mobile phone coverage, access to toilets, access to refreshments where Justices are rostered for 2 hours or more.

The Association will:

- roster only members known to participate in ongoing education provided by the Association
- ensure Justices understand that their code of ethics and conduct apply while on duty at the desk
- ensure rostered Justices are able to be identified by a name badge
- ensure rostered Justices record and report transactions as required for statistical purposes
- require Justices to be respectful, courteous and co-operative towards venue staff and clients
- require Justices to respect and uphold the confidentiality and privacy of clients.

The details of all Justice of the Peace Service Desks are accessible on the homepage of the RFNZJA website www.justiceofthepeace.org.nz

National Standard of Court Services for Justices of the Peace Service Desks

All Justices of the Peace attending a service desk within a Court can expect::

Court facilities

Car parking at the court (where possible, by arrangement with the court manager).

Access to tea and coffee making facilities. (No meal allowance is payable).

Access to non-public toilet facilities.

Access to non-public area for breaks.

Access to secure disposal of confidential papers.

Access to secure areas

Justice of the Peace obligations

To be a current member of a Justices of the Peace Association.

To commit to the roster and if attendance is not possible, to be responsible for arranging a replacement.

To provide own stationery and stamps as required

To start and finish service at the stated time.

To wear a name badge or label.

To display service times and break times on a poster or board

To provide courteous, patient service to members of the public at all times

To record transactions as required for statistical purposes.

To be respectful, courteous and co-operative with all court staff.

To respect and uphold the confidentiality and privacy of court documents, transactions and court staff

Court staff obligations

Respectful, courteous conduct and co-operation from all court staff towards Justices of the Peace.

To respect and uphold the confidentiality and privacy of documents, transactions and Justices of the Peace

In the event of a problem

Travel

No mileage allowance is payable for service desk attendance.

Signed

.....
Court Manager

Court

.....
President

JP Association

Date / /

Date / /

Standard to be renewed / /



MINISTRY OF
JUSTICE
Tabu o te Ture

[New Zealand Government](#)

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