Conference season in the regions
Tenā koutou.

As I write this column it is Maori Language Week. It is a pleasure to hear and read about the many and varied opportunities there are for non-Maori speakers to learn one of Aotearoa New Zealand’s three official languages. I encourage all non-Maori speaking Justices to have a go. Being able to greet members of the public who approach you for Justice of the Peace services in at least two of our official languages, and if you know or are learning NZ Sign Language, all three, would, I am sure, be much appreciated.

All the regional conferences will be over by the time this edition of the Quarterly is published. Yet again, I have been impressed by the energy, enthusiasm and commitment of the Justices who attended and contributed to the many and varied discussions that took place. Thank you to the five associations who hosted this year’s meetings, namely Far North, Auckland, Wairarapa, Nelson Tasman and the West Coast.

Those who attended had the privilege of listening to a number of excellent guest speakers as well as focusing on the business of Justices of the Peace, associations and the Federation. The guest speaker at the Northern Regional Conference in Kerikeri was Judge Greg Davis. Judge Davis and Jaime-Anne Tulloch, the Northland Judges’ research counsel, jointly presented on the topic of the importance of the Federation adopting a constitutional reference to the Treaty of Waitangi.

Judge Davis focused on four areas in his address: the importance of language, the importance of a constitution, the constitutional status of the Treaty of Waitangi and the role of Justices of the Peace in achieving these aims. He commended the Federation for adopting the amendment to the Constitution. He noted that “meaningful change must be driven from the top down”, which in our case means formally welcoming an association kaumatua.

Regional conferences also provided the opportunity to brief associations on progress with the direction given by this year’s Federation AGM and the Board’s Annual Strategic Objectives. Two initiatives that associations are actively engaged in are the reviewing of foundation documents, i.e. the Constitution and Federation Policies. Thank you to the associations who provided feedback on the draft policies - the amended documents will be put to the next AGM. The draft revised Federation Constitution will be circulated to associations in early October for feedback, with the final draft also being put to the AGM in Christchurch next year.

With respect to the objective of seeking out new opportunities for Justices, I was able to share an exciting development at the regional conferences. This was the agreement with the Ministry of Justice on a set of standards and protocols to allow Justices of the Peace to become Marriage Registrars. Justice of the Peace Marriage Registrars will assist District Court staff with marriage ceremonies within the District Court. The Hamilton District Court was identified by the Ministry as the first venue, with Justices starting in the role in early September. The Ministry of Justice will be responsible for deciding on the extension of the service. At the time of writing discussions are under way between the Tauranga District Court and the Bay of Plenty association.

AGMs are due to be held throughout New Zealand over the next couple of months. I encourage Justices to attend their association’s meeting and I look forward to meeting as many of you as is possible at those I will be attending. Ngā mihi.
State of the art

The $300 million Justice and Emergency Services Precinct in Christchurch was officially opened last month by Prime Minister Bill English.

The precinct is the largest multi-agency government co-location project in New Zealand’s history, bringing together all regional justice and emergency services in one purpose-built facility.

It will be home to the Ministry of Justice and Christchurch-based judiciary, New Zealand Police, Department of Corrections, St John New Zealand, Fire and Emergency New Zealand, the Ministry of Civil Defence and Emergency Management, and the Civil Defence and Emergency Management functions of the Christchurch City Council and Environment Canterbury.

Agencies are expected to be able to deliver the first public services from the precinct in mid to late October.

Justice Matters

Moving with the times

Readers have the option of receiving the Quarterly as a PDF rather than a hard copy. To take up this offer please advise the office by email: administrator@jpfed.org.nz. Telephone requests will not be processed.

• If you have already asked to receive the magazine electronically but you are still getting the hard copy, please advise the administrator.

ON THE COVER:
Federation Vice-President Rachael O’Grady leads a workshop at the Northern Regional Conference in Kerikeri … regional conference coverage begins on P13

ADDRESS CHANGES FOR DELIVERY:
If you want to change your postal address for delivery of the Quarterly please advise your association registrar and the Federation Administration Officer: administrator@jpfed.org.nz
Not only is 2017 the year that marks the 10th anniversary of the Justices of the Peace Amendment Act 2007, a watershed moment in the history of Justices in New Zealand, it is also the 60th anniversary of the 1957 Act and the 90th of the 1927 Act.

The 1927 Act mainly laid out the judicial functions of Justices, but 1957 ushered in a new era, in that these functions were divided between the new Oaths and Declarations Act and the new Summary Proceedings Act. Justices’ functions were thus defined by the Oaths and Declarations Act and by the new Justices of the Peace Act which limited judicial functions to those conferred by the Summary Proceedings Act. The Federation objected, but in vain, to what it saw as a diminution of judicial function, something which sounds familiar today!

The 1957 Act was remarkably short, retaining the basic appointment terms, but transferring the power from the Queen to the Governor-General. Otherwise, its main content related to attendance at court and removal from office.

Successive Federation Executives promoted the need for training of JPs, the focus at that stage being post-appointment. In 1972 the then Secretary for Justice recommended post-appointment training but nothing transpired by way of legislation.

It was not until 1986 that the Federation made a call for the review of the 1957 Act and of the appointment procedure, and in 1991 there was a call for training to be completed before swearing-in – but still post-appointment.

From there things moved slowly, despite strong lobbying by the Federation, but by 2001-02 its lobbying had had the effect of the promotion of a draft bill by the then Associate Minister of Justice, Paul Swain, to the Cabinet Social Equity Committee. That bill contained many of the key provisions of the final 2007 Act such as:

- JP (Retired) status
- wider disciplinary sanctions
- clearer definition of judicial functions.

The recommendation on training in the memorandum to the committee was still focused on post-appointment and where discipline or competency was in question.

However, at least we had a bill! But once on the House Order Paper, despite the intense efforts of successive Presidents and Executives, it was well down the list of priorities and kept being swamped by bills of higher importance. It seemed that, despite blandishments to the contrary, there was little political will to further its advancement. What was needed was a minister with the clout and will to drive it on.

Sometimes the stars align . . .

The turning point came at Federation Conference 2006 in Greymouth, as did my closer personal involvement, since 2006 was the year I became President.

Backing up a step, in 2005 I had attended the Australasian Council of Justices’ Associations conference in Perth and, while there, looked closely at the West Australian appointment process, which was based on rigorous pre-appointment training. It was so obvious - why hadn’t we thought of it before? No appointment at all until trained to an acceptable standard! Not after appointment – before!

Back to Greymouth. At dinner, Registrar Alan Hart arranged for me to sit next to Clayton Cosgrove, the Minister responsible for JPs. I was not pleased, having looked forward to a relaxed evening with a glass or two. Not to be! This was an opportunity not to be missed and for two hours questions and answers flowed between us on the importance of pre-appointment training, among other things, and the need to progress the bill urgently. I saw this as a way to dilute the existing level of patronage, at the same time raising the level of entry.

Cosgrove was an intent listener and acute inquisitor – little escaped his notice. Next morning in his address to Conference he stated that he had learned...
more about JPs in those two hours than he had ever known and made a commitment to see the bill through. He saw it as one which would get cross-party support and which would be relatively fiscally neutral – two huge plusses.

Cosgrove was as good as his word. Within a short time the bill’s position on the Order Paper was secured and its journey allocated to the Law and Order Select Committee under Martin Gallagher JP – a friend in court! The Executive geared itself up for a period of intensive work and we launched into rounds of meetings, both official and unofficial.

Cosgrove was great to deal with – a straight-shooter, and very clear as to what would fly and what wouldn’t. Meetings were conducted with crisp efficiency and we had to be well-prepared going into them. On one memorable occasion he sent packing Ministry personnel who turned up without the information he had requested.

Compulsory association membership was a non-starter, as JPs are responsible first to the state, not to a regulatory body. Limited tenure was tested but had the sniff of cost about it which would negate the important fiscal neutrality of the bill – but there was interest. Obligatory ongoing training had to be sidelined for the same reason.

But our demand for pre-appointment training was non-negotiable and was to result in what I consider to be the most powerful and far-reaching part of the Act.

However, it wasn’t all smooth sailing. A Select Committee hearing for which I had to travel from New Plymouth, and Vice-President John Falconer from Gore, was abandoned in a political power-play because the chairman was 10 minutes late. Not only us, but the Police Commissioner to follow us, were left stranded in the lobby.

The unusual nature of the event made headlines in the Dominion Post and a meeting was quickly rescheduled a couple of weeks later, when profuse apologies were offered all round.

How to react? Dance a fandango about resultant inconvenience and cost? That would only heighten tension, so our response was: “We’ve waited 25 years for this. Another few days is not much in the time scale.” There was a visible relaxation of tension and from then on it was plain sailing. I recall being asked: “This is your bill – what do you want from us?”

From there it was a matter of tidying up bits and pieces before the bill had its first reading on July 19 2006 and the second and main reading on March 27 2007, when I was proud to be in the gallery to witness the fruits of our labour.

Many complimentary comments were made about the Federation’s role, to the point when Hone Harawira commented: “We heap so many accolades on Justices of the Peace that I am surprised that we do not all just resign from our jobs here and hand it over to Royal Federation … to run the country!”

On April 14 2007 the bill was passed into law, by which time John Falconer had become our President.

It had been a long road with so much effort by so many people over so many years, but it was done. And, given the long lead-up, in a comparatively short space of time. So much, so often, in the end depends on serendipitous alignment of many factors and this was so in our case: a minister willing to commit himself; the fostering and maintenance of good relationships; a supportive ministry; a few helpful friends in high places; and some help from our Aussie mates.

And, just maybe, the scales were tipped by a mere two-hour conversation at the dinner table. Who can tell?

The legacy

There is still a lot of work to be done. The strong implication of the Act’s beefing up the appointment process and widening the disciplinary sanctions is that a high level of competence will be introduced and maintained to meet the public’s right to effective and efficient service.

The state has delegated on-going education in this respect to the Federation but has fallen short of providing the most logically necessary step: some form of monitoring to ensure that all JPs maintain the required standard of current knowledge and skills.

Such monitoring should have as its first objective the support and enhancement of JPs’ knowledge and skills before the application of any sanctions. Just as having to meet a required standard before appointment was blindingly obvious, so is the need to see that that standard is maintained in the public interest. This, to my mind, is the legacy we inherit from the Act.
Wellington JP LEASA CARLYON’s community interests in recent years have ranged from courts, prisons and boardrooms to restorative justice and a BMX track. Being a JP has been a key part of the journey, she says . . . .

Busy on many fronts

Coming from a long line of policemen and serial volunteering women it shouldn’t have surprised me that I would find justice and serving my community a calling. After 10 years’ OE I moved back to New Zealand in 2003, aged 32, with my new husband David (my English takeaway).

We needed JP services while getting established, and I was both impressed with the professionalism of the JPs who helped us and intrigued about the role. Fast-forward a couple of years, and becoming a JP seemed like the perfect way for a stay-at-home mum with one baby and another on the way to meet and interact with her new community.

Discovering that the Wellington association was looking for new blood on its court panel, I made inquiries and was invited to observe a bail hearing conducted by a judicial Justice. I was immediately captivated. With the children now at primary school, the role fitted well with my schedule as court sessions usually ended by lunchtime.

I loved the stimulating study about the justice system and learning about our obligations under the Treaty of Waitangi. There is a strong collegial group of impressive judicial Justices in Wellington, and it is an honour to serve beside them.

It was serving on the bench that led to the next phase of my involvement with the justice system. Some defendants appeared bewildered, or not engaged with the process; they seemed detached from what was occurring in the courtroom. While pondering this with a senior judge, I was told, “Sounds to me, Leasa, like you want to do Restorative Justice.”

I immediately tried to find a short course to take. There were none. To learn, you need to become a Restorative Justice Facilitator (courses are now available at Victoria University). After badgering Community Law Wellington & Hutt Valley (the local RJ provider), I was enrolled in the Restorative Justice Training Course in 2013, and became an accredited facilitator in 2015 working on criminal pre-sentencing cases.

Some of my clients are remanded in custody at the local prisons before sentencing, having already pleaded guilty to the crime. If this is the case, the restorative meeting has to occur in the prison, as the offender cannot leave. It is an interesting conversation with the victims, asking them to agree to come to a meeting in a prison, but many are curious and want to see where their tax dollars go.

So far, I have not knowingly had a victim regret taking part in the process. They are usually at least able to discover the motivation and find out the “why” behind the offending, ask questions and gain closure. The entire process is voluntary and private.

These difficult conversations cover what happened, the impacts of the crime and collectively consider what might make things right. The offender is given the opportunity to take full responsibility for their actions to those they have harmed personally. Offenders are thus very much engaged in the process and take an active role in what happens. It is a chance to hear and be heard and to ask questions and give apologies.

The victim can choose to reject or accept apologies, and to forgive if apologised to, which they can find empowering. Victims can ask for reparation for losses and/or for the offender to complete a course such as anger management, driving skills, drug and alcohol counselling and/or volunteer their time to a charity.

In short, the parties make their own creative justice that makes sense to them. After the meeting, the sentencing judge receives a report from the RJ facilitators. He/she can endorse or decline the parties’ justice agreement, and add or remove penalties as they see fit.

During these cases I have met an amazing cross-section of our society, from senior white collar criminals who have defrauded hundreds of thousands of Wellington JP LEASA CARLYON’s community interests in recent years have ranged from courts, prisons and boardrooms to restorative justice and a BMX track. Being a JP has been a key part of the journey, she says . . . .
dollars from not-for-profit organisations, to someone who opportunistically stole a skateboard. My key learnings from working with people in conflict are that “hurt people hurt”. Often offenders have some past or present unresolved hurt or pain, and while that is never an excuse to harm others, restorative processes can help offenders see the link to their hurt and their choice of harming others, which may not have been obvious to them before.

The other key learning is the generosity of the victims in giving time in attending meetings. Sometimes victims willingly forgive and in doing so find this healing for themselves. If this happens, the offender can find forgiveness surprising, emotional and very humbling, and the process can be an impactful event in their lives.

**Elder restorative circles**

In 2014 Professor Chris Marshall took up the Diana Unwin Chair in Restorative Justice at Victoria University Wellington. New Zealand is an international leader in restorative processes and we can be very proud of this. Recently I have been part of a team with Professor Marshall and others which has put together a research pilot to explore if restorative circle processes would be helpful in cases of inter-family elder abuse, harm and neglect.

Families are often reluctant to involve police in such issues, and this offers a way to discreetly and respectfully address harm. Elder abuse is a single or repeated act, occurring in a relationship of trust, which causes harm to an older person. It is a violation of human rights and includes physical, sexual, psychological, emotional, financial and material abuse, abandonment and neglect. The pilot aims to complete 20 cases over two years and is funded by the Ministry of Social Development.

**Boards and committees**

I have been honoured to have worked on various boards and committees, before my appointment as a Justice. I became an elected director of the Wellington Chamber of Commerce in 2004, and learned a great deal in the ensuing four years. I went on to volunteer for the boards of the Wellington YWCA, the New Zealand Software Association and Alzheimers Wellington.

I have also been appointed layperson on the Dietitians Board of New Zealand, and am currently on the Health Practitioners Disciplinary Tribunal and the National Animal Ethics Advisory Committee for Ministry of Primary Industries. It is a great privilege to represent the public viewpoint in such roles.

**And the BMX track . . .**

BMX has been another form of voluntary community service. My children used to lament that there were no BMX tracks in Wellington city. I wanted to do something about this, but it seemed daunting. Later I met Rebecca and Raffaele Maresca who were selling raffle tickets fundraising for Capital BMX Club to rebuild the Karori track.

Excited, I joined the club committee and started presenting at Wellington City Council funding rounds as to why they should support this project. Along with a team of dedicated club committee members, we were able to achieve the dream of opening the new BMX track on February 28 last year, an event attended by then Mayor Celia Wade-Brown. It was an awesome and exhausting project which included finding sponsors, applying for community funding grants, engaging track designers, builders, engineers, drainage engineers and sourcing and managing the delivery of over 600 truck and trailer loads of dirt.

Wellington has many topographically challenged suburbs with busy, narrow, dangerous roads. As a result, many children have not been taught how to ride a bike. Riding is healthier than being glued to an electronic device, but the real gold is for young people to learn to accurately judge speed, risk, distance and proximity in a blink of an eye before they start driving.

The BMX track is a safe place to learn and gives kids an incentive to learn to ride a bike. It offers the opportunity to race BMX for Wellington, have fun mucking around on bikes with friends and learn about risk beyond a device.

So there you have it, the journey so far: meeting interesting people and working in interesting places. Being a JP has been a big part of what links these topics together.

*He aha te mea nui o te ao? He tangata, he tangata, he tangata: What is the most important thing in the world? It is the people, it is the people, it is the people.*

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**SUPPORT THE JP EDUCATION TRUST**

The Justices of the Peace Education Trust was established in 1974 in conjunction with the Federation’s jubilee.

**Its purposes are:**

- to educate JPs throughout New Zealand on all aspects of their functions, responsibilities and role in the community
- to educate the community as to the tasks performed by JPs and the activities they undertake
- to provide information and resources to service the educational requirements of individual JPs
- to award scholarships to JPs or others to further the objects of the Trust
- to provide grants and resources for the education of JPs through the Federation or its affiliated associations
- to provide resources and facilities for research into any matters of relevance to JPs or the law of New Zealand
- to raise money by donations, loans or by any other lawful means and by such methods as the Trust considers appropriate for the furtherance of these objects.

**Trust funds were used to support the Emerging Leaders Programme in 2014 and 2015** but the trustees wish to again draw the Trust to the attention of all members and to invite donations to increase the work it is doing.

**All donations, bequests and gifts are tax-deductible for the purposes of the Charities Act and the Income Tax Act.**

The Trust’s registration number is CC33701.

**Donations may be paid to the Trust’s BNZ account:**

Justices of the Peace Education Trust 02-0536-0365139-00
Vodafone emails
In September Vodafone announced that they would be dis-
continuing their email service from November 30 this year.
Over 600 Justices have an email supplied by Vodafone
(emails ending with vodafone.co.nz, vodafone.net.nz, ihug.
co.nz, wave.co.nz, quik.co.nz, pcconnect.co.nz, paradise.net.
nz, clear.net.nz and es.co.nz are all affected). If you use one
of these email services and therefore need to set up a new
email with a different provider, please remember to let us
know – just send an email to administrator@jpfed.org.nz
from your new email and ensure you include your name in
the email.

Accreditation
The number of Justices achieving Accreditation is still ris-
ing, but the rate of increase has dropped significantly. If you
are having difficulty logging on to complete Accreditation
please call the Federation and our administration officer, Sa-
rath Gillard, will be able to help you through the process.
The most common problem we hear about relates to complet-
ing the date field for the association education programmes
attended. It is always best to use the drop-down calendar to
select the correct date. And please don’t forget to “tick” the
attestation box.

Judicial Studies Course
A reminder to those associations with a court panel of the im-
portance of planning ahead for succession of judicial Justices
... more information about the Judicial Studies Course can
be found on P7.

Regional conferences
I have attended the five regional conferences (the Central Re-
gion holds two) and gathered a lot of useful comment from
those attending. It was very useful to put faces to names
during the conferences, and there was some great feedback
about assistance from the staff in the National Office, which
has been duly passed on. We are also always happy to hear
from you by phone or email. If you did not attend a regional
conference this year, I recommend you mark your 2018 cal-
endar now – there is a lot of valuable collaboration and learn-
ing occurring at these events.

National Manager vs Registrar
I have been asked several times about the title National Man-
ger and Registrar. The Board moved to using “National
Manager” at my appointment, but a number of documents
(the Constitution, for example) still refer to “Registrar”. To
ensure compliance where necessary, Registrar is still used
until such time that the controlling document is updated. My
email is still registrar@jpfed.org.nz

National Education Officer
Recruitment is currently under way for a new education of-
fer, Stephanie Dodd left the Federation at the end of August. The role title has changed to better reflect the work
undertaken. This is a key appointment to the national re-
source and the process will be undertaken very carefully to
ensure the person with the best fit for the role is engaged.

Conference 2018
The Canterbury association’s planning for next year’s Con-
ference in Christchurch (March 2-4) is well under way and
further information can be found on the website at:
http://www.jp.org.nz/MemberServices/
Conference+documents.html
Remits and notices of motion from associations for Confer-
ice 2018 must be received at the Federation office no later
than November 1.

Budget submission and Contract for Services
Work is well under way for the submission to the Minis-
try of Justice to secure funding support for the three years
from July 2018. This funding to a large extent dictates the
resources available to deliver initial training and ongoing
education for all Justices, and maintenance of the public
contact mechanisms which are delivered by associations,
for example service desks. Data gathered from associations
is consolidated into the submission, to ensure the Ministry
understands the volume of outputs generated by public and
legislative demand for our services. Thank you to those of
you who assist in the recording of this information.

Justices of the Peace Education Trust
Since the campaign to reinvigorate interest in the activities
of the Education Trust started in May this year, a number of
members have responded with donations – either one-time
donations, or in some cases regular commitments. If you
have any queries regarding donations to the Trust, please
contact me directly or refer to the article on P4 of the July
2017 edition of the Quarterly.
The Federation offers a unique opportunity for highly committed Justices of the Peace to undertake the Judicial Studies Course, in order to prepare them for being included on association court panels.

The Judicial Studies Course is an online training programme. The course is at a tertiary level akin to a first-year university paper. It takes six months to complete and is intended to take at least 200 hours of study. This means at least eight-10 hours per week for the duration of the course. There is significant required reading in textbooks, websites, and the Judicial Manual.

The complete Judicial Studies Programme consists of three parts:

- Judicial Studies Course (online via the Federation website)
- Practicum - two days in-person training with the Federation, overseen by a judge
- Mentoring in court with the local association.

A Justice must not undertake any judicial tasks until training is completed to the satisfaction of the Chief District Court Judge (see s3(b)(1) JP Act 1957).

Course content is based on the Judicial Duties: Courts manual, supported by three textbooks and legislative websites. The online course modules are:

1. Background to the Law and Courts
2. Justices in the District Court
3. Working in the Court
4. Managing Proceedings and the Court List
5. Disclosure, Adjournments and Bail
6. Judge-alone Trials
7. Evidence, Proof and Defences
8. Decisions and Sentencing
9. Common Offences

Each module contains self-marking activities to prepare a Justice for the course assessments, which involve three compulsory assignments and a learning journal. Assignments come at the completion of modules two, six and eight. Although the learning is done independently, Justices are provided with support from their association and the Federation. The fact that the training is provided online does not in any way mean that the learning will be easy. Studying online requires that an individual needs to be motivated, well-organised, proactive, and take an active role in learning and accessing information.

Successful completion of the academic component of the course is necessary for any Justice to be invited to the two-day practicum. Ongoing mentoring is then provided to the Justice by respective associations once training is completed to the satisfaction of the Chief District Court Judge. For more information on the commitment required for the course interested parties should refer to the article in the October 2016 Justices' Quarterly (PP5-6).

Enrolments are now open for the 2018 Judicial Studies Course and are due to the National Manager by November 30 2017. This enrolment period is a change from previous years.

To complete enrolments associations must provide:

- a completed T4 Enrolment Form (the name of the mentor for each student must also be provided on the T4 form)
- a $500 bond payment.

The application form to be completed by the prospective students includes the following requirements:

- The Justice must observe a District Court session and have answered the two questions on the form.
- The Justice must provide a brief biography and a recent photo (e.g., a passport photo).
The Federation has a contract with the Ministry of Justice for the rostering and scheduling of appropriately trained judicial Justices of the Peace to sit in particular courts.

The Federation prescribes the policies and procedures that associations are required to follow in meeting the terms of the Contract for Services, and associations enter into a sub-agreement with the Federation in the expectation that local matters will be managed at a local level between the court registrars and associations.

On July 8 the Federation Board convened and facilitated a seminar for court panel managers, to ensure that nationally consistent processes for court panel management are being followed by individual associations. The last time the court panel managers met was in 2011.

Discussions at the seminar were wide-ranging and resulted in a number of recommendations which we are currently following up.

Wide range of agency requirements

Agency-specific requirements come up often, in all sorts of different contexts. Your role as a Justice of the Peace is clearly stated in the Ministerial Manual. In addition to your “normal duties”, there are statutory roles listed in Chapter 9, and other roles as listed in Chapter 10.

As Justices of the Peace, you can be called upon to do all manner of things, some related to your Justice of the Peace role and others simply because you are, in the eyes of the community, a “person of integrity”.

Because these demands can be different and often complex, it is very important that you take the time to read the covering documents that accompany these requests and when in doubt, ask questions before you proceed.

So what would you do?

Situation: A client has been asked to complete the normal forms that are associated with Police vetting. The client is asked, by email, to have the documents “verified” by a Justice of the Peace. But there is no place on the form for the Justice to sign. What would you do?

A solution: Chapter 5 of the Ministerial Manual covers the certifying of copies. Paragraph 5.2 deals with definitions and it says that to “verify”, you confirm or find out the truth of something. In this instance, you might have to be a little “creative”. When you do an affidavit, you have to ask a series of questions to establish the veracity of the document. In this instance, you could ask the client “Is this your form” and “Are the contents true and correct?” By doing this, you are “verifying” the document. Having done so, you could then have the client sign it in front of you, ask for identification and then sign the document, noting that you have witnessed the client’s signature and verified the document.

Do not be confused, though. Doing this does not make the Justice responsible for the veracity (or truthfulness) of the contents of the document. That responsibility always remains with the client, as set out in the Oaths and Declarations Act 1957.
Ethical issues are frequently raised with the National Manager and the administration team at the Federation. It is timely therefore to direct you to the Ministerial Manual, specifically P8, where it states:

“Justices of the Peace shall:

1. carry out their statutory, judicial and ministerial duties in a proper manner and administer the law in so far as they are authorised and called upon to do so, without fear or favour, affection or ill will, in accordance with their Judicial Oath and in the most conscientious manner possible

2. maintain the integrity and dignity of the office through ethical conduct, good example, high standards of Citizenship and by not acting in a manner which is unlawful or likely to bring disrepute to the office of Justice of the Peace

3. preserve their Warrant, displaying it only when necessary to establish their bona fides in the performance of their duties as a Justice of the Peace

4. acknowledge that their authority to act is only as prescribed by law and that the office confers no other authority, responsibility or benefit

5. not claim by virtue of their office of Justice of the Peace, any privilege or licence to avoid legal responsibilities

6. remain true to the Oath of the Office taken on appointment as a Justice of the Peace

7. refrain from giving legal advice in their capacity as a Justice of the Peace”.

It is timely that we reacquaint ourselves with our Code of Ethics. Most important is that we do not act in a manner which is likely to bring the office of Justice of the Peace into disrepute. As Justices of the Peace we are judicial officers. We have a responsibility to set a good example, set high standards and not act in an unlawful manner. Should we do so, then we face the real possibility of our warrant being withdrawn. That would impact on the office of Justice of the Peace, and our integrity is paramount.

What is an apostille certificate?

An apostille certificate is a state-to-state authentication of a government-issued document such as a birth or death certificate. An example of this would be where the Department of Internal Affairs (DIA) certifies to another country that a document is genuine.

The key element here is that a Justice of the Peace cannot certify a copy of a document which is to be submitted for an apostille certificate.

The example shown is signed by a notary public and they normally do this task.

Paragraph 5.10 of the Ministerial Manual provides guidance for you in this regard, but more importantly, it states that you should refer your client to the DIA for specific advice when confronted with this request.

The link www.dia.govt.nz/apostille will provide the client with the necessary information.
A few ‘hardy annuals’

• When filling out forms and asked for your occupation, it is best to use “Justice of the Peace”.
• Chapter 5.7 of the Manual provides wording that is for “texts only”. This is not for use for a web page or a smartphone. Go to paragraph 5.8 of the Manual and see the wording listed there.
• Unusual circumstances: P38 of the Ministerial Manual provides you with wording to use when confronted with a situation where you are in doubt of the authenticity of a document. It guides you on the completion of a statutory declaration, and there are two examples to use. One is for documents downloaded from the web or a computer and the other is for general documents.
• A Justice of the Peace cannot witness a donor’s signature on an Enduring Power of Attorney (see Chapter 6.3.2 of the Manual). They can however witness the attorney’s signature (but not as a JP).
• There are three situations where a Justice of the Peace may sign as a witness, but not as a Justice of the Peace. They are:
  - witnessing an attorney’s signature on an Enduring Power of Attorney
  - witnessing a declaration and photo on a passport application
  - witnessing the signing of a will (there have to be two witnesses present).

Pre-nuptial agreements

Pre-nuptial agreements have been permitted in New Zealand since enactment of the Matrimonial Property Act 1976. Section 21 of the Property (Relationships) Act 1976 expressly authorises that a husband and wife, civil union partners, de facto partners, or two persons in contemplation of entering into a marriage, civil union or de facto relationship may contract out of the provisions of the Act. The special requirements that must be met for contracting out agreement to be valid are that:
• they must be in writing
• both parties must receive independent legal advice
• the signatures need to be certified by a lawyer
• the lawyer must certify that, before that party signed the agreement, the lawyer explained to that party the effect and implications of the agreement.

Recently a Justice in Northland was asked to witness a pre-nuptial agreement – as you can see above, Justices of the Peace are not authorised to be a witness to such an agreement.
(Thanks to the Northland association for permission to use this story).

ReadID android app

There is a very interesting app available for use on android smartphones. It is called ReadID and allows you to scan a passport so as to verify the identification of an individual. The passport has to have the NFC chip in it. Sadly, there is no Apple app like this, so it is for android phones only.

So, why have it? Basically, it allows you to scan a passport by reading the chip and will verify that the copy presented to you is in fact from the original passport. If the client has attempted to change anything, it will instantly alert you.

Not for everyone, but nonetheless an interesting app. Go to www.readid.com for further information.
Today’s youth get a lot of bad press, but after over 40 years in teaching recently-retired Hastings Girls’ High School principal GERALDINE TRAVERS JP sees much to admire in our young people.

Six months ago I walked away from a career that has been my life for the past 41 years. I was only 22 and “youth-adja-cent” when I became a teacher, a profession that has given me a fascinating insight into the complexities of life which young people have faced over that period. I have been associated with literally thousands of young people across the five schools that I worked in: Paeroa College, Rotorua Girls’ High School, Havelock North High School, St Mary’s Diocesan School and finally as principal of Hastings Girls’ High School for nearly 20 years.

Despite going to a co-educational school myself I taught for only four and a half years in co-ed schools, as girls’ education quickly got under my skin, and I spent 35 or so years in girls’ schools. Since I retired I have spent a lot of time thinking about the way in which life has changed for young people since I began teaching and also how it has changed since I was their age.

I know we all look back at the past with rose-tinted spectacles but either the huge divisions between rich and poor didn’t exist back then or I was oblivious to them. Hawke’s Bay District Health Board research says that in this province we have the widest divisions between rich and poor in the country. This has adverse effects on every aspect of life. Not only is this disparity bad for physical and mental health but it is also bad for educational achievement and crime.

When I was growing up it seemed that everybody was the same. If there were people who had more, we were largely oblivious to it because it was not the done thing to flaunt what one had - in fact, it was considered poor taste to do so.

Another change for our young people is their lack of appropriate role models. When I was young we admired people who had achieved things: inventors, people who saved lives, climbed mountains, fought wars and the like. Role models promoted now by media are people who are famous for being famous with trashy values, and in the case of girls, famous for who they’ve married rather than what they have achieved or done for society. Young people don’t know how they should live in order to be admirable. Women’s magazines have a lot to answer for here.

We also used to be a society that prided ourselves on fairness and everybody having a fair go. It seems however that we have lost that commitment to fairness and also our empathy for the plight of others. Over the past few months two homeless people have died on doorsteps, presumably of hypothermia. But where is the outrage?

We used to have an escalator which allowed people to ascend to any height. That was helped by free state education and affordable tertiary education. I have always been proud of the fact that I became principal of a secondary school when my father didn’t even go to high school – he left school at the end of standard six (year eight) to milk cows on his father’s farm.

Increasingly in my last few years at Hastings Girls’, I saw able girls unable to afford the cost of university, although they had the ability to make a great contribution to New Zealand’s future, and I experienced a great deal of personal guilt because after my first year of university I was effectively paid to go.

This system was hugely advantageous because it bonded me to the education system and we certainly didn’t have the huge shortages of teachers that we currently have. I have seen estimates in the news media of large numbers of Auckland students in particular being taught by untrained teachers.

Another change is in the area of qualifi-
Girls’ High School in Christchurch, which was effectively destroyed by the 2011 earthquake. They raised thousands of dollars, and as a highlight they flew Avonside principal Sue Hume to Hawke’s Bay to draw a raffle for her girls.

None of her girls actually had tickets, but our girls had their names and as she drew names out of the hat, our leaders drew out the prize. Their basket was full of wonderful things that girls like, such as cell phones, iTunes vouchers etc. The girls loved it and they gave till it hurt.

Our young people care so much about issues like the environment, social justice and fairness, and when they are in charge I believe that we will have a better society. Also, young people today are not judgemental. Issues such as sexual orientation, gender reassignment etc which perplex my generation are coped with magnificently by young people.

When people complain about youth and their lack of work ethic, think about the many worlds that they inhabit. Many of our young work huge hours as well as keeping up with their school work, sporting commitments and so forth. Sometimes when I was principal I would ask to schedule a meeting with a group of girls and they would all have to get out their diaries to find a time that suited. I swear they were busier than I was!

As I look back over four decades in education I am very aware of what a unique privilege it is to be involved with the future of our nation. I can’t go anywhere without seeing a former student or two established in their careers. A case in point occurred recently at the Safer Communities conference. I hadn’t taught the woman in her 50s who was there, but I had certainly taught her friends 35 years ago at Rotorua Girls’ High School. She enquired as to why I wasn’t still wearing six-inch stilettos!

Helping to mould and change young lives is just the most important job there is and it has been my privilege to have been so engaged for the past 41 years.

Geraldine Travers

When I was at school you could have cruised the whole year so long as you pulled out all stops in November when the exams came round. This is no longer the case. From as early as February students are now subjected to a barrage of testing and assessment, all of which produces increased stress.

A further change comes from the number of worlds that our young people inhabit. When I was their age, I had the worlds of family, school and the community. Many of my former students have worlds of family, church, culture, sport, school, work and their teen world, but most importantly their cyber world.

Each of these worlds has its own set of rules and some are inescapable. Some young people are interacting with their digital devices 18 hours a day and this world is more important than the real world in which they live. Most have hundreds if not thousands of friends with whom they interact. Many are keyboard warriors who are very brave in the privacy of their bedroom and say things online that they would never say to someone’s face. While on sabbatical last year I visited a dozen or so New Zealand secondary schools, and most school managers said that the majority of their workload came from sorting out disputes which had spilled over from Facebook.

All parents love their children and actually want the best for them even though they might not have the fortitude to do what is required to ensure a happy outcome. Parents are often limited by their own life experiences and can’t imagine a life any better than what they have.

So what’s good about our young people?

They are in the main bright-eyed and eager to engage in the world. They are willing and helpful and optimistic. People ask me about kids over time and whether they have got worse. The answer is emphatically no! In my first year of teaching a boy threw a desk at me. That has certainly not happened since. (That boy would now be in his mid-50s!)

One thing that has changed is that some parents, particularly mothers, want to be friends with their children. But kids don’t want their parents as friends. They have enough friends. They want parents who will model to them, guide them, teach them and “bring them up”!

In my time at Hastings Girls’ I witnessed many examples of kindness from the girls to each other, and loyalty to the school. On one occasion we were opening a number of new and renovated buildings which were being named after former principals and the then Prime Minister, Helen Clark, was coming to do the honours. The staff had the girls in the hall rehearsing the singing while I walked the route that the official party would use.

To my horror I realised that this would require walking through a very pot-holed car park which we hadn’t yet resealed, so I ran back to the hall and said “Right girls, this is what we need to do. Singing is over, we need to go outside and stand shoulder to shoulder as a sort of guard of honour so the visitors can’t see the car park.” The girls carried out their task admirably and the official party would have been none the wiser. Such loyalty!

The girls have fundraised for others embracing such causes as car seats for Plunket, orphans in Uganda, and went completely crazy over Avonside...
Thanks to the geographic location of its associations, the Central Region has the benefit of two conferences each year. It is not practical to have all the associations meet in one area because of the prohibitive cost of crossing Cook Strait.

We hold one conference at Palmerston North (because of its central location) and one in either Nelson or Blenheim. The Nelson/Blenheim conferences alternate year by year.

Traditionally, the Central Districts association has hosted the Palmerston North conference, but this year Wairarapa was the host association. This move was a great success: Wairarapa did a sterling job. In 2018, Hawke’s Bay has offered to be host of the Palmerston North conference and we look forward to other associations taking a turn.

There were 77 Justices at the 2017 Palmerston North conference, and 51 Justices attended the Nelson event, making a very encouraging total attendance. It should be stressed that regional conferences are for all Justices, not just office-holders in the various associations. The opportunity to meet other Justices and be engaged in the workings of the Federation (such as the Constitutional changes this year) is invaluable and I would like associations to promote attendance more vigorously.

The two conferences were very similar in structure, the major difference being the guest speakers. In Palmerston North, we had Rodney Wong (pictured above). Rodney is an inspirational person with a strong business and entrepreneurial background. He maintains a “Never give up” approach to life and demonstrated that despite a poor and difficult childhood, provided you set goals and are focused on achievement, you will get there. One of his many sayings which particularly appealed to me: “There are only two things in life – choices and challenges.” You need to make good choices and you must accept challenges.

In Nelson, our speaker was the newly appointed Police District Commander, Superintendent Mike Johnson (pictured above). Mike talked about his vision for the future for the district, the opportunities he sees and the challenges of such a large district. The area he commands is from Kaikoura up to Blenheim, over to Nelson, then Tasman across to Karamea and right down the West Coast, and is the second largest Police district in New Zealand.

We could have gone on much longer and there were questions aplenty.

Overall, the conferences were once again, very successful. The dynamics for the Central Region conferences are a little different from the other regions, but if success is based on attendance and involvement, we’re probably getting it right!
Wide range of topics discussed

By Northern Regional Representative PETER OSBORNE

The “Winterless North” town of Kerikeri hosted this year’s Northern Regional Conference over the last weekend of August. Nearly 50 delegates from the nine Northern Region associations made the trip for the occasion.

Federation President Denise Hutchins, Vice-President Rachael O’Grady, and National Manager Tony Pugh spent the two days with us. The issues discussed in their various addresses included:

- competence
- improving and enhancing access to our assistance by the use of service desks and providing funding to ensure this happens.
- enabling Justices to acquire and enhance the professional skills required to perform their roles effectively
- ensuring a robust and sustainable organisation to meet strategic objectives in a changing environment
- the Federation’s commitment to giving effect to the principles of the Treaty of Waitangi and to appreciating diversity in New Zealand communities
- making the most of technological advances, within resources, to ensure Justices are effective and responsive.

Three workshops were facilitated after afternoon tea on Saturday followed by a “Round the Region” session, with each association making a short presentation on what was happening in its area.

Saturday concluded with a dinner organised by the host association, and as was the case last year, an All Blacks test was being played at the same time. More than one attendee was seen checking the score on a mobile phone. Entertainment for the evening was provided by a local theatrical group with an extremely funny parody of a service desk.

Sunday morning commenced with a keynote address by Judge Greg Davis on the importance of adopting a constitutional reference to the Treaty of Waitangi in the work that Justices of the Peace do. Judge Davis provided a copy of a paper on the subject prepared by himself and the Northland Judges’ research counsel, Jaime-Anne Tulloch, and spoke to a PowerPoint presentation. The address was interesting, stimulating and relevant to the Federation’s commitment to the Treaty.

Rachael O’Grady facilitated a workshop on the Federation Constitution after the morning break and the conference concluded with an open forum.

The Gisborne association invited delegates to next year’s conference in Gisborne.

Thank you to the Far North association and its organising committee for hosting the conference and to the delegates for their participation.

CROSSWORD

ACROSS:
1 Emcee
5 Unmitigated
6 Cross-examine (sl)
8 Hamlet
11 Legendary king associated with Camelot
12 German industrialist credited with saving 1200 Jews during the Holocaust
13 Illumination
14 Proceeding
16 Domesticate
18 Element in music or maths eg
20 Charge of misconduct against a public office holder

DOWN:
1 Found above the Shift-lock key
2 Of the sun
3 Central Otago town
4 Brink
5 Attacker
6 Forbearing
7 Phone rant (anag)
9 In your face (2,5)
10 Personification of the British Empire
15 Formally demand
17 “The Greatest”
19 Revealed or made public
For six years Prevention First has guided the work of the New Zealand Police, changing relationships with communities for the better and helping make New Zealand a safer place to live, work and visit.

Now the operating model has been refreshed to ensure it continues to serve the needs of New Zealanders and their Police.

“When we launched Prevention First in 2011 it was a new way of working, placing victims at the centre of what we do and informing all our work,” Assistant Commissioner Bill Searle said.

“Police have always had a role in preventing harm in our communities but Prevention First made it our priority - and it remains our national operating model, aiming to prevent harm before it happens.

“Prevention First 2017 is about how we can build on the positive change of the past six years and mature our understanding of what ‘prevention’ is: to ensure we take every opportunity to prevent harm.”

Where Prevention First placed victims at the centre of policing, the new evolution puts people more generally – victims, offenders and Police staff - at the centre.

The aim remains to prevent crime and victimisation, target and catch offenders and deliver a more responsive Police service. This has three core components:

• deploying to beat demand
• targeting the drivers of demand
• mindset: taking every opportunity to prevent harm.

Instead of five drivers of crime, there are now six drivers of demand - recognising that Police respond to more than crime. To this end, “mental health” has been added to the five, which are alcohol; youth/rangatirō; families/whānau; roads; and organised crime and drugs.

Meaningful partnerships – with partner agencies, iwi and others - will be vital, as shown by collaborative family harm initiatives such as Whāngaia Nga Pa Harakeke and the Integrated Safety Response

The new Deployment Model ensures frontline staff are best equipped to have the greatest impact on these drivers.

Posters are being sent to districts, and district visits are being planned to help embed Prevention First 2017, the updated Deployment Model and Our Business.

“The one vital takeaway from Prevention First 2017 is to remember that prevention is taking every opportunity to prevent harm,” AC Searle said.

“We need all Police staff to ‘think prevention’ during every contact. By ensuring this mindset is at the forefront of everything we do, we will deliver on the intent of ‘Our Business’ - making New Zealand the safest country in the world, where we can all ‘Be Safe and Feel Safe’.”

Frontline officer Sergeant Loretta Hunt-Tevaga, of Wellington, said that she really liked the new tagline of taking every opportunity to prevent harm.

“This has real meaning to me because it’s what we do every day. It’s about all the incidents we deal with and looking at them in a different light.”

Reproduced from the New Zealand Police Ten One magazine

New JPs in Hamilton

Two new Justices of the Peace have been sworn in at the Hamilton District Court.

Kevin Monks of Cambridge (left) and David Li of Hamilton (right) were sworn in by Judge Garry Collin (centre), who gave an interesting outline of the long history of Justices of the Peace. Following the swearing-in, Waikato association vice-president and induction trainer David Day presented both new Justices with their badges, certificates and stamps. - Graeme Kitto
Another side of Hanlon KC

I was very interested in Russell Atkinson’s feature story on Alf Hanlon KC in the July 2017 issue. Hanlon and my paternal grandfather, Saul Solomon KC, were contemporaries as barristers and frequently courtroom rivals in Dunedin, and consequently I am able to reveal another of Hanlon’s many talents: he was an excellent caricaturist and humorist. His sketch of my grandfather was done in 1922, when Saul was 65, and there is a very strong likeness to family photographs.

Saul was the only child of Jewish parents who came to New Zealand in 1852 and settled in Dunedin. He attended Albany and Union St primary schools and Otago Boys’ High School, where he was dux at the age of 14 and won a university Junior Scholarship, although he was too young to attend at the time. He went on to finish a Bachelor of Arts at 19 and entered law, articled to Siewwright and Stout, where he was barrister’s pupil to Robert Stout, who became New Zealand’s Premier in 1884.

Saul was admitted a barrister and solicitor in 1879 and during his notable and frequently high-profile career, he was one of the first 10 New Zealanders appointed a King’s Counsel in 1907. As well as his legal career he was active in many of Dunedin’s civic, cultural and sporting activities.

He died in 1937, the year after I was born.

Jennifer Brice (Waikanae)

• Jennifer Brice has just celebrated the 30th anniversary of her appointment as a JP in May 1987. She sat in the bench in both the Wellington and Porirua courts for some 10 years and was editor of the Quarterly from 1989 to 1997.

Pushing the boundaries

During a recent session at a Citizens Advice Bureau I was reading the article in the July Quarterly by Garry Nicholls “Keys to good service for our clients” and I agree with what he says for 99.9% of our clients.

However, as I was due to finish my shift a woman turned up with a bunch of documents for copying and certification. She was arrogant and domineering in her manner. The young man who happily did her photocopying according to her instructions acted kindly towards her. The copies had to be clear and some were to be copied in colour. Some papers were two-sided. In dribs and drabs I did the certifying while the photocopying continued. She was most unpleasant with both me and the young man. I didn’t show her how I felt, but I asked her to come with the photocopying completed next time. She did not like my saying this. When I left after spending 35 minutes with her, she was still examining the details of the photocopying.

I have been a Justice for nearly 20 years and this is the first negative experience I have had in the role. I have thought about it since and am left wondering where the bottom line is for our service to this kind of client. I am not willing to be walked over by such a self-centred person. I have spoken with the CAB manager and praised the young volunteer who did the photocopying. I firmly believe that JPs and volunteers are worthy of respect and appreciation from those we serve.

Garry’s article implies that the client always deserves a positive and satisfying experience from a Justice of the Peace. I was unable to stay cheerful with this person but happy to say that I did not raise my voice. I would welcome any suggestions for a response that I can use another time.

Isabelle Sherrard (Auckland)
JUSTICES APPOINTED

PURSUANT to section 3 (1) of the Justices of the Peace Act 1957, Her Excellency the Governor-General has been pleased to appoint the following persons to be Justices of the Peace for New Zealand:

Anderton, Stephen James, Paraparaumu
Avery, Karen, Auckland
Brisco, Karen Anne, Opunake
Butler, Lee-Anne, Whakatane
Carroll, Kevin Francis, Paraparaumu
Clifford, Tracey Dawn, Okaihau
De Camasca, Ada, Auckland
Doggett, Teresa Joy, Whakatane
Gill, Sandra Lorraine, Lower Hutt
Kluit, Richard John, Tauranga
Lambert, Murray Graham, Wellington
MacDiarmid, Sandie Miu Ling, New Plymouth
Macintosh, Susan Paula, Whakatane
Martin, Bruce Calder, Tekapo
Mathis, Karen Elaine, Putaruru
Merrick, Ngaio Cooper, Auckland
Oakes, Frances Mary Latu, Oamaru
Robertson, Stuart Lee, Putaruru
Robinson, Tara Kay, Auckland
Scharvi, Reon Paul, Auckland
Studdart, Nigel Colin, Whangarei
Von Dadelszen, Andrew John, Tauranga
Ward, Jeffrey Kurt, Oxford
Warren, Nicki Ann, Leeston
Waru, Lorraine Tamanganangi Asher, Turangi
Williams, Sandra Joan, Whanganui

Andrew, Deborah Joy, Waiuku
Arrowsmith, Rhys Grant, Tauranga
Bottcher, Helen Mary, Lumsden
Byrne, Glenys, Greymouth
Carter, Philip Gilbert, Auckland
Darrow, Mark Charles, Auckland
Dasler, Susan Mary, Mapua
Davey-Diesterbeck, Arlene Renee Lu-Ana, Little Bay
Eddy, Simon John, Mosgiel
Fullard, Richard John, Rotorua
Greer, Lynette Shirley, Dunedin
Heemi, Phyllis Mei, Paeroa
Kenyon, Lance Robert, Christchurch
Leak, Sandra Margaret, Ashburton
Mannix, Brian Timothy John, Christchurch
Moss, Aston Trevor, Auckland
Muralidharan, Geeta, Timaru
Orbell, Nicholas Bernard, Dunedin
Paterson, Brigitte Margaret, Roxburgh
Poi, Damian John, Whangarei
Rashid, Fazilat, Auckland
Roebuck, Craig Kevin, Tauranga
Singh, Harjinder, Auckland
Third, Nicola Anne, Dunedin
Vujcich, Elodie Maria Johanna, Kaikohe
Zhao, Kun, Christchurch

Dated at Wellington this 4th day of July 2017
Hon Mark Mitchell, Associate Minister of Justice

Dated at Wellington this 21st day of August 2017
Hon Mark Mitchell, Associate Minister of Justice

THE NZ JUSTICES’ QUARTERLY
Published in January, April, July and October

Opinions expressed in this journal, whether editorially or by contributors, do not necessarily represent the views of the Royal Federation of New Zealand Justices’ Association (Inc). Contributions on matters affecting Justices and their associations are particularly welcome, but all contributions are subject to the discretion of the Editor. Contributors are requested to forward matter to the Editor, Geoff Davies 81 Warwick St, Wiltton, Wellington, 6012, Phone 04-472-5566, email merlin81@xtra.co.nz, to reach him not later than the last day of November, February, May and August to be available for publication in the upcoming issue. Readers are requested to promptly inform the registrar of their local Justices of the Peace association of any change in their address. Numerous Quarterlies are returned marked “gone no address”, “Redirection order expired” “Deceased” or “Not a box holder on rural delivery”, etc.

Published by the Royal Federation of New Zealand Justices’ Associations, typeset and designed by Word for Word, Titahi Bay, and printed by Beacon Print Hawke's Bay.