



JUSTICES OF THE PEACE BEST PRACTICE MANUAL

NOVEMBER 2007

Foreword

Justices of the Peace provide a valuable service for all New Zealanders. There are now more than 10,000 Justices of the Peace in New Zealand, of which 7,600 are affiliated to the 29 Associations within the Royal Federation of New Zealand Justices' Associations (Inc).

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

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

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This manual was developed from the 2007 research by the Ministry of Justice and the Royal Federation of New Zealand Justices' Associations (Inc) into the customs, processes and practices of Justices of the Peace throughout New Zealand, and summarised in the report *Justice of the Peace Custom and Practice by Local Associations: A Stocktake Report*. The research included a survey by the Royal Federation of New Zealand Justices' Associations of all Justices of the Peace Associations, which indicated unanimous support for establishing consistent standards for Justices of the Peace Associations, and a desire by Justices of the Peace to work together to provide a consistent standard of service.

The manual contains best practice guidelines that take effect immediately:

- a national standard for the appointment of Ministerial Justices of the Peace;
- a national standard Complaints and Dispute Resolution process to support the legislative requirements of the Justice of the Peace Amendment Act 2007; and
- formal recognition of the retirement of Justices of the Peace.

We would like to thank everybody who contributed to this manual through their submission to the Stocktake Report.

Hon Dr Richard Worth
Associate Minister of Justice

Miss Alison Thomson
President
Royal Federation of New Zealand Justices' Associations (Inc)

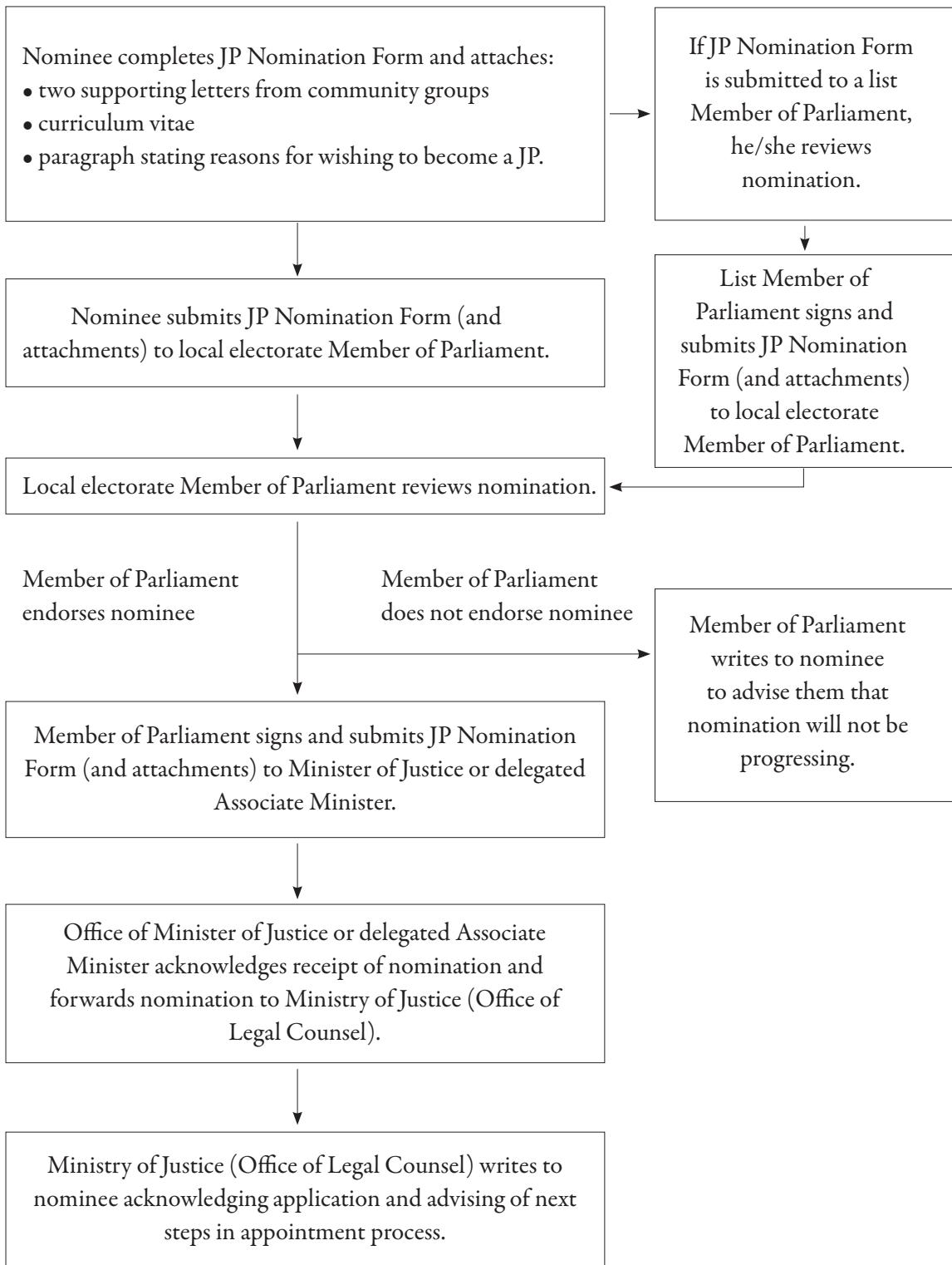
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PART A

APPOINTMENT OF JUSTICES OF THE PEACE

1. Best Practice – Nomination of Justices of the Peace



Key to abbreviations

JP: Justice of the Peace

Nomination of Justices of the Peace

The Justice of the Peace Nomination Form shown on page 6 is available at the electorate office of Members of Parliament, and can also be accessed through the Ministry of Justice website www.justice.govt.nz.

Guidance Notes for Members of Parliament, issued by the Associate Minister of Justice, are on page 9. The Guidance Notes are available at electorate offices of Members of Parliament, and can also be accessed through the Ministry of Justice website www.justice.govt.nz.

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The Royal Federation of New Zealand Justices' Association's (the Royal Federation) Advice for Intending Nominees to the Office of Justice of Peace for New Zealand is on page 14. The advice document can be obtained from electorate offices of Members of Parliament and is also available on the Royal Federation's website www.jpfed.org.nz.

Key points about the nomination process for nominees:

- Nominees complete the Justice of the Peace Nomination Form and must attach:
 - at least two supporting letters from community groups;
 - a curriculum vitae; and
 - a paragraph stating their reasons for wishing to become a Justice of the Peace (JP).
- No additional information is required, nor should be sought, from the nominee.
- Nominees submit the Justice of the Peace 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 of Parliament.
- Some Members of Parliament choose to interview nominees prior to making a decision on whether or not to endorse the nomination.
- Local Justices of the Peace Associations (JP Associations) have relationships with the Members of Parliament in their area; some Members of Parliament may liaise with the local JP Association regarding the nomination.
- The Member of Parliament submits the endorsement of the nominee for JP nomination to the Office of the Minister of Justice or delegated Associate Minister.
- The Minister of Justice or delegated Associate Minister acknowledges and reviews the nomination, and forwards the nomination material to the Ministry of Justice (Office of Legal Counsel).
- The Ministry of Justice will inform nominees about further steps in the appointment process, including the interview process with District Court Registrars and JP Associations.

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 reasons for wishing to become a 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 – PO BOX NUMBER ALONE IS NOT ACCEPTABLE)

occupation

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

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solemnly and sincerely declare that:

1. I hold the following honours/decorations
2. I was born at
(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 the electorate.
6. Either (*DELETE whichever is not applicable*)
 - (a) I have not been convicted of an offence against the law
 - or (b) 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 at this day of 20

..... before me
(Signature of declarant/nominee) (Signature of witness)

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

(B) CONSENT – To be completed by NOMINEE

I consent to: (a) the information supplied on and with this form being disclosed to the New Zealand Police, the Ministry of Justice and the Justices of the Peace Association

(b) the New Zealand Police disclosing to the Ministry of Justice the details of any convictions that I may have.

Signed Dated
(Signature of declarant/nominee)

(C) GENERAL INFORMATION – To be completed by NOMINEE

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Employer

Contact phone number(s) Home Work

Email address

Nearest District Court to residential address

Ethnic origin.....
(e.g. Maori, Greek, Western Samoan, Indian, Chinese)

Educational qualifications

Availability for Court work (if required) YES/NO

Legal training or experience

Note: The information you supply on this form (excluding 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 by Electorate or List 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.....
(Electorate or List Member of Parliament)

(E) ENDORSEMENT of List Member of Parliament Nomination by Electorate Member (where applicable)

Name..... Signed..... Date.....
(Electorate MP)

Filling out the Justice of the Peace Nomination Form

The details collected in this form are used for your nomination to become a JP. They assist in determining your suitability to be appointed as a JP.

For more information about serving your community as a JP, please refer to the Advice for Intending Nominees to the Office of Justice of the Peace of New Zealand. You can get a copy of this document from your local JP Association, or from the Royal Federation's website www.jpfed.org.nz.

The form asks for your consent to share the information you provide in the form with the New Zealand Police (the Police), the Ministry of Justice and the JP Association. You are also asked for your consent to allow the Police to advise the Ministry of Justice of any criminal convictions you may have. *Please note: information relating to any criminal convictions is seen by the Minister of Justice or delegated Associate Minister and the Ministry of Justice only.*

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You will also need to attach:

- a copy of your curriculum vitae, or a list of your work and community service history
- at least two letters from community organisations supporting your nomination
- a paragraph from you, stating why you want to be a JP.

You will need to complete the form in full and have your local electorate Member of Parliament sign the form to support your nomination. Your local electorate Member of Parliament 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 Court Registrar and a member of your local JP Association. Each of these people then writes a confidential report to the Minister of Justice or delegated Associate Minister, with their consideration of your suitability to be appointed as a JP.

The Minister of Justice or delegated Associate Minister will then either provisionally approve you to undertake the induction training for Ministerial JPs, or decline your nomination. If provisionally approved, you will be sent self-study materials, which should be completed within four 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 of Justice and Governor-General sign the Warrant for Appointment, you will be sworn in before a District Court Judge.

APPOINTMENT OF JUSTICES OF THE PEACE

NOTES FOR THE GUIDANCE OF 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 March 2008 from the Associate Minister of Justice, Hon Rick Barker MP.

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 Registrar 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 Registrar 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 New Zealand Police Licensing and Vetting Service Centre 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. Following satisfactory completion of training by the Royal Federation of New Zealand Justices, the nominating Member is notified that an appointment will be recommended to the Governor-General. Members of Parliament will also be advised when nominees are not being recommended. The general reasons why the nomination was declined will be given.

Those nominees who are appointed will receive an appointment letter. Members of Parliament should note, however, that it is their responsibility to advise unsuccessful nominees.

A nomination that is unsuccessful is not carried forward. Consequently, it is necessary for Members of Parliament 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 local authorities whose duties include law enforcement responsibilities, for example Police Officers, are not appointed, nor are public servants employed in courts or penal institutions or as probation officers or social workers in the departments of Maori Affairs and Social Development.

Similarly it is not the practice to appoint former members of omit 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 (judicial duties) while in the service of the Crown.

I would be grateful if all Members of Parliament would take the above matters into account when submitting nominees for consideration.

Hon Rick Barker
Associate Minister of Justice

Advice for Intending Nominees to the Office of Justice of the Peace for New Zealand

Justices of the Peace (JPs) are appointed by the Governor-General on the recommendation of the Minister of Justice following nomination by a Member of Parliament.

Every nomination must be accompanied by letters of support from two recognised community groups.

Before an appointment is recommended to the Governor-General it must be approved by the Minister of Justice or delegated Associate Minister, — who completes a comprehensive scrutiny of each application including an assessment of the need for an additional JP in the area. This will also include a check for previous conviction of any criminal offences. Old convictions of a minor nature may not automatically preclude a nominee from being appointed, but a serious criminal conviction will generally disqualify a nominee from appointment.

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You need to be aware that not all nominations result in appointment. Non-appointment is not necessarily a reflection on the individual, but may simply reflect the situation in the locality.

It is also important to know that the nomination process can take some time, possibly up to six months, for all steps to be completed.

For a successful nominee, duties may include any or all of the following:

- Witnessing signatures
- Certifying documents
- Taking statutory declarations, affidavits or affirmations
- Receiving information and complaints, and issuing summonses
- Issuing summonses to witnesses
- On occasions, acting for the Coroner.

These duties are referred to as Ministerial duties. They range from simple to very complex and some have a very significant impact on the people to whom they are directed.

Knowledge, understanding of the English language, care, accuracy and good judgement are required in carrying out these duties, as is utmost confidentiality.

Before considering whether you wish to allow your nomination to proceed, you may wish to review the following factors:

1. Am I accepting mainly because of the perceived honour involved?

Your acceptance should be a *genuine desire to serve all manner of people in your community*.

Accepting appointment as a JP is an undertaking to serve, not a matter of self-aggrandisement.

If you are not prepared to undertake the commitment to serve the wider community, you should not proceed with a nomination.

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2. Do I have the skills required?

You should be confident that you have:

- a sufficient level of literacy in English to be able to competently deal with a wide range of official documents
- the ability to listen to, understand and respond to the needs of others
- accuracy in working with documents
- the ability to make good judgements
- the ability to follow instructions
- interpersonal skills.

3. Am I willing to undertake training?

Before being officially appointed by the Governor-General, JPs who have been provisionally approved are required to undertake the induction training. The local JP Association will provide this, and you will not be appointed until you have completed this training.

No person may undertake JP duties until officially appointed, gazetted and sworn in.

Ongoing training provided by your local JP Association will be necessary to keep up with new legislation and to maintain knowledge already gained.

In order to benefit fully from training, you would be strongly advised to become a member of your local JP Association.

4. Do I understand the voluntary nature of the role?

Under no circumstances may JPs accept payment for their services, except when acting as an Electoral Officer or as a Judicial JP, when costs may be reimbursed.

Nor may JPs use their position for their own advancement or benefit in any way.

5. Am I willing to make the commitment to be available and accessible to the public?

You must be able to make the commitment to be available to the public.

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You may be called on to serve the public at any time. While you may establish reasonable times for access suitable to you, the needs of the public may make demands on you outside of your normal routines. In certain circumstances you may also be asked to travel to infirm clients (e.g. in rest homes).

Your commitment to serve should include a willingness to be available to the public by having your listing in the Yellow Pages of the telephone directory, as well as providing a street address to which inquiries for your assistance can be directed.

Unwillingness or inability to commit to this is likely to limit your effectiveness as a JP.

Only in exceptional circumstances should you have an unlisted phone number.

6. Am I confident in dealing with all sectors of society?

Under your Oath of Office you will be called on to serve “all manner of people”. This may involve you in situations testing your sensitivity and adaptability towards people with personal problems, different language skills, different ethnic backgrounds and even some sectors of society regarded by many as antisocial. You need to consider whether or not you have the sensitivity and adaptability required.

7. Is my residence (or place of work) accessible and am I willing to have people visit it?

You will need to have a place in your home or business where confidential matters can be dealt with in privacy.

Your residence or business needs to be easy to locate and physically accessible. If not, you will not be able to carry out your functions fully.

8. Is my situation such that I might be seen as biased or having a conflict of interest in carrying out my duties?

Your occupation or other circumstances might place you in this position.

9. Am I prepared to commit to the Oath of Office?

The Oath or Affirmation of Office to be taken by a JP before a District Court Judge includes the following words:

“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.”

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This places a great responsibility on Justices to carry out their duties imposed by the office of JP according to the Oath. To retain public confidence in the office, JPs should also maintain a high standard in their private and working lives.

Also, you will be required to take an Oath or Affirmation of Allegiance:

“I swear (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 you cannot take this Oath/Affirmation, you should not proceed with a nomination.

10. Do I understand the limitations of Office?

JPs are not automatically appointed as marriage or other celebrants. These appointments carry different responsibilities and require separate application to the appropriate authority.

11. What about Court duties?

Not all Justices are involved in Court work and not all are suited to it.

To be accepted on to the judicial panel requires the completion of a judicial studies course through the Open Polytechnic of New Zealand. This course must be completed within 12 calendar months. Completion of the course does not automatically entitle you to appointment to a Court panel, as the local Court Registrar (in consultation with the local JP Association) is responsible for such appointments. If appointed, you will be expected to attend regular judicial training courses organised by your local JP Association. The training for Judicial JPs must be completed to a standard approved by the Chief District Court Judge.

12. Costs: am I prepared to meet these?

While the only compulsory 'cost' associated with appointment as a Justice of the Peace is in the time involved in discharging the duties of the office, there are some minor discretionary costs involved such as the membership fee of your local JP Association, items like badges, any supplementary copies of relevant Acts, and other reference material. These are met by the JP themselves.

HAVING CONSIDERED THE ABOVE QUESTIONS, DO I STILL WISH THE NOMINATION TO PROCEED?

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MORE INFORMATION

If you need further information or wish to have an explanation of any of the above points, information may be obtained from:

- your Member of Parliament's electorate office
- www.justice.govt.nz/pubs/other/pamphlets/justices-peace/index.html
- the website of the Royal Federation of New Zealand Justices' Associations: www.jpfed.org.nz
- your local JP Association
- your nearest Court.

Issued by:

The Registrar, Royal Federation of New Zealand Justices' Associations (Inc)

PO Box 5005, Lambton Quay, Wellington 6045

Web: www.jpfed.org.nz

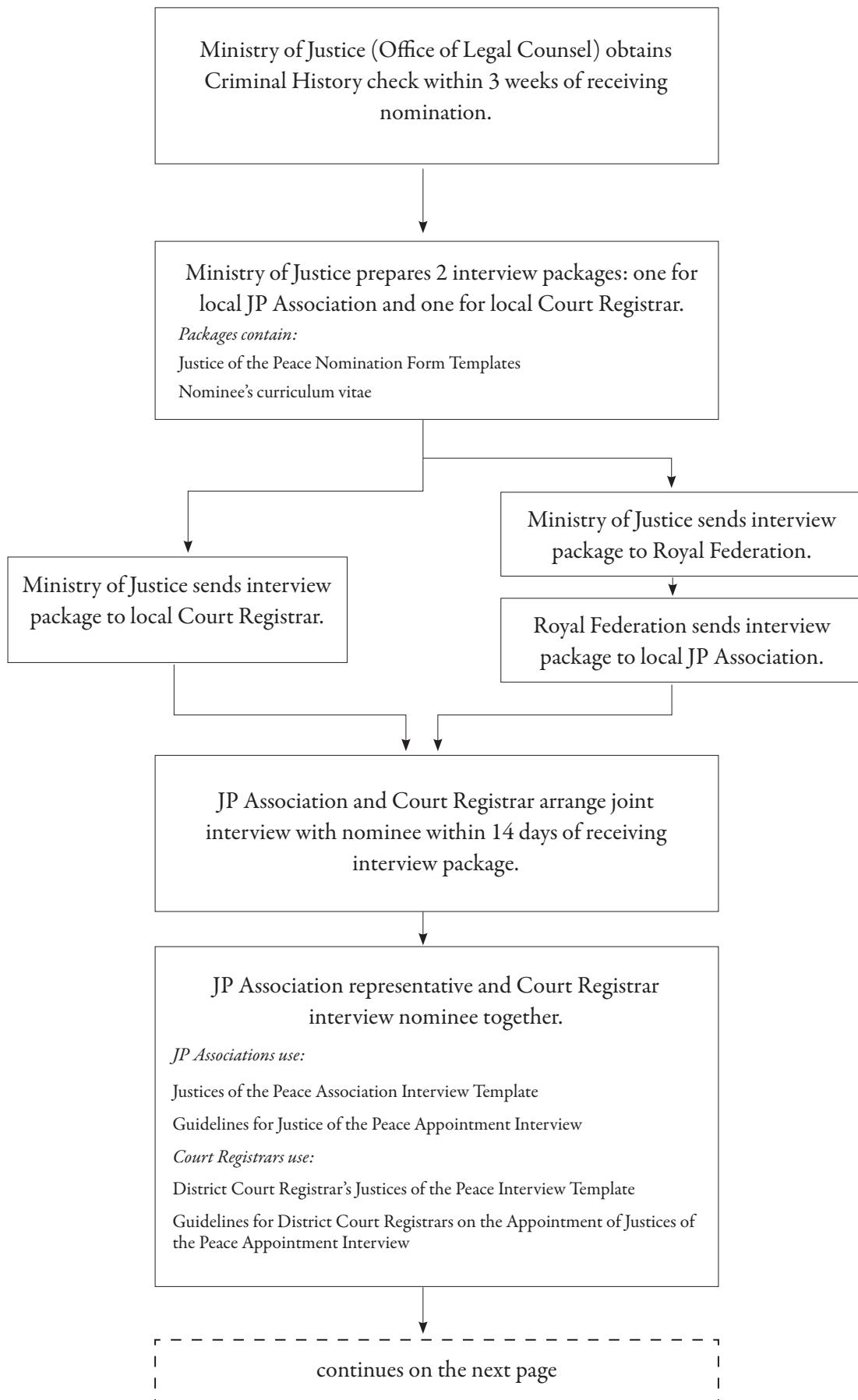
Email: jpfed@clear.net.nz

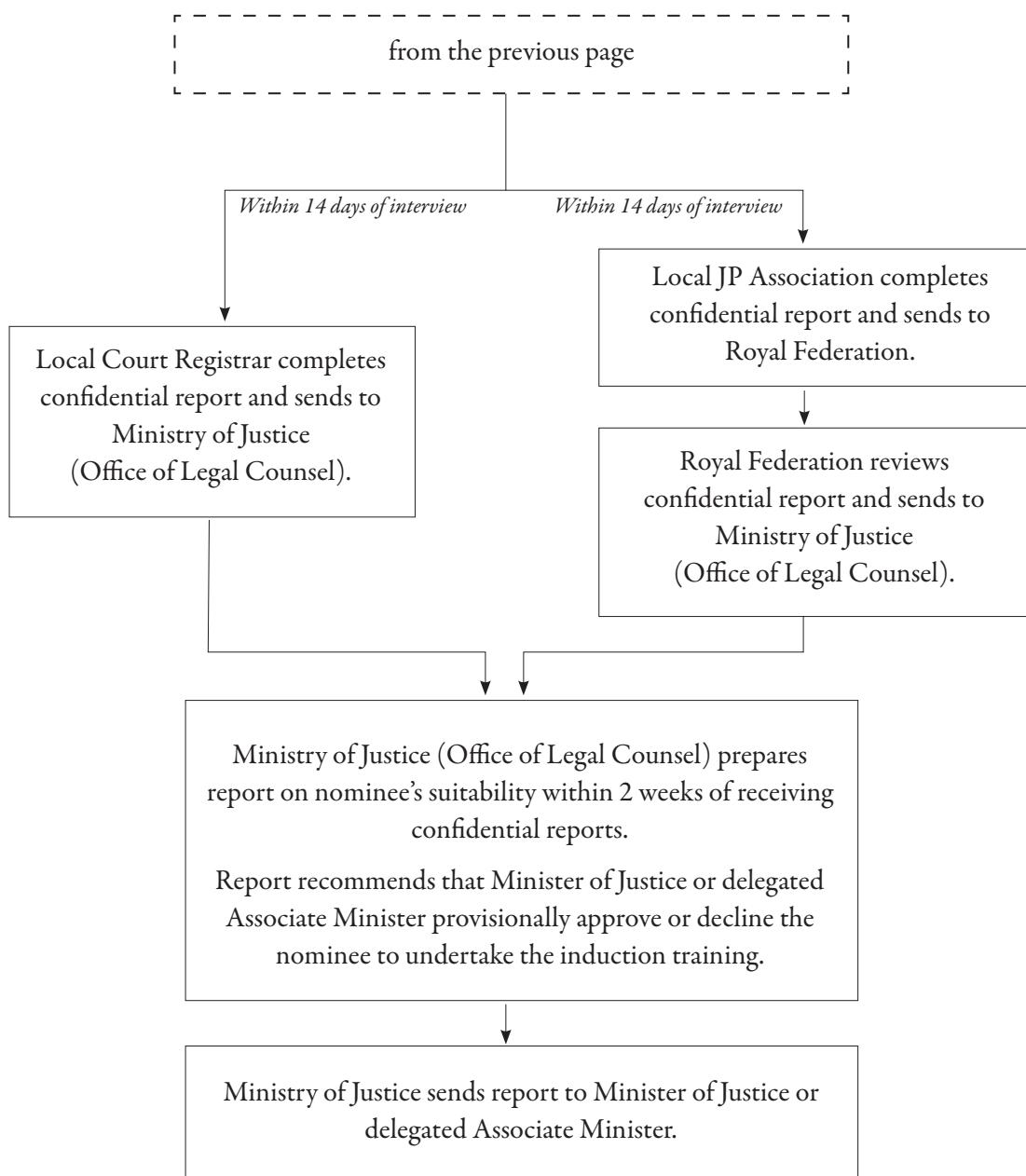
Phone: 04 918 8447

Fax: 04 918 8034

November 2007

2. Best Practice – Interview of Nominee





Key to abbreviations

JP: Justice of the Peace

JP Association: Justices of the Peace Association

Royal Federation: The Royal Federation of New Zealand Justices' Associations (Inc)

Interview of Nominees

The first step in this process is undertaken by the Ministry of Justice. This requires the Ministry of Justice to obtain the Criminal History check. Information relating to any criminal convictions is retained by the Minister of Justice or delegated Associate Minister and the Ministry of Justice.

The Ministry of Justice will prepare and forward interview packages to the Royal Federation (to forward to the local JP Association) and local Court Registrar.

The interview package will contain:

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- the Justice of the Peace Nomination Form
- the nominee's curriculum vitae.

The next step in the process for assessing the nominee's suitability is an interview to be undertaken jointly by the local JP Association and the Court Registrar. As part of the interview package, interview templates and guidelines have been developed

For JP Associations:

- Confidential Report for the Minister of Justice: Justices of the Peace Association Interview Template (page 23)
- Guidelines for Justice of the Peace Appointment Interview.

These documents are available from the Royal Federation.

For Court Registrars:

- Confidential Report for the Minister of Justice: District Court Registrar's Justices of the Peace Interview Template (page 28)
- Guidelines for District Court Registrars on the Appointment of Justices of the Peace Appointment Interview.

The interview templates and guidelines for JP Associations and Court Registrars are separate, and, in parts, include different questions. This is because the information that is of interest to the JP Association and the Court Registrar is different.

JP Associations and Court Registrars 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 should then be completed. In the case of JP Associations, the confidential report must be completed and forwarded to the Royal Federation, ideally within 14 days of the interview of the nominee. The Royal Federation will then review the confidential report and forward it to the Office of Legal Counsel, Ministry of Justice.

Court Registrars must also complete their confidential report and forward it to the Office of Legal Counsel, Ministry of Justice. Ideally, confidential reports should be completed and sent to the Office of Legal Counsel within 14 days of the interview of the nominee.

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

On receipt of the confidential reports, the Office of Legal Counsel will then prepare a report for the Minister of Justice or delegated Associate Minister's consideration on the suitability of the nominee. The report will request that the Minister of Justice or delegated Associate Minister either provisionally approve the nominee to undertake the induction training for Ministerial JPs, or decline the nomination. If provisionally approved, the nominee will be sent self-study materials, which should be completed within four weeks.

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Upon successful completion of the induction training, the Minister of Justice recommends that the Governor-General appoint the nominee as a Justice of the Peace. After the Minister of Justice and Governor-General sign the Warrant for Appointment, the nominee will be sworn in before a District Court Judge.

Information requested from the nominee must be in accordance with the interview templates and guidelines for JP Associations and Court Registrars.

TEMPLATE:

Confidential Report for the Minister of Justice: Justices of the Peace Association Justice of the Peace Interview

1. FULL NAME OF NOMINEE:

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2. DATE OF INTERVIEW: / /

3. NAME OF JUSTICES OF THE PEACE ASSOCIATION:

4. NOMINEE'S DATE OF BIRTH:

5. NOMINEE'S RESIDENTIAL ADDRESS:

6. NOMINEE'S BUSINESS ADDRESS:

7. NOMINEE'S OCCUPATION:

8. NOMINEE'S EMPLOYER:

This form (five pages) must be completed and returned to the Royal Federation within 14 days of the interview, to forward to the Ministry of Justice.

9. UNDERSTANDING THE FUNCTIONS OF A JUSTICE OF THE PEACE

Does the nominee have sufficient understanding of the functions of a JP? YES/NO

Does the nominee understand the voluntary nature of the role of a JP? YES/NO

10. MOTIVATION AND AVAILABILITY

Does the nominee have the appropriate motivation for wanting to become a JP? YES/NO

Comment:

Does the nominee have a clear understanding of the commitment and responsibilities of a JP? (If "Yes", tick appropriate boxes)

- Availability
- Privacy
- Accessibility
- Training

Comment:

Does the nominee have any perceived conflict of interest if s/he is appointed as a JP? YES/NO

Comment:

Is the nominee willing to be listed in the JP section of the Yellow Pages? *YES/NO*

Comment:

Is there any perceived impediment to the nominee being able to carry out the function of JP (Day/Night)? *YES/NO*

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Comment:

11. COMMUNITY INVOLVEMENT

Is the nominee involved in community activities, and of general standing in the community? *YES/NO*

Comment:

12. REPRESENTATIVENESS

Does the nominee meet a particular demographic need in respect of: (*Tick as appropriate*)

- Ethnicity
- Age
- Gender
- Occupation / Workplace
- Other

Comment:

13. RELEVANT SKILLS FOR THE POSITION

Does the nominee have the relevant skills for the position? *YES/NO*

Comment:

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Does the nominee understand the responsibility to deal equally with “all manner of people” irrespective of their place and role in society? *YES/NO*

Comment:

Does the nominee have a commitment to ongoing training? *YES/NO*

Comment:

Does the nominee have Internet access? *YES/NO*

14. COURT WORK

Is the nominee interested in and available for Court work? *YES/NO*

If “Yes”, note any relevant experience and/or knowledge of the judicial system.

Comment:

15. NEED FOR APPOINTMENT

Is there an established need for the appointment of this nominee which s/he can satisfy?

YES/NO

Comment:

16. OTHER COMMENTS

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Are there any other comments to be made that are relevant to the consideration of appointing this nominee?

Comment:

RECOMMENDATION

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

RECOMMEND / DO NOT RECOMMEND

(delete as appropriate)

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 New Zealand Justices' Associations (Inc) Date: / /

TEMPLATE:

Confidential Report for the Minister of Justice: District Court Registrar's Justice of the Peace Interview

1. FULL NAME OF NOMINEE:

2. DATE OF INTERVIEW: / /

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3. CONFIRMATION OF NOMINEE'S PERSONAL DETAILS:

Are the nominee's personal details correct and current? YES/NO

4. OUTSTANDING CHARGES AND BANKRUPTCY STATUS:

Does the nominee have any civil matters or criminal charges pending in a Court?

(Please note: for the purposes of this question, the Criminal Records (Clean Slate) Act 2004 cannot be applied.) YES/NO

If "Yes", obtain comment from nominee on pending matters:

Is the nominee facing bankruptcy charges or other disciplinary charges? YES/NO

Comment:

This form (four pages) must be completed and returned to the Office of Legal Counsel, Ministry of Justice within 14 days of the date of the interview of the nominee.

5. MOTIVATION AND AVAILABILITY

Does the nominee have appropriate motivation for wanting to become a Justice of the Peace?

Comment:

Does the nominee have a clear understanding of the commitment and responsibilities of a JP in respect of: (if "Yes", tick appropriate boxes)

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- Availability
- Privacy
- Accessibility
- Training

Comment:

Is the nominee generally personable? YES/NO

Comment:

Is there any perceived impediment to the nominee being available to carry out the function of a JP (Day/Night)? YES/NO

Comment:

6. COMMUNITY INVOLVEMENT

Is the nominee involved in community activities, and of general standing in the community?

YES/NO

Comment:

7. REPRESENTATIVENESS

Is the nominee a genuine representative of his/her community? YES/NO

Comment:

Does the nominee meet a particular demographic need in respect of: (*Tick as appropriate*)

- Ethnicity
- Age
- Gender
- Occupation / Workplace
- Other

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Comment:

8. RELEVANT SKILLS FOR THE POSITION

Does the nominee have the relevant skills for the position? YES/NO

Comment:

9. CULTURAL SENSITIVITY

Does the nominee have an understanding of the multi-ethnic nature of the New Zealand population, and of the Treaty of Waitangi? YES/NO

Comment:

10. COURT WORK

Is the nominee interested in and available for Court work? *YES/NO*

If "Yes", note any relevant experience and/or knowledge of the judicial system.

Comment:

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11. NEED FOR APPOINTMENT

Is there an established need for the appointment of this nominee, which s/he can satisfy?
YES/NO

Comment:

12. OTHER COMMENTS

Are there any other comments to be made that are relevant to the consideration of appointing this nominee?

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

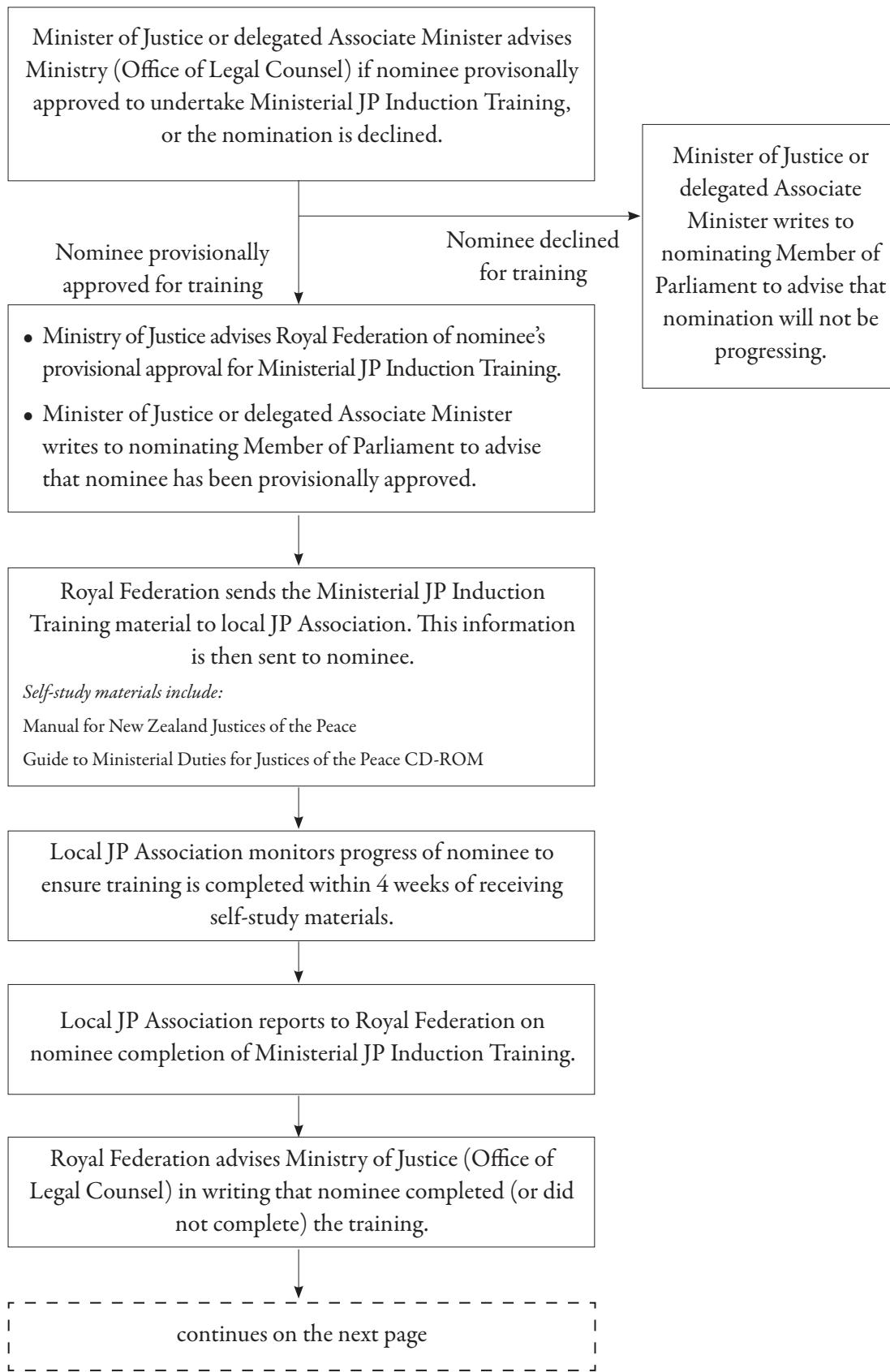
RECOMMEND / DO NOT RECOMMEND

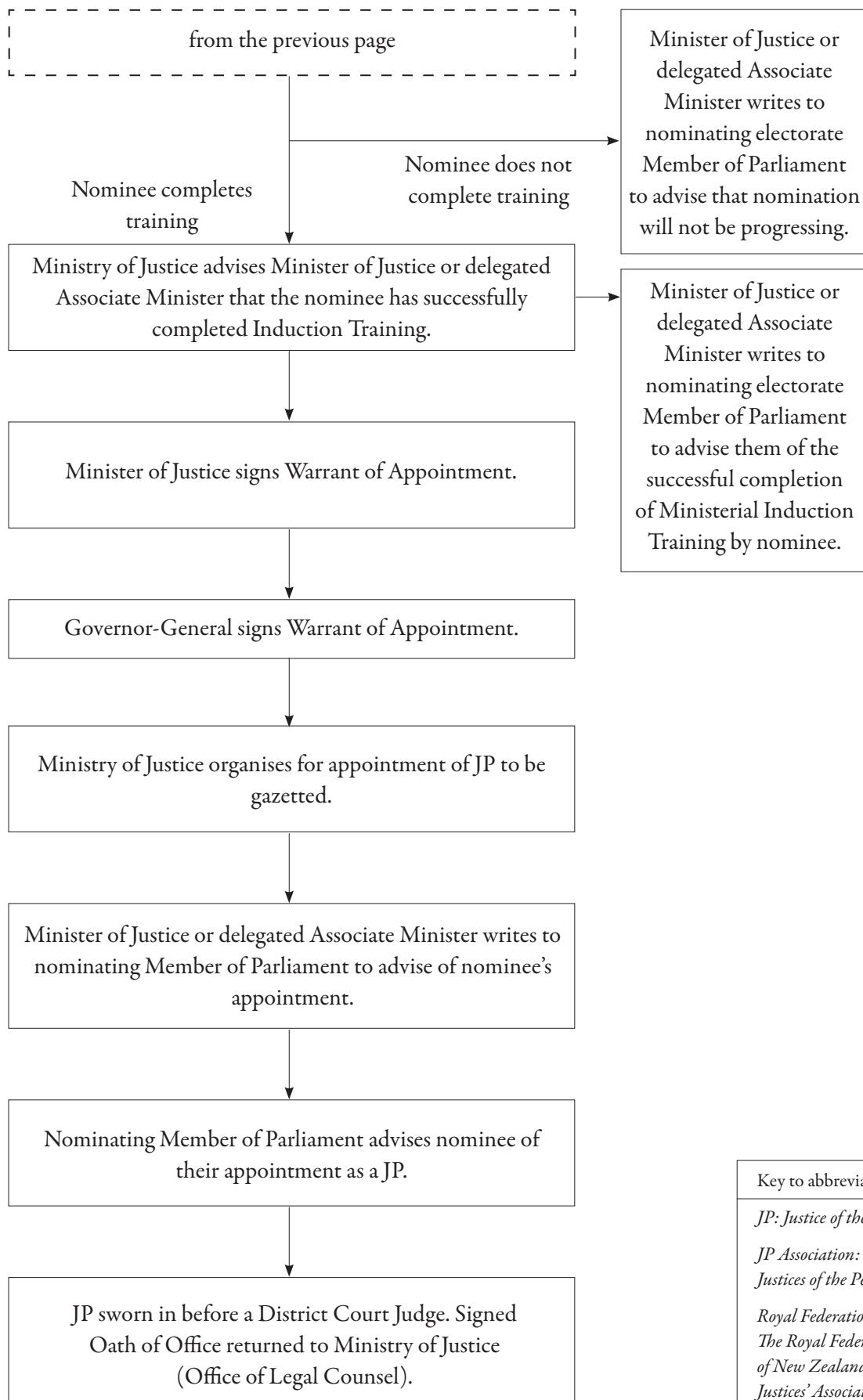
(delete as appropriate)

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

..... (Name and designation) (Date)

3. Best Practice – Ministerial Justice of the Peace Induction Training





Key to abbreviations

<i>JP: Justice of the Peace</i>
<i>JP Association: Justices of the Peace Association</i>
<i>Royal Federation: The Royal Federation of New Zealand Justices' Associations (Inc)</i>

Induction Training for Ministerial JPs

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 Ministerial JP Induction Training, it will inform the Royal Federation. The Royal Federation will forward the Ministerial JP Induction Training material to the local JP Association.

The Ministerial JP Induction Training package includes the following self-study materials:

- Manual for New Zealand Justices of the Peace
- Guide to Ministerial Duties for Justices of the Peace (CD-ROM).

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All data on the CD-ROM is also available on the Royal Federation's website. JP Associations are required to manage the training of provisionally approved nominees, and aim to ensure that training is completed within four weeks of receiving the training materials.

JP Associations are required to report to the Royal Federation on the completion of training. As part of this best practice, the Royal Federation will monitor JP Associations to ensure that JP Associations comply with this standard practice.

Following notification that the nominee has completed the Ministerial JP Induction Training, the Royal Federation will advise the Ministry of Justice (Office of Legal Counsel) that the nominee has either completed or did not complete the training.

If the nominee has met the training requirements, the Ministry of Justice will report to the Minister of Justice or delegated Associate Minister advising that a recommendation be made to the Governor-General that the nominee be appointed a JP. The Warrant is signed by the Governor-General and the appointment of the JP is gazetted.

The new JP will then be sworn in before a District Court Judge and signs the Oath of Office and the Judicial Oath, which will be sent to the Ministry of Justice.

The JP Ministerial Induction Training package comprises a self-study manual and CD-ROM. The JP Association must manage the training programme and ensure that the nominee completes the training programme within four weeks of receipt of the training material. Special circumstances may impact on the completion of training within these four weeks, such as serious health conditions or a pre-planned vacation. Approved best practice material will be provided for the training. No additional training material or tests are required.

PART B

COMPLAINTS AND DISPUTE RESOLUTION PROCESS

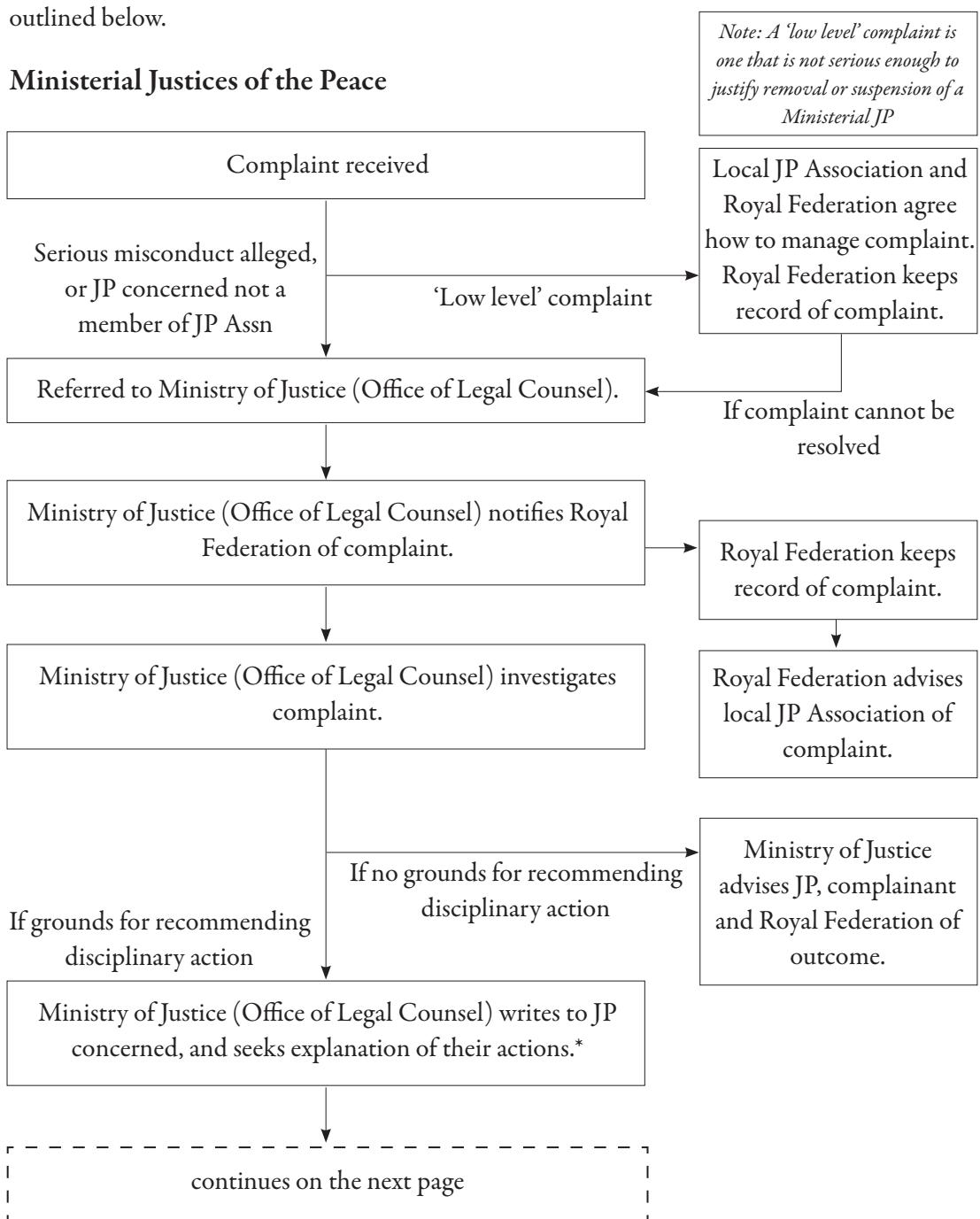
4. Best Practice – Complaints and Dispute Resolution Process for Ministerial Justices of the Peace

Complaints and Disputes Resolution

The Justice of the Peace Amendment Act 2007 (section 5) introduces a new range of disciplinary measures to give greater flexibility in dealing with complaints against JPs and a wider range of sanctions than currently available. The complaints and disciplinary process is outlined below.

Ministerial Justices of the Peace

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*Note that a JP may be removed immediately without written notice.

from the previous page

JP concerned may respond to Ministry of Justice in writing within 20 working days.

Ministry of Justice considers written response from JP.

If explanation not
satisfactory

If explanation
satisfactory

Ministry of Justice
advises JP, complainant
and Royal Federation of
outcome.

Ministry of Justice prepares report to Minister of Justice or delegated Associate Minister on misconduct, and recommended form of disciplinary action under section 5 or section 5D of the Justices of the Peace Act 1957.

Minister of Justice may recommend to Governor-General disciplinary action under section 5 or section 5D of the Justices of the Peace Act 1957.

Minister of Justice or delegated Associate Minister advises JP, complainant and Royal Federation of outcome.

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Key to abbreviations

JP: Justice of the Peace

*JP Association:
Justice of the Peace Association*

*Royal Federation:
The Royal Federation
of New Zealand
Justices' Associations (Inc)*

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

‘Low level’ complaints that cannot be appropriately resolved and more serious complaints such as charging for services, breach of confidence, or incompetence, should 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 reprimand the JP, direct the JP to apologise, request the JP undertake further training, or suspend or remove the JP from office.

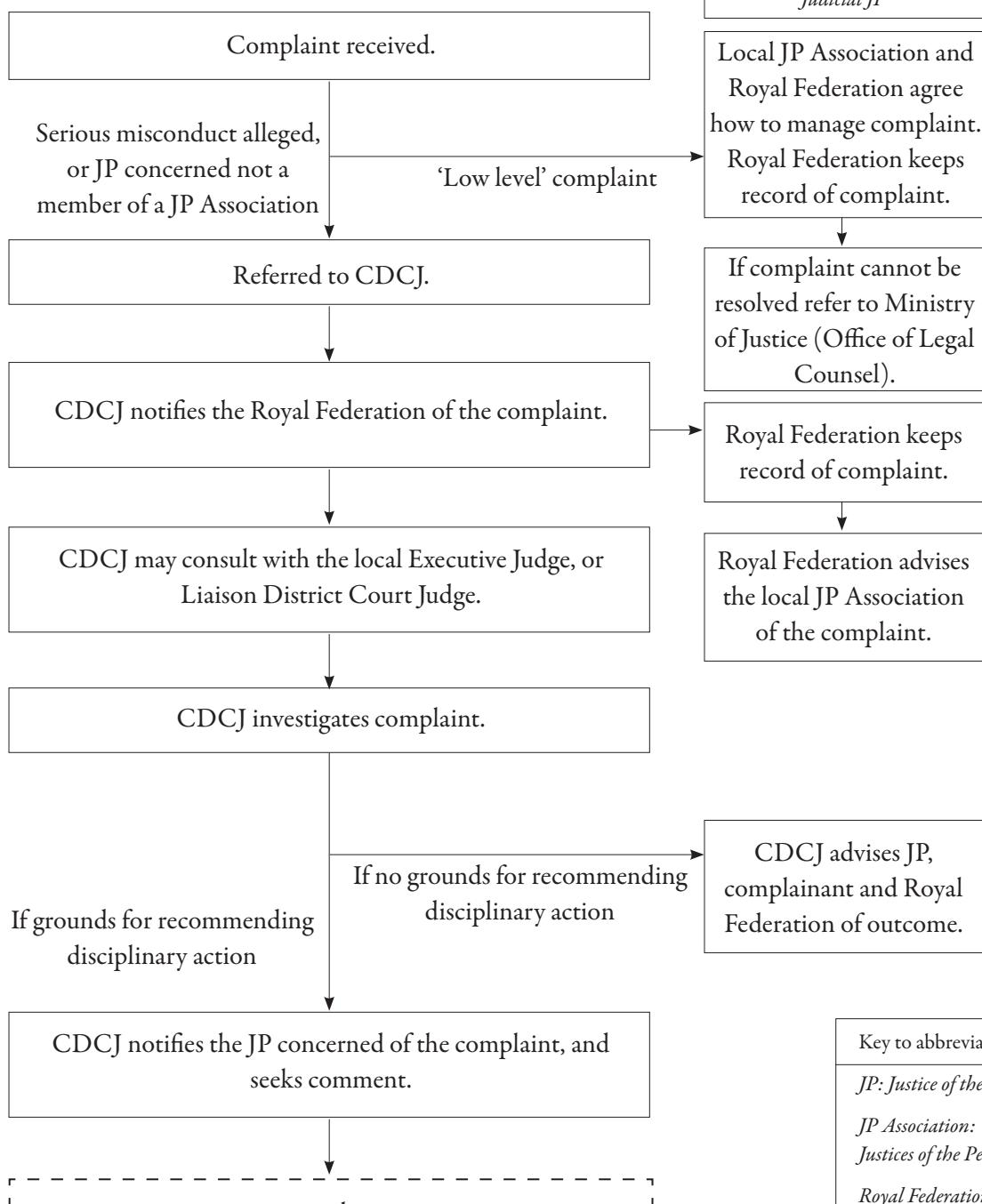
Key points about the Complaints and Dispute Resolution process for Ministerial Justices of the Peace:

- Complaints that are ‘low level’ are dealt with by the JP Association, if possible.
- The 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 JP be disciplined in accordance with section 5 or section 5D of the Justices of the Peace Act 1957.

5. Best Practice – Complaints and Dispute Resolution Process for Judicial Justices of the Peace

Judicial Justices of the Peace

Note: A 'low level' complaint is one that is not serious enough to justify removal or suspension of a Judicial JP



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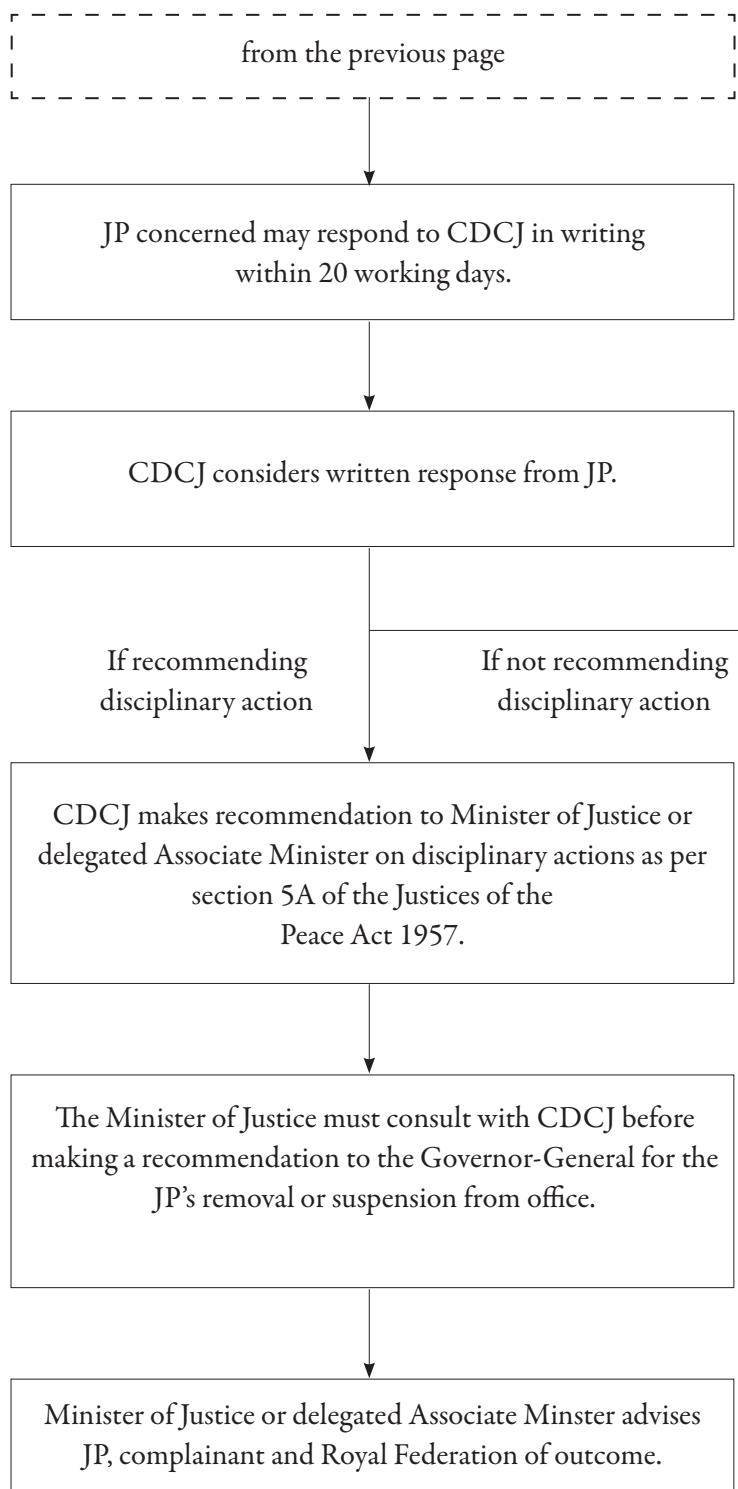
Key to abbreviations

JP: Justice of the Peace

JP Association: Justices of the Peace Association

Royal Federation: The Royal Federation of New Zealand Justices' Associations (Inc)

CDCJ: Chief District Court Judge



'Low level' complaints, that is, complaints that are not serious enough to justify removal or suspension of a Judicial JP, should be dealt with by JP Associations in the first instance. 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 that 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 the Royal Federation by JP Associations, and the Royal Federation is to be notified of the outcome from JP Associations.

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The Judicial JPs must be notified of the complaint and asked to comment.

The Ministry of Justice's role in relation to serious complaints against Judicial JPs 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 JP following consultation with the Chief District Court Judge.

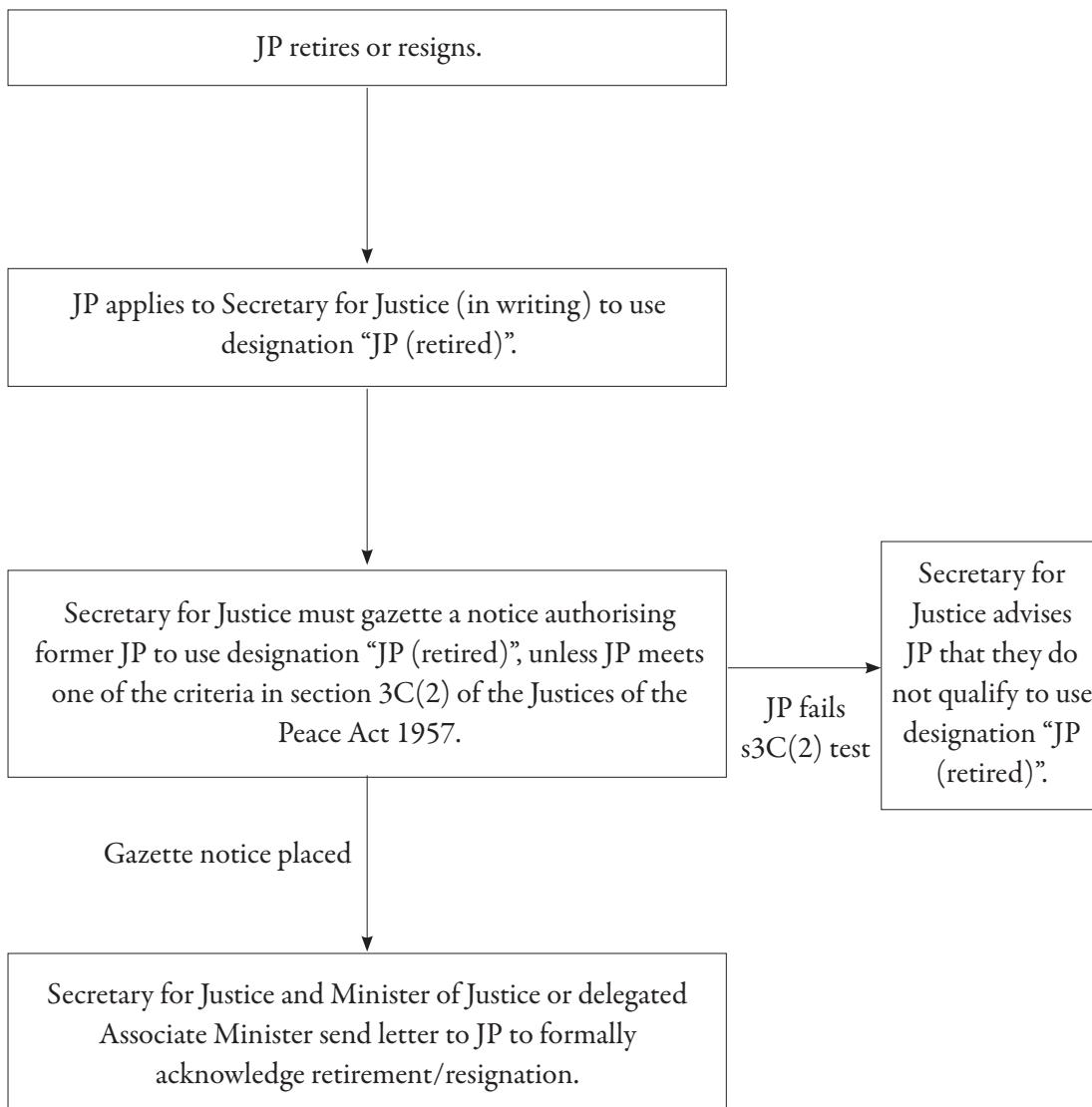
Key points about the Complaints and Dispute Resolution process for Judicial Justices of the Peace:

- Formal complaints are to be referred to the Chief District Court Judge for investigation.
- 'Low level' complaints are to be dealt with by JP Associations, if possible.
- 'Low level' complaints that cannot be appropriately resolved should be referred to the Office of Legal Counsel, Ministry of Justice.
- All complaints are also to be notified to the Royal Federation, and the Royal Federation must be notified of the outcome from the JP Association.
- Judicial JPs 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 Judicial JP after consultation with the Chief District Court Judge.
- The Ministry of Justice's role with respect to serious complaints is limited because of judicial independence.

PART C

RECOGNITION OF RETIREMENT OF JUSTICES OF THE PEACE

6. Best Practice – Recognition of Retirement of Justices of the Peace



Key to abbreviations
<i>JP: Justice of the Peace</i>
<i>JP Association: Justices of the Peace Association</i>

JPs may choose to resign whenever they want. The Justices of the Peace Act 1957 provides that JPs 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 “JP (retired)” under section 3C of the Justices of the Peace Act 1957. This involves the Secretary of Justice formally approving the JP’s request. Provided the JP does not meet the criteria specified in section 3C(2) of the Justices of the Peace Act 1957, the approval will then be gazetted.

Additionally, to recognise the work of JPs in the community, the Minister of Justice or the delegated Associate Minister and the Secretary for Justice will individually write to the retiring JP acknowledging and thanking them for their services rendered to the community.

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Key points about recognising JPs:

- JPs can write to the Secretary for Justice requesting that they use the title “JP (retired)” in accordance with the section 3C of the Justices of the Peace Act 1957.
- Provided the JP does not meet the criteria in section 3C(2) of the Justices of the Peace Act 1957, the Secretary of Justice will formally approve the JP’s request and the approval will be gazetted.
- JPs will also be formally acknowledged by the Minister of Justice or the delegated Associate Minister and the Secretary for Justice.