



**National Council of
Women of New Zealand**

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Wahine O Aotearoa

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**Submission to the Law and Order Select Committee on the
Justices of the Peace Amendment Bill**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 38 nationally organised societies. It has 31 branches spread throughout the country to which women from some 150 societies are affiliated. NCWNZ also represents a number of individual women. The Council's function is to serve women, the family and the community at local, national and international level through research, study, discussion and action.

NCWNZ has always taken a keen interest in the Justice of the Peace system and as early as 1897 a resolution was passed by the organisation advocating that women should be eligible for the office of Justice of the Peace. NCWNZ continued to lobby strongly for this until legislation providing for the appointment of women was passed in 1926. Parallel with this advocacy, NCWNZ has always supported comprehensive training for the work involved and the implementation of remuneration for those Justices who have completed training and who preside in Court.

This Amendment Bill is specifically concerned with the training, discipline and retirement of Justices of the Peace so expert opinion was sought from both lawyers and practising JPs and the submission was compiled by the NCWNZ Public Issues Standing Committee based on this advice. It was noted that many of the proposals have been in practise for some years but that standardisation of initial training prior to taking the oath is most important.

We wish to comment on the following specific aspects:

Part 1

Clause 3B Justices to undertake training before taking up duties.

Most districts follow the training programme which has been implemented by the Royal Federation of New Zealand Justices Associations, and all Associations are required to have a Training officer who organises initial and refresher training courses. NCWNZ recommends that a certificate of competence should be issued to recognise that the JP has completed a particular course or series of trainings satisfactorily. This is already done in some areas, with Northland given as an example.

It was noted that Justices sitting in Court need even more specialised training than ordinary Justices of the Peace.

One respondent questioned the practicality of Mayors and Chairs of Regional Councils undertaking training for their role as a JP in view of their other work commitments and queried how this factor would be accommodated.

Clause 3C Use of designation JP (retired)

NCWNZ supports this proposals and considers that any JP, who has served for more than 10 years and who is not excluded by the provisions of 3C (2) (a) to (d), should be able to use the designation automatically and not have to apply. This acknowledges the work and service which the JP has given to the community.



**Part 2 Amendments to provisions relating to discipline and retirement****Clauses 5 to 5D Removal or suspension of Justice from Office**

NCWNZ considers that it is unnecessary for the Governor General to direct the Minister, given that the Minister is already required to consult with the Chief District Court Judge. However, we do recommend that legislation encourages consultation with the relevant local and national office bearers of the JPs Association and, where appropriate, the local Judge and local Court Registrar, particularly as they are already involved in Clause 5F.

Clause 5E Justices to be given particulars and opportunity to respond

NCWNZ supports these provisions which we consider to be fair under the Rules of Natural Justice.

Clause 7 Justices exempt from attendance - amendment of s7 (1) (a)

While we accept that some Justices may wish to be relieved of Court duties at the age of 68 we also consider that many may be willing and competent to continue to sit in Court especially in those areas of the country where it is difficult to find qualified Justices of a younger age. We appreciate that Justices are being given greater flexibility in timing their retirement.

Clause 8 Failure to attend – substitution s 8 (1) (b)

NCWNZ considers that this clause does not indicate any flexibility or allowance for someone who is overseas or on extended leave and may not have had the opportunity to notify the Court Registrar. We hope that there will be an opportunity for this in the implementation of the legislation.

General comments

In the course of researching this Bill, an incident was reported from Christchurch concerning a number of JPs who no longer have a listing in the phone book on the grounds of protecting their time and privacy. It was suggested that if this is found to be an issue in other areas also, there needs to be an 0800 number for people seeking the services of a JP and referrals can be made from there.

The question of the office of Justice of the Peace as a reflection of a cross-section of society was raised by several respondents with suggestions for a "quota" on ages, gender and ethnicity. The difficulties of implementing this are acknowledged but the optimum situation should be stated as a policy benchmark.

NCWNZ will continue to take a close interest in this topic and looks forward to the progress of the Bill.

Christine Low
National President

Mary Gavin
Convener, Public Issues Standing Committee