



# JP Journal

Flying high: Wendy Mann JP



Inside: AG meeting

THE JOURNAL OF THE ROYAL ASSOCIATION OF JUSTICES  
OF WESTERN AUSTRALIA (INC)

# Code of Conduct for JPs

We will maintain and promote, in both our public and professional lives, standards of conduct that uphold the integrity and independence of our office.

We will respect and comply with the law and conduct ourselves in a way that promotes public confidence in the integrity and independence of our office.

We will always act impartially, not allowing conduct in our role to be influenced by political, business, family or social interests.

We will at all times separate the functions of our office from any personal or political interests.

We will not convey, or permit others to convey, the impression that we are in a special position of influence.

## Judicial responsibilities

We will give due precedence to our judicial and administrative duties without causing undue detriment to our personal or business life.

We will perform judicial duties without bias or prejudice.

## Confidentiality

We will respect the confidentiality of all who appear before us or use our services and not disclose information of a private, confidential or commercially sensitive nature received in the course of our duties.

## Conflict Of Interest

We will disqualify ourselves from any proceedings in which our impartiality might reasonably be questioned.

If it is seen that a conflict may arise, we will disclose all actual and potential conflicts of interest known to us.

## Legal Advice

We will not give legal advice to any person.

## Financial Dealings

We will not accept any payment or gift in the course of our duties.

We will not use our office to advance our personal or business interests.

## Training

Whenever possible, we will participate in training offered to increase our knowledge and professionalism in relation to our role.

## Mandatory notification

We will advise the Department of Justice within 30 days if we:

- a) change our name or address
- b) are convicted of any offence
- c) become an insolvent under administration.

# In this issue

Welcome to our second edition of JP Journal for 2024.

Justices in Western Australia have been through a difficult few years of the COVID pandemic, the removal of their Court roles in 2020 and the defunding of RAJWA by government.

This year RAJWA has fought back. Our finances, thanks to Kiri Campbell's extraordinary work, are in good shape. RAJWA has seamlessly transitioned to a new Registrar in Dr Gillian Colclough. President Brian Dodds has gone about the business of reaching out to members via a big questionnaire, coffee catchups, monthly newsletters, social media and this publication. He has reached out further by meeting with the Attorney General and contacting three other associations in WA that represent JPs asking for talks.

Huge challenges remain to provide the personal development and support JPs demand.

**Cover Photo:** *Geraldton's Wendy Mann is a bundle of activity. She has been a JP since 1979 and a pilot for 30 years. Her company, Geraldton Air Charter, pioneered Chinese tourism into the Midwest. Image credit: Linda Roche/DFAT.*

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## Our Annual General Meeting will be held on Saturday November 2, 2024 9:30 - 11:30am

At the Cricket Pavilion, Kent Street Senior High School  
4 Rathay Street  
Kensington  
[Refreshments provided]

If you would like to join via Zoom, please email [rajwa@rajwa.org.au](mailto:rajwa@rajwa.org.au) and put 'Zoom link required' in the subject line.

The link will be sent 48 hours before the start of the meeting.

Editorial Disclaimer: The views expressed in JP Journal, whether editorially or by contributors, do not necessarily represent the views of the Royal Association of Justices of Western Australia (Inc) or its Management Committee. Contributions on matters affecting Justices and their associations are particularly welcome, but all contributions are subject to the discretion of the Editor.

# Letters to the editor

## JPs and Family Violence

Dear Editor

Just a few years ago a Justice of the Peace in Western Australia could grant a Family Violence Restraining order which would be reviewed by the Magistrates Court in four weeks.

In our present epidemic of family violence this is an option which should be explored again.

In Queensland this is still the case.

Why?

- Justices of the Peace would be making court decisions again, not just witnessing and authorising;
- Magistrates Court time could be freed up;
- A less formal and applicant-friendly process would result in more women applying for FVROs. Linking to wider support services could be part of this process This would increase the safety of women and their families; and
- Police prioritisation and action is far easier once the FVRO is in place. They do not need to assess; they just need to arrest the perpetrator of the FVRO.

How?

- Specialised training for Justices of the Peace (This could be facilitated in partnership with Court services, Department of Justice, Police and DV support services);
- Close liaison with Police, Department of Justice and court services; and
- Deformalise the FVRO hearing and environment to be very applicant focused but still fulfilling legal requirements.

Outcomes

- Justices of the Peace would be making court decisions again, meaning more satisfaction and attracting extra JP applicants;
- Court delays could be decreased;
- More women would be protected by FVRO; and
- Police action would be simplified once a FVRO existed.

**Greg Rusha JP, BSW**  
**Swan Midland Branch**



## Identification dilemma

Dear Editor

### Certifying 'electronic' documents

I'd like to draw attention to a contemporary problem confronting us as JPs.

Persons making application for a housing loan or other transactions sometimes require proof of identity and are routinely asked to provide evidence of their 'existence' - their identity - by supplying certified copies of items such as (but not restricted to) passports, driver's licence (with photograph) and accounts from institutions such as bank statements, electricity accounts, local council rates notices, water authority accounts and the like. All very understandable in this age of deceit and scammers.

However, many of the applicants are now receiving and paying their accounts electronically and almost never receive anything on paper anymore. They arrive with copies of these documents printed off their mobile phone or laptop asking for them to be certified as copies of the original - but there is no original.

Or is there?

How should this dilemma be addressed to provide effective protection to all the parties involved.

**Doug Daws**  
**Kalgoorlie**

**Editor:** *WA law does not stipulate how or who can certify a document. Here's a suggested process, courtesy of Owen Peters:*

*Ask your client if the intended recipient of the certified copy has given any instructions. If so, follow these. For example, The Australian Health Practitioner Regulation Agency (AH-PRA) requires specific wording.*

*If the so-called "original" was a static document (for example, a PDF document of a council rates notice, then compare the image displayed on the device to the copy presented to you. If they are the same, stamp the copy as a true copy, noting that the "original" was an electronic image.*

*If the so-called "original" is a dynamic image that may change over time (such as a screen capture of a bank statement), refer the client back to the "owner" of the website site to certify the copy. (Remember, the law does not stipulate how to, or who may, certify a document).*

*If you have doubts, have the client complete a statutory declaration stating the "copies" are true copies of the original electronic documents.*

*Always err on the side of caution, especially when dealing with important identification documents such as VISAs, passports, academic qualifications, academic grades etc.*

*Further information is on the Department of Justice website in JP Information Fact Sheets.*





**President  
Brian Dodds**

## Our goal is to make RAJWA more inclusive

As previously reported, the journey towards meeting with the three other JP associations has begun.

The first was recently held with the Fremantle JP Association, which was very positive and constructive. Our joint meeting identified many areas within which both associations could work together and support each other generally.

I am also looking forward to meeting with the JP Alliance in October and am sure we can also find or identify areas or activities in which we can support each other. I will report on this further in the newsletter as things develop.

### AGM

Just a reminder that our AGM is on Saturday, November 2, commencing at 9.30am. By now you would (or should) have received the formal notification of the meeting, so the details are in the notice.

### Inclusiveness

One of my wishes is to make the RAJWA a much more inclusive association for all our members.

Hence the introduction of the monthly newsletter (which follows the monthly meeting of our Management Committee), as well as the re-introduction of the journal (skilfully managed and edited by Management Committee member, John Arthur).

At this stage, we can only afford to publish the journal twice a year but are looking for various ways (including grants or funding) of being able to increase the number of publications without having to increase the membership fee. I am hoping to be able to report further on this at the AGM.

### Procedures Manual

The long awaiting Procedure Manual has now been completed, after a lengthy review of what had been prepared in 2022 and 2023 (but not finalised or approved for circulation).

It has taken considerable time for it to be redrafted and checked against our Constitution and the Act. Obviously, the Procedure Manual could not contradict anything in either of those legally binding documents.

I am pleased to say that it is now ready and approved for distribution to our branches.






### Structure of the RAJWA

This is yet to be discussed at the Management Committee, but I'm wondering if the current structure of the RAJWA meets the wishes of the members. It may be that we develop another survey for members to respond to, so "watch this space".

**Brian Dodds  
President**

[President@rajwa.org.au](mailto:President@rajwa.org.au)

The Department of Justice has listed further post-commission training courses available in 2024.

-  10am until 2pm, Wednesday October 2: Search Warrants/Witnessing Documents. Location: Geraldton Courthouse.
-  9am until 12.30pm, Saturday October 5: Search Warrants/Witnessing Documents. Location Mercure Hotel, Perth.
-  10am until 12.15pm, Thursday November 21: EPA EPG Office of the Public Advocate. Location: Mercure Hotel, Perth.
-  RAJWA's Kalgoorlie committee member Allison Golsby has arranged a three-hour training session at Kalgoorlie Courthouse. The training will occur on Monday October 28 and will cover the issue of search warrants, processing bail, surety applications and attesting documents, including affidavits and statutory declarations. Inquiries to Allison at [allison.golsby.jp@rajwa.org.au](mailto:allison.golsby.jp@rajwa.org.au)
-  Armadale/South East Districts Branch will visit State Parliament on October 24, as guests of Dr Tony Buti MLA. President David Carbonell said it would be an opportunity to see democracy in action.



**Deputy President  
Shaun Burgess**

## Bringing a country flavour to RAJWA

In June 2023 I made three momentous decisions. One was to retire within 12 months, one was to leave the Pilbara and relocate to Perth, and the other was to spend some of my free time investing in RAJWA.

In August 2023 I put my hand up to fill a casual position on the RAJWA Council and at the AGM that year, stand for the position of Deputy President.

Stepping down as President of the RAJWA Pilbara Branch was a given, as I was leaving the region, but I harboured a hope that I could bring a regional prospective to the RAJWA Council, which I considered far too metro-centric. Hence my wish to be elected and be able to influence some policy decisions.

I believe that the hard work of the Management Committee in 2024 has resulted in a year of significant developments and achievements.

The association has focused on enhancing the training and support provided to Justices of the Peace across the state, aimed at improving the skills and knowledge of JPs, ensuring they are well-equipped to handle their responsibilities effectively.

In addition to these initiatives, RAJWA has continued to advocate for the interests of JPs at both the state and national levels.

The association has been actively involved in discussions with government bodies to address issues affecting JPs and to promote the importance of their role in the community.

Overall, 2024 has been a productive year for RAJWA, marked by growth, innovation, and a strengthened commitment to support Justices of the Peace in Western Australia.

## RAJWA reaches out to Fremantle group



*From the left, John Arthur (RAJWA), Leonie Timms (Registrar, Fremantle), Brian Dodds (President, RAJWA), John Alberti OAM (President, Fremantle), Merv Wright (RAJWA) and Kiri Campell (Treasurer, RAJWA).*

The journey toward meeting other JP associations in WA has begun. Here, members of RAJWA and the Fremantle Association of Justices chat after their meeting on September 21.

“It was a very productive meeting, where agreement was reached on how both organisations would be able to work

together,” Mr Dodds said afterwards. “Some common issues in supporting and the training of JPs were also identified. We are planning to hold another meeting in late November.”

Mr Alberti said the talks covered many topics common to all WA associations including improvement of training availability to JPs, recruitment of new members, funding for associations etc. There was agreement in principle to have further meetings to discuss and explore options for collaboration in advancing the aims and activities of all JPs in the state.

“FAJ believe that there is an opportunity to create a similar forum at a state level within WA to discuss any options available to support, promote and celebrate diversity and inclusivity for all JPs within the community and by doing so to advance the ability of JPs to serve the community more effectively,” Mr Alberti said.

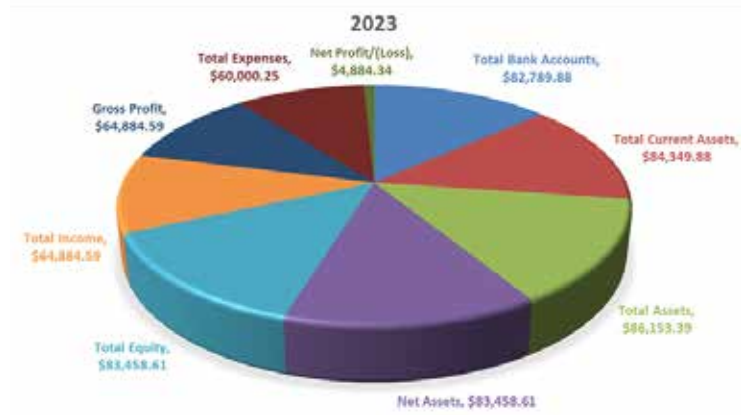
“There are preliminary plans for a further meeting in late November, where it is hoped that representatives from all associations will be able to attend either in person or electronically. Details to be confirmed after reaching out to all concerned.”

RAJWA has scheduled a meeting with the Justices of the Peace Alliance Western Australia (Inc) in October and sought a meeting with the Western Australian Regional Association of Justices (Inc) in Bunbury.



**Treasurer  
Kiri Campbell**

**Financial year of 2023**



**Smart Savings, Sales Surge and a Small Profit**

It has been a busy six months since my last journal message to you all.

Invoices have been sent to all members.

Accountant Graeme Wovodich at Carlton & Partners has performed our yearly audit. At the end of the fiscal year, we had a net profit of \$15,522.32.

The reason for such a high profit year was due to receiving funds from Branch closure, increased interest rates on our saving accounts, increased merchandise sales and reduced employee's hours. I continue to volunteer my time to assist our Registrar with the administrative work to keep down costs.

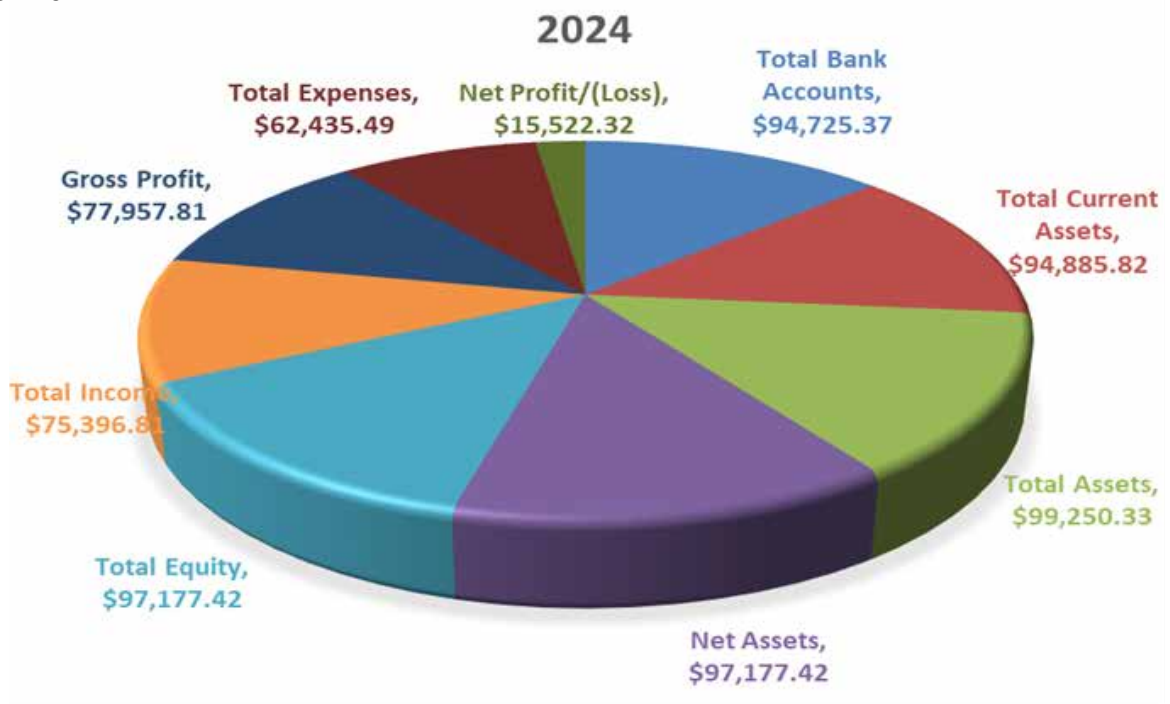
Here are pie charts of the last three years to show how we have been tracking with our finances.

**Financial year of 2022**



**Royal Association of Justices of  
Western Australia (Inc)  
Pie Chart of Financial Statement**

**Financial year of 2024**





## ‘Time spent in training is lives saved on the battlefield’

This saying was first identified to me during my early Army days and has stayed with me in later life, particularly as a manager of various TAFE facilities. This article outlines my early thinking on personal development and training of JPs.

Western Australia currently has 2532 registered JPs, of which 2050 are metropolitan based. The remainder, 482, of these JPs live in rural and remote parts of the State.

On appointment, all JPs swear an oath that they will perform the various functions of a JP and keep abreast of change by attending training.

This current training is provided from the Perth-based Department of Justice (DOJ) using various training providers, to mostly Perth-based Justices. Some training is provided by local Magistrates to remote JPs but in the main, no training is available or provided.

It is to this group of Justices that we need to pay particular attention.

### General

RAJWA has recently surveyed its members and overwhelmingly they have indicated that the current training is inadequate.

RAJWA's survey found that 22.6 per cent had attended a DoJ Professional Development course in the past two years; 38.5 per cent had not; 16.3 per cent said it was too far to travel.

More importantly, 95 per cent wanted more Professional Development/Training (4.8 per cent said they did not need further training and Department courses were adequate).

There was support for personalised workshops; informal sessions; escorted visits to courts or police stations; and online presentations by Court/Police via RAJWA.

JPs told RAJWA they felt isolated and wanted opportunities for conversational get togethers.

Clearly, some work is required in accessing and then updating existing personal development and training packages. This includes the original package designed by DoJ for delivery to remote Indigenous communities which was conducted several years ago in the Kimberley region of WA.

It is hoped that initial rollout could occur in the Goldfields region.

### Deployment

A plan will need to be created which identifies the who, where and when of the initial visits. This plan will need to identify the mode of travel, the accommodation requirements, and provide for payment of meals, fuel, and airfares as appropriate.

Objectives of each planned visit would be to:

- Update branches on RAJWA and key personnel within RAJWA,
- Update RAJWA on branch key personnel and branch numbers,
- Identify and agree on detrimental aspects of recruiting,
- Where possible provide updated professional development/training on deficient areas as identified earlier by the relevant branch. This could include training on committee positions to encourage members to join Branch committees,
- If possible, strengthen the relationship between the Branch and any local courthouse and Police station,
- If already identified, visit local community groups that may be aware of any potential JP. If possible, liaise with government agencies who are already dealing with remote communities (Police, DAO, Health etc), and
- Assist in the delivery of any identified training. It may be necessary for RAJWA to acquire a laptop computer and a projector to enable power point presentations to be made. Various training providers will be contacted to assess their suitability and availability to assist with the delivery of training.

### Summary

The ongoing training of Justices is paramount to their success as a JP and is indeed something that they have been sworn to undertake. For JPs who live outside Perth and do not have regular or easy access to this personal development/training, DOJ can assist but are restrained by available finances.

Efforts need to be made to contact interested candidates in remote and regional communities to encourage them to assist in this personal development/training.

**Looking for a RAJWA lapel badge or lanyard?**

**Check out our specials on page 12 to see some of the products available at RAJWA HQ!**





**Management Committee**  
**Allison Golsby**

## Kalgoorlie Courthouse comes to the rescue

As a regional Justice of the Peace, I believe personal development and training are essential to support our work.

Regional JPs do not have easy access to centralised training provided by the Department of Justice via North Metropolitan TAFE.

It is for that reason I approached staff at the Kalgoorlie courthouse and have arranged an initial personal development session at the end of October. Hopefully, supplementary training sessions can be provided twice a year to help keep JPs current and address gaps in processes that might otherwise cause delays or inefficiencies.

This could be particularly beneficial in aligning JP input with current requirements, which I believe would streamline our justice process by reducing rework and inconsistencies.

I am pleased the Attorney General, in his discussions with RAJWA's delegates on August 26, firmly rejected the longer-term option of five-year renewals of JPs' commissions. While this measure could effectively remove inactive JPs, it might also pose challenges for those of us who contribute regularly but may struggle with a renewal process due to other commitments.

As someone who manages my own sessions, I understand the increasing burden of compliance demands across various

industries, including my own.

While I support the idea of removing inactive JPs to improve our system, I believe the real value lies in enhancing consistency and quality through ongoing training.

I am pleased that RAJWA had a strong response to its questionnaire to all members about their training needs.

Interestingly, less than five per cent of responders felt that they were happy with Department of Justice training and did not require any more. Predominantly members told us they did want to learn more. And they wanted less formal, structured sessions.

Finally, as a businessperson, I have limited time to devote to JP work but try to make myself available as I travel throughout my region. I am mindful of the extraordinary voluntary effort of our Justices, and I have been pleased to bring some strategic thinking to the table.

RAJWA's Management Committee has reached out to members via emails, questionnaires, monthly newsletters, social media, morning teas while improving its finances and advocating for members with government and other associations. It has been a collaborative effort by the committee and there is much more to do.



**Management Committee**  
**John Arthur**

## JP's alertness may have saved six lives

As the newest member of the Management Committee I have enjoyed being able to observe and learn from some very capable Justices both inside and

outside RAJWA.

It has been eye-opening to attend the five-days-a-week JP office at Perth Police Court, where Police officers, Court staff and members of the public queue for assistance.

However, my best memory of 2024 would be of a female JP who may well have saved the lives of six other women. This is a story that can't be detailed, because it is before the courts. But the alertness of this one JP, handling a single affidavit, led to police investigations and charges.

So individual JPs, going about their voluntary work, perform a valuable community service. Much of the work is repetitive, yet JPs are a trusted sounding board for what is happening in the community.

When these JPs unite, great progress can be made. It is apparent to me that the association is heading in the right

direction. Its procedures and administration have been tightened up, with a procedures manual finalised and an improving bottom line in finances, thanks to the voluntary efforts of Treasurer Kiri Campbell. And, unlike last year, members will elect all officeholders at their AGM in November.

Members have been invited to coffee meetings and have been pestered for their views in questionnaires. Monthly newsletters have been distributed since December 23. RAJWA's Facebook page has been reactivated; the JP Journal relaunched.

Meetings have been held with the Attorney General and one of three other JP associations in WA.

Of course there is much more to do. RAJWA would like to revamp its website and provide opportunities for professional development and training. These things cost money, but work is underway. We will seek grants and funding and support ourselves through merchandise sales.

RAJWA – indeed all JPs – deserve greater support than they get from government.



**Registrar  
Dr Gillian Colclough**

## ‘Please engage’ and support your RAJWA

Thank you to the welcome you have given me as Registrar.

Soon after appointment, I became involved with our survey of members, which emerged from the Management Committee’s focus on your training needs. The results of this survey are highlighted in this edition of JP Journal.

Another objective of the survey was to identify activity levels and needs.

I am also working with Merv Wright and John Arthur on a list of forward survey actions, some of which have already been realised in the recent visit by Brian Dodds and John Arthur to the Attorney General. Further initiatives have been our reaching out to other associations to work with a common commitment to supporting JPs.

JP availability continues to occupy us at these times of social change. The number of people volunteering globally has dropped following the pandemic and subsequent increased cost of living. I looked for data to match to our survey findings, finding that most research primarily focuses on charities as not for profits: there is a large data gap in research regarding non-charity NFPs and their volunteers. We do not have the same level of revenue from government or donations as char-

ities do and this puts pressure on associations like ours. Legally, we cannot distribute any profits back to members, which makes it difficult to meet your requests for social connections. The only ways we can do that is to find funding through grants, organise events that you pay to attend or facilitate activities that involve no cost to our members while still providing a social benefit. Council is working to develop strategies in this regard.

A report by the Productivity Commission on Volunteering confirms that volunteer availability does not always match the number needed. We as JPs are not alone in sometimes feeling that too few of us are out there. Interestingly, our survey had similar findings in relation on volunteering to one conducted by ANU which found that females and older Australians continue to volunteer at higher rates than males and those in the middle part of the age distribution. People who are working full time are also less likely to volunteer because of their commitments. No surprises there? Actually, many of our members are active JPs while working full or part time, as well as having other commitments. Maybe we’re a bit different to everyone else.

Strong committees participate in decisions and by so doing shape an association’s direction. This is another area in which the committee is working: examining management structure and how RAJWA has historically made decisions.

Internal politics are always going to be part of leadership challenges in associations, and it is not necessarily an easy role. The need to participate in and support management also extends to our branches, with their critical local role.

Please engage with the Presidents and local committees who work harder behind the scenes than they often get credit for. Primarily, nothing has changed in the century since RAJWA’s inception: it is here to support you as JPs and to advocate and work towards your best interests as integral participants in our society.

### RAJWA questionnaire:

## Survey reveals JPs’ struggles and training needs

RAJWA surveyed its members in August this year. We have listed below the take-outs. There were 361 responses although not all questions were answered. About 55 per cent were aged under 75.

When asked whether JPs in their area were active enough to meet public demand, 230 (63%) of 365 respondents said “no”.

The survey supported anecdotal experiences indicating the difficulty of rostering JPs at WA’s 73 witnessing centres.

The survey identified amongst Justices a breakdown in social cohesion, isolation, a strong desire for more interactive Personal Development/Training and concern about “inactive” JPs.

We know from our members that the removal of court duties has impacted severely, particularly in the regions. Some JPs feel under-valued and disconnected.

One in five responders had attended a Department of Justice Professional Development/training course in the past two years. Ninety-five per cent wanted more Professional Development/Training (4.8% said they did not need further training and Department courses were adequate).

#### About you

Male	147	40.7%
Female	214	59.3%

#### Where are you based?

	All	
Perth	161	44.9%
Regional centre	77	42.7%
Remote area	16	12.5%

How many years have you been a JP?

Less than five years	57	8%
6-15 years	57	16.1%
16-20 years	22	9.3%
20+ years	118	66.6%

Do you feel that there are enough Justices available in your area? If you answer no, please comment in the next row.

Yes	188	59.1%
No	65	40.9%

Do you know any other JPs in your suburb, area or town?

1-5	173	49%
6-10	33	18.7%
10+	38	32.3%

Do you believe that most of the other JPs in your area are active enough to help meet public demand?

Yes	135	37%
No	230	63%

Do you believe that most of the other JPs in your area are active enough to help meet demand from police and other government agencies? If no, please comment in the following question.

Yes	135	50.8%
No	115	49.2%

Do you believe that most of the other JPs in your area are active enough to help meet demand from police and other government agencies? If no, please comment in the following question.

Yes	135	50.8%
No	115	49.2%

Have you attended a local witnessing centre in the past year?

Yes	114	26.5%
No	98	45.6%
Not available where I live	40	27.9%

Have you attended a Department of Justice professional development course in the past two years?

Yes	108	22.6%
No	92	38.5%
No, too far to travel	26	16.3%
No, I am happy with my knowledge	27	22.6%

RAJWA is considering providing engaging professional development (PD) sessions to supplement DoJ training. What type of PD would interest you? Choose any that apply.

General JP work	126	16.3%
Managing witness centres	33	4.3%
Recommended stamps and resources	73	9.4%
Witnessing warrants, bail and surety	86	11.1%

The digital age – certified and court documents and remote clients	149	19.3%
Family law	94	12.1%
Interstate and overseas documents	104	13.4%
Local government and rangers	72	9.3%
None, happy with DoJ training	37	4.8%

(Choose any that apply) - JPs who identify a need for further training should be able to access relevant free training:

Anonymously, online as individual	78	10.3%
Online as part of a group session	80	10.6%
Yes, if followed up by a trainer or rostered mentor	41	5.4%
As personalised workshops by trainers organised by RAJWA in various metropolitan or country areas	100	13.3%
As informal sessions of no more than two hours, online or in person	109	14.5%
As formal presentations with questions	67	8.9%
Through escorted visits to courts or police stations	56	7.4%
Through online presentations by court staff, agency staff or police on special areas of regulation and enforcement, arranged by RAJWA trainers	87	11.5%
Through face-to-face presentations by any of the above, organised by branches and locally delivered	106	14.1%
No, these should be organised by DoJ	30	4%

The previous questions may have helped you to identify challenges within your area. Choose any of the following that apply.

Meeting public and agency demand	67	16%
Finding JPs for rosters	78	18.6%
Lack of social opportunities for JPs to meet and share experiences	86	20.5%
Mentoring	66	15.7%
Need for support from local authorities and agencies	57	13.6%
Need for support from local government	66	15.7%

Let's consider an example of how today's JPs can engage in the digital world. A Justice of the Peace association in another state recently successfully lobbied to once again offer digital witnessing, as was the case under the COVID omnibus legislation. They have a volunteer roster for this work. Choose any of the following that apply:

Digital witnessing should be offered again, as it is useful for people overseas or in remote areas who cannot get to see a JP personally in time for their needs.	93	24%
Digital witnessing may take pressure off some signing centres	79	20.4%
Digital witnessing may allow JPs in remote areas to play a more active role	107	27.6%



## Super specials - RAJWA merchandise

RAJWA has available many excellent products for its members!

If you have any questions on any of the products please contact our office at [registrar@rajwa.org.au](mailto:registrar@rajwa.org.au) or (08) 9425 2824.

Pictured are some of the available items.



Medallion with Royal Blue ribbon.



Royal Blue lanyard with full RAJWA name.



Mugs, pens, lapel badges and lanyard.





# Waving the flag for Justices

JohnPaul Leone is an extraordinary JP, not because this former businessman juggles the caring of foster kids with managing three witnessing centres and assisting with many others.

Not because he equips and maintains each witnessing centre with a comprehensive range of resources ranging from the Australian flag to pre-prepared statutory declarations.

It is the way he does it.

“Of all the JPs I know, he stands out as the most outstanding,” says Owen Peters, an accomplished JP who has worked closely with JohnPaul over seven years.

“He has devoted an extraordinary amount of time and effort in training and mentoring JPs, and coordinating many signing centres.”

JohnPaul (58), of Landsdale, recently decided to step back from official duties with RAJWA and the Alliance. He is taking a break to recharge his batteries.

He has found it increasingly difficult to fill the rosters for witnessing centres at the Joondalup Court and Ballajura and Joondalup libraries.

He sought help from the Department of Justice, and as a result, 270 local Justices were emailed of which six responded to JohnPaul and one joined a roster.

Despite these setbacks, JohnPaul ploughs on.

An ongoing concern is the setting up of new witnessing centres without any guides.

He says witnessing centres and individuals need to keep sufficient statistics and records to know who and why they have assisted clients.

He will continue to seek volunteers for his witnessing centres and ensure they have the resources they need. All the while caring for three foster kids while raising three of his own with his wife Rhonda, an education assistant.

JohnPaul has had a varied life as a plant manager at Country Bakehouse, then owned his own bakery business in Mt Hawthorn for 16 years, semi-retired and then bought an ice cream van.

He now volunteers where needed at several charities doing many things from store work to delivering furniture and household goods to people in need and helping with food hampers or whatever is needed.

JohnPaul says, “We are an average family, my wife and I care for foster children because we are from single-parent families, and we know what it’s like to struggle. We also understand how some environments can leave children with lifelong trauma. Children need to feel safe, loved and heard.”

JohnPaul became a JP in 2012. He went on to coordinate the VRO roster and presided in Family Violence Court in Joondalup Court until that role was removed from Justices as a change to the court system.

He mentored many JPs and was involved in creating a Justice of the Peace Court handbook.

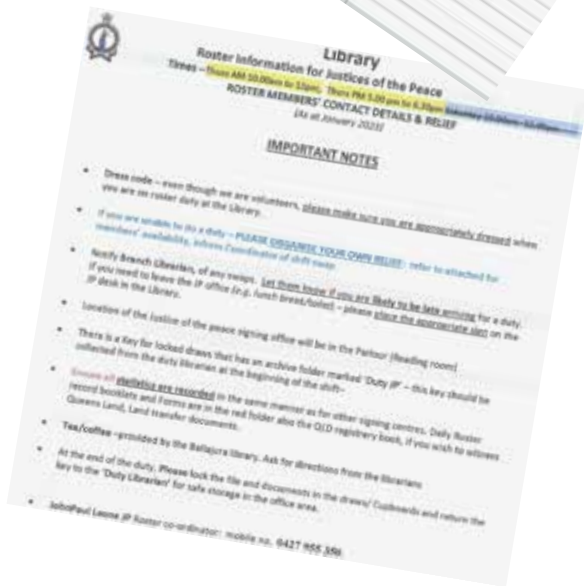
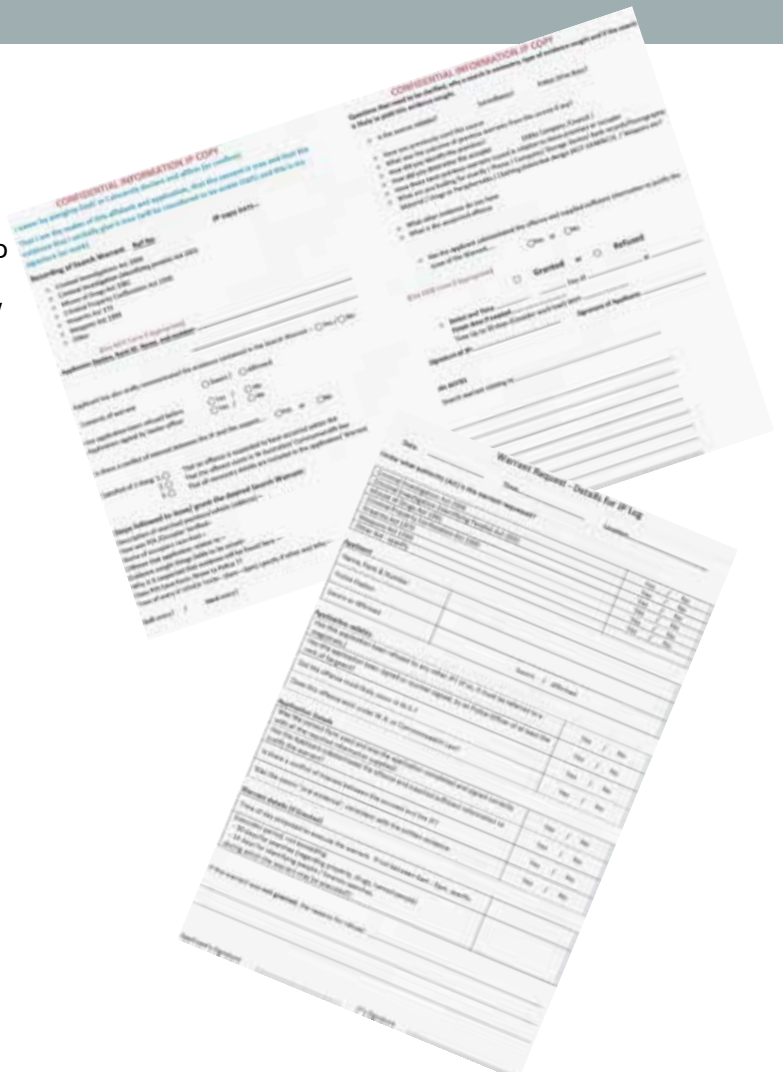
He follows a belief that “there is good and bad in every creed, colour and race. Be excellent to everyone and one day they will be excellent to you. It’s all to do with karma.”



*Rhonda and JohnPaul Leone*

# Tips for new JPs

- ✓ Find an experienced JP near where you live and make contact. Try and establish a network of JPs in your area so you can call them and seek advice. Join a branch. Networking enables you to refer clients to someone you know if you are busy.
- ✓ Seek and sit with as many mentors as possible. We all have our unique ways of processing documents but in the end, we usually get to the same spot.
- ✓ Logbooks are paramount. Keep your own personal record for every client. If possible, the logbook should include the time, date, name of client, what you did (for example, statutory declaration or affidavit) and a memory jogger.



- ✓ The person who is making the statutory declaration must in the presence of an authorised witness declare orally that he or she is the person named as the maker of the statutory declaration; and that the contents of the statutory declaration are true; and that the signature or mark is his or hers; and if necessary, that any attachment to the statutory declaration is the attachment referred to in it. The signed and witnessed statutory declaration is legally binding and perjury carries a penalty of 12 months' imprisonment and/or a \$5,000 fine.



- ✓ To swear or affirm? When people decide to take the oath on affidavits, they can be given the option to swear to “my God”, rather than “Almighty God” if that suits their faith. Some see “Almighty God” as of the Christian faith.
- ✓ Witnessing centres should maintain a suitable logbook providing information containing the date they are open, plus an individual breakdown of the diverse types of documents witnessed and the number of clients seen. It is considered good business practice to maintain a logbook. The information can be used by centre staff to justify the need for additional space or resources.

- ✓ When certifying a bank card, you may suggest to the client that they redact the CVC security code, as this information is sufficient to gain access to a person's bank account.
- ✓ If presented with a large number of copies of original documents to certify, it may be easier to have the client complete a statutory declaration that states the attached documents are true copies of the originals. The declaration should note how many pages were attached and JP to initial each page.

WESTERN AUSTRALIAN OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS ACT 2005

### STATUTORY DECLARATION

I, \_\_\_\_\_ (Name, address and occupation of person making the declaration)

1. Sincerely declare that the document/s marked \_\_\_\_\_ were true copies of electronic documents stored in my computer at \_\_\_\_\_

2. The annexed document/s marked \_\_\_\_\_ are true copies of electronic documents stored in my computer at \_\_\_\_\_

This declaration is true and I know that it is an offence to make a declaration that is false in a material particular.

This declaration is made under the Oaths, Affidavits and Statutory Declarations Act 2005

At \_\_\_\_\_ (place)

By \_\_\_\_\_ (signature of person making declaration) 20\_\_\_\_

For \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

in the presence of \_\_\_\_\_ (signature of witness)

FAMILY COURT OF WESTERN AUSTRALIA  
REGISTRY: PERTH

### AFFIDAVIT FOR FILING APPLICATION (DIVORCE)

Do not swear or affirm this affidavit until you are with a person who is authorized to witness your signature. If you are applying as a sole applicant, you only need to sign your part of the affidavit. You do not have to ask or arrange for your witness to sign his or her part of the affidavit. You may do so at different times and before different witnesses if you are applying for the same orders at the same time.

**Full Name of Applicant (Party 1)**  
 I am the applicant.  
 I am the respondent.  
 I have read and understand the contents of my affidavit and the consequences of making it. I have provided the facts and circumstances of which I have personal knowledge as true and correct to the best of my knowledge and belief.

**Full Name of Applicant (Party 2)**  
 I am the applicant.  
 I am the respondent.  
 I have read and understand the contents of my affidavit and the consequences of making it. I have provided the facts and circumstances of which I have personal knowledge as true and correct to the best of my knowledge and belief.

**Applicant (Party 2)**  
 I am the applicant.  
 I am the respondent.  
 I have read and understand the contents of my affidavit and the consequences of making it. I have provided the facts and circumstances of which I have personal knowledge as true and correct to the best of my knowledge and belief.

**Full Name of Applicant (Party 2)**  
 I am the applicant.  
 I am the respondent.  
 I have read and understand the contents of my affidavit and the consequences of making it. I have provided the facts and circumstances of which I have personal knowledge as true and correct to the best of my knowledge and belief.

**Signature**  
 Place \_\_\_\_\_ Date \_\_\_\_\_

**Full Name of the Person**  
 Lawyer  
 Justice of the Peace  
 Judge/Magistrate/Registrar of a Court  
 Overseas authority witness (Diversity Public Australian Consular Official)

**Signature**  
 Place \_\_\_\_\_ Date \_\_\_\_\_

**Full Name of the Person**  
 Lawyer  
 Justice of the Peace  
 Judge/Magistrate/Registrar of a Court  
 Overseas authority witness (Diversity Public Australian Consular Official)

WESTERN AUSTRALIA OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS ACT 2005

### STATUTORY DECLARATION

I, \_\_\_\_\_ (Name, address and occupation of person making declaration)

I sincerely declare as follows:  
 That the attached document referred to as Attachment 'A' is a printed extract of Electronic Data from my Computer / iPad. This Document was not "Proof Read" by the prescribed Authority below.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the Oaths, Affidavits and Statutory Declarations Act 2005

At \_\_\_\_\_ (place)

By \_\_\_\_\_ (signature of person making declaration)

For \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

in the presence of \_\_\_\_\_ (signature of witness)

Joondalup Court Signing Centre

### Queensland - Transfer of Land Title Procedure

It is quite common for a client to request a Western Australian JP to witness a Queensland "Transfer of Land" for land that they own in Queensland. On the transfer document you will see a reference to Section 162 of the Queensland Land Title Act 1994 that details the obligations of the witness. As a potential witness for the witness for non-compliance with the Act, it is important that JPs are familiar with their obligations.

**Section 162 states: (my building)**

(1) A person who witnesses an instrument executed by an individual must

(a) first take reasonable steps to verify the identity of the individual and ensure the individual is the person entitled to sign the instrument; and

(b) have the individual execute the instrument in the presence of the witness; and

(c) not be a party to the instrument.

(2) Without limiting subsection (1)(a), the person takes reasonable steps to verify the identity of the individual if the person complies with practices included in the manual of land title practice under section 55(2) for verifying the individual's identity.

(3) The person must, for 7 years after the person witnesses the signing of the instrument—

(a) keep a written record of the steps taken under subsection (1)(a); or

(b) keep originals or copies of the documents and other evidence provided to or otherwise obtained by the person in complying with subsection (1)(a).

(4) The registrar may, whether before or after the registration of the instrument, ask the person—

(a) to advise the registrar about the steps taken by the person under subsection (1)(a); and

(b) to produce for the registrar's inspection the written record mentioned in subsection (3)(a) or the originals or copies mentioned in subsection (3)(b).

(5) The person must comply with a request under subsection (4) unless the person has a reasonable excuse.

**Maximum penalty—20 penalty units.**

**Key takeaways from the legislative changes are:**

- JPs are required to retain written records of their witnessing and/or signing for 7 years
- JPs are no longer required to retain originals or copies of the documents used to verify ID and proof of entitlement.
- The required level of ID check is very similar to our 100-point ID Check, i.e. multiple documents from different classes is required. For example, an Australian passport + Australian driver's licence + change of name or marriage certificate, if necessary.
- Adequate evidence of proof of entitlement could consist of current documents such as a rates notice for the property issued by the local council, a current title search for the property or a registration confirmation statement for the property.

- ✓ Take caution in dealing with Queensland land transfers: There are specific requirements that a JP must comply with under section 162 of the Queensland Land Titles Act.



# Table of warrants

JP's authority to Grant Warrants, Notices and Orders				
Act	Section	Warrant / Order / Notice	Legislation Wording	JP authorisation
Agricultural and Related Resources Protection Act 1976	s.84 (2)	Search Warrant	(2) If it appears to a justice, on an application supported by evidence on oath or affirmation by an inspector or authorised person, that there are reasonable grounds for suspecting that there is in any of the premises excepted under subsection (1) — (a) any declared plant or declared animal that is required by this Act to be controlled; (b) any declared plant or prohibited material that has been introduced contrary to this Act; (c) any declared animal that has been introduced or is being kept contrary to this Act; (d) any chemical that is being stored or has been used contrary to this Act, the <b>justice</b> may grant a warrant authorising the inspector or authorised person to enter the premises during such hours of the day or night as the warrant specifies or, if the warrant so specifies, at any time, for the purpose of searching the premises and taking such action in relation to any declared plant or declared animal or chemical found in the premises as is prescribed.	YES
Criminal Investigation Act 2006	s.58 (2)	Data Access Order	58. Data access order, application for (1) Only a police officer or a public officer may apply for a data access order. (2) An application for a data access order must be made to a <b>magistrate</b> in accordance with section 13.	NO
Criminal Investigation Act 2006	s.89 (2)	Forensic Procedure (involved person)	89.FP warrant (involved person), application for (1) Only an officer may apply for an FP warrant (involved person). (2) An application for an FP warrant (involved person) must be made in accordance with section 13 to a <b>magistrate</b> .	NO
Criminal Investigation Act 2006	s.99 (2) (a)	Forensic Procedure (suspect)  (where the suspect is an adult)	99. FP warrant (suspect), application for (1) Only an officer may apply for an FP warrant (suspect). (2) An application for an FP warrant (suspect) must be made in accordance with section 13 — (a) to a JP if the application is in respect of an adult; (b) to a <b>magistrate</b> if the application is in respect of a protected person.	YES
Criminal Investigation Act 2006	s.99 (2) (b)	Forensic Procedure (suspect)  (where the suspect is a protected person)	99. FP warrant (suspect), application for (1) Only an officer may apply for an FP warrant (suspect). (2) An application for an FP warrant (suspect) must be made in accordance with section 13 — (a) to a JP if the application is in respect of an adult; (b) to a <b>magistrate</b> if the application is in respect of a protected person.	NO
Criminal Investigation Act 2006	s.52 (2)	Order to produce business records	52.Order to produce, application for (1) Only a police officer or a public officer may apply for an order to produce a business record. (2) An application for an order to produce must be made to a <b>JP</b> in accordance with section 13.	YES
Criminal Investigation Act 2006	s.41 (2)	Search Warrant	41. Search warrant, application for (1) Only a police officer or a public officer may apply for a search warrant. (2) An application for a search warrant must be made to a <b>JP</b> in accordance with section 13.	YES
Criminal Procedure Act 2004	s.31 (1) (f)	Arrest in the first instance	31.Warrant for accused's arrest, contents etc. (1) An arrest warrant for an accused must — (a) be in a prescribed form; and (b) if issued in the first instance, form part of or be attached securely to a copy of the prosecution notice to which it relates; and (c) if issued after the accused has been served with the prosecution notice, identify the prosecution notice or the charge or charges in it or be attached securely to a copy of it; and (d) require the person who arrests the accused to bring the accused before the court as soon as is reasonably practicable after doing so; and (e) contain any information prescribed; and (f) be signed by the <b>magistrate</b> who issues it.	NO
Criminal Property Confiscation Act 2000	s.34 (1)	Freezing Notice	34. Freezing notices, application for and issue of (1) The DPP or a police officer may apply to a <b>Justice of the Peace</b> for the issue of a freezing notice.	YES
Criminal Property Confiscation Act 2000	s.74 (1)	Search Warrant	74. Search warrants (1) A police officer or an authorised CCC officer may apply to a <b>Justice of the Peace</b> for a search warrant.	YES
Dog Act 1976	None	Destruction Order	There is no reference authorising a JP to order destruction	NO
Dog Act 1976	s.12 (3)	Enter and inspect	(3) If he is satisfied that there are reasonable grounds for doing so, a <b>Justice of the Peace</b> may issue a warrant for the purposes of subsection (2).	YES
Dog Act 1976	s.17 (4)	Seize	(4) If an application is not made under subsection (1) within the time fixed for the making of the application the local government may apply to a <b>Justice of the Peace</b> for an order authorising the seizure of the dog and where the Justice is satisfied that the applicant or the registered owner or owner of the dog, as the case may be, of the dog has been given proper notice of the reason for the decision but has not applied for a review of the decision, the Justice may make an order for the seizure of the dog.	YES
Dog Act 1976	s.29 (5a)	Seize attack dog	(5a) If he is satisfied on the balance of probabilities that an attack by a dog (the attack dog) has or may have caused injury or damage, or that a dangerous dog (restricted breed) has given birth to one or more pups, a <b>Justice of the Peace</b> may issue a warrant authorising any authorised person to seize the attack dog, or each pup, as is relevant to the case	YES



# Table of warrants

**JP's authority to Grant Warrants, Notices and Orders - A JP who has reached 75 years of age must not perform any function of a JP under any of the following Acts — Bail Act 1982; Criminal Investigation (Identifying People) Act 2002, Criminal Property Confiscation Act 2000; Misuse of Drugs Act 1981; or issue any warrant. Check the Justices of the Peace Act.**

Act	Section	Warrant / Order / Notice	Legislation Wording	JP authorisation
Firearms Act 1973	s.26 (1) & (2)	Search Warrant	26. Search warrant (1) Where a <b>Justice</b> is satisfied that there are reasonable grounds for suspecting that there is in any place any firearm, major firearm part, prohibited firearm accessory, ammunition, firearms precursor or sound suppressor or any document or other thing — (a) with respect to which under any written law an offence, involving any firearm, major firearm part, prohibited firearm accessory, ammunition, firearms precursor, sound suppressor or other contrivance used in conjunction with a firearm, has been or is suspected, on reasonable grounds, to have been committed; or (b) that, there are reasonable grounds for believing — (i) will afford evidence as to the commission of any such offence; or (ii) is intended to be used for the purpose of committing any such offence, the Justice may grant to a member of the Police Force a warrant to enter and search such place for any such firearm, major firearm part, prohibited firearm accessory, ammunition, firearms precursor, sound suppressor or other thing, and to seize any such thing found. (2) Where a <b>Justice</b> is satisfied that there are reasonable grounds to suspect that any firearm, major firearm part, prohibited firearm accessory or ammunition may be found on premises in the possession of a person in the circumstances described in section 24(2), the <b>Justice</b> may grant to a member of the Police Force a warrant to enter and search such premises for the purpose of exercising the powers given by that subsection.	YES
Fish Resources Management Act 1994	s.187 (1)	Enter and search	187. Warrants to enter and search places (1) If a <b>Justice</b> is satisfied on an application supported by evidence on oath — (a) that there are reasonable grounds for suspecting that there is on or in any place anything that may afford evidence of the commission of an offence against this Act; or (b) that the issue of the warrant is reasonably required for the purpose of ascertaining whether a person has contravened or is contravening a provision of this Act, the justice may issue a warrant in the prescribed form authorising a fisheries officer to enter and search the place — (c) with such assistance, and by such force, as is reasonably necessary; and (d) during such hours as the warrant specifies, or, if the warrant so specifies, at any time.	YES
Gaming and Waging Commission Act 1987	s.25 (1)	Enter	25. Entry to premises, arrest etc., warrant authorising (1) Where a <b>Justice</b> is satisfied, upon an application supported by evidence on oath, that there is reason to suspect that — (a) any premises are, have been or are about to be opened, kept or used as a common gaming house; or (b) unlawful gaming is, has been or is about to be conducted at any premises; or (c) an offence is, or is likely to be, committed under this Act at any premises in relation to any gambling conducted or purported to be conducted under the authority of a permit, he may, by warrant in the prescribed form stating the proposed purpose, empower any authorised officer or member of the Police Force to enter, with such other persons as may be necessary to assist, upon those premises using such force as may be necessary and any such warrant continues to have effect until the purpose for which it was granted is satisfied	YES
Gaming and Wagering Commission Act 1987	s.25 (2)	Search, arrest and seize	(2) A <b>warrant under subsection (1)</b> authorises the holder and such other persons as are necessary to assist — (a) to arrest any person found on the premises to which the warrant relates; and (b) to seize all gaming equipment, instruments of gaming and related furnishings and any books, money or other thing which there are reasonable grounds for believing may be required as evidence for the purposes of proceedings in respect of the premises or of any gambling or of the playing of an unlawful game; and (c) to search — (i) the premises; and (ii) all persons found at or in the immediate vicinity of the premises and suspected of being concerned in an offence under this Act.	YES
Local Government Act 1995	s.3.33 (1)	Enter any land, premises or thing	3.33. Entry under warrant (1) In the circumstances described in subsection (2), a <b>Justice</b> may by warrant authorise a local government by its employees, together with such other persons as are named or described in the warrant, or a police officer, to enter any land, premises or thing using such force as is necessary.	YES
Misuse of Drugs Act 1981	s.24 (1)	Search Warrant	A <b>justice of the peace</b> who is satisfied by information on oath that there are reasonable grounds to suspect that any thing referred to in section 23(1)(a), (b) or (c) may be in or on any vehicle, or in or on any premises or other place, may grant to a police officer a search warrant...	YES
Water Agencies (Powers) Act 1984	s.72 (6)	Enter upon the land, premises or thing	(6) Where it is shown to the satisfaction of a justice that entry on or into any land, premises or thing is reasonably required by the Minister for the purpose of the exercise of a power conferred by this Act or a relevant Act but that entry has been refused or the entry is opposed or prevented, or in any case where such land, premises or thing is unoccupied and access cannot be obtained or a notice required by this Act or a relevant Act cannot be served without undue delay or difficulty, the justice may, by warrant in the form prescribed by regulations made under this Act, authorise an officer of the Department, together with such other persons as are named in the warrant, or any police officer, to enter upon the land, premises or thing, using such force as may be necessary, for the purpose therein specified and any such warrant shall continue to have effect until the purpose for which it was granted has been satisfied.	YES
Weapons Act 1999	s.14 (1)	Search and seizure	14. Search and seizure with a warrant (1) If a justice is satisfied that there are reasonable grounds for suspecting that there is located in a place — (a) any weapon relating to an offence; or (b) anything else that will afford evidence as to the commission of an offence, the <b>Justice</b> may grant a warrant of search and seizure in relation to that place.	YES

# Bashed former Police Officer makes a fine JP

Former WA Police Officer Christopher Smith OAM has been honoured with Life Membership of the Brand and Districts Branch.

Branch president Ron Hiscock praised Mr Smith's 36 years of dedicated service as a Justice of the Peace.

Mr Smith was medically discharged from the police force after an horrific attack by two bikies on July 14, 1984.

He was blindsided by the award at Brand's September meeting.

"I can't get over it. I had no idea I was getting the award. I'm gobsmacked."

Branch secretary Bel Matthews said she had known Mr Smith for 30 years and he had always been on the branch committee and helping his colleagues. His "contribution has been immense".

Mr Smith, who lives at Port Kennedy, suffered head and brain damage when as a Senior Constable in Traffic he was assaulted from behind with helmets and boots at Mt Lawley. On the operating table, "I had to be resuscitated twice".

He was hospitalised for 12 months, returned to work in administration, and finally medically discharged in September 1986. His attackers were gaoled; he received \$15,000 for criminal injuries payment plus a \$60,000 ex-gratia payment.

In 1988, Mr Smith became a JP and served as a trainer, roster coordinator, branch president (twice) and presided in Rockingham Petty Court of Sessions, as well as Fremantle and Perth courts for traffic and restraining orders.

He volunteered at the Citizens Advice Bureau for 25 years and at the Lucy Saw women's refuge for 30.

Despite his phenomenal history of volunteering, he played down his contribution and was amazed by the award.

No-one else was.



Above: Branch Branch President Ron Hiscock presents Life Membership to Chris Smith OAM.

Right: Branch members Dr Gillian Colclough (Registrar, RAJWA), Fiona Eckersley, Beryle Morgan, Ron Hiscock (Branch President), Chris Smith, Merv Wright (RAJWA Committee), Simon Gourlay, Rahela Bevandic, Kiri Campbell (Treasurer, RAJWA) and Branch Secretary Bel Matthews.





# Flying High: Geraldton's Wendy Mann JP

Wendy Mann is a bundle of activity. She has been a JP since 1979 and a pilot for nearly 30 years.

"My husband and I were selling farm machinery and vehicles in Mullewa in the early 70s, when a friend of ours wanted to buy two new tractors while also privately buying a new plane," the secretary of RAJWA's Midwest Branch recalls.

"My husband, ever the entrepreneur, said to him, 'Why don't you trade in your plane for the new tractors?'" The plane was handed over as part payment for the two tractors.

"So I went off and learnt to fly. I decided while my brain was in gear to do commercial theory and get my licence.

"We set up Geraldton Air Charter in 1997 and operated it for 26 years out of Geraldton."



Seven years ago, Wendy Mann was the proud recipient of her 25-year certificate as a JP (she had actually completed 38 years), along with from left, Robert Gillam and Gerald Moss.

(Linda Roche/DFAT)

She became Chief Pilot and Managing Director and grew the company from one plane and one pilot in 1997 to 11 aircraft and nine pilots. The company pioneered Chinese tourism in the Mid-West and Coral Coast regions. In the midst of this business frenzy she has been a busy JP.

"I clocked more than 10,000 hours in the air and have over 1100 hours of instructing."

Last year, Wendy, 78, and her husband closed the charter business, but decided to keep their GippsAero GA8 Airvan, a single engine aircraft that seats eight people, including the pilot. She spoke with JP Journal after flying family and friends to the stunning Abrolhos Islands, 80km west of Geraldton.

"I was not able to be on the signing roster for the Geraldton Court due to the nature of my charter flight business," Wendy explains. "Often charters are unexpected, and my life was always a bit 'ad hoc'.

"Since being in semi-retirement, I always try to make myself available for signing when required.

"As a country-based JP, particularly when we lived in Mullewa, I was on call seven days a week 24 hours each day. It was a challenging task with having to rely mainly on advice from the Police and the fellow JP sitting on the bench."

Those days have changed with JPs no longer required for court work.

"But JPs seem to be witnessing so many affidavits and statutory declarations and certifying documents these days - I feel sure we will always be needed."

Wendy recommends that new JPs undertake as many personal development courses as they can.



## Royal Association of Justices Western Australia (Inc.)

ABN: 22863914075

Patron: His Excellency the Honourable Chris Dawson AC APM, Governor of Western Australia

The Honourable John Quigley MLA LLB, JP  
Attorney General; Minister for Electoral Affairs  
11th Floor Dumas House 2 Havelock Street  
West Perth, WA 6055

Dear Mr. Quigley,

The Royal Association of Justices of Western Australia Inc welcomes the opportunity to make a presentation to you today.

Generally, Justices are volunteers who very much enjoy providing a service to their community. However, the defunding and relocation of RAJWA's office to a mezzanine floor in the Law Courts, plus the 1 August 2020 Chief Magistrate's Direction, have had consequences.

There are several issues we wish to raise:

- "Inactive" JPs: putting pressure on WA's 73 signing centres
- The need for more Professional Development/Training
- Recruitment of Justices
- Funding/support of RAJWA

Some 365 Justices responded to an anonymous survey this month. The response was evenly split between men and women, age and experience, and country and metropolitan residents.

The survey identified amongst Justices a breakdown in social cohesion, isolation, a strong desire for more interactive Personal Development/Training and concern about "inactive" JPs. When asked whether JPs in their area were active enough to meet public demand, 230 (63%) of 365 respondents said "no". The survey supported our experiences in rostering JPs at WA's 73 witnessing centres; with one organiser recently appealing to the Department of Justice for help and of 250 emails distributed to JPs, only six responding and one agreeing to go on a roster.

We know from our members that the removal of court duties has impacted severely, particularly in the regions. Some JPs feel under-valued and disconnected.

While we believe Justices who have served their community well and are unable to attend witnessing centres should retain their post nominals, action is required to ensure adequate numbers of JPs are, in fact, active.

This might be achieved by reintroducing compulsory statistics forms for JPs; or by writing to all JPs expressing concern about the lack of volunteers for signing centres and requesting they register their availability (and current attendance) with the Department of Justice.

You might consider requesting the Office of the Auditor General to update his 2014 report, which found that many JPs are not trained adequately. The Auditor could be requested to update this report with recommendations for improvement in relation to

- a) whether training is now adequate, and
- b) whether there has been a decline in JP availability at witnessing centres and, if so, the reasons for the decline.

A longer-term option is to amend the Justices of the Peace Act 2004, to introduce a fixed term of commission for a period of 5 years, renewable by the Department of Justice following a written application from the Justice confirming that there has not been a change in circumstances and providing substantiation of actively fulfilling the role as a JP.

Professional development and Training are also issues of concern to JPs. It is pleasing that the Department of Justice has recently acknowledged the need for real-life input into its TAFE training sessions by asking two experienced JPs to participate. This is a step in the right direction, although RAJWA's survey indicates a strong and wide demand for more interactive opportu-



nities for Justices.

As a volunteer organisation, RAJWA has addressed concerns about social cohesion by ramping up its communications with members via new monthly newsletters, a revived magazine, social media and social activities. However, it lacks financial support to provide an adequate website resource, office equipment and Professional Development/Training. (It is notable that RAJSA website lists nearly 50 Professional Development/Training opportunities for 2024). To the best of our knowledge, the WA Department of Justice has provided five this year.

RAJWA allocates most of its membership fees to meeting the cost of its part-time Registrar, who is an invaluable resource. RAJWA does not have the resources to provide appropriately for professional development and support of members.

In the COVID-affected period, it has focussed on successfully stabilising the finances of the Association and has recently reached out to three other groups representing JPs in efforts to build unity in WA. One of the major attractions of the splinter groups is simply the cost of membership. A \$10 annual fee is more attractive than the RAJWA's \$60.

RAJWA would like to offer its assistance in whatever way possible in the recruitment of JPs. We believe that the gross number of more than 2,500 Justices requires closer examination.

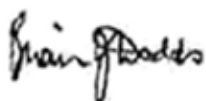
Finally, RAJWA has a proud history of service in Western Australia. It is a people service; not a bureaucratic service and its strength lies in the commitment and dedication of Justices who every day turn out in all weathers to care for our citizens.

Justices work closely with the Judiciary and Police Service and provide services in WA's prisons and with Assisted Dying services.

While much has been made of the Ngaanyatjarra elder who died in 2008 primarily due to the failure of the Department of Corrective Services and the private transport company, the reality is that every day JPs are making a big difference in people's lives.

In the same region as Mr. Ward's death, one JP may recently have saved the lives of six residents who were the subjects of alleged people trafficking. This JP, in being asked to witness an affidavit seeking a replacement passport, identified the client as a victim and as an outcome, police were informed and serious charges laid against a Perth couple.

Yours sincerely



Brian J. Dodds JP  
President  
Royal Association of Justices of Western Australia (Inc).

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### Footnote

*As we went to print, RAJWA had not received a response from Attorney General John Quigley to its letter plus verbal and written submissions provided at a meeting in his office on Monday August 26.*

*RAJWA President Brian Dodds and committee member John Arthur expressed concern that the unfunded RAJWA was inhibited from providing personal development and training of JPs because it lacked funding.*

*We made it clear to Mr Quigley that while JPs were doing excellent work in the field, their experiences were much broader than what they were prepared for by the TAFE courses.*

*We gave him details of the recent questionnaire to our members:*

- Regarding Professional Development/Training (only 4.8% said they did not need further training and Department courses were adequate).*
- The questionnaire also identified amongst Justices a breakdown in social cohesion, isolation, a strong desire for more interactive personal development/training*
- Concern about "inactive" JPs.*

*Mr Quigley said he did not support increasing the age limit of 75 for the approval of police warrants/bail. He firmly rejected such changes, along with the fixed-term appointment of JPs.*

*RAJWA recognises that the longer-term concept of five-year renewals of commissions, subject to evidence of activity via log-books, would be a controversial legislative action. It was first suggested in a white paper years ago. The suggestion is a response to RAJWA members expressing concern about the difficulty in filling some rosters at witnessing centres.*

*We told the Attorney General that Justices who had served their community well and who were unable to attend witnessing centres should retain their post nominals. We suggested that immediate action might be to write to all JPs expressing concern about the lack of volunteers at witnessing centres and requesting they register their availability with the Department.*

*Mr Quigley said he did support the need for more "active" JPs; more recruitment; and his staff agreed that the Department should be able to alert RAJWA to the deaths of JPs as they became aware of them. He requested his advisers to prepare a brief for the Department plus a specific letter to the Department inquiring about funding of RAJWA.*

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*We acknowledge the traditional owners of this land. We recognise their continuous connection to the land, waters and community and pay our respects to elders past and present.*