

The South West Justices Journal



July 2011

BUNBURY DotAG TRAINING SEMINAR

Tuesday SEPT 13TH

Lighthouse Beach Resort Carey St Bunbury

IMPORTANT INFORMATION FOR JUSTICES

You are again reminded that it is a requirement that Justices who wish to gain/retain their Court Accredited status attend at least one DotAG accredited training session each calendar year and be serving on a current court roster.

This is the final DotAG accredited training in the SW this year .

The RAJWASWB AGM and Annual Seminar is in Bunbury on November 8th

(The training and activities on the 8th November are of a general and administrative nature and not for court accreditation)

Justices may advise of their intention, or otherwise, to attend the 13th September training by forwarding the attached form by one of the various methods indicated on the attached form or by accessing the Branch Website at

www.rajwaswb.org.au/justices

JP Handbook

You will have recently received a copy of the JP Handbook in CD form that replaces the printed book format of previous years.

Richard Stevenson, the Regional Manager, South West/Great Southern of Magistrates Court and Tribunals has indicated that training in the use of this medium is available and will be conducted as required by the various Clerks of Court in the region.

To that end Mr Stevenson is interested in hearing from any Justices in the Bunbury / Harvey area who might like to take advantage of this service.

The session would be of around 1hr 30 minutes duration and would be held at the Bunbury Court. If sufficient numbers are interested a date and time will be set for the event.

Should you be interested in participating, you should contact

Melinda Atkins
Supervising Court Officer
Bunbury Court
Stephen St Bunbury WA 6230

melinda.atkins@justice.wa.gov.au

PH: 97814202

FAX: 97218180



FROM THE PRESIDENT

We are now more than half way through 2011, and all our court rosters and signing centres are working well, thanks to the Justices who do the rostering, and the Justices who make themselves available. There is always room for more Justices on the roster, and all Court Accredited Justices are warmly invited to make themselves part of a roster.

The role of Justice of the Peace is an evolving one, and the legislative basis of our commission can always be modified, to change the principals on which we received our life time commissions. I believe that individuals who accept a commission as a Justice do so with good intentions of serving their communities. You have been selected specifically for this role, if we share the work around we can make it easier and less time consuming for all of us. I know you all take your vital community service roles seriously, and I thank each one of you.

By now all Justices should have submitted their statistics for the first half of 2011. The forms to be completed are once again available on the website in the Justices section.

Successful training days have been held in Busselton, Manjimup and Harvey since our last newsletter. I always enjoy meeting new Justices at these days, it is so important that we all keep up to date, and share our experiences, we can all learn something from the training days and seminars, and they provide an excellent opportunity to ask questions, and hear feedback from questions asked by other Justices. After all each situation you will come across can have slight variations, and there is often a range of solutions.

The next training day will be on September 13th, and our AGM and seminar day will be held on the 8th November. If there is any particular aspect of your work as a Justice you would like to see covered, please contact one of your members on the committee. Our contact details are listed in the "find a Justice" section of our web site, the Department of Justice website, or from the Court.

Should you require any clarification on any matter you deal with there is a wealth of information on our website www.rajwaswb.org.au, and a Magistrate is always available at the Bunbury Court, if a Justice has an urgent problem, they can ring, get a message to the Magistrate, who will adjourn their court to assist the Justice.

My sincere condolences to the friends and families of our colleagues Colin Dillon JP, Henry Pearman JP, and Ruth Riegert JP who have all recently passed away.

Alison Comparti J.P. President SW Branch RAJWA

JPs are expected to perform their duties consistently and be available to the public whenever possible. There is a genuine need for JPs to assist with court duties, at document witnessing centres and other places.

While there are sufficient numbers of JPs in some areas, it has been found that some are unavailable to perform all the duties expected by the community due to health or other reasons.

One of the criteria looked at in the appointment process is whether the locality is well served.

JPs who are no longer able to perform the duties of a JP may be preventing other enthusiastic and available people from taking on the role, due to the perception that there are a sufficient number of JPs in the area.

If you find you are unable to perform as above you might consider resigning your commission to free up space for the appointment of another person who is better able to provide the service required.

South West Branch Website

www.rajwaswb.org.au

Login ID justices

Password justice

The website has a number of areas you might find of interest.

1. A link for you to update personal information
2. A link to advise availability to serve on rosters
3. Penalty information for matters heard before J's P
4. The JP Handbook and instructions as to its use
5. Various training material is added as available

There is also statistical information that will give you an idea of the work done in the courts and signing centres in the SW.

Copies of branch minutes, journals, details of branch membership financial status of Justices and also training attendance by Justices in the SW.

As always, you are welcome to comment on the site and ask for possible inclusion of matters that you think might be of general interest to Justices

secretary@rajwaswb.org.au

PERSONAL DATA UPDATE

Included with this newsletter is a double sided sheet that shows the information we hold as to your personal details, your financial membership status in both the RAJWA and SWB, and the record we hold as to training days that you have attended in recent times.

Please peruse these details carefully, correct any errors or omissions and return to the Secretary as soon as possible.

The Secretary
RAJWASWB
302 Ocean Dr
BUNBURY WA 6230

Or scan the pages and email to
secretary@rajwaswb.org.au

Thank you for your assistance in this matter.

Regards

Chris Mills Secretary RAJWASWB

SW Branch RAJWA Annual Subscriptions are now due

Branch Subs are \$5 per year and run from July 1 to June 30.

Please pay your Branch subs by either

1 Sending a cheque to The Treasurer, RA-JWASWB, C/- Post Office, BENDER WA 6223

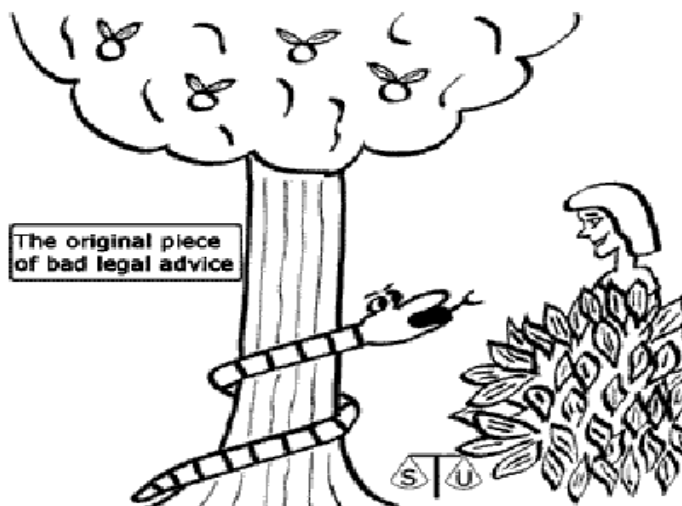
2 Making an EFT transfer to BSB 036 152 Account 530486 (Include your surname and JP Number in the details section)

You are able to prepay for a number of years if you so wish.

Under RAJWA rules you should be a financial member of the RAJWA before you can be a member of the SW Branch of the RAJWA.

You must be financial to nominate, be nominated or vote at the Branch AGM.

The November AGM and Seminar will be held on the 8th November 2011 at the Lighthouse Beach Resort in Bunbury.

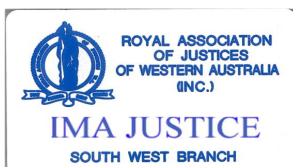


"Go ahead, Eve. It's the first offense.
What's the worst that can happen?"

Should you be a member of the SW Branch of the RAJWA and like a Branch NAME BADGE, contact the Secretary. The badge will be posted to you on completion and receipt of your \$15 payment.

Post cheque to Secretary or
Eft to BSB 035 152 a/c 530486

Please include your Name and JP No in the Eft details box



JP RUBBER STAMPS AVAILABLE FOR PURCHASE-
South West Rubber Stamps

Homemaker Centre
42 Strickland Street Bunbury WA 6230
Phone 08 9791 5050 Fax 08 9791 5005
Email swrs@bigpond.net.au

The proprietor can provide the correct form of the following
Stamps: Name Stamps, Annexure Stamps Re-Sworn
Stamps Certified Copy Stamps.

Musings from the Magistrates

We, Magistrates Pontifex & Fisher, this week met with the Chief Justice, His Honour Justice Wayne Martin, the Executive Director Court Services, Mr Ray Warnes, and others. The Chief Justice & Mr Ray Warnes take the opportunity to travel to at least one region of the State each year and after earlier visits to the Goldfields (Kalgoorlie, Esperance etc.) and the Kimberley (Broome, Kununurra etc.), visited the South West (Narrogin, Albany, Bunbury, Mandurah and all points in between). Needless to say, the Chief Justice was very interested in the role the Justices of the Peace play in the administration of Justice in the South West and the South West Branch in particular. He was very much aware of the rosters, both court and signing centres, and of the training and accreditation provided in the South West. It was clear from our discussions that he was hopeful the South West model “would be replicated across the State and asked that we convey to you his appreciation for your efforts and the valuable contribution you make to the administration of justice in the State. Congratulations and well done one and all.

On another note the President of the Children’s Court of WA, His Honour Judge Reynolds, on the 7th June 2011 issued a Practice Direction (No. 1/2011) regarding the process to be followed where Justices of the Peace refuse bail for a child. The practice direction is in no way a criticism of Justices but rather to ensure that the statutory agencies, - Police, Juvenile Justice, and Dept of Child Protection, Lawyers, families and local communities – all work together to ensure that young persons are not unnecessarily detained over the weekend in Police lockups.

In short the Practice Direction requires a Judicial Support Officer (JSO) responsible for a JP court on a Saturday or Public Holiday sitting, to contact the Police Prosecutor to enquire whether there are any juveniles in custody and for whom the Police will be opposing bail. Should there be any such matters then the JSO is to arrange a video or telephone link with the rostered Magistrate at the Perth Children’s Court for the purposes of a bail consideration. Until we are able to speak to you all more comprehensively about this Direction could I ask that you be guided by the JSO of your Court. Might I also take this opportunity to direct your attention to an error that appears in the JP Handbook in the Section under “Children” [Chapter 7.2] and unfortunately reproduced in the May 2011 edition of the JP Journal [Vol 53 #3]. Each of these publications give the impression that is acceptable [ok] for a Justice of the Peace to sit in on a Police interview with a child as an independent person or responsible adult. This impression is incorrect [wrong] and you should not accept the invitation of a Police Officer to sit in on their interview with a child. The position and circumstances have been very clearly set down by our colleague Magistrate Wilson in a paper titled “**Police Interviews; Should a JP be an “Interview Friend”, or “Independent Person” at a Police Interview?**” and to be found on the South West Justice of the Peace web page.

Finally may I again thank you for all the assistance provided and look forward to seeing you at the next Seminar in Bunbury on the 13th September 2011.