



THE HONORARY
JUSTICES'
ASSOCIATION OF
TASMANIA INC



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Disclaimer

Opinions expressed in this Journal, whether editorially or by contributors, do not necessarily represent the views of The Honorary Justices' Association of Tasmania (Inc). On occasions articles are extracted or modified from other sources and the source of the material is acknowledged in the article. Contributions on matters affecting justices of the peace and their Associations are particularly welcome, but all contributions are subject to the discretion of the Editors.

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THE HONORARY JUSTICES' ASSOCIATION OF TASMANIA INC.

(Founded 1925)

PO Box 1418, Launceston 7250 Phone (03) 6334 9699

Email: jpnorthtas@hjat.com.au Website: <http://jptasmania.com.au>

Patron:

Her Excellency, the Governor of Tasmania,
the Honourable Barbara Baker AC

President:

Mr. David Plumridge JP

(h) 6331 2702

(m) 0417 330 747

E: ldplumridge@bigpond.com



Vice President:

Mr. Simon Rice JP

(w) 63312488 (m) 0428576974

E: simonrice179@gmail.com



Treasurer: Mr. Michael Booth JP

(m) 0417 326 488

E: m.booth@bigpond.com



Registrar/Secretary:

Mrs. Sonia Wood CMC, JP

(h) 6343 4408 (office) 6334 9699

(m) 0407 507 044

E: soniachurchill4@gmail.com OR
jpnorthtas@hjat.com.au



Mrs Suzanne Farnell JP
(w) 6352 3436 (m) 0438 523 436
E: scottsec@internode.on.net



Mr. John Campion JP
(h)6394 4876(m)0429 881 883
E: coalpoint8@gmail.com



Mr. Bill Morgan JP
(h) 63343062 (m) 0409343063
E: billmorgan33@gmail.com



Professor Emeritus Nigel
Forteath AM JP PhD
(h) 6331 7905 (m) 0418 335 473
E: forteath@dodo.com.au



Mr. Gary Byard RFD JP
(h) 63291220 (m) 0407313652
E: gbyard@bigpond.net.au



Ms.Linda-Ann Smith
0417 788 833
E: smiffy@bigpond.net



Journal:Editor

Mr Gary Byard RFD JP

Assisted by

Prof Em Nigel Forteach AM JP PhD

Mr David Plumridge JP

Membership:

Mrs Sonia Wood, CMC, JP Mr Michael Booth, JP

Life members:

Mr Hugh Howell JP

Prof Em Nigel Forteach AM, JP, PhD

Mrs Sonia Wood JP

Mr David Plumridge JP

Legal Adviser:

Mr Grant Tucker BA., LLB.

Auditor:

Preece Accounting

Website:

Mr Bill Morgan JP

Important information and dates

[Department of Justice resources for JPs](#)

The Department of Justice has created a Resources for Justices of the Peace' webpage that they will develop and add to over time. The website is <https://www.justice.tas.gov.au/justice-of-the-peace/resources-for-justices-of-the-peace> on this page is also the **NEW and recently revised JP Handbook** https://www.justice.tas.gov.au/data/assets/pdf_file/0008/589481/Handbook-for-

FROM THE PRESIDENT



PRESIDENT'S ANNUAL REPORT

I have pleasure in presenting my Annual Report for 2022/2023, which I presented verbally to the Annual General Meeting, held on the 12 September 2023.

Insofar as the HJAT and its Committee are concerned, it's pleasing to report that the past year has been "normal", without the added problems of lockdowns or other distractions.

I want to thank every member of the Association's Committee for their commitment and engagement. Without them, the Association would not, and could not, function.

Special thanks from the Association must go to the Registrar, Sonia Wood, and Treasurer/Public Officer, Michael Booth, for their diligence and willingness to carry the extra load that comes with their offices. To both, I add my personal thanks for their support throughout the year.

AMALGAMATION OF THE THREE TASMANIAN ASSOCIATIONS

At the AGM, I gave an update on progress by the joint working group established to consider the feasibility of the three existing Tasmanian associations joining together as one body. While the process has been slower than hoped, nevertheless progress has been made. The working group has been examining the constitutions of the three associations, as well as those of some interstate JP associations. What is evident is the close similarity, both in form and function, between our existing TSJPI, HJAT and HJAT-NW constitutions, which has given the working group confidence to press ahead with preparation of a draft state constitution. This will be further developed and refined in the coming weeks.

I want to emphasise that, while there is unanimity amongst working group members of the desirability of becoming one statewide body representing JPs, no formal recommendation has yet been made and no decision will be, or can be, made without involving the three memberships.

(The working group comprises two members from each association, chaired by Mrs. Lorraine Smith of the HJAT-NW. HJAT members are David Plumridge and Bill Morgan.)

AUSTRALASIAN COUNCIL OF JUSTICES ASSOCIATIONS (ACJA)

In October 2022, I had the pleasure of representing the HJAT at the Annual Conference of the ACJA, held in Hobart to coincide with the centenary of our sister body in the south, The Tasmanian Society of Justices of the Peace Inc. As well as representatives from every state, the ACT, and New Zealand, the Attorney General, the Hon. Elise Archer, and senior officers from the Department of Justice also attended some of the sessions. Being a small regional association (most states have one body representing all JPs) the HJAT cannot justify sending a representative to attend every conference held across Australia and New Zealand in rotation, so it was a good opportunity with the ACJA meeting in Hobart to be part of the information-sharing and ideas, and hear of concerns common across every jurisdiction.

The Centenary Dinner of the TSJPI was held on the Saturday night, with this Association well represented by myself and Committee members, Bill Morgan, Gary Byard and John Campion.



DOCUMENT SIGNING CENTRE

In line with "normal", over the past year the Document Signing Centre in the C H Smith Centre has seen a steady increase in people requiring the services of the JP on duty. During calendar 2022 (when we returned to a five day service on the 15 March), 23,809 documents were processed; to the 31 August 2023, 20,152 documents had been processed. It is very pleasing to observe just how essential the service we provide continues to be to the northern Tasmanian community.

Thank you to all the roster volunteers in the DSC for their willingness to be part of this vital service. It doesn't happen without volunteers.

PROFESSIONAL DEVELOPMENT

During the past year, the HJAT has continued to offer Level One refresher training to our members free of charge as well as new justices of the peace as a requirement of their appointment process. This has included six new JPs from the Magistrates Court and the Supreme Court across northern Tasmania. We will continue to offer these refresher sessions.

The HJAT will always maintain and support the need for regular and continuing professional development for *all* JPs. With the other two state associations, we continue to advocate to the Department of Justice for this to be compulsory, at regular periods during a JP's tenure of office.

Changes *are* coming to the manner in which justices of the peace operate across Australia. After a hiatus following the last Federal Election, the Federal Attorney General is revisiting a nationwide approach to digital/digitally-signed documents. A Bill was tabled in the Federal Parliament on the 7 September to facilitate digital execution, electronic signatures and video-link witnessing of statutory declarations. Paper-based stat decs will still be used, but JPs will need to understand how to operate in this new digital environment.

LEVEL THREE TRAINING BY THE MAGISTRATES COURT

I reported to the AGM the very disappointing response to the invitation, circulated in the previous Journal, from the Launceston Magistrates Court for interested JPs to undertake a Level Three course – a prerequisite to selection as a Bench JP. Only one member expressed an interest. The Court is now making a direct approach to some justices of the peace.

I was unable to offer any explanation to the meeting for the lack of interest – a far cry from the last invitation made in 2016, when more than a dozen members came forward.

MEMBERSHIP

As with most voluntary organisations, the HJAT's membership is not static and the past year has seen rises and falls in our numbers. Several members reached the magical pumpkin age of 85 years when our assistance to the community as justices of the peace ceases. Some members found they were no longer JPs due continuing uncertainty around the need to apply for reappointment from age 75 and every two years thereafter until 85 (the onus for applying rests with the justice of the peace and must occur within the 6 months preceding the 75th birthday and each two years after that).

At the time of the AGM, our membership stood at approximately 180.

KINDRED ASSOCIATIONS AND THE DEPARTMENT OF JUSTICE

As I reported last year, the close relationship with the other two Tasmanian associations - the TSJPI and the HJAT-NW – continues and is of great mutual benefit to all three associations. This is particularly so in our quarterly meetings with senior officers of the Department of Justice, where we are able to present a united front on many issues (another advantage of amalgamation).

It is fitting that the HJAT also acknowledges the assistance provided by the Department of Justice. This is not only through the production of information papers on JP topics that we now publish in the Journal, but also in the financial support that the association now receives. I want to particularly thank Michelle Lowe and Megan Heyer for their valuable help.

**David Plumridge,
President**

ADDENDUM

At the AGM, all former office-bearers and committee members were elected unopposed, though some into new positions:

President:	David Plumridge
Vice President:	Simon Rice
Registrar:	Sonia Wood
Treasurer & Public Officer:	Michael Booth

Committee:	Nigel Forteath
	Linda Smith
	Bill Morgan
	John Campion
	Gary Byard
	Suzanne Farnell

The AGM also voted to make Sonia Wood and David Plumridge Life Members of The Honorary Justices' Association of Tasmania Inc., joining Nigel Forteach and Hugh Howell. Sonia joins with me in thanking the Association for the honour bestowed upon us for our contributions to the HJAT.

**David Plumridge,
President**

The remaining refresher training date for 2023 is:

Thursday, 30 November at the C H Smith Centre.

For members of the Honorary Justices' Association there is no fee for attending one of the sessions.

Please contact the Registrar, Sonia Wood, for more information or to reserve a place.

How to register for HJAT website access

Editorial note: we are once again repeating this article to assist our members with signing up to our Association's website.

The website address is <http://jptasmania.com.au>

which is the same address as the old one.

There are two main areas, the Public and the Private. Anyone can access the Public area but to use the Private area you must first be a member of the Honorary Justices' Association of Tasmania and be registered to do so. Even if you were able to access the old website (using your JP Number and Name), you **MUST** re-register to use the new site. This is a one-time registration.

To register, click on the [Register link](#) which is below the Logon button on the right side of the site as shown in the image to the top right. Fill in your details and Click "Register" at the bottom.

Registration for Membership
Please fill out the below form in order to gain access to the Members area of the JP Tasmania Website.

Please allow 48 hours for verification. Once your credentials have been approved, you will receive an email confirming your access.

Username *

First Name

Last Name

Email *

Password *
Minimum length of 8 characters.
The password must have a minimum strength of weak.

Repeat Password *

Biographical info:

Login for members access
Username or Email
Password

Remember Me

[Register](#)

This sends your details to the Site Administrator who will confirm your membership and allow you access to the site. In a few days you will receive a reply email notifying you of your activation.

From then on you will use your chosen username and password to use the site, as shown in the bottom image.

Having logged in you reach the Home Page (1st image on the left) which will allow you to browse the several drop-down menus and check out the content of site.

Login for members access
Username or Email
Password

Remember Me

[Register](#)

From the Department of Justice

Personal Safety – Keeping Yourself Safe

Volunteering within your community is rewarding, and the invaluable service provided by Justices of the Peace in Tasmania is highly sought after. Whilst the Tasmanian community has the right to access the services of a Justice of the Peace and you are expected to be readily available to perform these duties, it is vital you are aware of how to look after yourself when volunteering your time.

Below is some simple safety measures you can put in place to ensure your own safety when meeting members of the public –

- When talking to the person on the phone make sure you ask for their full name
- Make a firm place and time to meet
- Meet the person in a public space not your own home, preferably somewhere there will be other people such as
 - Library
 - Park
 - Shopping Centre
 - The Local Neighborhood House
- Carry your phone whenever possible
- Tell a trusted neighbour or friend when and where you are planning to meet the person and when you are likely to return
- Avoid meeting with the person after dark, if you do, make sure you
 - Meet the person somewhere that is not isolated, preferably somewhere that is frequented regularly by other people
 - Meet somewhere that has adequate lighting
 - Plan and memorise your route
 - Have your phone turned on
 - Travel well lit busy streets and be alert to your surroundings

You are not expected to put up with any type of abuse from a member of the public. If at any time you feel unsafe it is important you take your personal safety seriously, in an emergency you should contact emergency services on 000

Anyone that has questions or concerns relating to this article can contact the Manager, Justices of the Peace by email at JP@justice.tas.gov.au or by telephone on 6166 1429.

The Department would like to remind Justices that they have an obligation to notify the Secretary of the Department within 21 days of a change in circumstances, including address and contact details.

JPs can do this via the Department's [website](#), by emailing JP@justice.tas.gov.au or by telephone on 6165 6765.

The following article is reprinted with kind permission from the TSJPI and Gil Thomas JP, Vice President:

COMMISSIONER FOR DECLARATIONS AND JP'S — WHAT'S THE DIFFERENCE

Each year for several years now I have been asked by the School of Pharmacy to give a presentation explaining the roles and responsibilities of being a Commissioner for Declarations (CD) and the role of being a JP.

The students by and large before we commenced these presentations were blissfully ignorant that upon qualification they were automatically CD's. I'm unaware of any other professional group in Tasmania that receives any advice relating to their obligations as a CD.

The Department of Justice have updated their website and offer very clear and informative instructions for CD's (A Guide to Performance of Functions of Commissioner for Declarations). I only hope that other professions direct their students to become familiar with it.

Commissioner for Declarations can witness to documents, certify a true copy of an original document and witness statutory declarations. They are automatically CD's by virtue of their profession (e.g., nurse, pharmacist, medical practitioner, financial advisor etc. A full list can be found on the Department of Justice's website). Agents of Australia Post and members of Parliament are also CD's. In all cases they are required to sign their names, and clarify their signing with "Commissioner for Declarations" and their profession.

JP's can perform all functions of CD's and can take affidavits for court use and issue search warrants and summons. They also have the opportunity of becoming Bench Justices and can assist with juvenile interviews.

One interesting aspect of Commissioner of Declarations performing their work is that they are able to charge if they wish to. We as JP's are not able to accept any payment for service. When I was practising as a pharmacist in an outer suburban area of Hobart, the local post office was charging something like \$1.0 per page for the service! I once knew a pharmacist in Melbourne (who was a member of the Salvation Army) that made members of the public make a donation to the Salvos via a donation tin in his shop for his services. I think that attitude is commendable.

Editor's Note

At the time of producing this edition of the Journal the Hon. Elise Archer was the Tasmanian Attorney General. As part of a standing arrangement, the Attorney General of the day provides a quarterly update to both the HJAT and the TSJPI on matters of interest to justices of the peace.

In publishing the latest update, the HJAT holds no political view, express or implied.

FROM THE ATTORNEY GENERAL



Hon Elise Archer MP
Attorney-General, Minister for Justice

I am pleased to provide an update on some important recent legislative reforms and infrastructure developments from across my portfolios.

Our Government has sent a strong message that hateful and offensive conduct is not welcome in our State with the passing of historic reforms through the second reading stage in the Legislative Council to prohibit Nazi symbols and salutes in Tasmania. These nation-leading reforms will ensure that Nazi symbols and salutes, and the appalling and distressing message they send, have absolutely no place in our community.

I have personally driven this important reform on behalf of our Government and we strongly condemn any display of hate in our community. People who behave like this will not have a refuge here in Tasmania with this sending a very clear message that Nazi symbols and salutes are not welcome in Tasmania.

The *Police Offences Act 1935* (the Police Offences Act) will now require that a person must not, by a public act and without a legitimate public purpose, display a Nazi symbol if the person knows, or ought to know, that the symbol is a Nazi symbol. Following the disturbing use of the Nazi salute during a demonstration in Victoria earlier this year, I have also ensured our reform includes the prohibition of the use of the Nazi salute. Nazi displays are a blatant breach of both our moral and community standards, and I am very pleased we have delivered these reforms, which is the first of its kind in Australia, that will help us deliver a safer and more caring community for all.

The Bill importantly acknowledges the continued importance of the swastika to the Buddhist, Hindu and Jain communities, and clearly states that the display of a swastika in this context is not an offence. The Bill also acknowledges other legitimate public purposes for display, including other religious, cultural, academic, educational purposes and in opposition to fascism, Nazism or neo-Nazism.

The penalty for a person convicted of committing either the offence of displaying a Nazi symbol or performing a Nazi gesture is a maximum penalty not exceeding 20 penalty units, or imprisonment for a term not exceeding three months. Similar to other offences in the Police Offences Act, repeat offending is considered serious. If the person has previously been convicted of the offence within six months, the person is liable to a penalty not exceeding 40 penalty units, or imprisonment not exceeding six months.

I am also pleased to provide an update on our Government's commitment to deliver the Northern Correctional Facility (NCF) project, which will provide better rehabilitation and reintegration outcomes for offenders and their families. The Department of Justice Project Team continues to progress due diligence investigations required for the development of this project at the Ashley Youth Detention Centre (AYDC) site.

In line with our commitment to update the community as this important project progresses, the Project Team has publicly released the Economic Impact Assessment and Bushfire Hazard Assessment reports.

Importantly, the results of the modelling indicate that the additional investment and activity associated with the NCF will increase Gross Regional Product in the Meander Valley area by \$289 million. In addition, the project is expected to create 273 full time equivalent jobs in the Meander Valley by 2040. The results of the modelling indicate that the additional investment and activity associated with the NCF project is also expected to have a positive impact on the Tasmanian economy, increasing Gross State Product and employment over the period between 2024 and 2040.

In addition to the Economic Impact Assessment, a Bushfire Hazard Assessment of the AYDC site for the NCF has been completed by independent consultants, Emerge Associates. These assessments are vital, given most of Tasmania is considered a bushfire prone area and appropriate planning can then occur. The assessment demonstrates that as development of the NCF progresses, it will be possible to satisfy the applicable provisions of the Bushfire Prone Areas Code, the National Construction Code, and the Director's Determination.

A key finding of the Bushfire Hazard report is that habitable buildings must be surrounded by a Hazard Management Area (HMA) with sufficient separation from unmanaged vegetation to achieve a Bushfire Attack Level (BAL) rating for the buildings. The AYDC site is considered of sufficient usable size to accommodate the required HMA distance to satisfy the BAL rating.

The Economic Impact Assessment and Bushfire Hazard Assessment, as well as other due diligence reports, will be provided as supporting information to the Request for Tender for Architectural Services, so they can be utilised by the successful tenderer in understanding the site. The requirements of these reports will inform the design development of the NCF and be included in the development application to be lodged with the Meander Valley Council.

For more information on the project's progress, including a copy of the Economic Impact Assessment and Bushfire Hazard Assessment, please visit the project website at www.justice.tas.gov.au/ncf

AI: How I challenged ChatGPT and failed spectacularly. David Plumridge

Like many in my age bracket, which is above 10 years old, I am both intrigued and apprehensive about the brave new world of AI that is opening up at warp speed, where huge advances are being measured in weeks and months.

Knowing just a little about ChatGPT but having never used it, I decided to put it to my own test. It's just a smart algorithm, I thought, I'll task it with something it won't be able to do.

With little trouble, I opened up ChatGPT and typed: *"write a history of Australia's legal system in 1000 words"*.

What follows is the result, exactly as it filled my computer screen, including the preamble and header, sources at the end and smiley face, as well as the lack of paragraph spacing.

The result is pretty impressive. But what is truly amazing (and not a little scary) is that it took about 35 seconds...

That's a big task! I can try to write a brief summary of the history of Australia's legal system, but it won't be very detailed or comprehensive. Here's what I came up with:

History of Australia's legal system

Australia's legal system developed from the legal system of Britain, which was brought to Australia as part of the process of Britain setting up a colony in New South Wales, beginning in the 1770s. As the colonies expanded, Australia gradually began to achieve de facto independence from Britain, especially after the Australian Colonies Government Act 1850 granted them self-government.

The creation of the Australian Constitution in 1901 was the beginning of an independent Australian legal system that forms part of the system of government of Australia. The Constitution established a federal system of government, with legislative powers divided between the Commonwealth and the states. The Constitution also created the High Court of Australia, which is the final court of appeal and has the power to interpret and apply the Constitution.

The Australian legal system is based on two main sources of law: statute law and common law. Statute law consists of laws made by Parliament, either at the federal or state level. Common law consists of laws made by judges through their decisions in cases. Common law is also influenced by the legal traditions and principles of other countries, especially Britain.

The Australian legal system is also influenced by international law, which is the body of rules and norms that governs relations between states and other entities. Australia is a

party to many international treaties and conventions, which may have an impact on its domestic laws and policies.

The Australian legal system aims to uphold the rule of law, which means that everyone is subject to the law and that the law is applied fairly and equally. The Australian legal system also seeks to protect human rights and freedoms, such as freedom of speech, freedom of religion, and the right to a fair trial.

This is a very brief overview of the history of Australia's legal system. If you want to learn more, you can check out these sources:

- [Overview | State Library of NSW](#)
- [Constitutional history of Australia - Wikipedia](#)
- [Australian legal system - Wikipedia](#)
- [The legal system | National Library of Australia](#)

I hope this helps! 😊

MICHAEL BOOTH RUNS ON

Our marathon-running Treasurer, Michael Booth, has done it again. Congratulations to Michael on completing his 100th marathon run in the Sunshine Coast Marathon on 13 August 2023. Michael was one of only ten runners to compete in the 65-69 age bracket. He has competed in marathons in every state and territory and on every continent including Antarctica. Well done, Michael!



L to R wife Christine, Michael, son Steven

HJAT-NW Report

Spring has arrived & hopefully a wonderful summer to come. Activity was rather quiet over the winter months. The statewide working group continues to work through issues relating to the possibility of a statewide association (details above).

The signing centre continues to increase in activity. Stats for this quarter are as follows:

Stat Decs & Affidavits - 84; Warrants - 1; Certification of Documents - 59

Persons served - 144

It has now been 12 months since the launch of the centre and all is running very smoothly. Sincere thanks to Mr Ian Day for his organisation of this service, and thanks to Greg Douglas, Wendy Richards, Lyn Jackson and Theresa Kendall for being the available JPs. Overall stats:

Stat Decs & Affidavits - 333; Warrants - 14; Certification of Documents - 266

Persons served - 556 and a total of 613 varieties of forms signed.

The AGM was held earlier this month with the new Committee elected.

President: Lorraine Smith, Registrar: Lyn Jackson, Treasurer: Wendy Richards, Immediate Past President: Karen Linegar, Vice President: Vacant

General Committee: Jake Weeda, John Burton, Sharon King, Corey McGrath

Leonie Hiscutt and Garth Johnston have both retired as committee members and I would like to sincerely thank them both for their services over the last few years.



Lorraine Smith



Lyn Jackson



Wendy Richards



Karen Linegar



Jake Weeda



John Burton



Sharon King



Corey McGrath

Guest speaker for the evening was Roger Cann, a local Barrister and Notary Public who spoke on the differences between barristers, solicitors and lawyers and how these roles differ, how SCs, and KCs are achieved. He also spoke of his role as a Notary, how he became one and exactly what types of documents

require the services of a Notary Public. And finally, he spoke of his recent trip to Israel. A thoroughly informative night and highly appreciated by the audience.

After finally getting a location sorted for the Federal Court, we are looking forward to having Judge Marcus Turnbull address the group in October. I feel sure that some very interesting topics will be mentioned.

Recently police had difficulty locating a JP to attend a Juvenile Interview. This is one of the other tasks which may be required of a JP.

Attending juvenile interviews As a JP you may be asked by the police to be an independent adult observer in police interviews of young people. Although there is no legislation requiring the police to have a parent or independent adult observer present during an interview, internal policy requires them to do so. This is to ensure that there can be no accusations that a statement was made under any threat or coercion by the police. You may perform the role of the independent adult observer, and the procedure you should follow is:

- speak to the young person alone and introduce yourself as an ‘independent observer’ and ask if they object to your presence;
- ask about their parent or guardian’s knowledge of the proceedings and why they will not be attending;
- establish your impartiality and your ability to communicate with the young person;
- establish that the young person understands the charges and the proceedings satisfy yourself that the young person is not affected by any substance (such as alcohol or drugs) to the extent that may affect their ability to participate in the interview;
- establish the type of interview to be conducted (for example, audio, video or question and answer form)
- ensure the young person’s rights to medical attention, to legal representation, and to speak or remain silent are met;

The young person is obliged to supply their name and address, to answer any statutory obligation requirements and to undergo a lawful search or examination. You should not take part in the interview but should merely be present to witness the interview occurring. However, if it is obvious that the young person does not understand the question, you may ask if they know what they are being asked. It is important that you do not give any legal advice. If the statement or interview is handwritten or typed, you should either hear the young person read it aloud, or you should read it aloud back to them. Each page of the statement should be signed and dated by you, the police, and the young person. You should write the following words on the last page:

I certify that this ...[write number of pages]-page document, each page of which I have numbered and signed or initialed, is a true and correct copy of the original ...[write number of pages]-page document sighted by me at this day of 20... Signature of JP [Your full name, JP initials, JP number and the words: “Justice of the Peace”]

I was present during this interview and it was given of their own free will, without threats, promises, or inducements..... Signature of JP [Your full name, JP initials, JP number and the words: “Justice of the Peace”] A suggested form for JPs to complete for juvenile interviews can be found on the Tasmanian Magistrates Court page <https://www.magistratescourt.tas.gov.au/forms>

Calendar of events:

October 11 Judge Turnbull Chelsea Room Furners Hotel Reibey St., Ulverstone 6pm

December 13 Christmas Dinner RSL Club, King Edward St., Ulverstone. 6pm

Just a reminder that membership for 2023 – 2024 was due by the end of September. Membership can be paid by Direct Debit or Cash/Chq.