

# JPs gather to remember 75 years of service

**The Taranaki Justices of the Peace Association celebrates its 75th anniversary tonight with a dinner attended by Governor-General Sir Michael Hardie Boys. Reporter ANTONY PALTRIDGE spoke to three JPs about their work**

JUSTICES of the Peace still serve a useful purpose of providing a quick and low-cost system of justice, says Taranaki's longest serving JP.

Stuart Hayton (87) has been a JP for 55 years, witnessing signatures, certifying documents and, for many years, working in the courts hearing minor cases. At tonight's dinner, Mr Hayton has been given the honour of cutting the celebratory cake.

But the Government has put a bill before Parliament which will remove the court work from justices and give it to paid lay magistrates. JPs are only reimbursed for meal and travel expenses.

Mr Hayton does not have a view on this change, but he knows what is needed. "The justice systems needs a low-cost, quick, easy and available system of justice for a large number of people. The ordinary man in the street, if there is such a thing, is not able to afford the horrendous cost of qualified lawyers, QCs, witness' expenses and the cost of trials and full court.

"I do not know whether that's best served through the present JPs or whether it requires a new system."

Mr Hayton, while still a JP, last year went on the retired list which meant his name no longer appeared in the Yellow Pages of the telephone book. But up till that time, he would receive up to three calls a week from people who wanted copies of documents certified, signatures witnessed or declarations made. Even so, he still gets an occasional request from people who have always used him to do such work.

All this work is done without charge and Mr Hayton says he has never received any payment from any of his work as a JP.

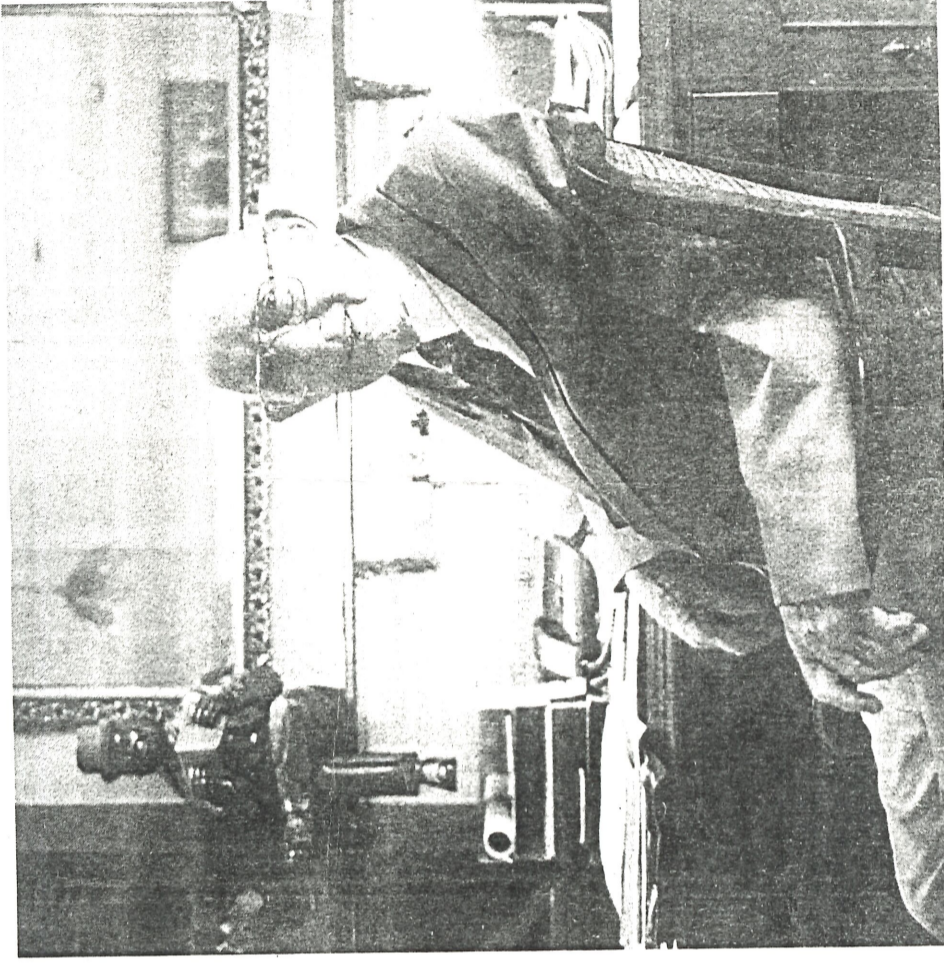
He says if there were no JPs, someone else, such as a lawyer, would have to do the work and they almost certainly would charge a fee.

"Do we really want to clutter up an expensive legal system with a lot of work that can be easily and quickly done by others. With JPs, a lot of people who work by day bring their papers around after work."

The importance of a declaration made before a JP is that if the person has lied, the effect is the same as if they had lied in a court — namely, they have committed perjury.

For Mr Hayton, being a JP is something of a family affair. His father, Ernest, was a JP, as is his son, Nigel.

Despite his length of time as a JP, Mr Hayton recalled only one headline-making case: He once remanded a man later convicted of murder.



**PLEASED TO BE OF SERVICE: Stuart Hayton has spent 55 years in part-time legal work, witnessing signatures and hearing minor court cases.**

Mr Hayton says he was nominated to become a JP by his employer and MP for Patea, Mr C. A. Wilkinson.

Mr Hayton says he suffered no consequences from doing court work, but Taranaki JPs Association registrar Don Morton says not all have been so lucky.

Mr Morton says he knows of instances in which JPs have had their letter boxes attacked and received strange telephone calls at odd hours. One even had paint thinner and sugar placed in his fuel tank, causing considerable damage to the car.

Mr Morton says the association, which

covers North and Central Taranaki (there is a separate association in South Taranaki) has 164 members. While JPs do not have to join the association, all but a handful are members.

Of those JPs, about 14 do court work. Only JPs who have done a course run by the Open Polytechnic can do court work.

Mr Morton says nominations for JPs can only be made to the Minister of Justice by MPs. As well, list MPs can only nominate someone if they have the approval of the constituency MP who is responsible for the area that the nominat-

ed person lives in.

There are several types of people who cannot be nominated, he says. They include people over the age of 68, spouses of JPs, MPs, members of the clergy, lawyers, doctors and the staff of debt-collecting agencies.

As well, public servants, council employees and members of prisoners aid and rehabilitation, while eligible for nomination, are not allowed to do court work.

While JPs can hear a limited number of minor criminal and traffic charges which do not attract a maximum fine of more than \$500, they also often decide issues relating to remands and bail and preside over deposition hearings.

JPs over 72 can no longer do court work.

Mr Morton says many people mistakenly think all JPs are marriage celebrants. While some do carry out that role, they require the approval of the Registrar of Births, Deaths and Marriage. As well, people can be celebrants without being a JP.

Outgoing JP president Brian Rudd says some JPs also act as "nominated witnesses" for youths to be interviewed by the police if a relative is not available. This is to ensure that the interview is carried out fairly.

Mr Morton adds that such callouts often involve times when the youth does not want a member of their family present. "That can be any time of the day or night and can last from half an hour to six hours."

Some JPs also issue warrants to place children who have been abused into the care of the Social Welfare Department.

Mr Morton insists JPs doing court work are not lap dogs of the police and are fair to all sides. He points out that about one in four or five deposition cases brought before JPs is thrown out for failing to establish a prima facie case.

As well as judicial duties, all JPs carry out what are called "ministerial" duties. This commonly involves taking declarations, affidavits or affirmations, witnessing documents, issuing search warrants and summonses.

The first appointment of a JP was in 1814 when Governor MacQuarrie of New South Wales — New Zealand was originally part of the NSW colony — appointed the missionary Thomas Kendall for the Bay of Islands and the rest of the country.

When New Zealand became a separate colony in 1840, the Government was required to include three senior JPs in the Legislative Council.

"In the early days, JPs were considered, to some extent, to be representatives of the settlers and in some districts identified themselves with the popular agitation for self-government," he says.

Mr Morton says JPs' functions are much more limited than former times. While the role is steeped in history, JPs' functions are contained in a very brief law, the Justice of the Peace Act 1957.