

NEW ZEALAND SOCIETY OF NOTARIES INCORPORATED

COUNCIL MEETING

Monday, 22 February 2021 at 1.00pm
27 Queens Avenue, Merivale, Christchurch

MINUTES

Present: Stewart Germann; Julie Hutton, Don Thomas, Bruce Stewart, Ken Lord and Tracey Merlini (Minutes)

Prior to the commencement of the meeting at 12.51pm all present at lunch, including Ben Tohill and Amelia Simpson, local notaries, stood for a minute's silence in honour of the lives lost in the Christchurch earthquake which occurred, 10 years earlier on 22 February 2011 at 12.51pm.

Stewart Germann, as Chair, opened the meeting at 1.15pm. He welcomed all present and extended his thanks to Julie on behalf of all for hosting and providing the lovely lunch.

1. **Apologies:** Mike Scannell, Allen Mazengarb

Minutes of previous meetings:

2. **7 September 2020 F2F Council meeting minutes**

Moved as a true and correct record: Stewart Germann
Seconded: Julie Hutton
Carried

3. **7 September 2020 AGM**

To be moved as a true and accurate record at the upcoming AGM in September 2021.

4. **27 January 2021 Council Meeting via Zoom**

Moved as a true and correct record: Stewart Germann
Seconded: Ken Lord
Carried

5. **Matters arising from Minutes**

All actions points from the previous minutes on the agenda and to be reported on in the meeting and recorded later in the minutes.

6. **Notarial applications:**

- Bohsoon (Brent) Kang of Auckland

Council unanimously agreed that Mr Kang's application to become a notary public should be declined due to concerns as to suitability to be a notary public.

Action: Tracey to write to Mr Kang accordingly.

7. **Finance**

(a) **Latest statements as at 17/2/21**

Society Cheque	\$36,194.33
Fastsaver	\$2,436.49
Commercial Term Deposit at 1.2% (matures 13 March 2021)	\$22,000.00

Email from Allen Mazengarb was discussed. Council acknowledged Allen's role as Treasurer and the work he undertook last year on the budget and his recommendation that the membership fees be increased to avoid further deficit.

Council agreed they would like Allen to continue as Treasurer if he was agreeable.

It was agreed Tracey would check the current FastNet Business accounts to ascertain if Allen was a registered user on the account and if not, to arrange for Allen to be appointed a signatory.

It was suggested that \$20,000 be transferred to the term deposit from the cheque account when it reaches maturity on 13 March.

Action: Tracey to email the Treasurer to seek his approval on the above matters discussed.

(b) **Debtors**

Debtors report was reviewed. Tracey advised that seven of the notaries on the list had since paid. It was agreed to give the 3 debtors who were 2-years' in arrears until 31 March before removing them from the membership in accordance with clause 7.2(a) of the Rules.

Action: Julie agreed to follow up the Otago debtor.

8. **Website**

Don reported that the website was paying off from a public point of view. The website was well worth the investment. There is a need to continue to remind members of the forum and to opt into receiving notifications of posts on the forum. As the webinars are going to be replaced with video content, it was agreed to remove the topic of Webinars from the agenda in future.

9. **Education and Training**

(a) Standards – No complaints have been received of late regarding poor standards. Notaries need to be reminded not to use a stamp only for notarial acts.

(b) Precedents – A reminder to members that some precedents are available on the website and notaries are encouraged to put forward more examples as it would be good to build on the precedents' library.

(c) Video Project: Julie reported that the educational videos were very close to being completed and ready to upload to the website. There were five videos in all. Once uploaded, Julie will draft an email to the membership and also mention the precedents.

10. **C.L.A.N**

Minutes of last meeting of the Common Law Association of Notaries was submitted for Council's information. Stewart advised that a further issue of *Notary World* would be published soon. There has been a call for articles for the next issue in April.

Noted also, the Australian Conference scheduled in The Hague in October 2022.

Action: Tracey will send a reminder out to notaries for articles for *Notary World*.

11. **General Business**

(a) **Remote notarisation**

A note of the recent Zoom meeting with the Neil Turpin, Howard Dellar, Ian Blaney and Morag Ellis of the Faculty office was tabled. The Faculty Office sent a copy of their Guidance Notes for Council's consideration.

(b) **Updated application documents for Faculty Office template**

The suggested amended set of precedents for the application to London submitted by the Faculty Office was considered. Upon reviewing, Council considered there were suggestions of discrimination on age and breaches of the Commerce Act 1986 and the Human Rights Act 1993.

Action: Julie agreed to mark up the discussed proposed changes including corrections to grammar for submission to the Faculty Office.

(c) **E-faculties**

As discussed at the Zoom meeting, there have been considerable delays processing applications at the Faculty Office. Neil Turpin explained the faculties had been granted but there was significant delays with registration of the faculties with the Crown Office. The Faculty Office had been in discussion with the Crown Office and have agreed to issue e-faculties until such time as the Crown Office is able to deal with the originals. The Society have received two e-faculties and commissions in PDF format which the Faculty Office has asked the President to formalise by embossing with his notarial stamp.

Action: Stewart to notarise the memorial and e-faculties in question and send to the notarial applicants.

(d) **P&I Insurance**

This matter remains outstanding. Stewart submitted a proposal form from his broker, Marsh.

Action: Bruce will follow up with the contact person in his group scheme. Summary from Mike pending. Ken agreed to follow up with his partner.

(e) **Proposed amendment to rules**

The President wished to extend his appreciation in particular, to Julie and also to Ken and Allen who had reviewed and proposed changes to the Rules. The review of the Rules was primarily conducted so that the AGM could be held by Zoom. It was agreed the amendments to the Rules to be passed at an SGM to be held in Wellington at 10.00 am on Wednesday, 12 May 2021. This was directly after the NZLS Property Law Conference in Wellington on 10 and 11 May so it may enable more than the local notaries to attend.

Action: Julie to issue a marked up and clean copy of the amended Rules. Tracey to distribute to members with notice of the SGM.

(f) **The Australasian Notary**

An email attaching the first 9 pages of a copy of the publication, *The Australasian Notary* was sent to Council by Paul Barnett. He had suggested the members may be interested in the history of the Office of Notary Public. Julie advised she had the full copy. [Did we decide to publish on the website?]

Action: Tracey to scan the document and send a copy to Ken and email Paul Barnett thanking him for bringing this publication to the Council's attention.

(g) **Reconciliation of records**

The latest edition of the NZ Lawyers' Directory confirmed that all notaries listed there were current members of the Society. There were only two discrepancies which were, one member who had very recently retired due to very poor health, and the latest member to join the Society who had not been admitted prior to the publication. Tracey reported that she had been in communication with the DIA and

the Authentications Unit had updated their records to align with that of the Society's. There was one notary in Greytown who was still active according to the DIA who was not on the Society's records.

Action: [Someone who???] to make contact with Edwin Cook at WCM Legal, Greytown.

(h) **Masterclass**

It was agreed Council had a duty to encourage further education and a Masterclass by Zoom during the year would be appropriate.

Action: Stewart to write to the College suggesting they propose a course outline and confirm a date.

12. **Any further business**

No complaints had been received recently. Tracey to prepare a list of complaints received during 2020 which were not upheld for Bruce to submit to the Faculty Office in London.

13. **Next meetings**

- (a) Monthly Zoom meeting on 10 March 2021
- (b) SGM at 10.00am on 12 May 2021 in Wellington
- (c) AGM to be held on 6 September 2021 in Auckland.

Action: Check with NZLS on a room for the SGM
Check with Richard Wilson at Jackson Russell about a venue for the AGM.

There being no further business, Stewart again expressed his thanks to Julie for hosting the meeting and providing the delicious lunch. He closed the meeting at 3.40 pm.