

**NEW ZEALAND SOCIETY OF NOTARIES INCORPORATED**  
**MINUTES OF THE SEVENTH ANNUAL GENERAL MEETING**

**held at the offices of Simpson Grierson**  
**Level 24, HSBC Tower, 195 Lambton Quay, Auckland**  
**on Friday 17 August 2018 at 12.45pm**

Prior to the meeting Mike Scannell advised on health and safety in the event of earthquake or fire.

The meeting was opened by the President at 12.59pm. He thanked all for attending and acknowledged the meeting was well attended.

**Present:**

Stewart Germann (Chair), John Baker, Julie Ballance, Paul Barnett, Mark Chiu, Barry Driver, John Hanning; Tony Herring, Julie Hutton, Sue Ironside, Ken Lord, Greg Lynch, Allen Mazengarb, Sandie Robinson, David Roughan, Mike Scannell, Bruce Stewart, Don Thomas, Richard Wilson; Tracey Merlini (minutes)

**1 Apologies**

The list of apologies (**appended**) was made available for members. There were no further apologies from the floor. The Chair moved that the apologies be accepted.

Moved: Stewart Germann

Seconded: Ken Lord

**Carried**

**2 Matters arising from the minutes**

It was noted that reference was made at the 2017 AGM to a letter received by the Master in relation to regulation for notaries and further education. This was not recorded in the previous minutes. It was requested a copy of the letter from the Master of 2016 be made available to members.

Subject to the above it was moved that the minutes of the 2017 AGM be accepted and confirmed as a true and accurate record.

Moved: David Roughan

Seconded: Ken Lord

**Carried**

**3 Adoption of President's Report**

It was noted that the President's Report had been circulated to members along with the agenda for the AGM.

The President noted membership currently at 193 and it was anticipated membership would soon reach 200.

Don Thomas briefed the AGM on education. He advised that Council had given consideration to a roadshow in the past however had decided against this avenue for education in favour of webinars and the website forum. When initially explored, the possibility of support from NZLS or ADLS to run webinars was not feasible, however there has now been a change in view from the Law Society and facilities may well now be available. Council continue to work towards providing educational webinars for members to include the involvement of the DIA. Members should watch this space.

Don advised he had been visiting notaries when travelling and it was apparent from speaking with notaries that standards were a concern and that they are vastly different from notary to notary. He noted there was a willingness from notaries to work towards a common standard.

The President thanked Don for his comments on education and asked that the President's report be adopted.

Moved: Stewart Germann

Seconded: Bruce Stewart

**Carried**

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#### 4 **Annual accounts for the period 1 April 2017 to 31 March 2018**

The President advised that the annual accounts had been prepared by Owen Williams of Jackson Russell. He noted current membership funds were \$51,800 and upcoming additional outlays would be the costs of the website. The President requested that future accounts should include a comparison to the previous financial year. The President also advised that Council intended to hold a function later in the year for retiring Council members, Murray Weakley and John Hackett in recognition of their outstanding contribution over the years.

No questions having been raised, the President asked that the financial records for the period 1 April 2017 to 31 March 2018 be approved.

Moved: Bruce Stewart

Seconded: Allen Mazengarb

**Carried**

#### 5 **Code of Notarial Practice**

Bruce Stewart presented on the proposed Code of Notarial Practice. He extended thanks to Richard Wilson and Murray Weakley for their contribution to the Code. Bruce reported that the impetus for the Code came as a result of the Master looking for a more formal structure and further education around best practice. He noted there was a requirement for further education and spoke regarding the disciplinary process if the procedures are not satisfied. He noted Council has no power other to recommend to the Master that a notary's faculty be revoked. Bruce advised that the starting point for the Code was based on the UK one and that the sub-committee had worked together to adapt it for the NZ context. He advised that if the Master were to cut the NZ Society loose then at least there would be some structure in place. The Code was not intended to be radical. Bruce advised that the notion of compulsory membership to the Society was important in order that Council can further educate and monitor best practice. While Council cannot enforce membership, it is now a requirement for any new notary to undertake to become a member before they receive the approval of the Society. The sub-committee have taken into account all comments received from members on the draft Code submitted. Members of the Council have all had input, having read, reviewed and approved the Code for adoption at the AGM.

Discussion took place in relation to Clause 16.2.6 of the proposed Code and it was agreed that keeping a record of fees charged should not be included in the Code.

It was moved that the proposed Code of Notarial Practice be adopted subject to the removal of clause 16.2.6.

Moved: Bruce Stewart

Seconded: Julie Hutton

There was an objection to the motion to adopt the Code of Notarial Practice from David Roughan of Whangarei. He raised his concerns regarding compulsory membership, why there was a need to regulate when Council cannot police; and the duty to keep records.

Julie Ballance of Wellington also raised concerns around Council not having power to enforce discipline, the complaints procedure and compulsory membership.

After further discussion it was agreed to vote on the adoption of the Code. There was a show of hands from members present and 30 proxies received. Those in favour of the adoption of the Code significantly outnumbered those against.

The President advised that the vote on the Code was carried and the Code would be published with the amendment detailed above, and the adoption of the Code would be communicated to members.

#### 6 **Website/forum**

Prior to the commencement of the AGM, a demonstration of the new website was shown to those in attendance. Mike Scannell advised that Don Thomas and himself have been working with website developers, Law2Web to produce and host the new website for the Society. He advised that the website was not yet live but would be shortly. He encouraged members to visit the website which is currently available to view at [www.law2web.co.nz/notaries](http://www.law2web.co.nz/notaries) and forward any comments to Tracey Merlini. Most of the notaries listings are available and photos may be added if you wish. The website is user friendly for public to access a notary's listing. There will be a secure area of the website for members and Don Thomas, Bob Eades and Richard Wilson are working on a set of

templates for the website in addition to an updated version of *The NZ Notary*. There will be a facility for forums and there will be different headings such as notices, social chat, etc. Members will be able to opt into receiving notifications for news and forum feeds.

The current website does not have facility for webinars however Council are looking into Skype or Zoom or the assistance of ADLS as mentioned in Don's report on education above.

The President thanked Mike and Don for their good work with the new website.

## 7 **Election of Council**

As advised earlier in the meeting, the President confirmed the resignations of Murray Weakley and John Hackett from Council. The President advised that six nominations were received for Council and they were as follows:

1. Stewart Germann of Auckland
2. Don Thomas of Auckland
3. Allen Mazengarb of New Plymouth
4. Bruce Stewart of Palmerston North
5. Michael Scannell of Wellington
6. Julie Hutton of Christchurch

As no ballot was required the above nominations will form Council for the 2018/2019 year. The President confirmed that Council had co-opted Ken Lord of Christchurch to assist with representation in the South Island.

The offices of President, Vice President, and Treasurer will be subject to election of those roles at the Council meeting to be held after the AGM.

## 8 **General Business**

The President asked for any items of general business.

### (a) Anti-money Laundering Legislation

There was discussion on AML and it was agreed that it does not apply to notarial services to the public as such people are not clients of the firm.

- ### (b)
- There was a query in relation to fees for notarial services. Recently the New Zealand Law Society incorrectly advised that terms of engagements were required to be issued by all Notaries. The President confirmed that this was incorrect and that he had written to and received a letter from the New Zealand Law Society confirming that no terms of engagement were required for notarial services.

There being no further business, the President wished to thank Mike Scannell and the offices of Simpson Grierson for hosting the Annual General Meeting and providing lunch. He also gave thanks to Tracey Merlini for her secretarial support for the Society.

The meeting closed at 1.49pm.

Signed as a true and correct record.

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President

Date: \_\_\_\_\_

**Apologies:****Apologies**

Philip	Allen
Oscar	Alpers
Alister	Argyle
Peter	Attewell
Santokh	Bhullar
Simon	Blackwell
Damian	Broadley
Dennis	Brown
Damon	Butler
John	Campbell
Wayne	Chapman
You Taek	Choi
Chris	Clark
Tony	Coupe
Peter	Denee
Roger	Donnell
Nicolene	du Toit
David	Farnsworth
Tony	Fortune
Lisa	Goundar
John	Hackett
Colin	Hadley
Graham	Harford
John	Hart
Sian	Holden
Richard	Howie
Jeremy	Hucker
Tony	Ivanson
Henry	Jansen
George	Johnston
Peter	Jones
Antees	Joseph
Kristine	King
Quentin	Lowcay
Steve	Lunn
Alan	Macalister
Errol	Macdonald
Jayne	Macdonald
Greg	McDonnell
Ross	McKechnie
Simon	Milne
Jane	Montgomery
Chris	Moore
Evan	Moore
Winston	Moreton
Jon	Olphert

Sam	Perry
Philip	Redmond
Wayne	Richards
Wayne	Richards
Chris	Rickit
Bruce	Sanderson
Mary Anne	Shanahan
David	Short
Frank	Sing
William	Spring
David	Stone
Graeme	Todd
Ben	Tothill
Evan	Turbott
Werner	van Harselaar
Murray	Vereker-Bindon
Jeannie	Warnock
Rob	Wills