

NEW ZEALAND SOCIETY OF NOTARIES INCORPORATED

COUNCIL MEETING

Friday, 30 August 2019 at 2.00pm
held at the office of
Julie Hutton, 27 Queens Avenue, Merivale, Christchurch

MINUTES

Stewart Germann, as Chair, opened the meeting at 2.00pm.

Present: Stewart Germann; Allen Mazengarb, Don Thomas, Bruce Stewart, Julie Hutton, Mike Scannell, and Tracey Merlini (Minutes)

1. **Apologies:** Ken Lord

2. **Health and Safety:**
Exit points were discussed in the event of an emergency.

3. **Minutes of previous Council meeting:**

Motion: That the minutes of the previous council meeting on 15 February 2019 be approved.

Moved: Bruce Stewart
Seconded: Allen Mazengarb
Carried

4. **Matters arising from Minutes**

The Chair reviewed the actions points from the previous minutes and confirmed all in order.

The change in venue for the current meeting was noted.

Tracey to email Council the Mentors list.

5. **Financial Matters**

- **Latest statements as at 20/8/19**

Society Cheque	\$6,111.99
Fastsaver	\$1,588.80
Commercial Term Deposit @ 3.25% (matures 13/9/19)	\$22,000.00

- **Debtors**

All paid up.

Discussion took place around the \$11,000 deficit shown in the 2019 accounts and despite all expenses being approved and the Financial Statements being adopted at the AGM it became evident there is a need to watch more closely the level of funds and expenditure. It was agreed to look at annual costs more closely and the Treasurer agreed to undertake a budget with the assistance of Bruce and Tracey and report to the February meeting on whether there would be a need to increase membership fees.

Action: Allen to undertake budget with the assistance of Bruce and Tracey.

6. Notarial applications

- There were no new applications for consideration however Tracey reported that she had received several expressions of interest recently and that she believed several applications were imminent.
- Discussion took place around the “need” for notaries in certain areas and the requirement by the Master for the applicant to prove there was a need in the region when applying. The need for notaries in Christchurch was used as an example. It was agreed that going to the Master to remove the requirement for “need” would open a can of worms and that it was a minor issue which could be addressed by the average age of notaries in NZ and the likelihood of many nearing retirement.
- The need for further tutors, or a “grandfather” type notary for Wellington, was discussed and consideration given to possible candidates including an email received from a notary in Wellington offering his services. It was agreed there was no real need with Tony covering South Island applications and Richard Wilson in Auckland for the North Island.

Action: Don agreed to respond to the email from the Wellington notary.

- Council reviewed Bob Eades’ email regarding the need for applicants to secure a certificate signed by two current notaries known to them. Difficulty in obtaining the signatures of **two** notaries by a recent applicant in a remote region had prompted Bob to draw the issue to the attention of Council. It was agreed that this situation was rare, and Council would deal with any other instances as and when they arose.
- Discussion took place regarding the application fee and the amount of time spent by Council and Tracey in reviewing and processing applications. It was agreed the application fee was inadequate and needed to be increased to \$300.

Moved: Bruce Stewart
Seconded: Allen Mazengarb
Carried

Action: Tracey to update the application process and increase the application fee with immediate effect.

7. Website

- **Analytics**

The recent analytics reports by Law2Web showing activity on the website were presented to Council. It was agreed that it was not necessary for all Council to see them each month and Don and Mike would monitor the activity and report to Council as and when necessary. It was noted Wordpress had featured in the media recently for security issues, however Council were not overly concerned as there was nothing on the Society’s website of value to hackers.

Action: Mike and Don to review monthly reports and report to Council if necessary.

- **Webinars**

This was discussed at the AGM and Council agreed they had a duty to press on with providing further education to members. Don presented a report from Law2web giving some options for webinars:

- Zoom
 - basic option free limited to 100 attendees and 40-minute webinars);
 - paid plan starts at US\$14.99 per month depending on how many people attending;
- GoToWebinar at around US\$90 per month; or

- Skype – allows to webinar style meetings but not a dedicated platform. Cost is free.

Law2Web recommended trialling the free Zoom platform to start with.

Council agreed it would be sensible to get the content ready first and discuss the platform once the material for the first webinar was prepared.

- **Forum**

As discussed at the AGM, it was apparent that the forum was not being used and it needed to be promoted to the membership. As highlighted at the AGM, members are not aware of postings on the forum unless they take the time to log into the forum and view postings. It was moved to change the default for users, so they automatically receive notifications rather than the current default whereby they need to opt-in to receive notifications.

Moved: Bruce Stewart

Seconded: Julie Hutton

Carried

Action: Tracey to arrange to update users' profiles so they all receive notifications of postings on the forum.

An educational video was suggested as a possible option to assist notaries in performing a notarial act. This idea was received with great enthusiasm and Council agreed that a sub-committee of Julie, Bruce and Mike be formed to look into the budget for this and start work on the content which was proposed would take priority over the proposed webinars.

Action: Mike, Julie and Bruce to undertake Video project for the website.

8. **Complaints Register**

As requested by the Faculty Office recently, a complaints register has been started and there are currently two complaints on the Register. Council agreed to form a Complaints sub-committee to deal with any complaints received. The Sub-committee will be chaired by Bruce Stewart and comprise Bruce, Allen and Stewart. Tracey will forward details of both recent complaints to Bruce in the first instance and he will put forward some methodology around dealing with complaints and updating the Faculty Office annually.

Action: Tracey to forward details of all complaints to Bruce in the first instance.

Action: Bruce will manage the Complaints process and engage Allen and Stewart on decision-making and action to be taken.

9. **Skype signings/Remote notaries**

Don Thomas presented a report to Council on the investigations he has undertaken where Notaries can complete Notarial acts involving the witnessing of document signing through an audio-visual link. Discussion took place and Council expressed their gratitude to Don for his work on this to date. It was agreed this should be a long-term project in collaboration with the DIA and the Master in London and that further investigation with Internal Affairs should be undertaken before approaching the Master.

It was also agreed that the Skype signings should be the exception rather than the rule and would never be as good as the face to face witnessing of documents as there would be a certain end-user risk involved.

Don agreed to check further with various authorities and report to Council at future meetings.

It was also agreed that lack of standards and lack of education was a current priority for Council to address with members.

Action: Don to continue to investigate and report to Council.

10. **ANZCN**

Minutes of the last meeting of the Board of Governors of the ANZCN held on 15 March 2019 were presented to Council for their information.

11. **WON – now Common Law Association of Notaries (“CLAN”)**

It was noted that the World Organisation of Notaries (“WON”) had changed its name to Common Law Association of Notaries (“CLAN”).

12. **General Business**

(a) **Society of Notaries of Victoria**

Stewart presented an agreement proposed by Michael Bula in Melbourne for international cooperation of between Victoria and NZ societies. Discussion took place and it was agreed there seemed to be no real relevance or benefit and a risk of upsetting or undermining the ANZCN.

Action: Stewart to report back to Michael on the NZ Society’s views.

(b) **Notaries who are not members**

Discussion took place in relation to NZ notaries who are not members of the Society and the importance for them to access information on continuing education, discipline and standards particularly in light of increasing fraud. Council identified the need for all NZ notaries to remain members so they may be informed and remain compliant.

Action: Tracey will liaise with DIA and compile a list of all NZ notaries who are not members for Council’s further consideration.

(c) **Overseas fees/NZ scale of fees**

Council received an email from a NZ notary advising of an instance where they were made aware of Australian notary charges and the Australian 2017 Scale of Public Notaries Fees. Although Council are aware of high fees charged overseas, there is nothing NZ can do about that. Council do not agree to establishing a NZ scale of fees.

(d) **Stamps Plus incidence of fraudulent order**

Stamps Plus made contact recently with Council regarding an order for a notary seal they received from a William Henry Turner of Tauranga. Stamps Plus brought this to the attention of Council having checked the Society’s website and found no listing for a William Henry Turner. Council takes this matter of fraud very seriously and thanks Stamps Plus for their diligence. Council agreed to write a letter to Bill at Stamps Plus on behalf of Council thanking them and Don will contact them to obtain more details from Stamps Plus with the view that the matter may be reported to the Tauranga Police.

Action: Tracey draft a letter of thanks to Stamps Plus.

Action: Don will obtain more information from Stamps Plus.

(e) **Law2Web offer/promotion**

Not discussed – defer to next Council meeting.

(f) **Council Officers**

Council agreed that status quo would remain in relation to Council office holders:

Stewart Germann	President
Bruce Stewart	Vice President

