

7.2 Glossary of terms and acronyms

This glossary of terms and acronyms is a basic guide to those most commonly used throughout the handbook.

Glossary of terms

Adjourn

Defer or postpone a court event to another day.

Advance health directive (AHD)

A document where a person states their wishes or directions regarding their future health care for various medical conditions. It comes into effect only if they are unable to make their own decisions.

Advice

Legal advice is a written or oral statement that interprets some aspect of the law, court rules or court procedures. It recommends a specific course of conduct or strategy a person should take in an actual or potential legal proceeding.

Affidavit

A written statement made on oath or affirmation and signed by the witness or deponent before a JP. It is used in court instead of oral evidence when the personal appearance of the deponent is not required.

Affidavit of justification

A document that sets out the relationship between the surety and the defendant, and the surety's financial status. It includes a declaration that, if the court requires the surety to forfeit, the loss would not be detrimental to their livelihood.

Affirmation

The act of confirming something to be true, or is a written or oral statement that confirms something is true.

Aggrieved

A person who is the victim of domestic or family violence or the person that a domestic violence order is made to protect.

Annexure

Document(s) that are affirmed or sworn to and referred to in the affidavit. These can be attached or separate to an affidavit.

Arrest warrant

A document authorising a police officer to arrest a particular person and take them before a court to be dealt with according to law.

Bail

A written undertaking upon release from custody that a person will appear in court at a certain date, time and place while awaiting the determination of a charge. It is signed by a defendant and witnessed by a JP.

Bailiff

A court officer who may serve documents, carry out court orders and assist in court.

Certified copy

A certificate or endorsement stating a document is a true copy of the main document sighted. It does not certify the main document is authentic, only that it is a true copy of the main document.

Childrens Court of Queensland

Deals with serious offences committed by juveniles under 17 years of age. This court also deals with matters of child protection.

Complainant

A person who makes a formal complaint.

Complaint and summons

A charge in writing which has been sworn or affirmed before a JP.

Declarant

The individual who is seeking to have their document formally witnessed by a JP or Cdec.

Defendant

A person against whom legal action is taken, including criminal charges.

Deponent

A person who makes an affidavit and is then seeking to have their document witnessed by a JP.

District Court

The second tier of the court system. This court deals with offences of a more serious nature than the Magistrates Court, including armed robbery and dangerous driving. Civil matters between \$150,000 and \$750,000 are dealt with in this jurisdiction.

Enduring power of attorney

A formal document where a person delegates to another person the power to make legally binding personal and/or financial decisions on his or her behalf.

Executor

Individual(s) appointed to administer and carry out the instructions of a will.

General power of attorney

A formal document where a person delegates to another to make financial decisions on his or her behalf for a specific period or event while the principal person has capacity.

Judge

A judicial officer appointed to hear matters in the Supreme and District Court.

Jurat

The certification at the end of the body of an affidavit that stipulates where or when the affidavit was sworn or affirmed and by whom. Signatures are also of the deponent and the JP, and the name and title of the JP before whom the affidavit was sworn or affirmed.

Magistrate

A judicial officer appointed to hear and decide matters in the Magistrates Court.

Magistrates Court

The first tier of the court system. This court deals with less serious offences such as assault, theft and minor traffic matters. Civil matters less than \$150,000 are also dealt with here.

Notary public

Usually a practising solicitor or attorney, appointed by an English Archbishop in the case of Queensland, and given statutory powers to witness documents, administer oaths and perform other wide-ranging administrative functions of a national and international nature.

Notice to appear

Provides a general description of the accused charged, rather than the formally worded charge in a summons. It is not sworn on oath, and is issued 'on the spot' by a police officer.

Oath

A solemn declaration or undertaking that calls upon God to witness the truthfulness of the statement a person is making.

Prescribed mark of office

This is the title 'Justice of the Peace (Qualified)' or 'Commissioner for Declarations'. This mark may be handwritten if you do not have your seal of office with you, except in the case of a JP issuing any warrants, complaints or summonses.

Prosecutor

The person who acts on behalf of the Crown in the case before the court. The prosecutor, who will either be a police officer or an officer for the Office of the Director of Public Prosecutions, presents evidence to the court.

Registration number

A unique number issued to JPs and Cdecs upon appointment and is to be applied to all documents witnessed along with their signature and seal of office.

Respondent—domestic violence

A person who is the alleged perpetrator of the domestic or family violence or the person the domestic violence order is made against.

Seal of office

Issued to all JPs and Cdecs upon appointment and is to be applied to all documents, along with their signature and registration number.

Search warrant

A document authorising a police officer to search a specified property within a specified timeframe.

State Member of Parliament

A member of the Legislative Assembly who is elected at least every three years by the people of Queensland. They are often referred to as an MP.

Statutory declaration

A document containing statements that are declared true and correct. Please note these forms can come in a wide variety of versions as different organisations have created their own formats.

Summons

A document that commands a person to attend a court at a prescribed date, time and place as set out on the form.

Supreme Court

The third tier in the court system. This court deals with the most serious criminal matters such as murder and major drug offences. Civil matters involving amounts greater than \$750,000 are dealt with in this jurisdiction.

Surety

A condition of bail where the court orders a third person to guarantee the defendant will abide by the bail undertaking.

Sworn

A person swearing to the contents of a document is an individual who places his or her hand on the Bible and makes a solemn declaration the contents are true and correct.

Testator

Someone who makes a will.

Witness

Some documents do not require a JP or Cdec. If the document is not being sworn or affirmed to, then the witness can be an ordinary member of the public (often not a relative or a friend, depending on the nature of the document) who will merely sign, recognising the document was signed in front of them. A JP or Cdec can still sign these documents, even though their official designation is not essential.

Acronyms and abbreviations

AHD	Advance health directive
Cdec	Commissioner for Declaration
DJAG	Department of Justice and Attorney-General
DRB	Dispute Resolution Branch
DV1	Domestic and family violence protection order application
EPA	Enduring power of attorney
GPA	General power of attorney
JP	Justice of the Peace
JP Branch	Justices of the Peace Branch
JP (Mag Ct)	Justice of the Peace (Magistrates Court)
JP (Qual)	Justice of the Peace (Qualified)
OPG	Office of the Public Guardian
QCAT	Queensland Civil and Administrative Tribunal
RBDM	Registry of Births, Deaths and Marriages
VAQ	Victim Assist Queensland