

# Justices of the Peace Branch

## September 2020 Update

[JP Shop](#) | [Update your details](#) | [Professional development for JPs and Cdecs](#)

Dear colleagues,

I hope this edition finds everyone well during these challenging COVID-19 times. Over the past several months I would like to thank everyone who has been able to undertake witnessing across the State in a private capacity.

I am pleased to advise that 70% of the pre-COVID-19 JPs in the Community signing sites have recommenced witnessing services to the community. It is tremendous to see the program re-launch and the dedication of volunteers who offer their valuable time. Importantly, many clients are still accessing the services of JPs and Cdecs through the '[After-Hours JP Search](#)' on the DJAG website.

Whether you are witnessing at home, work or at a JPs in the Community site everyone needs to be aware of the risks posed by COVID-19 and remain diligent.

To protect yourself, your family and the community it is important to maintain good hygiene and practice social distancing (also called physical distancing).

Importantly, please think twice before shaking hands with clients or the use of saliva on fingers to assist the turning of pages. To use the words from one of the available COVID-19 resources 'Good hygiene is in your hands.'

### JPs in the Community Program vacancies

Recruiting new volunteers for the JPs in the Community program has proven problematic in the past months, due mainly to the restrictions imposed by the temporary suspension of mentoring owing to social distancing requirements.

Most sites are unable to mentor newly appointed JPs and Cdecs, due to the social distancing requirements at their signing site however, many of our operating sites around the State still need additional volunteers. If you feel you require mentoring to start or resume volunteering, please contact the JP Branch by emailing [jpsinthecommunity@justice.qld.gov.au](mailto:jpsinthecommunity@justice.qld.gov.au) to discuss your options.

If you are an experienced JP or Cdec and able to assist at one of our JPs in the Community signing sites, please click the link below to register your details. Existing volunteers are also encouraged to register their details if you they can assist at other locations in their area.

[Volunteer your services](#)



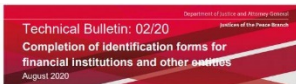
Volunteer options are available across the State including sites located around Greater Brisbane, Gold Coast, Sunshine Coast, Central QLD, Darling Downs and North QLD.



## Technical Bulletin 02/20 - Completion of identification forms for financial institutions and other entities

The release of the bulletin last month has been well received, and the feedback has been overwhelmingly positive. Those who have not read it yet can access it [here](#).

The disclaimer statement now further facilitates our ability to help clients with mortgage and other titles transactions despite having bank produced witness certificates.



Many JPs and Cdecs have still not had the opportunity to see one of these during the course of their duties, so we have included an example [here](#).

JP Branch would like to remind everyone that our DJAG witness certificate is no longer to be substituted for one produced by a financial institution.

However, if a client comes to the you with a DJAG witness certificate there is no reason you can't complete it. Some financial institutions are still supplying clients with these as they meet that institutions requirements.

**Technical Bulletin 02/20**  
**Completion of identification forms for financial institutions and other entities**  
 August 2020

**Previous references**  
 Supervision Technical Bulletin 04/10 Certificate of witness and Witness Certificate for Mortgage.

**Background**  
 The Justices of the Peace Branch (JP Branch) has recently sought advice on whether a Justice of the Peace (JP) and Commissioner for Declarations (Cdecs) should complete an in-house witness certificate or identification form (ID form) prepared by clients of financial institutions, getting sites and others, as a proof of the certificate, and the application and Blue Card applications.

A witness certificate or ID form are documents where financial institutions or other entities gather information about the identity of their client.

The JP Branch has received samples of ID forms and while they are all unique to the lender or entity, with corporate branding and styling, each form contains information in the witness about how to complete the ID form, and what type of identification would satisfy the requirements of the form and its purpose.

Compliance team issued comments about whether to complete ID forms and if there are any possible implications if they do so, or are they undertaking a role that is considered to be that of the Mortgagee or other entities to the ID form.


This bulletin also seeks to inform JPs and Cdecs of the use of these forms and replace information in section 8.1.1. Witnessing "Other Registered Parties" of the handbook regarding the use of the Witness Certificate for Mortgage.

**Legislation**  
 Below are some examples of where a JP or Cdecs have powers to complete a witness certificate or ID form while this is not an exhaustive list. It also represents the most common requests placed before JPs and Cdecs.

**Justices of the Peace and Commissioners for Declarations Act 1997**  
 Under section 29 of the Justices of the Peace and Commissioners for Declarations Act 1997 (JP Act) all registered JPs and Cdecs may attend any document that may be obtained under any of the provisions of the Act specifically refers to the power of a JP or Cdecs to sign a proof of identity document for the purpose of obtaining a document.

**Land Title Act 1994 and Land Act 1994**  
 There are several situations under the Land Title Act 1994 (LTA) and the Land Act 1994 to establish a person's identity, for example:

- under s 114(2) of the LTA a mortgagee is required to take reasonable steps to ensure the identity of a mortgagee; section 114(2) of the LTA enables a mortgagee to verify the identity of the person who is the mortgagee by either:
  - obtaining self-attested evidence in the form of a Financial Statement (Statement) which involves the mortgagee using the Verification of Identity Standard (VOIS) and undertaking certain other steps and checks to facilitate the verification;
  - another way that constitutes the taking of reasonable steps.
- a witness to the identity of an instrument, under s 150(1) of the LTA is required to take reasonable steps to verify the identity of the person executing the instrument, and where they



## Online Witnessing Update

In May we sent you an email about the [Justice Legislation \(COVID-19 Emergency Response—Documents and Oaths\) Regulation 2020](#) where the regulation allows for certain documents to be [witnessed](#) online.

JPs and Cdecs can only be appointed as a special witness through the Justices of the Peace Branch, by the Chief Executive Officer of the Department of Justice and Attorney-General.

To date, officers from JP Branch have been appointed as special witnesses and have been able to assist vulnerable people in the community to have their documents witnessed as part of the online witnessing pilot. This witnessing service is currently limited to Queensland affidavits, statutory declarations and deeds.

JP Branch are monitoring the demand for the service during the pilot.

If you are approached by a client to have documents witnessed online, please refer them to JP Branch on 1300 301 147 for assistance or alternatively clients can find more information on our [webpage](#).

You can find more about [using technology to make documents during COVID-19](#) on the Department's webpage.

## Watch this space!

In November changes to legislation, including the *Powers of Attorney Act 1998*, will come into force. Some of these changes will impact you and your role as a JP or Cdec.

Online material is being developed and will be made available at [www.qld.gov.au/guardianship-reform](http://www.qld.gov.au/guardianship-reform). JP Branch will also be developing a range of resources for you leading up to 30 November 2020 when the changes come into effect.

Follow the Department of Justice and Attorney-General's [social media accounts](#) for more updates on the reforms to the Queensland Guardianship system and other announcements.

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## Do you have your handbook?

Physical copies of the JP (Qual) and Cdec handbooks are still available for purchase from the [JP Shop](#).

You can still access and download both handbooks [online](#) free of charge.



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If you have any questions or concerns regarding your role as a witnessing officer in Queensland, please don't hesitate contacting the JP Branch on [1300 301 147](tel:1300301147) or [jp@justice.qld.gov.au](mailto:jp@justice.qld.gov.au).

I trust you find the contents interesting and relevant.

Kind regards,

Damien Mealey  
**Registrar and Manager**  
**Justices of the Peace Branch**

