

4.5 Witnessing international, Commonwealth and interstate documents

What powers do I have for witnessing international, Commonwealth and interstate documents?

Before agreeing to witness an international, Commonwealth or interstate document, you should ask the signatory to confirm with the receiving agency if you are an acceptable witness. The court or authority where the document is to be lodged determines if you are acceptable as a witness.

International documents

Generally, you have no authority to sign a document intended for use outside Australia. A notary public, consular staff or embassy officials should witness international documents, unless the document specifies otherwise.

Commonwealth documents

You may witness Australian (Commonwealth) documents anywhere in the world.

Commonwealth legislation recognises your appointment as a JP or Cdec under state legislation and authorises you as a witness for Commonwealth documents. Therefore, neither state nor national borders limit your powers as a witness for Commonwealth documents.

Interstate documents

Witnessed outside Queensland

JPs and Cdecs do not have authority to witness interstate documents while they are outside Queensland. However, a JP or Cdec can witness Queensland documents anywhere, as long as the document is returning to Queensland.

While some states have legislation authorising JPs or Cdecs from other states to witness certain documents in their particular state, we recommend you have the signatory confirm with the receiving agency you are an acceptable witness.

Witnessed in Queensland

In some circumstances, you can witness interstate documents while you are in Queensland.

Queensland documents witnessed outside Queensland

Your appointment as a JP or Cdec is made under Queensland legislation by virtue of the *Justices of the Peace and Commissioners for Declarations Act 1991*. This means your powers apply to all matters within the State of Queensland.

You may perform your functions as a witness in any state or territory, or indeed internationally, provided the document in question is to be used in Queensland.

The following scenarios may help to illustrate your parameters of power.

Scenario	Do I have authority to witness?
In Brisbane you are approached to witness a family law form (a Commonwealth document) which is to be used in Western Australia.	Yes
In Adelaide you are approached to witness a family law form which is to be used in Brisbane.	Yes
In London you are approached to witness an affidavit which is to be tendered as evidence in a court hearing in Brisbane.	Yes
In California you are approached to witness an affidavit which is to be tendered as evidence in a court hearing in Los Angeles.	No
In Victoria you are approached to witness a statutory declaration under that state's legislation.	No
In Queensland, you are approached to witness a New South Wales document that is to be filed in the Supreme Court of New South Wales.	You should have the signatory confirm with the receiving agency you are an acceptable witness. If yes, you may witness the document, but you must note beside your signature that you are a JP or a Cdec 'for and in the State of Queensland'.

Why are there limits on my powers to witness international and interstate documents?

As your appointment as a JP or Cdec is made under Queensland legislation, your powers generally relate to Queensland and Commonwealth documents.

Unless a particular document specifically allows it, you do not have the authority to deal with documents coming under the legislation of other states or other countries.

Where can I get more information?

Justices of the Peace Branch
www.qld.gov.au/jps