

2.3 Your role and responsibilities in the community

As a JP or Cdec, your main role is to witness the signing of official documents. The community expects you to be constantly mindful that, as you discharge your duties, you are an integral part in the administration of justice.

The position of a JP or Cdec indicates you are trusted to act responsibly. Documents witnessed by a JP or Cdec have more legal weight than a document witnessed by someone without any official position. The community will expect you to have some understanding of the documents brought before you.

JPs have additional responsibilities over those of a Cdec in that a JP has a quasi-judicial role. A JP may be requested to issue a warrant or a summons. On some occasions, particularly in the more remote areas of the state, JPs may also be called upon to sit on the Magistrates Court bench with a registrar of a court to deal with procedural motions.

You have a duty of care to act within your scope of practice. You cannot provide legal advice in your role as a JP or Cdec.

You must carry out your duties in a professional manner, adhere to the *Justices of the Peace and Commissioners for Declarations Code of Conduct* to ensure consistent witnessing practices, procedural and legislative guidelines are always followed.

An outline of the duties of a Commissioner for Declarations

- witnessing people signing documents as prescribed by law
- certifying copies of documents.

An outline of the duties of a Justice of the Peace (Qualified)

JPs perform the same duties as a Cdec, as well as:

- issuing summonses and warrants
- attending police records of interview
- minor bench duties – acts by 2 JP (Qual). Examples include:
 - hearing a bail application
 - hearing a bail application for children
 - make or vary a temporary protection order.

Why these roles are important

The duties of a JP or Cdec are not to be taken lightly. You have a vital and responsible role to play in the general community. You will, at times, deal with matters of crucial importance to people's lives. For instance:

- Some documents will have substantial financial implications for the people involved.
- Some documents may be used in court proceedings where a person's liberty may be at stake.
- Some documents may ultimately control how a person is treated in hospital or in a nursing facility.

A JP also has authority for the following, all of which can have major impact on people's lives:

- Issue summonses to direct people to attend at court.
- Issue warrants for a person's arrest or to search their property.
- Constitute a court, depending on the jurisdiction, with another JP to carry out specific duties.

Who will use my services?

The services of JPs and Cdecs are in demand by commerce and industry, all levels of government, and the community in general.

You are appointed to serve all members of the community, not just a select few in the organisation in which you work or participate or for the organisation's customers. You should make yourself available to offer your services whenever possible.

Am I allowed to act outside Queensland?

Yes, you may act outside Queensland, as long as the document you are witnessing or the duty you are fulfilling comes under Queensland law (and the document is to be used in Queensland) or Commonwealth law.

For example, you can witness a statutory declaration anywhere as long as it applies to matters under Queensland law and is intended for use in Queensland.

You can also generally witness a Commonwealth document anywhere in Australia, subject to any special provisions required by the legislation that covers such documents.

However, the power of a JP (Qual) or JP (Mag Ct) to constitute a court applies only within Queensland.

When should I be available?

You should always be available to carry out your duties, as people may contact you at any time of the day or night. If you are busy, you can make an appointment for a time that suits both you and the person seeking your services.

If you are unable to find a time that suits you both, refer the person to the online directory to locate another JP or Cdec.

How can people who need my services find me?

The names and contact telephone numbers of all JPs and Cdecs are listed in a private database maintained by us.

We have a directory of JPs and Cdecs who are willing to have their name, qualification, suburb and phone number listed publicly online. You can be included in this public facing list by clicking the appropriate box when you next update your details online.

Other ways to offer your service include:

- volunteer in the JPs in the Community program
- contact your local police station, hospital or other local organisations and advise them of your availability.

www.qld.gov.au/findJP

Resigning from office

If at any time you wish to resign from your position, you can do so by notifying us online or by writing to the JP Branch Director and Registrar.

If, after you resign, you wish to be reappointed as a JP or Cdec, you will need to reapply through your State Member of Parliament and undertake the mandatory training course again.

www.qld.gov.au/resignJP

Moving interstate

There is no requirement for you to resign from your position if you move overseas or interstate, provided you remain registered on the Queensland electoral roll. There are times when people living interstate or overseas need Queensland JPs or Cdecs to witness Queensland or Commonwealth documents.

If you are moving, whether within Queensland or beyond, ensure you notify us online.

www.qld.gov.au/updatejpdetails

How do I update my contact details?

It's easy to update your details online. By updating your details we can keep you informed about dates and locations of professional development opportunities, updates related to your responsibilities, latest news and other matters relating to your role.

www.qld.gov.au/updatejpdetails