

Duties of Justices of the Peace and Commissioners for Declarations handbook

Combined handbook with clear separation of duties

Sections 1 to 4 are relevant to the duties being performed by both Justices of the Peace (JPs) and Commissioners for Declarations (Cdecs). These chapters provide information on the administrative duties for both qualifications.

Sections 5 and 6 relate to the judicial duties of JPs only such as issuing summonses and warrants.

Updated Terminology

The new handbook uses more inclusive terminology by explicitly including Commissioners for Declarations (Cdecs) alongside Justices of the Peace (JPs).

More Detailed Instructions and Procedures

The new handbook simplifies the complexities of new legislation with clear, step-by-step instructions for everyday duties and responsibilities.

Updated FAQs

The frequently asked questions (FAQs) for each chapter have been updated.

Clearer instructions on mandatory legislative requirements

Certain documents have mandatory requirements for JPs and Cdecs and specific references to legislative requirements are now included to clearly show what is required.

Removal of sample forms

All sample forms have been removed from the handbook and are now located [online](#).

This allows the handbook to focus on providing comprehensive content about the witnessing role of JPs and Cdecs and encourages users to obtain forms directly from official sources.

Forms with multiple parts

When a form is in more than one part (e.g. Complaint and Summons), instructions are now provided for each part.

Greater emphasis on General Witnessing steps

Chapter 4.1 now provide JPs and Cdecs with a general procedure that is referenced in all other witnessing chapters.

Updated Quick Guides

Quick Guides have been updated to now only provide the additional witnessing steps required for different documents.

Updated chapters

Previous chapters on *Witnessing blue card applications* and *Witnessing the consent to the marriage of a minor* have been removed.

New chapters have been added on assisting people who have difficulty reading and writing and Issuing production notices.

Section 1 – Introduction

Chapter 1.1 – Welcome to your JP and Cdec handbook

- Updated description of sections. Sections 1 - 4 which relate to both Justice of the Peace and Commissioner for Declarations qualifications. Sections 5 - 6 relate to Justices of the Peace only.

Chapter 1.2 – Services for you

- Added information regarding the Queensland Government Insurance Fund (QGIF) & Queensland Government Indemnity Guidelines.
- Added URL/link to Incident Report Form.
- Removed JP mobile app content.
- Updated Justice Associations content.
- Inserted “Support for JPs and Cdec’s”
- Inserted Justices of the Peace Branch contact details that are referenced in future chapters.

Chapter 1.3 – Terms and acronyms

- Updated list of commonly used terms used throughout the handbook.
- Inserted an updated list of acronyms and abbreviations.

Section 2 – Your role

Chapter 2.1 – Historical and social context of your role

- Refined information about the history of JPs.

Chapter 2.2 – Eligibility and conduct

- Updated qualification for appointment information.
- Updated suitability for appointment information.
- Added disqualifying convictions and exemptions for disqualifying convictions information.
- Updated the *Code of Conduct* as per the provisions of the *Justices of the Peace and Commissioner for Declarations Act 1991*.
- Inserted information about special witnesses approved under the *Oaths Act 1867*.
- Expanded the definition of what is legal advice.

Chapter 2.3 – Your role and responsibilities in the community

- Inserted outlines of both Cdec’s and JP roles and responsibilities.

Chapter 2.4 – Record keeping and logbooks

- Updated confidentiality and recording personal information heading.
- Inserted reference to Chapter 4.11 regarding mandatory record keeping requirements for Titles Registry forms.

Chapter 2.5 – Queensland courts

- Updated Queensland court jurisdictions and JP powers.
- Updated Supreme, District and Magistrate Court summaries.
- Removed summary of Queensland Civil and Administrative Tribunal.
- Expanded list of other courts and tribunals.

Chapter 2.6 – Assisting people from culturally and linguistically diverse backgrounds

- Updated to match current guidelines on assisting people from a culturally and linguistically diverse backgrounds.

Chapter 2.7 – Assisting people with disability

- Updated chapter name and content in line with Whole-of-Government guidelines.
- Moved information about *Assisting a person who is unable to read and write* to Chapter 2.8 (NEW CHAPTER).

Chapter 2.8 – Assisting people who have difficulty reading and writing

- NEW CHAPTER

Section 3 – Certifying copies

Chapter 3.1 – Certifying copies of documents

- Added a definition of what is a document.
- Added instructions on *Certifying digital identity documents*.
- Added information around returning the originals to the person before certifying copies to avoid accidentally certifying the original.
- New FAQ on certifying copies that will be sent overseas.
- Removed Quick Guide.

Section 4 - Witnessing

Chapter 4.1 – Witnessing documents – general procedure

- Updated and reordered general witnessing steps.
- Inserted information about what statements are required on statutory declarations and affidavits. Reference made to Chapters 4.2 & 4.7.
- Inserted reference to substitute signatories.
- Inserted information on when a signatory may withhold certain information on a document due to their safety concerns.
- Updated instructions on marking annexures and referring to Chapters 4.7 & 4.8.
- Updated *Things to bear in mind*.

Chapter 4.2 – Witnessing Queensland and Commonwealth statutory declarations

- Updated chapter name to highlight the difference between Queensland and Commonwealth statutory declarations.
- Inserted information about a Queensland statutory declaration and its use.
- Inserted information about the required statements the statutory declaration must include.
- Inserted statutory obligations and requirements for JPs and Cdecs under the *Oaths Act 1867*.
- Inserted information about the use of substitute signatories and eligibility.
- Inserted new instructions for Commonwealth statutory declarations included as impacted by amendments to the *Statutory Declarations Act 1959*.
- Inserted information about witnessing Commonwealth statutory declarations by video link.
- Inserted FAQs relating to witnessing Commonwealth statutory declarations.

Chapter 4.3 – Camera detected offence notices – statutory declarations

- Removed extract from the *Transport Operations (Road Use Management) Act 1995*.
- Inserted information to include seat belt and mobile phone offenses.
- Added FAQs.

Chapter 4.4 – Witnessing a statutory declaration for an application under the *Domestic and Family Violence Protection Act 2012*

- Updated chapter name.
- Updated the definition of domestic and family violence.
- Inserted *How do I witness a statutory declaration in a protection order application?*
- Inserted *Things to bear in mind*.
- Removed list of forms.
- Inserted instructions on not changing location on forms from “Queensland”.

Chapter 4.5 – Witnessing international, Commonwealth and interstate documents

- Replaces previous Chapter 4.5 – *Witnessing blue card applications*.
- Inserted information about the signatory confirming with the receiving agency prior to having their document witnessed by a JP or Cdec.
- Updated scenarios illustrating the limitation of powers and converted to a table.

Chapter 4.6 – Administering oaths and affirmations

- Updated references to a faith-based higher power to include “God or another Deity”.
- Added FAQ on as using mobile devices for religious oaths (previously a Technical Bulletin).

Chapter 4.7 – Witnessing affidavits

- Inserted statutory obligations and requirements for JPs and Cdecs under the *Oaths Act 1867*.
- Inserted information about the required statements an affidavit must include.
- Inserted information about the use of substitute signatories and eligibility.
- Inserted information about how to endorse annexures and certificates of exhibits.
- Insert example certificate of exhibit marking.

Chapter 4.8 – Witnessing family law documents

- Updated court name to the Federal Circuit and Family Court of Australia.
- Inserted the types of family law matters dealt with by the court.
- Inserted new subheadings – *How do I witness family law documents?* and *What is divorce?*
- Inserted instructions on witnessing *Affidavits of Service by Post and Hand*.
- Inserted information on pagination and page numbering requirements.

Chapter 4.9 – Witnessing general powers of attorney, enduring powers of attorney and advance health directives

- Combined *Enduring Powers of Attorney (EPA)* and *Advance Health Directives (AHD)* information around assessing an adult’s capacity to make an enduring document.
- Updated witnessing steps.
- Combined EPA and AHD Quick Guides.

Chapter 4.10 – Witnessing wills

- Updated FAQs.

Chapter 4.11 – Witnessing Titles Registry forms

- Updated headings to highlight entitlement to sign obligation.

Section 5 – Warrants and summonses

Chapter 5.1 – Issuing summonses

- Updated witnessing instructions and separated into two parts – *Complaint and Summons*.
- Updated headings.
- Inserted new heading *Who can request a summons?*
- Removed information around how the summons is served on the defendant.
- Updated witnessing instructions for witness to only insert their full name on the document if required.

Chapter 5.2 – Issuing a summons or warrant under the *Peace and Good Behaviour Act 1982*

- Inserted instructions about the prescribed forms being in two parts.
- Updated witnessing instructions and separated into two parts – *Peace and Good Behaviour Complaint* and *Peace and Good Behaviour Summons*.
- Removed information about alternative action that a JP can take.

Chapter 5.3 – Issuing search warrants under the *Animal Care and Protection Act 2001*

- Updated chapter name.
- Removed legislation references.
- Inserted instructions on correctly calculating the expiry day and time of a search warrant.
- Updated witnessing instructions and separated into two parts – *Application for a search warrant* and *Search warrant*.

Chapter 5.4 – Issuing search warrants

- Updated witnessing instructions and separated into two parts – *Application for a search warrant* and *Search warrant*.
- Updated description of warrant expiry times and days.
- Updated information around search warrants JPs do not have the authority to issue.

Chapter 5.5 – Issuing arrest warrants

- Updated witnessing instructions and separated into two parts – *Application for an arrest warrant* and *Arrest warrant*.
- Removed legislation heading and information.

Chapter 5.6 – Issuing production notices

- NEW CHAPTER (previously a Technical Bulletin).

Section 6 – Other times JPs may be required

Chapter 6.1 – Attending a record of interview

- Updated definitions of a “support person”.
- Updated steps *How do I conduct myself at a record of interview?*
- Removed references to legislation.
- Inserted additional information on ensuring the child is provided the appropriate assistance.

Chapter 6.2 – Issuing extensions of detention periods

- Updated chapter name.
- Updated witnessing instructions and separated into two parts – *Application for extension of detention period* and *Order for extension of detention period*.
- Inserted additional information about *What is a detention period?*
- Updated subheadings.

Chapter 6.3 – Your powers under the *Customs Act 1901*

- Subheadings updated.
- Updated witnessing instructions and separated into two parts – *Application* and *Order*.
- Inserted *Things to bear in mind*.

Chapter 6.4 – Granting and refusing bail

- Updated definition of bail.
- Updated information around the requirement for two JPs to hear a *bail*.
- Updated subheadings.

Chapter 6.5 – Hearing a bail application

- Updated subheadings.
- Updated steps on hearing an *Application for bail*.
- Updated information around the requirement for two JPs to hear an *Application for bail*.

Chapter 6.6 – Sureties and security

- Updated subheadings.
- Separated instructions for the *Undertaking as to bail* undertaking and *Affidavit of justification*.

Superseded Technical bulletins

As a result of the release of the combined *Duties of Justices of the Peace (Qualified) and Commissioners for Declarations handbook* and updates to the Justices of the Peace Branch website, the following technical bulletins have been removed from the Publications Portal.

- 03/09 – Mentoring guidelines under the “JPs in the Community” program
- 04/09 – Definition of day when considering search warrants
- 10/09 – New incident report form available to download
- 05/10 – Witnessing family law documents
- 03/17 – Queensland Police production notices
- 03/18 – Use of mobile device to administer a religious oath
- 04/19 – Recordkeeping and personal information
- 01/20 – Camera detected infringement notices
- 02/22 – Changes to the Oaths Act 1867
- 01/24 – Witnessing Commonwealth statutory declarations

The following technical bulletins have been removed from the Publications Portal due to the information no longer being relevant/current.

- 08/09 – Introduction of new security paper features by Queensland Registry of Births, Deaths and Marriages
- 11/09 – Muslim women wearing a niqab (veil) or burka requiring identification
- 03/10 – Queensland Civil and Administrative Tribunal
- 02/11 – Witnessing Victim Assist Queensland applications for financial assistance and funeral assistance
- 02/12 – Changes to relationship recognition in Queensland
- 03/14 – Witnessing Tattoo Parlours Act 2013 Applications
- 06/12 – New South Wales Identity Requirements
- 01/17 – Mental Health Act 2016 - Abolishment of Justice Examination Orders
- 03/19 – Land title notice available to download

The following technical bulletins remain on the Publications Portal and will be reviewed at a later date and updated if necessary.

- 02/24 – Amendments to the Justices of the Peace and Commissioners for Declarations Act 1991
- 02/23 – Certifying copies of a Queensland Digital Licence
- 01/23 – Queensland Digital Licence app
- 04/22 – Witnessing Statutory Declarations - Prisoner Photographs
- 03/22 – Certifying documents for Ahpra
- 01/22 – Membership of associations
- 02/20 – Completion of identification forms for financial institutions and other entities
- 01/19 – Use of unauthorised stamps
- 01/15 – Anti-Discrimination and the Role of Justices of the Peace and Commissioners for Declarations
- 01/11 – Volunteers in Policing who are also Justices of the Peace or Commissioners for Declarations