

## 2.1 Historical and social context of your role

As a JP or Cdec you belong to a centuries-old system of voluntary legal officers known as Justices of the Peace.

The office of Justice of the Peace was first established in England by the enactment of a series of statutes in the fourteenth century.

The office of Justice of the Peace was inherited from England when Australia (or, more accurately, the colony of New South Wales) was first settled in 1788. Queensland inherited the office when it separated from New South Wales in 1859.

Today, appointments are made from a wider section of the community. JPs and Cdecs are citizens who are entrusted by their community to take on special responsibilities, from witnessing the signing of documents to hearing certain types of court matters.

Over time, the responsibilities of the JP and Cdec have evolved. In recent years, with the passing of more complex and intricate legislation, JP and Cdec roles have been taken over partly by the appointment of professionally qualified Magistrates. This has not diminished the importance of today's JP or Cdec. In fact, contemporary legislation facilitates greater responsibility for the JP and Cdec role, ensuring legislation objectives are properly and efficiently carried out – witnessing an enduring power of attorney is one example of this.

On many occasions, the JP and Cdec still acts as a check and balance on the powers of state authorities, including the Queensland Police Service. It is the JP's or Cdec's responsibility to exercise discretion in all matters.

### Qualifications and appointments

Before 1991, there was only one level of Justice of the Peace in the Queensland system. The position encompassed a very broad range of duties.

As society and its laws have grown more complex, there has been an increasing need to streamline the JP system and ensure its officers are kept informed.

The *Justices of the Peace and Commissioners for Declarations Act 1991* (the Act) was part of this process. With this Act, the single role of Justice of the Peace was split into three separate positions.

### Commissioner for Declarations (Cdec)

As a Cdec, your role is a purely administrative role. You do not have any judicial function – that is, you do not deal with any type of court process.

### Justice of the Peace (Qualified)

As a JP (Qual), you have all of the responsibilities of Cdecs and also several judicial duties, both 'non-bench' and 'minor bench'. Two JPs (Qual) or one JP (Qual) and one JP (Mag Ct) can constitute a Magistrates Court to deal with specific matters listed further in *Summary of Duties*.

### Justice of the Peace (Magistrates Court)

This role has all of the duties and responsibilities of the previous two roles with an additional power. Two JPs (Mag Ct) can constitute a Magistrates Court to deal with guilty pleas for offences under the *Summary Offences Act 2005* and the *Regulatory Offences Act 1985*.

## Summary of duties

Position	Abbreviation	Duties
Commissioner for Declarations	Cdec	Administrative duties only
Justice of the Peace (Qualified)	JP (Qual)	Administrative duties Non-bench judicial duties Minor bench duties
Justice of the Peace (Magistrates Court)	JP (Mag Ct)	Administrative duties Non-bench judicial duties Some bench judicial duties
Justice of the Peace (Commissioner for Declarations)	JP Cdec	Administrative duties only