

Technical Bulletin: 01/19

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Use of unauthorised stamps

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An underlying principle of the appointment of Justices of the Peace (JPs) and Commissioners for Declarations (Cdecs) is to assist clients where possible and in accordance with any Acts and Justices of the Peace Branch (JP Branch) policies and guidelines to provide witnessing services to the public. This Bulletin confirms the approved stamps that may be used by JPs and Cdecs for witnessing purposes. Defacing clients' documents causes undue stress, inconvenience and unnecessary delays to process clients' documentation by a receiving authority.

Approved stamps

Stamps issued by the JP branch, purchased through the online JP Shop or from a Queensland JP Association may be used by JPs and Cdecs in their duties as witnessing officers. An approved list of stamps follows:

1. Seals of Office as issued by the JP Branch
2. Certified copy stamps (including EPA, last page EPA and multiple page)
3. Exhibit stamps
4. Address stamps
5. Date stamps
6. JP registration number/Name stamps
7. 'For and in the State of Queensland' stamps
8. 'Signature witnessed only' stamps
9. Identity disclaimer stamps

The underlying principle to be observed is that no stamp, mark or wording is to be applied to a client's document that renders the document invalid and unacceptable to the receiving authority.

Who owns the document presented for witnessing?

A document presented for the purposes of witnessing a signature or administering an oath remain at all times, the property of the person who presents it.

Consequences of using an unauthorised stamp?

The deliberate defacing of documents, including tearing up the document may constitute the criminal offence of Wilful Damage under s469 of the *Criminal Code 1899*.

The use of an unauthorised stamp may render that document unusable and may also personally expose the JP or Cdec to a civil liability claim.

The *Justices of the Peace and Commissioners for Declarations Act 1991* (the Act), s36 (1) details the circumstances where an injured person may take action to recover damages or a loss, against a JP or Cdec for an act done in the performance of their duties.



Note that deliberately defacing a document could be classified as an act that the JP or Cdec knows is not authorised by law and/or an act which has been done maliciously and without reasonable cause with respect to s36 1(a) and (b) of the Act. If proven, the Act would offer no protection for a claim against the JP or Cdec's actions by an injured person.

All JPs and Cdec's are urged to observe and comply with the instructions detailing correct witnessing procedures in Section 4 of the JP and Cdec handbooks. If in doubt, contact the JP Branch on 1300 301 147 or jp@justice.qld.gov.au.

Regards,



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