2.1 Historical and social context of your role

As a Commissioner for Declarations, you belong to a centuries-old system of voluntary legal officers known as Justices of the Peace.

In the year 1195, King Richard I introduced a system of peace officers to enforce the 'King's peace'. Any offence against the peace was considered to be an offence against the King himself and was therefore treated severely.

There were travelling judges to deal with offenders but, in 1327, King Edward III introduced the 'peace officer'. Peace officers dealt with minor offences that allowed judges the time to concentrate on the more serious offences. These peace officers were allowed to use the title 'justice' and over the years became known as Justices of the Peace.

The role gradually evolved and spread to the colonies as the British Empire expanded. Traditionally, the people appointed to the office were highly respected members of the community and landed gentry.

Today, appointments are made from a wider section of the community. Cdecs are citizens who are entrusted by their community to take on special responsibilities, including witnessing the signing of documents.

Over time, the responsibilities of the Cdec have evolved. In recent years, with the passing of more complex and intricate legislation, the Cdec's role has been taken over partly by the appointment of professionally qualified magistrates. This has not, however, diminished the importance of the Cdec in today's society. In fact, contemporary legislation is imposing more responsibility upon the Cdec to ensure the objectives of legislation are properly carried out. Witnessing an enduring power of attorney is one example of this responsibility.

The Cdec still acts, on many occasions, as a check and balance on the powers of state authorities, including the Queensland Police Service. So it is the Cdec's responsibility to exercise discretion in all matters when witnessing documents.

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, including administrative (such as witnessing the signing of documents), 'non-bench' judicial (such as issuing summonses and warrants, and attending police records of interview) and 'minor bench' duties (such as adjournments and granting bail). 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 streamlining 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 purely administrative. You do not have any judicial function—that is, you do not deal with any type of court process.

Justice of the Peace (Qualified)

The JP (Qual) has all of the responsibilities of Commissioners for Declarations 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.

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 Justices of the Peace (Mag Ct) can constitute a Magistrates Court to deal with guilty pleas for simple offences.

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
People who were appointed under the pre-1991 system are invited to upgrade to a Cdec or JP (Qual). If this applies to you, contact JP Branch.	JP Cdec	Administrative duties only