

JP Bulletin

Issue 11

Dear Colleagues,

Welcome to the new look JP Bulletin. We know how important the bulletin is for keeping you well informed, so we want to assure you that the content will not change—it's just a new and improved format.

This edition touches on important information around witnessing land title documents and provides an update to the new *Mental Health Act 2016* which was passed in Parliament earlier this year.

The past few months have encompassed some milestones for our team, Queensland Justices of the Peace (JPs) and Commissioners for Declarations (Cdecs).

It's hard to find an Australian who has not had their life influenced positively by the actions of volunteers and so we celebrated the efforts of our volunteers during National Volunteer Week.

We also marked Domestic and Family Violence (DFV) Prevention month in May. Many of our lives have been affected directly or indirectly by DFV. Both initiatives are important. Since August 2015, this department has been working to strengthen the justice system for DFV victims, to further protect them whilst holding perpetrators to account.

I'd like to say a big thank you to all JPs and Cdecs across this great state, and encourage you to read through the bulletin to learn more about topics while gleaning useful hints and tips which could help you.

Warm regards,
Damien Mealey
Registrar and Manager
Justices of the Peace Branch
Department of Justice and Attorney-General



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1. News

National Volunteer Week

JP Branch and its volunteers celebrated National Volunteer Week, which ran from the 9 to 15 May. This week presented JP Branch with an opportunity to acknowledge the hard work and dedication of our 1,745 JPs in the Community Volunteers, who together volunteered 115,032 hours of their time last year. This year's theme was Give Happy, Live Happy, chosen in response to research showing that people who volunteer their time live happier and healthier lives. JPs in the Community volunteers were encouraged to take photos and share their volunteering experiences through social media sites, like Twitter and Facebook—a few of which can be seen in this publication.



The Brisbane Court volunteers being presented their NVW certificate.



The Caneland Central team celebrates NVW.

community.

Some signing sites presented each member with their own certificate. Hervey Bay Courthouse was among these sites. They also threw a morning tea to celebrate the hard work and dedication shown by the JPs and Cdecs. Registrar, Paul Thomas said, "it was a good opportunity to thank our volunteers for the great work they do." All 224 of our signing sites were sent a certificate of appreciation, which was a small token of our thanks for all the hard work they do in the

Land Titles off the plan

We have had recent enquiries about clients who present land titles documents when purchasing property "off the plan" – when a lot or survey plan is not registered yet. Banks encourage their clients to have the Transfer and the Mortgage completed and signed, even if the real property description of the new estate isn't known, in order to proceed to settlement as soon as possible after registration of the plan.



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This makes it virtually impossible for witnessing officers to fulfil their obligations under section 162 of the *Land Title Act 1994* as they are not able to prove the entitlement of the person sitting in front of them to enter into a transaction for that particular property. We encourage witnessing officers to decline to witness and refer the client back to their bank or solicitor so they can sufficiently identify and complete the real property description on the document.

Changes to the *Mental Health Act* – What does it mean for JPs?

In February this year state parliament passed the *Mental Health Act 2016* ushering in a significant change to the role JPs currently play in issuing a justices examination order (JEO). Queensland Health, overseeing the implementation of this new legislation, advise they are working towards commencement of the Act in November 2016. However, this is a matter for government consideration.

Replacing the JEO is an examination authority. Managed by the Mental Health Review Tribunal the examination authority gives power to enter premises and examine a person without consent. The powers exercised under an examination authority are comparable to those exercised under a JEO in the current Act.

A person must seek clinical advice before applying for an examination authority through the Tribunal. Such people may include the administrator of an authorised mental health service or a concerned person.

Comprehensive resources have been generated by Queensland Health's [Mental Health Act Implementation Team](#) to assist with the day-to-day implementation of the new Act including fact sheets, videos and newsletters.

Until the *Mental Health Act 2016* is in effect, it is business as usual for all JPs witnessing JEO's. The [Mental Health Act 2000](#) remains in place. JP Branch will update you as this develops.



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Important JEO update in Brisbane

Metro South Addiction and Mental Health Service advise that from Monday, 6 June 2016 the Metro South (Princess Alexandra Hospital (PAH), Logan Hospital and Redland Hospital) Mental Health Act teams will be relocated to Garden City Office Park at Eight Mile Plains. All JEOs that would normally be sent to either PAH, Logan or Bayside Mental Health Services should now be sent to the new location:

Garden City Office Park
Building 23
2404 Logan Road
Eight Mile Plains Qld 4113
Telephone: 3156 9897 or 3156 9897
Email: MHAct_Delegate_PAMHS@health.qld.gov.au

For regional areas, it will be business as usual in terms of contacting your local Mental Health Act team to enact a JEO, except in the event where a JEO requires enacting by a Metro South Authorised Mental Health Service.

Are you a long serving JP or Cdec?

The JP Branch appreciates the hard work and dedication provided by all JPs and Cdecs who deliver a valuable service to the community.

A way of acknowledging our appreciation is by offering 25, 40, 50 and 60 year service awards. You can apply for a service award via our online tool at www.qld.gov.au/jplongservice or by contacting your local [State MP](#) online at www.parliament.qld.gov.au. They can then nominate you to receive an award from the Attorney-General.

It is helpful for processing purposes if you have your original date of appointment (or a rough idea) to assist with establishing your date of appointment.

Legal Aid webinar

Webinar is the abbreviation for a web-based seminar, as those who logged in to view the latest professional development opportunity were made aware of. JP Branch and Legal Aid Queensland (LAQ) worked closely to deliver this important step forward in delivering professional development to all JPs and Cdecs. We would like to thank all

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those who made the time to join in and learn about LAQ and their services. Over 500 JPs and Cdecs from Weipa to Melbourne participated, proving how important opportunities like this are at being able to reach such a vast area. For those who were unable to join in, the webinar was recorded and will be made available in due course. Thank you to Patrick O'Brien, Criminal Law Services Coordinator at LAQ for presenting this wonderful webinar.

JP Branch at Homeless Connect

This May, Brisbane City Council hosted their annual Homeless Connect day. Since 2006 over 14,000 people have been helped by Homeless Connect, an event which brings together businesses and community groups to give free services to those who are at risk of or experiencing homelessness.

JP Branch was joined by other key areas of community justice services including Victim Assist Queensland, Office of the Public Guardian, Legal Aid Queensland and the Registry of Births, Deaths and Marriages. Events like these are important opportunities to engage with the public and deliver information about services provided.



Follow us on Facebook and Twitter

Did you know the Department of Justice and Attorney-General is using Facebook and Twitter? This is another great way for us to keep you up to date with news from the JP Branch and the Department of Justice and Attorney-General. Follow us [Facebook.com/justiceQLD](https://www.facebook.com/justiceQLD) or [Twitter.com/justiceQLD](https://www.twitter.com/justiceQLD)

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2. Professional development

Are you in need of brushing up on your witnessing skills and knowledge? Register for any of the JP and Cdec workshops on the JP Branch online calendar at

<https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/jp-and-cdec-information/professional-development>.



Workshops to take place in the coming months include:

South Brisbane:

- Traffic Camera Office, 11 August
- Volunteer Information Session, 16 August
- Public Trustee, 23 August
- Records of Interview, 6 September
- Land Titles Registry, 13 September
- Mentoring, 15 September
- Family Law Documents, 20 September
- Australian Border Force, 22 September.

Townsville:

- Mentoring, 26 July
- Traffic Camera Office, 1 August
- Public Trustee, 2 September
- Fraud and Cyber Crime, 10 October.

Regional

Proserpine: Office of the Public Guardian, 15 September

Bowen: Office of the Public Guardian, 15 September

Ayr: Land Titles Registry, 16 September

Charters Towers: Land Titles Registry, 13 October.

To register for these or any of the other workshops please visit

<https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/jp-and-cdec-information/professional-development>.

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On the road

Damien and Belinda have spent the last few month's visiting regional areas in Queensland to deliver professional development workshops. From Cairns to Mareeba, up to Mossman they met with local JPs and Cdecs in April before travelling down to Mackay, Bowen and Proserpine in May before finally making their way out west to Mount Isa in early June.

We would like to extend a thank you to courthouses in these towns that accommodated us and showed us a warm welcome throughout our stay.

The month of May was also Law Week and Domestic & Family Violence Prevention month. To help acknowledge these events Townsville hosted a number of workshops with guest speakers from Aboriginal and Torres Strait Islander Legal Service and Queensland Police Service before holding an important workshop on Domestic and Family Violence.

Community Engagement officers Greg Thompson and Brendon Balogh recently returned from a productive trip to Bundaberg and Maryborough. Greg and Brendon travelled north from Brisbane to deliver professional development workshops to local JPs and Cdec, all of which were well attended.

"It is important to remember that regional JPs and Cdecs don't have the same access to professional development workshops that those living in and around Brisbane do, so ensuring that we get to these areas is a high priority for the JP Branch", said Brendon.



Professional Development session at Bowen Courthouse for local volunteer JPs and Cdecs.
Photo – Eve Reitmaier – Bowen Independent Newspaper

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3. JPs in the Community

JP Branch would like to take this opportunity to thank all those who volunteer in the JPs in the Community program. Thanks to the co-operation of our program volunteers we now have 1,745 registered volunteers, including 150 who are members of the JP Branch mentoring program. Our sincere thanks to everyone who participated, adding their expertise and knowledge to local community.



The long service award recipients from the Toowoomba Seminar.

If you are a volunteer in the program and have yet to return your completed volunteer registration form, we ask for your co-operation in doing so at your earliest convenience. If you're uncertain as to whether or not you have returned your form, or if you haven't received a form, please contact us on 1300 301 147 or email ipsinthecommunity@justice.qld.gov.au.

If you would like to know more about volunteering in the program please email us or call our Community Engagement Officers, Greg Thompson and Brendon Balogh, on 1300 301 147. We are always pleased to hear from any of our colleagues interested in joining our JPs in the Community program.

JP Branch mentoring program

The JP Branch mentoring program provides an opportunity for all JPs and Cdecs to work with experienced JPs and Cdecs to further their skills and knowledge. Learn more about what to expect from your mentor and what is expected of you at www.qld.gov.au/jpmentor. If you would like more information in relation to the mentoring program please contact us by phone or email.



The team at Mount Pleasant Shopping Centre.

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Signing sites

The JPs in the Community program has now grown to 226 signing sites.

In May a new signing site opened at the Ipswich Hospital which operates every Monday from 10:00am to 11:00am, with an inpatient service available between 11:00am and 12:00pm.

In July a new signing site opened at the USQ Ipswich and Springfield campuses, both operate every Wednesday, 12:00pm to 2:00pm.



Natalie (Deputy Registrar), Brenda, Ray, Stephanie and Sandra (volunteers) from the Hervey Bay Courthouse.

The site at Whitsunday Plaza Shopping Centre has now moved to the Cannonvale Library due to a fire that had damaged the centre. This site now offers service Tuesday, 11:30am to 2:30pm and Thursday 1:30pm to 4:30pm.

A big congratulations to Station Square Shopping Centre in Maryborough for recently celebrating 10 years in the JPs in the Community Program. Greg and Brendon attended the celebrations while in the region delivering professional development workshops.

“It is always a pleasure to celebrate milestones, particularly ones which have such an amazing benefit for the community,” said Greg. “What stood out in Maryborough was that most of the foundation volunteer team attended the celebration, and most were still volunteering at the site.”

Profile: An AM in our midst

Imagine being told you were being awarded one of Australia’s most prestigious awards, only then to be informed you are not allowed to tell anyone. This is exactly what happened to JPs in the Community Volunteer, Paula Penfold AM. “Out of the blue I received a letter from Government House informing me I had been nominated for an award and would I be prepared to accept it,” said Paula. “While the letter stated that I had been nominated for an award, it did not tell me which award it was or whom the nomination came from. I still have no idea who nominated me.”

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A few months later Paula received notification she had been made a Member of the Order of Australia for significant service to the community through support for people with Muscular Dystrophy, to child ethical standards, and to medical research. This letter also stipulated that she could not tell anyone until the official Australia Day Honours lists announcement.

“I was part of a team looking into endocrine/ muscular disorders, and I had a lot to do with people living with muscular dystrophy,” said Paula. “I recognised there was a need for a support network for patients and their families so I co-founded the Muscular Dystrophy Association of Queensland in 1980 with a group of like-minded parents. I am a life member of the association.”



Paula is also a member of the Human Research Ethics Committee at Lady Cilento Children’s Hospital, and The Brisbane Royal Children’s Hospital prior to that. She was officially presented with her AM by his Excellency the Honourable, Paul De Jersey, at a ceremony at Queensland Government House on 12 May. Despite her new baubles and titles, Paula still volunteers every week in the JPs in the Community Program at South Brisbane. “I love volunteering as a JP, and think this is a valuable service to the community,” said Paula. “You get to meet and help new and interesting people every day.”

JP under the magnifying glass

Karalise Goodwin JP (Qual) and presenter for land titles workshops for South Brisbane

When I was appointed in 1994 I wanted to give back to the community and build up my confidence and social skills. My other “job” at the time was as an Administrative Officer for the then Department of Lands within the Titles Office. While I was excited about my new appointment I was promptly advised that “You know that you cannot witness any Titles forms as it is a conflict of interest don’t you?” I had not realised this was the case but it has now become almost an automatic part of my response to check that someone isn’t dealing with Titles Registry forms when asked about my JP services.

Being a JP in a largish office has allowed me to touch the lives of colleagues in unexpected ways. I see their joy as they ask me to certify copies of birth certificates

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for a much wanted child or see their grief as I certify copies of a parent's death certificate. I hear their excitement about overseas travel plans when I sign passport application forms and inwardly nod with approval as they plan for the future by creating a Power of Attorney.

For the past several years I have been part of a team which delivers professional development on Titles Registry forms to participants at the JP Branch office in South Brisbane. These workshops are held a few times a year and I enjoy their interactive nature although it took quite a while to get even remotely comfortable with public speaking! Each presentation I take the opportunity to thank JPs for the work they do in assisting our office do its job. Over 60% of the 700,000 odd documents that come through my office door each year have been touched in some way by a JP or Cdec and in return the JPs and Cdecs sometimes receive abuse from under-prepared clients. Part of the enjoyment I get about doing these refresher workshops is helping other JPs understand their role in relation to witnessing Registry forms and supporting them to find ways to help their clients. If I hear of interesting or useful anecdotes shared in these sessions I try to incorporate them into the next presentation to pass on to others.

After most training sessions I also come away with new issues or questions that JPs are facing as modern life evolves. Helping find solutions to them is another of the things I enjoy about being part of the training team at Titles. While being a JP hasn't quite turned out as I had expected, I certainly wouldn't change it!



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4. Tips and techniques

Certifying Copies

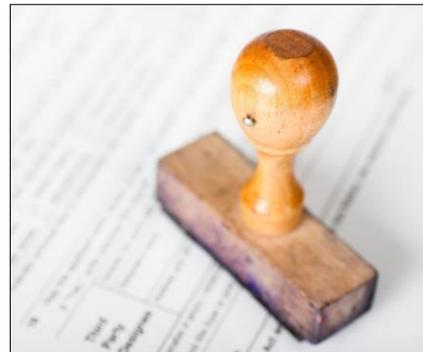
Certified copies are the bread and butter of JP service, but sometimes they can be a little more complicated than a simple stamp, sign and slide back across to the client.

The most important thing to remember when certifying a copy is just that – you are certifying that paper A is a duplicate of paper B.

What if it isn't in English?

Try not to get caught up in the content of the document, especially if you are presented with a document in another language. You are not required to translate the document or to certify the translation but you are required to confirm that a document is an exact copy of another.

One technique for foreign language documents is to spot check for words or characters from the original to the copy. We recommend finding three or four consistent points per page. Also look at the patterns of white space on the page as this can be an easy indication that two pages are not the same.



What if they don't have the original?

In some situations, you may be presented with a document that is a copy or a certified copy where the client says that the original no longer exists. While you are not able to certify this as a copy of an original, you are able to certify this as a copy of a copy. Best practice is to amend the wording of the stamp to reflect what you have done. Some of the older stamps ask you to list your 'title', while the newer ones ask for your name. You should record your name regardless of which stamp you are using.

You can also certify the document as a download.^[1] To do this, you must view the original content in a form that cannot be edited – i.e. on a phone, tablet or laptop

^[1] A download is not defined under Queensland legislation.

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screen displaying a website, an online statement or a PDF that you are satisfied looks authentic.

You may sometimes be asked to certify an object as there is no legislation that defines what you can and cannot certify. You can do this by editing the text of the stamp to acknowledge that you have sighted the original object – one example of this would be certifying that a person has received an award or plaque where a certificate was not provided.



If there are multiple forms of ID on one page, can I just seal once?

The JP Branch recommends that you provide one seal for each form of identity that you sight, despite the fact that they are on one sheet of paper. You would have to do it multiple times if they were on multiple sheets of paper so attaching multiple seals complies with best practice.

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Acceptable forms of identification

What is identity?

A person's identity in Australia is established at birth with the creation of a Registry of Births Deaths and Marriages record that details unique information about an individual. This can include name, date and place of birth. For people not born in Australia, their identity is generally established from personal details recorded on Australian Border Force (ABF) documents.

Do I have to request identification?

When carrying out your role as a JP or Cdec, it is advisable, but not always mandatory, to ask for proof of identity.

It is particularly important to do so if you are not satisfied as to the identity of the person claiming to be the signatory, or where the document relates to ownership of property. (Note that you can only request, not demand, proof of identity unless it is one of the requirements of the document itself, or unless you have good grounds for doubting the signatory's identity).

Remember to keep detailed records in your logbook, as it will help you recall information should you be called upon to give evidence if a document is challenged in court. However identifying particulars should not be included in your logbook (i.e. drivers licence number or passport numbers).

What forms of identification can I accept?

There are a number of documents produced by government agencies which help verify people's identity, such as Australian Passports and drivers licences, but you can accept other forms of identification such as the following:

Keypass Identity Card

Eligible applicants can apply to have this card issued at an Australia Post outlet. The Keypass identity card shows a photo, surname, given names, address, date of birth and signature.



For more information please visit: www.auspost.com.au

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ImmiCards

ImmiCards are issued by ABF to visa holders or non-visa holders who do not have, or cannot obtain a passport recognised by the Australian Government. They show a photograph, surname, given names, date of birth and gender.



For more information please visit: www.border.gov.au

What other identification can I accept?

To positively identify an individual you can use either a form of photo identification or a combination of community and home address evidence.

Personal/ photo	<ul style="list-style-type: none"> -Australian passport (including Ordinary, Frequent traveller, Diplomatic, Official and Emergency) -Australian Defence Force photo identity card 	<ul style="list-style-type: none"> -Australian secondary or tertiary student photo identity document -Commonwealth or state/territory government photo identity card -ABF ImmiCard -Australian drivers licence 	<ul style="list-style-type: none"> -Firearms licence -Foreign passport -QPS photo identity card -Security Guard/Crowd Control photo licence
Community	<ul style="list-style-type: none"> -Medicare card -Entitlement card from federal or state government 	<ul style="list-style-type: none"> -Debit or credit card -School or other educational report from the last 12 months 	<ul style="list-style-type: none"> -Full birth certificate -Identity document from the passport office
Home address evidence	<ul style="list-style-type: none"> -Gas, electricity, home phone, car registration or rates account 	<ul style="list-style-type: none"> -Bank statement -Rent or lease agreement 	<ul style="list-style-type: none"> -Driver licence renewal notice

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Quick Tips

Camera detected offence notice statutory declaration

Recently the JP Branch has received correspondence pertaining to the witnessing requirements for camera detected offence notice statutory declarations. This is a quick guide on what you need to remember when witnessing these documents;

1. Name and address of declarant: the declarant is to complete this section if:
 - a. they are the owner of the vehicle but were not the driver at the time of the offence; or
 - b. they are completing the statutory declaration on behalf of a company and are authorised to do so by the company; or
 - c. they were the driver of the vehicle at the time of the offence.
2. Particulars of the person: if the declarant is the owner of the vehicle but was not driving at the time of the offence, they are to nominate the driver of the car at the time of the offence. If the declarant is self-nominating then they must record their full particulars.
3. Residential address: this must be the residential street address of the person in charge of the vehicle at the time of the offence and not a postal or employment address.
4. Signature of declarant: do not accept a document where this has been pre-signed. If it has been pre-signed cross or white out the signature, get the declarant and witnessing officer to initial any changes and get the declarant to re-sign.
5. Witnessing officer: this section must be signed by the witness before whom the statutory declaration is declared and signed.
6. Date: ensure the statutory declaration is dated the same day that it has been signed and witnessed.
7. Details of witness: the witness must print their full name (including middle name/s, not initials), title/qualification e.g. JP (Qual) or Cdec and registration number. If the witness has a seal of office, this may be placed adjacent to this field but is not mandatory. Ensure the seal does not obscure or cover any information inserted into the document (wet ink).

Refrain from providing opinions or offering advice to persons completing these statutory declarations. For example, if the 28 day return period has lapsed, it is not the witness's role to advise the declarant whether to complete the document or not.

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For further information about these statutory declarations and future reference please visit the Queensland Police Service website at www.police.qld.gov.au/programs/roadSafety/infringement/statdec.htm.

Don't forget:

- White-out is acceptable on the statutory declarations as long as each section that has been amended is initialled by both parties
- Ensure there is no conflict of interest when signing e.g. not a police service employee
- Do not concern yourself with the photo evidence or the due date.



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5. Acknowledgement of long service awards

JP Branch wishes to acknowledge the following JPs and Cdecs for their dedicated service to the community.

To apply for a long service award you can use our online tool at www.qld.gov.au/jplongservice or contact your local [State MP](#) who will nominate you for an award from the Attorney-General. We would appreciate if you could have your original date of appointment (or a rough idea) to assist with establishing your date of appointment.

The following people have recently been nominated and presented with their

60 year-long service award:

- Barbara Lynch
- Aubrey Warrener

50 year-long service award certificates:

- Thomas Bryant
- Keith Carroll
- Ralph Davies
- Graham Evans
- Helen Guy
- Robin Langridge
- Michael Lunney
- Thomas May
- Alan Steen
- Hank Voss
- Robin Yarrow



Other recent recipients of 40 and 25 year-long service awards are listed below.

Thank you to all of our long serving JPs and Cdecs for your years of service to the community.

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40 Years of service

Mervyn	Abbott	Robert	Possingham
Trevor	Brigden	Ralph	Powell
Leslie	Bryant	Mervyn	Priestley
Vincent	Corbin	Hugh	Robinson
James	Cox	Trevor	Roebig
Ian	De Courcey	Kenneth	Scott
Joan	Edmunds	Clarence	Sheraton
William	Johnson	Glen	Sowman
Peter	Kirkwood	Wallace	Taylor
David	McCowan	Russell	Valentine
Robert	Newton	Denise	Vokes
David	Pink		

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25 Years of service

Wayne	Ah Boo	Robert	Johnson
Stephen	Auer	Glenn	Jones
Jill	Bolen	Kate	Kunzelmann
Hugh	Brown	Suzanne	Luskie
Pamela	Bruce	Helen	Manson
Gregory	Buckley	Peter	Manuel
Colin	Bunter	John	McDougall
John	Cairncross	Robert	McGrigor
Patrick	Charlwood	Alba	Musumeci
Michael	Clerke	John	Newton
Kevin	Daly	Anthony	Norman
Stephen	Davidson	David	Pahlke
Richelle	Davy	Jennifer	Richardson
Daryl	Dawes	Christopher	Richardson
Kathryn	De Brenni	Maree	Robbins
Anthony	Deluca	Jennifer	Rolland
Peter	Devlin	Lynnette	Rostirolla
Yvonne	Downes	Anthony	Ryan
Paul	Fielder	Norman	Shaw
Clive	Finter	Daniel	Smith
Gordon	Goebel	Kenneth	Stoodley
Robert	Gray	Edward	Stott
Donna-Maree	Gray	Robert	Taylor
Steven	Griffin	Joseph	Vickers
Elizabeth	Ham	Alan	Waters
Leo	Hansen	Margaret	Weise
Graham	Hendy	Michael	Whipps
Martin	Hirsch	Glenda	Wickman
Sandra	Hooper		