

Queensland



**JUSTICES OF THE PEACE
AND COMMISSIONERS FOR
DECLARATIONS
LEGISLATION
AMENDMENT ACT 1996**

Act No. 40 of 1996

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DECLARATIONS LEGISLATION
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Queensland



**Justices of the Peace and Commissioners for
Declarations Legislation Amendment Act 1996**

Act No. 40 of 1996

**An Act to amend the *Justices of the Peace and Commissioners for
Declarations Act 1991*, and for other purposes**

[Assented to 1 November 1996]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Justices of the Peace and Commissioners for Declarations Legislation Amendment Act 1996*.

PART 2—AMENDMENT OF THE JUSTICES OF THE PEACE AND COMMISSIONERS FOR DECLARATIONS ACT 1991

Act amended

2. This part amends the *Justices of the Peace and Commissioners for Declarations Act 1991*.

Amendment of s 3 (Interpretation)

3. Section 3, definition “Council”—
omit.

Replacement of ss 4–11

4. Sections 4 to 11—
omit, insert—

‘Advisory council

‘4.(1) The Minister may establish an advisory council to advise the Minister in the administration of this Act.

‘(2) The advisory council is to consist of the members appointed to the council by the Minister.

‘(3) When appointing members to the council, the Minister must have regard to—

- (a) a person’s knowledge of the roles and functions of justices; and
- (b) the special interest, knowledge or experience a person may bring to the council, including, for example, a special interest in, or knowledge or experience of—
 - (i) the needs of particular areas of the State, including rural and remote areas, to be serviced by justices and the special needs of justices servicing the areas; or
 - (ii) the needs of Aboriginal or Torres Strait Islander communities to be serviced by justices and the special needs of justices servicing the communities.

‘(4) The advisory council is to meet at the times and conduct its proceedings in the way directed by the Minister.

‘(5) In this section—

“**justices**” means justices of the peace and commissioners for declarations.’.

Amendment of s 16 (Qualifications of office)

5.(1) Section 16(1)(c), ‘unless’—

omit.

(2) Section 16(2), from ‘a retired Magistrate’ to ‘a Magistrate’—

omit, insert—

‘a lawyer’.

Amendment of s 19 (Justices of the peace and commissioners for declarations by virtue of office)

6.(1) Section 19(1), ‘and for so long as the person holds the office,’—

omit.

(2) Section 19—

insert—

‘(1A) A person who has retired, or resigned, from office as a Supreme Court or District Court judge or a magistrate is, without further appointment, a justice of the peace.’

(3) Section 19(4), from ‘(magistrates court)’ to ‘1 November 1996’—

omit, insert—

‘(magistrates court) while the person continues to be employed as a public service officer in an office of the Supreme Court, a District Court or a Magistrates Court’.

Insertion of new s 24A

7. After section 24—

insert—

‘Change in person’s office

‘24A.(1) This section applies if a person holding office (the “**existing office**”) as an appointed justice of the peace or appointed commissioner for declarations is later appointed to hold office (the “**later office**”) as—

- (a) for an appointed justice of the peace—an appointed justice of the peace of another category or an appointed commissioner for declarations; or
- (b) for an appointed commissioner for declarations—an appointed justice of the peace.

‘(2) The registrar is to remove the person’s name from the register as the holder of the existing office and insert an entry that the person holds the later office.

‘(3) When the entry is made, the person stops holding the existing office

and holds the later office.

‘(4) This section does not apply if section 42 or 44 applies.¹’.

Amendment of s 27 (Return of certificate of registration and seal of office)

8. Section 27(1), ‘by virtue of a provision of this Act other than section 17(c)’—

omit, insert—

‘under section 17(a), (b) or (d)²’.

Amendment of s 42 (Justice of the peace (commissioner for declarations))

9.(1) Section 42(1), ‘If at the expiration of 5 years from the commencement of this Act’—

omit, insert—

‘If at 30 June 2000’.

(2) Section 42—

insert—

‘**(3)** Subsection (1) does not apply to a lawyer.’.

¹ Sections 42 and 44 already provide transitional arrangements for certain office holders becoming justices of the peace (commissioner for declarations) and commissioners for declarations.

² Section 17 (Disqualification from office)

PART 3—AMENDMENT OF THE ELECTORAL ACT 1992

Act amended

10. This part amends the *Electoral Act 1992*.

Amendment of s 58 (Commission to keep electoral rolls)

11. Section 58—

insert—

‘(3A) Each electoral roll may also set out, for each person who holds office—

- (a) as a justice of the peace—the initials ‘JP’ after the person’s name;
or
- (b) as a commissioner for declarations—the initials ‘Cd’ after the person’s name.’.