



Queensland

*Justices of the Peace and Commissioners for Declarations Act
1991*

Justices of the Peace and Commissioners for Declarations Regulation 2017

Current as at 1 April 2024

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Justices of the Peace and Commissioners for Declarations Regulation 2017

Contents

		Page
1	Short title	3
2	Commencement	3
3	Dictionary	3
4	Application for appointment	3
7	Oath or affirmation for commissioner for declarations	5
8	Certificate of oath or affirmation	5
8A	Approval of code of conduct—Act, 31G	5
9	Training course while in office	5
10	Application by transitional office holder to become commissioner for declarations	6
11	Approved forms	6
12	Fees	6
12A	Rounding of amounts expressed as numbers of fee units	6
13	Continuing application of expired regulation to existing applications	7
14	References to expired regulation	7
Schedule 1	Fees	8
Schedule 2	Dictionary	9

Justices of the Peace and Commissioners for Declarations Regulation 2017

1 Short title

This regulation may be cited as the *Justices of the Peace and Commissioners for Declarations Regulation 2017*.

2 Commencement

This regulation commences on 2 September 2017.

3 Dictionary

The dictionary in schedule 2 defines particular words used in this regulation.

4 Application for appointment

- (1) This section applies in relation to an application for appointment under section 15A(1) of the Act.
- (2) The approved form for the application must—
 - (a) include provision for the member of the Legislative Assembly for the electoral district in which the applicant lives (the *local member*) to nominate the applicant for appointment; and
 - (b) include provision for a person mentioned in subsection (3) to nominate the applicant for appointment; and
 - (c) state that a nomination mentioned in paragraph (b) may be completed instead of a nomination by the local member if, because of time, distance or business reasons, it is inconvenient for the applicant to call on the local member.
- (3) For subsection (2)(b), the persons are—

- (a) if the applicant seeks appointment to perform functions in a financial institution or insurance office (the *institution*)—the general manager of the institution; or
 - (b) if the applicant seeks appointment to perform functions in a department or Commonwealth department—the chief executive of the department or Commonwealth department; or
 - (c) if the applicant does not seek appointment to perform functions in an institution, department or Commonwealth department—a member of a parliament in Australia.
- (4) The approved form must include provision for the nominator to state each of the following—
- (a) if the nominator is the local member—the nominator is satisfied the applicant lives in the nominator’s electoral district;
 - (b) if the nominator is a person mentioned in subsection (3)(a) or (b)—the reason it is more convenient for the applicant to be nominated by the general manager of the institution, or by the chief executive of the department or Commonwealth department, than to call on the local member;

Example of a reason for paragraph (b)—

The applicant works during business hours.

- (c) whether the applicant is suitable for appointment having regard to the applicant’s character and standing in the community.

- (5) If the applicant has completed a pre-appointment training course, the application must be accompanied by evidence to the satisfaction of the chief executive that the applicant has completed the course.
- (6) In this section—

electoral district means an electoral district under the *Electoral Act 1992*.

pre-appointment training course see section 16(3) of the Act.

7 Oath or affirmation for commissioner for declarations

Before a person performs any of the functions of office as a commissioner for declarations, the person must—

- (a) take an oath of office in the following form—

‘I, _____, do swear that I will truly and honestly discharge all the duties of a commissioner for declarations according to the best of my knowledge and ability.

So help me God!’; or

- (b) make an affirmation of office in the following form—

‘I, _____, do solemnly and sincerely declare and affirm that I will truly and honestly discharge all the duties of a commissioner for declarations according to the best of my knowledge and ability.’.

8 Certificate of oath or affirmation

- (1) The person before whom an oath or affirmation mentioned in section 20(1) or (5) of the Act is taken or made must complete a certificate in the approved form relating to the taking or making of the oath or affirmation.
- (2) The certificate must be given to the registrar in the way stated in the approved form.

8A Approval of code of conduct—Act, 31G

For section 31G of the Act, the code of conduct called ‘Justices of the peace and commissioners for declarations code of conduct’, made by the chief executive on 7 February 2024, is approved.

9 Training course while in office

- (1) This section applies if the chief executive approves, under section 32 of the Act, a training course that is to be completed by a person or class of person while holding office as an

appointed justice of the peace or appointed commissioner for declarations.

(2) The chief executive may, by notice given to an appointed justice of the peace or appointed commissioner for declarations, require them to give the registrar notice of the completion of the course within a stated period.

(3) In this section—

notice means written notice.

10 Application by transitional office holder to become commissioner for declarations

An application under section 44 of the Act must be—

- (a) in the approved form; and
- (b) accompanied by the fee stated in schedule 1, item 3.

11 Approved forms

The chief executive may approve forms for use under the Act.

12 Fees

- (1) The fees payable under the Act are stated in schedule 1.
- (2) The Minister may exempt a person or class of person from payment of a fee under the Act.

12A Rounding of amounts expressed as numbers of fee units

- (1) This section applies for working out the amount of a fee expressed in this regulation as a number of fee units.
- (2) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded—
 - (a) if the result is not more than \$100—to the nearest multiple of 5 cents (rounding one-half upwards); or

- (b) if the result is more than \$100 but not more than \$1,000—to the nearest multiple of 10 cents (rounding one-half upwards).

Example for paragraph (a)—

If a fee were 35 fee units and the value of a fee unit were \$1.015, the number of dollars obtained by multiplying 35 by \$1.015 would be \$35.525. Because \$35.525 is halfway between \$35.50 and \$35.55, it is rounded upwards, so the amount of the fee would be \$35.55.

13 Continuing application of expired regulation to existing applications

- (1) This section applies if an application for appointment under the *Justices of the Peace and Commissioners for Declarations Regulation 2007* (the ***expired regulation***) was made, but not decided, before the commencement.
- (2) The expired regulation continues to apply to the application.

14 References to expired regulation

- (1) In a document, a reference to the expired *Justices of the Peace and Commissioners for Declarations Regulation 2007* may, if the context permits, be taken to be a reference to this regulation.
- (2) Subsection (1) does not limit the application of the *Acts Interpretation Act 1954*, section 14H.

Schedule 1 Fees

section 12(1)

	Fee units
1 Application for appointment under section 15A(1) of the Act by a person currently holding office as—	
(a) an appointed justice of the peace not mentioned in paragraph (c)	35.10
(b) an appointed commissioner for declarations	35.10
(c) a justice of the peace (commissioner for declarations) under section 42(1) of the Act	49.40
2 Application for appointment under section 15A(1) of the Act by a person not mentioned in item 1	136.70
3 Application under section 44(1) of the Act by a person currently holding office as a justice of the peace (commissioner for declarations) under section 42(1) of the Act	49.40
4 Certificate of registration under section 21(7) of the Act	13.70
5 Replacement seal of office	26.05

Schedule 2 Dictionary

section 3

appointment means appointment as a justice of the peace or commissioner for declarations.

approved form means a form approved under section 11.