



ID Laws Amendment Bill 2013
Submission 003

25 October 2013

Research Director

Legal Affairs and Community Safety Committee 41 009 666 559

Parliament House

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QUEENSLAND JUSTICES ASSOCIATION

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Attention: Ian Berry MP – Chairman of the Committee

Dear Mr Berry

RE: IDENTIFICATION LAWS AMENDMENT BILL 2013

Thank you for giving us the opportunity to respond to the proposals for this bill.

As you are aware, Justices of the Peace and Commissioners for Declarations are required to satisfy themselves as to the identity of a person when witnessing their signature. They are required to further identify that the person also has the relevant interest in property for land title documents and determine a person's capacity for Powers of Attorney.

In principle, we support that a person must remove face coverings for the purpose of identification.

If the face covering is there for religious or cultural reasons, we support the provision of a Justice of the Peace or Commissioner for Declarations who is able to see the person without the face covering. For example, in a public signing facility, a female JP or C.Dec should have access to a discreet location where they can take a female client with the face covering to see their face matches their photo ID, and then return to the public facility to sign the document. If none are available at that time, then an appointment should be made with a suitable JP or C.Dec.

We do not support JPs and C.Decs being forced to sign documents where they cannot feel satisfied as to the identity of the person, or their relevant interest in property or if there is doubt that a person has capacity or they are being unduly influenced by others.

We are aware that NSW Statutory Declarations provide options where a JP can declare they have NOT seen the person's face.

As JPs and C.Decs in Queensland not only witness statutory declarations, but also land title and Power of Attorney documents, it may be impractical to add these clauses to all of those documents, whilst also expecting a JP or C.Dec to determine capacity (which is based on being able to speak clearly to a person, see their facial expressions and body language etc).

If you have any further questions in relation to our comments, please do not hesitate to contact our office.

Yours sincerely

Queensland Justices Association

Ray Burrows

President