

Honorary Justice Services Support

Honorary Justice Practice Note Two

Issued March 2023

Background

The *Land Title Act 1994 (Queensland)* deals with the ownership and use of real estate property in Queensland. Under Queensland Legislation, Justices of the Peace (JP) in Victoria are recognised as authorised witnesses for documents relating to this Act. JPs must follow the requirements according to the Queensland Legislation.

With effect from 20 February 2023, electronic conveyancing (eConveyancing) is mandatory in Queensland for certain titling instruments ('required instruments') – some exemptions apply.

Honorary Justices Services Support has received enquiries from JPs regarding the requirements and ramifications when witnessing documents relating to Queensland's *Land Title Act 1994*.

Justices of the Peace must be aware of their obligations under section 162 of the *Land Title Act 1994*. Authorised witnesses must take reasonable steps to verify the identity of the signatory, take reasonable steps to ensure the individual is entitled to sign the document, and retain records for a period of seven years.

Advice

Justices of the Peace in Victoria are able to certify documents according to Queensland Legislation. The Justice of the Peace is required to keep records for seven years. Hardcopy or electronic versions can be used for storage purposes. A Justice of the Peace must be able to produce the information at any given time within those seven years if requested by the Queensland Government.

The introduction of eConveyancing is expected to significantly reduce the requirement for manually signed documents.

In the event a Justice of the Peace resigns from their role within the seven-year period, they must still retain a record of the information. Failure to produce a record upon request from the Queensland Government may result in a penalty. Penalties for individuals are unlikely when they have acted in good faith. If a Justice of the Peace does not feel comfortable signing a document, they can refuse to do so.

Note – For more information and advice regarding privacy and confidentiality in your role as a JP in Victoria, please refer to section 4.4 of the Justice of the Peace Handbook 2022.

Actions Required

Justices of the Peace must be aware of their obligations under section 162 of the *Land Title Act 1994 (QLD)* including the recording of information and the ability to produce documents upon request.

JPs are to keep individual records of Queensland Land Title transaction for seven years. Record-keeping must not be shared among JPs.

Support

If you have any questions, please contact Honorary Justice Services Support via email jp@justice.vic.gov.au or phone 03 9136 3415

Attachments

01 – QLD Logbook authorised witness record-keeping