

Notary Public Services

This article explains the role of a Notary Public and the services that a Notary Public provides.

A. Who is a Notary Public?

“Notary Public” is a title recognised throughout the world. The office of a Notary Public has its origin in the ancient Roman period. In old England, Notaries Public were officers of the civil and canon law. Ships taking months to reach a foreign country would carry with them documents bearing the signature and wax seal of Notaries Public.

Nowadays, Notaries Public generally act to verify and authenticate international documents. A Notary Public is an officer of the law. In New South Wales, the functions and appointment of Notaries Public are governed primarily by the *Public Notaries Act 1997* (NSW).

A Notary Public’s main function is to draw up and authenticate international documents. The authentication is carried out by the Notary Public by signing on the international document and application of their seal, which is usually a unique impressed red seal through the use of an iron embosser. A Notary Public also issues Notarial Certificates declaring the due execution of documents for international use.

In New South Wales, all or most Notaries Public are also Solicitors of the Supreme Court. Notaries Public are appointed by the Supreme Court after having practiced as a Solicitor for a substantial period of time in private practice and have undertaken a Notarial course and passed its examination.

B. Notary Public Services

Ninety five percent of a Notary Public’s functions will comprise verifying signatures and authenticating documents for use internationally.

In order to verify the document, a Notary Public will often need to ask of the person requesting the certificate several questions, such as:

- What is the nature of the document?
- For what purpose will the document be used?

In order to attest the signature, a Notary Public would likely ask the person requesting the certificate for a form of photo identification. The production of a current passport or a current driver’s licence would assist the identification of a particular individual.

Where the international document is in a language other than English, a Notary Public may use their discretion to decide whether or not the document should be translated.

In practice, the signature and seal of a NSW Notary Public will be accepted in the United Kingdom and in all British dominions (including the United States of America, Malaysia and Singapore) without further verification.

However, for international documents for use in countries not a signatory of the *Haque Convention*, such as Spain, Brazil and China (including Hong Kong), a NSW Notary Public’s signature and seal would usually need to be legalized or authenticated (verified) by the Australian Department of Foreign Affairs, located at Level 7, 26 Lee Street, Sydney. The Department of Foreign Affairs would normally take one business day (overnight) to authenticate the Notary Public’s signature and seal. They could also issue a verification certificate called an Apostille. After the Department of Foreign Affairs has authenticated the Notary Public’s signature and seal, the international document is then taken to the relevant Consulate or Embassy to authenticate the certificate issued by the Australian Department of Foreign Affairs. (The China Consulate takes up to four business days to issue their certificate.)

C. Notarial Certificate

A Notarial Certificate normally have this wording:

_____Start_____

NOTARIAL CERTIFICATE

SYDNEY
NEW SOUTH WALES
AUSTRALIA

TO ALL WHOM THESE PRESENTS SHALL
COME

I, Jeffrey Tin-Siong LEE of Suite 101, Level 1,
Capitol Terrace, 743-755 George Street, Sydney in the
state of New South Wales **NOTARY PUBLIC** duly
authorised admitted and sworn and practising in the
City of Sydney in the State of New South Wales,
Commonwealth of Australia DO HEREBY CERTIFY
the following:

1. Mr Y and Ms Z have personally come to see me in my office.
2. I have sighted the original passports of Mr Y and Ms Z and **attach** a certified photocopy of their passports as **Annexure A** to this Notarial Certificate.

IN FAITH AND TESTIMONY whereof I have hereunto subscribed my name and affixed my seal of office at Sydney aforesaid this First day of May Two Thousand and Nine.

(signed and sealed)

Notary Public

_____End_____

D. Fees charged by a Notary Public

The Recommended Scale of Fee for Notaries Public is published pursuant to Section 12 of the *Public Notaries Act 1997* (NSW), (normally reviewed every two years).

Since 1 July 2008, the fees are as follows:

_____Start_____

PUBLIC NOTARIES ACT 1997
NOTARIES RECOMMENDED SCALE OF FEES
from 1 July 2008 (GST Inclusive)
Fee (GST inclusive)

- 1. Affidavits, Affirmations, Declarations**
Administering an oath or affirmation or taking a declaration and signing jurat **\$90**
Each additional deponent etc at the same time **\$45**
- 2. Deeds or other Unsworn Documents**
Witnessing and attesting execution or signing of a

deed or other document **\$90**
Each additional individual etc at the same time **\$45**

3. Verification of copy documents

Examining copies (photographic or otherwise) with original for verification-
per 6 minute time unit, or part thereof **\$44**
Notarial Certificate verifying copy document **\$135**

4. Notarial Certificates

Preparing Notarial Certificate verifying execution of a document by one individual, and completing the Certificate **\$135**
Each additional individual at the same time **\$57**

Preparing Notarial Certificate verifying execution of a document by a corporation with declaration and exhibit, and completing the certificate **\$275**
Preparing and completing Notarial Certificate not otherwise prescribed - 6 minute time unit, or part thereof **\$44**

7. Miscellaneous

Attendance - away from office or not otherwise provided for;
- drawing and engrossing documents; and
- other matters.

For Notary's time per six minute time unit or part thereof **\$44**

For any Clerk per hour (pro rata for proportionate part) **\$120**

Photocopying, Facsimiles up to 15 pages included in above scales, exceeding 15, then per page **\$2**

All other outlays and out of pocket expenses to be added to above scales

_____End_____

Comasters provides Notary Public services, and can organise the attainment of an Apostille, if one is required.

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Important: This is not advice. Clients should not act solely on the basis of the material contained in this paper. Our formal advice should be sought before acting on any aspect of the above information.

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