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# The Society of Notaries of Queensland Inc. IA20135

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## Information Brochure

For Applicants seeking Appointment as a Notary

Public for the State of Queensland

### Appointment

A Notary Public for the State of Queensland must receive a document known as a Faculty, from the Archbishop of Canterbury through the Registrar, The Court of Faculties, 1 The Sanctuary, Westminster, London, England, United Kingdom SW1P 1UK.

Telephone: 0011 020 7222 5381 Ext. 7168  
Fax: 0011 020 7222 7502  
Email: [faculty.office@1thesanctuary.com](mailto:faculty.office@1thesanctuary.com)  
Web Site: [www.facultyoffice.org.uk](http://www.facultyoffice.org.uk)

### What to Do First

1. An Applicant must be a Lawyer with a current practicing certificate as a Solicitor for the State of Queensland;
2. The Applicant must:
  - 2.1. Have at least 10 years post admission experience in a legal jurisdiction within the Commonwealth of Australia and its Territories;
  - 2.2. Be a fit and proper person to be awarded a Notarial Faculty;
  - 2.3. Provide evidence of a genuine need for there to be an appointment of a Notary Public in the geographic area in which the applicant intends to practice.

### Dictionary:

1. "Society" means The Society of Notaries of Queensland Inc. IA20135

### Process:

1. Obtain the Society's Practice Manual which is available on the Web Site;
2. Acquire a basic working knowledge of the obligations, responsibilities and procedures required of a Notary Public in Queensland;
3. Write to the Council of the Society formally requesting its recommendation for the award of a Faculty. This letter should contain the following information or enclosures;
  - 3.1. The full name and date of birth of the applicant;
  - 3.2. Date of admission in Queensland (and if the applicant was previously admitted in another State, the date of that admission);
  - 3.3. The full name of the firm or firms where the applicant has practiced for at least Ten [10] years;
  - 3.4. The areas of practice, both professional and geographical, in which the applicant practices;
  - 3.5. Letters addressed to:
    - 3.5.1. The Queensland Law Society Incorporated (or the Law Society for each state where the applicant has previously practiced);
    - 3.5.2. The Legal Services Commission; and
    - 3.5.3. The Supreme Court of Queensland, together with a cheque payable to *The Department of Justice and Attorney-General* in the sum of \$68.95 in payment of fee for procuring a Certificate of Fitness (alternatively you can pay into the Society's bank account, details below),  
  
all authorising that the Society be provided with information which may affect the granting of a Notarial Appointment.
  - 3.6. A reference from each of two notaries, and written authority to this Society to contact those referees.
  - 3.7. A Statutory Declaration confirming that the applicant:
    - 3.7.1. has read the Practice Manual; and
    - 3.7.2. has acquired a basic working knowledge of the obligations, responsibilities and procedures required of a Notary Public in Queensland; and
    - 3.7.3. undertakes to maintain membership of the Society and engage in at least one [1] hour of relevant continuing professional development per annum whilst practicing as a Notary Public; and
    - 3.7.4. will provide reasonable service and availability to the public as a notary public.
  - 3.8. Acknowledgement that the Council will not be called on to enter into any correspondence or make any comment on any decision it makes.
  - 3.9. References by approximately 20 professional or business persons in the applicant's locality who have some knowledge of the applicant's ability and probity, **AND** who have a genuine need from time to time of the services of a Notary;

3.10. A payment of \$500.00 to the Society's bank account:

**Name:** Heritage Bank  
**BSB:** 638 080  
**Account No:** 7114478  
**Account Title:** The Society of Notaries of Queensland Inc  
**Ref:** **[Applicants Name]**

### **Payment**

The payment covers the following:

1. Assistance with the preparation of the memorial to be sent to the Court of Faculties, if the Council supports the application;
2. Registration of the applicant's seal and signature in the Society's Register, if appointed;
3. Registration of the applicant's seal and signature with the Department of Foreign Affairs and Trade, if appointed;
4. Membership of the Society including the subscription for the first year up to 30 September of the year of appointment; and
5. A copy of the Society's History Book – "The Queensland Notary";

### **The Council's Decision**

Applications are accepted on the understanding that, in accordance with legal advice given to it, the Council does not enter into any correspondence or make any comment with regard to decisions. The Council retains at all times the discretion to defer, approve, conditionally approve or deny the application.

The following are taken into account together with the material supplied by the applicant;

1. Referees' views;
2. Reports from the relevant Law Society (or Societies) and the Legal Services Commission;
3. Any other evidence considered relevant to the application.

If the Council decides to recommend the application, the applicant is advised accordingly. Precedents will be provided by the Society.

Drafts of the documents should be submitted to the Secretary of the Society before being sent to the Court of Faculties so that they may be checked though by the Secretary.

Once the documents appear to the Secretary to be in order, the Society's certificate confirming its support and recommendation will then be issued to the applicant.

Please note that the Certificate from the Society is valid for 12 months from the date of issue and thereafter lapses.

Please be aware however, that the final decision of issuing a Faculty rests with the Court of Faculties ("the Court").

If the Council decides against the applicant, \$250 will be refunded to the applicant.

**Documents Required After Approval by Council** The documents required to be filed in the Court of Faculties by an applicant are as follows:

1. A Memorial which details the geographical background for the appointment, the type of practice carried on by the applicant and the reason for an appointment;
2. A certificate from the Chief Justice of Queensland as to the fitness of the applicant for the appointment;
3. A certificate from the Registrar of the Supreme Court of Queensland confirming that the applicant is on the roll of solicitors;
4. A reference by two notaries confirming the applicant's fitness; and
5. The filing fee payable to the Court of Faculties, as at January 2019, is £700.00 sterling.

### **Awarding the Faculty**

Providing all documents are to the Court's satisfaction and no caveats have been filed against the appointment, it is usual for the Court to make the award within a few weeks of the filing of the documents. The Court arranges to have the faculty engrossed on vellum and it is forwarded to the applicant with a form of oath of loyalty to Her Majesty Queen Elizabeth II which must be sworn before the Archbishop's delegate, who can be any Anglican Bishop or a Judge of the Supreme Court of Queensland or the District Court of Queensland. The completed oath is then returned by the applicant to the Court of Faculties where the applicant is enrolled in the records of the Court. The applicant is then qualified to practice as a Notary Public for the State of Queensland.

### **What to do After Appointment**

There are three matters to be attended to after appointment.

1. **Seal of Office.** The applicant should obtain an impressed seal without delay.
2. **Notice to Society.** The applicant should advise the Society of the appointment, the date of taking the oath and the name of the witness to such oath.
3. **Department of Foreign Affairs and Trade.** The applicant should send two examples of their signature and seal to the Society, one of which is placed in the Register and the other sent by the Society to the Department of Foreign Affairs and Trade to ensure that the benefit of the Hague Convention is available.

### **Society Membership**

The Society provides assistance to its members and information to members of the public seeking the services of a Notary Public through exposure given by the Society's website ([www.societyofnotaries-qld.org](http://www.societyofnotaries-qld.org)). Any matters requiring the assistance of the Council are considered at its quarterly meetings and the Annual General Meeting is held in November each year.

### **Contact Details:**

**The Honorary Secretary, Mr James Madden**  
**The Society of Notaries of Queensland Inc.**  
**PO Box 3536,**  
**TOOWOOMBA QLD 4350**

**T:** 07 4639 4488  
**F:** 07 4639 4489  
**E:** [Secretary@societyofnotaries-qld.org](mailto:Secretary@societyofnotaries-qld.org)  
**W:** [www.societyofnotariesqld.org](http://www.societyofnotariesqld.org)