**About Notaries**

A Notary is different from a Justice of the Peace.

The role of the notary arises out of the Hague convention. There is a greater demand for scrutiny of identities or assertion of the genuine nature of a document in the 21st century because of increased identity fraud globally and the quite serious problems that creates. However the concept of the Notary was first introduced by the Emperor Justinian in the 4th Century AD. The concept was to allow a third party to be able to rely on the investigation of the notary and accept as accurate the notary’s statements in relation to authenticity of persons or documents. A high level of trust was therefore placed in the notary to be reliable, honest and accurate.

Notaries generally in Australia must be legal practitioners who have been practising for several years and are specifically appointed by the Supreme Court in addition to their appointment as legal practitioners.

If you need a notary this is a formal service generally either to authenticate documents as true copies or to authenticate the identity of a signatory to a document when same is required for an international purpose that is for use in a foreign legal jurisdiction.

The Australian Federal Department of Foreign Affairs & Trade (DFAT) keeps a data base of registered notaries and their signatures and individual seals to allow the Department either to authenticate or provide an Apostille for notarized documents if required by the international organisation.

If the overseas authority requires an authentication or an apostille certificate from DFAT this requires that the Notarised documents be presented to Department of Foreign Affairs & Trade [DFAT] for the authentication or the issue of the Apostille.

A different level of notarisation by the Notary is required if a person requires documents to be presented to DFAT for an Apostille not just an authentication. This process involves the issue of a Notarial Certificate and usually the formal binding of documents or copies of documents with the certificate.

The requirement for the Apostille or authentication is determined by the specific requirements of the international organisation requesting the document.

Different requesting authorities may have different requirements usually depending on the end purpose and use of the document in the foreign country.

* Some organisations are satisfied just to have the notarisation without further approval from DFAT.
* Some countries insist on the extra due diligence check with the Australian government authority which a DFAT Authentication or Apostille provides
* Some countries require that the document be legalised by their local embassy. Frequently this requires the issue of an Apostille from DFAT before the embassy will ‘legalise’ the document.
* Some embassies have different requirements for legalisation such as the notary sending proof of registration and seal by letter.

**EVIDENCE/PROOF**

* We do not notarise copy documents unless we are able to compare with the original document.
* We do require satisfactory identification documents to notarise a person’s identity at time of signing any document.
* We cannot notarise a person’s signature unless we meet with that person and properly identify the person.
* If we need to identify corporations or other entities we do verify the information as appropriate by enquiries such as an ASIC search for example.

We do charge fees for the notarial service in accordance with a scale set by the NSW Attorney General’s office. Fees vary depending on the work required. A notary does not just provide a signature but is required to be very careful in the notarisation process and is liable for notarising any document or identification of a person that is false or misleading.

**For Further Notary Information see**

# The Society of Notaries of New South Wales Inc http://notarynsw.org.au/

The Australian & New Zealand college of Notaries **http://anzcn.org/**