

# NOTARIAL SERVICES

Queries

Dale Treanor on 07 4031 7133 0447461188  
or email to [dale@oreillystevens.com](mailto:dale@oreillystevens.com)

## NOTARY PUBLIC

A notary public is a public official who acts as a qualified witness to legal and official documents required to be utilised in countries outside of Australia and to also certify documents as true copies of the original documents for use overseas. In some cases, documents required to be used in Australia are also required to be notarised, but these situations are generally in the context of a foreign person about to permanently depart Australia (for example, making a claim for a refund of PAYG instalments or superannuation) or for use in a foreign embassy or consulate.

The terms *public notary* and *notary* are often used interchangeably with notary public and, in most cases, they mean the same thing. However, in some overseas jurisdictions, a notary public is the equivalent of a justice of the peace in Queensland and this can cause some confusion.

In Queensland, a notary public is appointed by the Archbishop of Canterbury. All appointees in Queensland are also lawyers (either practising lawyers or retired lawyers).

Dale Treanor was appointed as a notary public for the provision of notarial services in the City of Cairns in 1996. Since then, he has undertaken a wide range of notarial services for use in many countries and is familiar with the requirements of many of these due to the frequency of dealing with the requirements of those countries.

If you have documents which need to be notarised and want to start the process with Dale Treanor, the following is a guide to what you should do.



# NOTARIAL SERVICES

Queries  
Dale Treanor on 07 4031 7133 0447461188  
or email to [dale@oreillystevens.com](mailto:dale@oreillystevens.com)

## GET AS MUCH INFORMATION AS YOU CAN FROM YOUR CONTACT IN OR FOR THE COUNTRY WHERE THE DOCUMENTATION IS TO BE USED.

This will save a lot of time and ensure that everything is done correctly.

Useful information includes the following:-

(a) Check that you definitely need to see a notary public and not another type of qualified witness (such as a justice of the peace, commissioner of declarations or a lawyer). In some cases, some of the documents might require a notary public but others don't.

(b) If documentation is required to be signed – the documentation must be provided, preferably prepared by a lawyer or other qualified person in the country where it is to be used.

The documentation and how it is to be signed and witnessed must meet the requirements of the country it is to be used in.

(c) If the documentation is in a language other than English, an English translation should be provided, preferably included in the documentation itself. If not provided, then a NAATI certified translator can do the translation – visit the NAATI website and follow the instructions as to how to find a suitable translator. Without an English translation of the documentation and instructions, what is required and what it will cost cannot be determined.

(d) The number of copies of each document needs to be advised by you, as the costs depend on how long the process is likely to take.

# NOTARIAL SERVICES

Queries

Dale Treanor on 07 4031 7133 0447461188

or email to [dale@oreillystevens.com](mailto:dale@oreillystevens.com)

## GET AS MUCH INFORMATION AS YOU CAN FROM YOUR CONTACT IN OR FOR THE COUNTRY WHERE THE DOCUMENTATION IS TO BE USED.

(e) Clear directions need to be provided as to how the documentation is to be signed and witnessed. If any of the documents need to be sworn or affirmed (for example, an affidavit), then the requirements for the relevant country need to be provided (if the requirements are not apparent from the document itself). Some countries (and even states or provinces within countries) have their own particular requirements, so it is important to know what those requirements are.

For example, some countries require a particular ink colour or pen type, or require the signature to be executed as per the signatory's name on the document. Some countries require additional witnesses as well as the witnessing notary public. In some cases, the documents provide for additional witnesses but they are not required as the notary public takes the place of those witnesses.

(f) If documents need to be certified as true copies, find out if each document needs to be individually certified or whether the documents (if more than one) can be collectively certified as a bundle. Considerable costs with the Australian Department of Foreign Affairs and Trade (DFAT) and embassies/consulates can be saved if documents can be certified as a bundle. For example, DFAT charge for each document where the signature and seal of the notary public is to be verified. A certificate verifying 10 documents as a bundle requires a single apostille or authentication. 10 certificates verifying the same documents individually requires 10 apostilles or authentications. At \$85 per apostille or authentication issued by DFAT (as at the 2021 rates) this can prove to be very expensive.

(g) Educational documents (particularly tertiary qualifications) may have verification requirements involved which need to be met by the notary public and contained in the notarial certificate. Costs depend on how verification requirements can be met. For example, many Australian tertiary institutions have online verification but particular information such as full student name, student number, date of birth and year of the award might be required. If you know that your award can be verified online, that information should be provided.

# NOTARIAL SERVICES

Queries

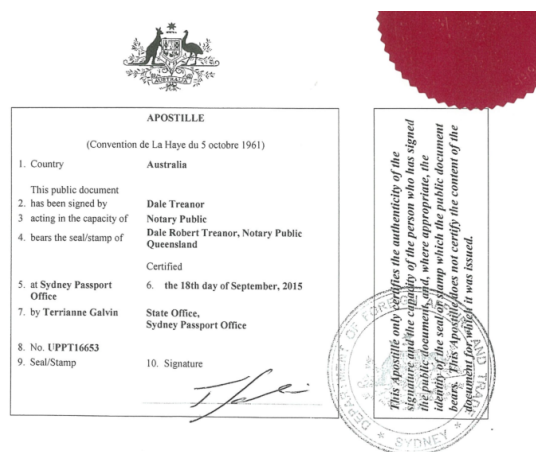
Dale Treanor on 07 4031 7133 0447461188

or email to [dale@oreillystevens.com](mailto:dale@oreillystevens.com)

## GET AS MUCH INFORMATION AS YOU CAN FROM YOUR CONTACT IN OR FOR THE COUNTRY WHERE THE DOCUMENTATION IS TO BE USED.

(h) Find out whether any of the documents (and which ones) require an **apostille** or **authentication** and legalisation. Apostilles are certificates issued by DFAT verifying the signature and seal of the notary public as a public official pursuant to the Hague Apostille Convention. Australia, New Zealand, most North American, South American, European and Asian countries are signatories to the convention. Many Middle Eastern and African countries are not. Authentications are done by DFAT in cases where documents need to be legalised by the embassy or consulate of a country which is not a signatory to the Hague Apostille Convention. Authentications by DFAT serve the same purpose as Apostilles but are followed up with legalisation processes.

The following is an example of an apostille issued by DFAT in respect of Dale Treanor's signature and seal.



## YOUR NEXT STEP

If in doubt – check with the embassy or consulate for the country involved or your contact in that country. Don't assume that because whoever sent the documents or directions to you didn't mention this that it is not a requirement. Sometimes this requirement simply isn't considered at the other end, so specifically check on this if the instructions do not mention these matters.

# NOTARIAL SERVICES

Queries

Dale Treanor on 07 4031 7133 0447461188  
or email to [dale@oreillystevens.com](mailto:dale@oreillystevens.com)

If legalisation or other form of recording of documents is required, you need to check with the embassy or consulate office concerned as to what their requirements are.

Email the documentation (including any translations) and instructions to Dale Treanor at [dale@oreillystevens.com](mailto:dale@oreillystevens.com) and follow up with a call to 07 4031 7133 if you have not received a response within several hours.

Once your email and documentation is reviewed, Dale Treanor will email you with all relevant information, including the cost. There is no set fee, as the cost depends on what needs to be done and the time involved.

The size of the documents and the number of copies required also factor into the cost.

Another potential issue is documents which are not standard international A4 sizes. For example, some Indian court documents are in a size which is incompatible with scanners which are calibrated to international A4 size (210mm x 297mm). Where possible, documents should be in international A4 sizing as this makes the processing of the documents much easier, saving on time and cost.

If there are any queries (including any matters which need to be checked with the country concerned), those matters will be referred to in that email. The notarial services will be performed on the basis that the information provided is correct.

It is important to get things right the first time as this will save a lot of time and also save on cost.

## WHAT HAPPENS NEXT

Don't sign the documents before your appointment.



# NOTARIAL SERVICES

Queries

Dale Treanor on 07 4031 7133 0447461188  
or email to [dale@oreillystevens.com](mailto:dale@oreillystevens.com)

## YOUR IDENTITY

It is essential that your identity is established. The best identity documentation is a current passport and a driver licence or official ID card with a photo (Australian or issued for another country). If you do not have all the preferred ID, you need to advise what you have available so consideration can be given as to whether that ID is sufficient. The original ID has to be brought with you at your appointment.

There may be other identity or authority requirements. For example, if you are signing documents on behalf of or in respect of a child or children, the identity of each child and the authority to sign will need to be established (for example, evidence that you are the child's parent or guardian).

## COMPLETING DOCUMENTS

If documents need to be completed (for example, you need to insert information) do that before your appointment. For example, if you need to insert bank account details, tax file numbers, ID numbers etc, find that information and insert it into the document before your appointment.

## PRE-DATED DOCUMENTS

If you receive documents and they already have an execution or document date inserted and that is not the date that you are going to sign – the date/s need to be removed so the correct date can be inserted. The date of execution of the documents by you can only be the date you sign before the notary public.

## PLACE OF EXECUTION

Similarly, if the documents have an incorrect place of execution inserted, that also needs to be corrected. The correct place of execution should be *City of Cairns, State of Queensland, Australia* or similar (depending how the document is worded).



# NOTARIAL SERVICES

Queries

Dale Treanor on 07 4031 7133 0447461188  
or email to [dale@oreillystevens.com](mailto:dale@oreillystevens.com)

## YOUR APPOINTMENT AND PROVISION OF NOTARIAL SERVICES

Once an appointment is confirmed with you and any notarial certificates are prepared, you will be required to pay for the service (even if you do not attend the appointment and follow through with the service).

At your appointment, you need to bring all documentation and ID that you have been advised to bring and need to make sure that everything you have been asked to do in advance is done in readiness for your appointment.

Once the notarial services are completed, you will be sent a scanned copy of the notarised documentation for your records and to send to your overseas contact to check. The originals will be handed to you.

If you require to get the documentation apostilled or authenticated, these processes can be explained and the DFAT forms provided to you if required. These processes are fairly straight forward and the turnaround time with DFAT is usually around 5-7 business days. If embassy or consular legalisation or recording is required, the time and cost of that part (as well as the requirements) are dictated by the embassy or consulate office concerned. You need to make your own enquiries with the embassy or consulate concerned.

## WALK-INS

Walk-ins are not encouraged because the processes are more complex than simply '*signing and putting a seal*' on a document. If you walk in without an appointment and without having gone through the processes above, it is likely that you will not be seen at that time unless there are genuine extenuating circumstances.

## RESERVATION OF RIGHT TO WITHHOLD NOTARIAL SERVICES

Notarial services are performed for most, but not all, countries. If you require notarial services for a country for which Dale Treanor is not prepared to perform notarial services, you will be informed of this and referred to other notaries. Further, if there is any concern about any aspect of the transaction and that concern is not resolved, then notarial services may be declined.