



New South Wales

PUBLIC NOTARIES ACT 1997
PUBLIC NOTARIES APPOINTMENT RULES

1. In these Rules, unless the context or subject matter otherwise indicate or so require:
 - Board** means the Legal Practitioners Admission Board.
 - Barrister** has the same meaning as in the *Legal Profession Act 1987*.
 - Court** means the Supreme Court of New South Wales.
 - Executive Officer** means the person appointed as Executive Officer to the Board.
 - Prescribed Fee** means the fee fixed from time to time by the Board.
 - Public Notary** means a person appointed and enrolled as a Public Notary appointed or deemed to have been appointed under the *Public Notaries Act 1985* or under Section 6 of the *Public Notaries Act 1997*.
 - Rules** means rules of the Court.
 - Society** means the Society of Notaries of New South Wales Incorporated.
 - Solicitor** has the same meaning as in the *Legal Profession Act 1987*.
2. A person is qualified for approval as a suitable candidate for appointment as a Public Notary if he or she:
 - (a) is a barrister or solicitor of not less than five years standing as either a barrister or solicitor;
 - (b) is the holder of a current practising certificate as a solicitor or barrister issued under Part 3 of the *Legal Profession Act 1987*; and
 - (c) has completed a Notarial Practice Course conducted by the Board or approved by the Board.
3. The Board may, after considering the material provided by an applicant, exempt an applicant from the requirement of Rule 2 (c).
4. An applicant for approval shall produce to the Board evidence as to his or her suitability for appointment. Such evidence shall include:-
 - (a) evidence of admission as a barrister, as a solicitor or as a legal practitioner;
 - (b) evidence that the applicant has held barrister's and/or solicitor's practising certificates for a total of not less than 5 years:

- (c) evidence that the applicant is the holder of a current practising certificate issued under Part 3 of the *Legal Profession Act 1987*;
 - (d) evidence that the applicant has completed a course prescribed by Rule 2 (c); and
 - (e) such evidence of professional experience as is considered by the applicant relevant to the application.
5. (1) Every person applying for approval as a suitable candidate for appointment as a Public Notary shall lodge with the Executive Officer of the Board:—
- (a) an application in or to the effect of Form 1;
 - (b) documentation to support the requirements of Rule 4 (a), (b), (c), (d) and (e);
 - (c) a certificate in Form 157 of the Rules that the oath of office was duly tendered and taken before a registrar of the Court; and
 - (d) the prescribed fee.
- (2) A copy of the application, but without supporting documents, shall be forwarded to the Secretary of the Society.
6. (1) Where the Board is satisfied that an applicant is a suitable candidate for appointment it may issue a certificate of approval for appointment in Form 2.
- (2) The Board may withhold approval until it has received further certificates, evidence or undertakings.

Fees

7. The Board shall by resolution fix the fees to be charged for the matters referred to in these Rules including the fees to be charged for any Notarial Practice Course conducted by the Board and any course approved of by the Board.

Roll of Public Notaries

8. The Executive Officer as Registrar of Public Notaries shall maintain a roll of Public Notaries.
9. The Registrar must enter in the Roll:
- (a) the name of each person who is appointed under the Act as a Public Notary;

- (b) the date of appointment of the person as a Public Notary;
 - (c) the name of the person's firm (if any) and the address at which the person or the person's firm practises;
 - (d) the date of admission as a Legal Practitioner; and
 - (e) any other particulars relating to the person prescribed by the rules.
10. A Public Notary shall notify the Registrar of any change of address or firm within one month of such change.

Notarial Seal

11. A Public Notary shall furnish to the Registrar within 28 days of his or her appointment a specimen of his or her signature and an impression of the Public Notary's seal in Form 3.

FORM 1

APPLICATION FOR APPOINTMENT AS A PUBLIC NOTARY

I, of
..... do hereby apply for approval as a suitable candidate for appointment as a Public Notary.

In support of such application:

1. I furnish herewith a copy of my Certificate of Admission, marked "A";
2. I furnish herewith original certificate(s) from professional organisation(s) showing that I have held Australian barrister's and/or solicitor's practising certificates for a total of not less than 5 years. marked "B";
3. I furnish herewith a copy of my current Practising Certificate, marked "C";
4. I furnish herewith a copy of my Certificate of Completion of a Notarial Practice Course prescribed by Rule 2 (c), marked "D";
5. I furnish herewith a certificate in Form 157 of the Rules that the oath of office was duly tendered and taken before a registrar of the Court, marked "E";
6. (a) I declare that I have never been suspended from practice or found guilty of professional misconduct or unsatisfactory professional conduct since the date of my admission and that to the best of my knowledge and belief no proceedings are now pending to strike my name off the Roll of Legal Practitioners or to suspend me from practice.

OR (strike out whichever does not apply)

- (b) I wish to bring to the notice of the Board the facts set out in the document signed by me and annexed hereto marked "F" and ask the Board to consider whether those facts adversely affect my application.
7. I have sent a copy of this application (without supporting documents) to the Secretary of the Society of Public Notaries.
8. I furnish herewith the **prescribed fee**.

Dated the day of
(date) (month) (year)

Public Notaries Act 1997—Appointment Rules

Signed

Particulars of Applicant

Name:

Address:

Firm Name:

Telephone No: Facsimile No:

DX No:

FORM 2

**CERTIFICATE OF APPROVAL AS A SUITABLE CANDIDATE
FOR APPOINTMENT AS A PUBLIC NOTARY**

To The Honourable the Chief Justice

I have the honour to inform you that the following are considered by the Legal Practitioners Admission Board to be suitable candidates for appointment as Public Notaries and that each has taken the oath prescribed by Rule 4 of Part 82 of the Supreme Court Rules:

Dated the day of
(date) (month) (year)

Executive Officer
Legal Practitioners Admission Board

FORM 3

NOTIFICATION OF PARTICULARS AND SPECIMEN SEAL

(TO BE COMPLETED WITHIN 28 DAYS AFTER APPOINTMENT)

To: The Registrar of Public Notaries
Legal Practitioners Admission Board
GPO Box 3980, Sydney 2001

I have to inform you that I have been appointed a Public Notary and was enrolled as a Public Notary pursuant to the provisions of the Public Notaries Act 1997 on the day of
(date) (month) (year)

My particulars are as follows:-

Name:
Address:
Firm Name:
Telephone No:
Facsimile No:
DX No:

Dated the day of
(date) (month) (year)

Signed

SPECIMEN
IMPRINT
OF SEAL:

FORM 4

CERTIFICATE OF CURRENT APPOINTMENT

I, of Sydney in the State of New South Wales, in the Commonwealth of Australia, the Registrar of Public Notaries of the said State,

DO HERBY CERTIFY: that was on the day of in the year appointed as a Public Notary in the Supreme Court of the said State; thatname is now on the Roll of Public Notaries of the said State; and that particulars are registered on the said Roll as follows:

Address:

Firm Name:

Telephone No:

Facsimile No:

DX No:

Seal of Public Notary:

GIVEN under my hand and the seal of the Legal Practitioners Admission Board at Sydney in the State of New South Wales this day of in the year

Registrar of Public Notaries

SECOND SCHEDULE (FEES)

Application for appointment	\$350.00
Application for certificate of current appointment	\$30.00
Original certificate of appointment (replacements)	\$100.00
Notification of change of particulars	\$30.00
For any other application	\$30.00
Notarial Practice Course	(as approved from time to time)