

*Australian Consular Officers', Etc., Act. 10 GEO. VI. No. 43,*

### EVIDENCE.

10 GEO. VI.  
No. 43.  
THE  
AUSTRALIAN  
CONSULAR  
OFFICERS'  
NOTARIAL  
POWERS AND  
EVIDENCE ACT  
OF 1946.

**An Act to Enable Australian Consular Officers to Perform out of Australia Notarial Acts and Other Matters and Things for the Purpose of any Court or Matter in Queensland, and for that purpose to Amend various Acts in certain particulars.**

[ASSENTED TO 28TH NOVEMBER, 1946.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows :—

Short title.      **1. (1.)** This Act may be cited as "*The Australian Consular Officers' Notarial Powers and Evidence Act of 1946.*"

Commence-      **(2.)** This Act shall come into operation on a date  
ment of Act. to be proclaimed by the Governor in Council by Proclamation published in the *Gazette*.

Interpreta-      **2.** In this Act, unless the context otherwise requires,  
tion. the following terms have the meanings set against them respectively, that is to say :—

Affidavit.      "Affidavit"—Includes any statutory or other declaration, affirmation, acknowledgment, or examination ;

Australian      "Australian Consular Officer"—A person  
Consular      appointed by the Governor-General in  
Officer.      Council of the Commonwealth to be or to act in the office of ambassador, envoy, minister, chargé d'affaires, secretary of embassy or legation, consul-general, consul, vice-consul, or consular agent in any country or place outside the Commonwealth of Australia ;

British      "British Consular Officer"—A British ambassa-  
Consular      dor, envoy, minister, chargé d'affaires,  
Officer.      secretary of embassy or legation, consul-general, consul, vice-consul, or consular agent, or any person acting in any such office in any country or place ;

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“ Court ”—Includes any court, judge, magistrate, <sup>Court.</sup>  
or justice, and any arbitrator or person  
having authority by law or by consent of  
parties to hear, receive, and examine  
evidence ;

“ Notarial act ”—The expression “ notarial act ” <sup>Notarial</sup>  
includes any act, matter, or thing which in <sup>act.</sup>  
Queensland or elsewhere a notary public  
can attest or verify or otherwise do by or  
under any Act of Parliament, custom, or  
otherwise for the purpose of being used in  
Queensland.

3. (1.) Where any oath, affidavit, or notarial act <sup>Powers of</sup>  
is required for the purpose of any court or matter in <sup>Australian</sup>  
Queensland, any such oath or affidavit, and any such <sup>Consular</sup>  
notarial act which, if done in the United Kingdom <sup>Officer.</sup>  
of Great Britain and Northern Ireland, a notary public  
could do may, in any country or place outside the  
Commonwealth of Australia, be made, sworn, and done  
by or before an Australian Consular Officer exercising  
his functions in that country or place ; and every such  
oath, affidavit, and notarial act made, sworn, or done by  
or before any such Australian Consular Officer shall be  
as effectual as if duly made, sworn, or done before any  
lawful authority in Queensland.

(2.) Any document required, authorised, or per-  
mitted by any Act or law of this State to be attested, or  
verified by, or sealed, or signed, or acknowledged or  
declared before a justice of the peace of this State may,  
in any country or place outside the Commonwealth of  
Australia, be attested, or verified, or sealed, or signed, or  
acknowledged or declared by or before an Australian  
Consular Officer exercising his functions in that country  
or place ; and every document attested or verified by, or  
sealed, or signed, or acknowledged or declared before any  
such Australian Consular Officer shall be as effectual as  
if duly attested, or verified by, or sealed, or sworn, or  
acknowledged or declared before a justice of the peace  
in Queensland.

(3.) Any document purporting to have affixed,  
impressed, or subscribed thereon or thereto the seal or  
signature or seal and signature of an Australian Consular  
Officer in testimony of any oath, affidavit, or notarial

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act being made, taken, or done by or before him or of such document having been attested or verified by, or sealed, or signed, or acknowledged or declared before him shall be admitted in evidence without proof of the seal or signature or seal and signature of that person, or of his official character.

General  
application  
of Act to  
laws of the  
State.

4. Where by any Act of this State now in force or hereafter to come into force it is specifically enacted that any of the matters and things which section three of this Act prescribes may be done by or before an Australian Consular Officer may be done by or before a British Consular Officer, every such matter or thing may be done by or before any Australian Consular Officer exercising like functions as the British Consular Officer in question, and every such specific enactment shall be read and construed and have operation and effect accordingly.

For the purposes of this section the term "Act" means and includes any Act of Parliament or any Order in Council, regulation, rule, or by-law made pursuant to any Act.

*Consequential Amendments.*

Conse-  
quential  
amendments.

5. Without in anywise limiting the generality of the foregoing provisions of this Act, the following Acts are amended as hereinafter set forth, namely:—

Amendment  
of s. 38 of  
31 Vic. No.  
13.

(i.) Section thirty-eight of \**"The Evidence and Discovery Act of 1867"* (as amended by subsequent Acts) is amended as follows:—After the words "or consular agent" the words "or of any Australian Consular Officer within the meaning of †*"The Australian Consular Officers' Notarial Powers and Evidence Act of 1946"* are inserted.

Amendment  
of s. 24 of  
31 Vic. No. 4.

(ii.) Section twenty-four of ‡*"The Common Law Process Act of 1867"* (as amended by subsequent Acts) is amended as follows:—

(a) After the words "Her Majesty" the words "or before any Australian Consular Officer within the meaning of †*"The Australian Consular Officers' Notarial Powers and Evidence Act of 1946"* are inserted.

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\* 31 V. No. 13 and amending Act.

† This Act.

‡ 31 V. No. 4 and amending Act.

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(b) Also after the words "Consular agent" where such words secondly occur the words "or as the case may be by such Australian Consular Officer" are inserted.

(iii.) Section fifty-three of \**The Equity Act of 1867*" (as amended by subsequent Acts) is amended as follows:—  
Amendment of s. 53 of 31 Vic. No. 18.

(a) After the word "vice-consuls" the words "or before any Australian Consular Officer within the meaning of †*The Australian Consular Officers' Notarial Powers and Evidence Act of 1946*" are inserted.

(b) Also after the word "vice-consul" the words "or as the case may be by such Australian Consular Officer" are inserted.

(iv.) Section one hundred and fifteen of ‡*The Real Property Acts, 1861 to 1942*," is amended as follows:—  
Amendment of s. 115 of 25 Vic. No. 14.  
 After the words "British Consular Officer" the words "or any Australian Consular Officer within the meaning of †*The Australian Consular Officers' Notarial Powers and Evidence Act of 1946*" are inserted.

(v.) The Acts referred to in paragraphs (i.) to (iv.), inclusive, as amended by this section, may collectively be cited as—  
Collective titles of the aforesaid Acts.

(a) §*The Evidence and Discovery Acts, 1867 to 1946* ";

(b) ||*The Common Law Process Acts, 1867 to 1946* ";

(c) ¶*The Equity Acts, 1867 to 1946* "; and

(d) ‡*The Real Property Acts, 1861 to 1946* ";

respectively.

\* 31 V. No. 18.

† This Act.

‡ 25 V. No. 14 and amending Acts.

§ 31 V. No. 13 and amending Act.

|| 31 V. No. 4 and amending Act.

¶ 31 V. No. 18 and amending Acts.