

Queensland



AUSTRALIAN CONSULAR OFFICERS' NOTARIAL POWERS AND EVIDENCE ACT 1946

**Reprinted as in force on 21 December 1995
(includes amendments up to Act No. 58 of 1995)**

Reprint No. 1

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 21 December 1995. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use standard punctuation consistent with current drafting practice (s 27)
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 39 and 40)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- make all necessary consequential amendments (s 7(1)(k)).

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint including—**
 - **table of obsolete and redundant provisions**
 - **table of renumbered provisions.**



AUSTRALIAN CONSULAR OFFICERS' NOTARIAL POWERS AND EVIDENCE ACT 1946

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*Australian Consular Officers' Notarial Powers
and Evidence Act 1946*

**AUSTRALIAN CONSULAR OFFICERS'
NOTARIAL POWERS AND EVIDENCE ACT
1946**

[as amended by all amendments that commenced on or before 21 December 1995]

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

Short title

1. This Act may be cited as the *Australian Consular Officers' Notarial Powers and Evidence Act 1946*.

Definitions

2. In this Act—

“affidavit” includes any statutory or other declaration, affirmation, acknowledgment, or examination.

“Australian consular officer” means a person appointed to hold or act in any of the following offices (being an office of the Commonwealth) in a country or place outside Australia—

- (a) ambassador;
- (b) high commissioner;
- (c) Minister;
- (d) head of mission;
- (e) commissioner;

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- (f) charge d'affaires;
- (g) counsellor or secretary at an embassy, high commissioner's office, legation or other post;
- (h) consul general;
- (i) consul;
- (j) vice-consul;
- (k) trade commissioner;
- (l) consular agent.

“court” includes any court, judge, magistrate, or justice, and any arbitrator or person having authority by law or by consent of parties to hear, receive, and examine evidence.

“notarial act” includes any act, matter, or thing which in 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.

Powers of Australian consular officer

3.(1) Where any oath, affidavit, or notarial act is required for the purpose of any court or matter in Queensland, any such oath or affidavit, and any such notarial act which, if done in the United Kingdom of Great Britain and Northern Ireland, a notary public could do may, in any country or place outside the Commonwealth, be made, sworn, and done by or before an Australian consular officer exercising his or her functions in that country or place.

(1A) 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 permitted 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, be attested, or verified, or sealed, or signed, or acknowledged or declared by or before an Australian consular officer exercising his or her functions in that country or place.

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(2A) 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 act being made, taken, or done by or before the Australian consular officer or of such document having been attested or verified by, or sealed, or signed, or acknowledged or declared before the Australian consular officer shall be admitted in evidence without proof of the seal or signature or seal and signature of that person, or of his or her official character.

Things required to be done before British consular officers may be done before Australian consular officers etc.

4.(1) Where an Act requires, authorises, or permits any notarial act to be done by, or any oath or affidavit to be made or taken or any document to be sealed or signed or acknowledged or declared before, any person appointed to hold or act in any diplomatic or consular office of the United Kingdom of Great Britain and Northern Ireland, whether that person is in that enactment referred to as British ambassador, envoy, Minister, charge d'affaires, secretary of embassy or legation, consul-general, consul, vice-consul, or consular agent, or by any other title, then the same may be done by or, as the case may be, made or taken or sealed or signed or acknowledged or declared before either that person or any Australian consular officer and for that purpose every reference in that enactment to such person shall be deemed to also include a reference to an Australian consular officer within the meaning of this Act.

(2) In this section—

“**enactment**” includes a provision of any order in council, regulation, rule, by-law or other instrument made pursuant to any Act.

ENDNOTES

1 **Index to endnotes**

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2 **Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 December 1995. Future amendments of the Australian Consular Officers' Notarial Powers and Evidence Act 1946 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

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3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[x]	=	Reprint No.
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

Australian Consular Officers' Notarial Powers and Evidence Act 1946 10 Geo 6 No. 43

date of assent 28 November 1946

commenced 28 November 1946 (see s 1(3))

as amended by—

Australian Consular Officers' Notarial Powers and Evidence Act Amendment Act 1949 13 Geo 6 No. 57

date of assent 8 December 1949

commenced 28 November 1946 (see s 3)

Australian Consular Officers' Notarial Powers and Evidence Acts Amendment Act 1953 2 Eliz 2 No. 14

date of assent 26 November 1953

commenced 28 November 1946 (see s 4)

Australian Consular Officers' Notarial Powers and Evidence Acts Amendment Act 1963 No. 16

date of assent 3 December 1963

commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

5 List of annotations

Short title

s 1 amd 1963 No. 16 s 2; 1995 No. 58 s 4 sch 1

Definitions

prov hdg sub 1995 No. 58 s 4 sch 1

s 2 def **“Australian consular officer”** sub 1949 13 Geo No. 57 s 2; 1953 2 Eliz 2 No. 14 s 2(i)
def **“British Consular Officer”** om 1953 2 Eliz 2 No. 14 s 2(ii)

Things required to be done before British consular officers may be done before Australian consular officers etc

s 4 sub 1953 2 Eliz 2 No. 14 s 3
amd 1995 No. 58 s 4 sch 1

Consequential Amendments

hdg (prec s 15) om R1 (see RA s 40)

Consequential amendments

s 5 om R1 (see RA s 40)

6 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A
references to Commonwealth	Acts Interpretation Act 1954 s 36 def “Commonwealth”
references to Queensland implied	Acts Interpretation Act 1954 s 35

7 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS under the Reprints Act 1992 s 43

Previous	Renumbered as
3(1), 2nd unnum para	3(1A)
3(2), 2nd unnum para	3(2A)

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4, 1st sentence	4(1)
4, 2nd sentence	4(2)