



Australian Consular Officers' Notarial Powers and Evidence Act 1946

Current as at 17 November 2000

© State of Queensland 2021



This work is licensed under a Creative Commons Attribution 4.0 International License.



Queensland

Australian Consular Officers' Notarial Powers and Evidence Act 1946

Contents

		Page
1	Short title	3
2	Definitions	3
3	Powers of Australian consular officer or authorised employee ..	4
4	Things required to be done before British consular officers may be done before Australian consular officers etc.	5

Australian Consular Officers' Notarial Powers and Evidence Act 1946

An Act to enable Australian consular officers and authorised employees 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

1 Short title

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

2 Definitions

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;
- (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.

authorised employee means an employee of—

- (a) the Commonwealth authorised under section 3(c) of the *Consular Fees Act 1955* (Cwlth); or
- (b) the Australian Trade Commission authorised under section 3(d) of the *Consular Fees Act 1955* (Cwlth).

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.

3 Powers of Australian consular officer or authorised employee

- (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 or authorised employee 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 or authorised employee 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 or authorised employee exercising his or her functions in that country or place.

- (2A) Every document attested or verified by, or sealed, or signed, or acknowledged or declared before any such Australian consular officer or authorised employee 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 or authorised employee in testimony of any oath, affidavit, or notarial act being made, taken, or done by or before the Australian consular officer or authorised employee or of such document having been attested or verified by, or sealed, or signed, or acknowledged or declared before the Australian consular officer or authorised employee 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.

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

- (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 or authorised employee 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 or authorised employee 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.