

GUIDE FOR PUBLIC NOTARIES

This Guide is prepared for Australian legal practitioners seeking appointment as a Public Notaries.

The legislation which governs the appointment of Public Notaries in Victoria is the Public Notaries Act 2007 ("the 2001 Act") and the Supreme Court (Miscellaneous Civil Proceedings) Rules 1998 ("the 1998 Rules").

Online Application

All applications for appointment must be made via the online client portal.

1. All applicants for appointment as a Public Notary must upload [Form 2-15A \(Application for Certificate of Eligibility\)](#).

The application must be supported by a Certificate of Fitness pursuant to s446 of the *Legal Profession Uniform Law*. The Certificate must show the date on which you were admitted and state that you have held for a period of 5 years, an Australian practising certificate authorising you to engage in legal practice as a principal. The Certificate must also reveal if you have been the subject of any disciplinary action in the State of Victoria and if you are the subject of current disciplinary proceedings in Victoria. The certificate must be prepared no earlier than two months before the date your application for appointment is uploaded.

The application must also be supported by a Certificate of Completion of approved Public Notaries course.

Please consider the manner in which you take your oath or affirmation as we are unable to change your preference after you have filed your application for appointment. See [Form 2-15E Oath of Office](#).

2. Any Australian legal practitioner seeking appointment as a Public Notary is required to satisfy the Victorian Legal Admissions Board ('the Board') that he or she is "a fit and proper person" for admission to the legal profession and is currently "of good fame and character".

For the purpose of considering whether you are a fit and proper person you must disclose anything that the Board might consider relevant. To assist in determining what matters should be disclosed, you must read the [Suitability Guidelines for Public Notaries](#).

You must make full disclosure of any relevant matters in a separate statutory declaration and exhibit documentary evidence to support the essential details of the matter/s you are disclosing. If you do not attach such evidence, we may request that you supply it to us, after you have filed your application for appointment and this may cause a delay in considering your application.

You also have an ongoing obligation of disclosure to the Board whilst your application is in progress. If any relevant matter occurs subsequent to you signing your application, you must notify the Board in writing in a statutory declaration.

3. You must pay the application fee at the Prothonotary's Office of the Supreme Court, 2nd Floor, 436 Lonsdale Street, Melbourne. Please ensure you keep your receipt. Payment may be tendered in cash, credit card (not American Express), bank cheque or cheque (solicitor's account). Cheques payable to Supreme Court of Victoria. See "Fees" page on website.
4. The Board must also confirm your identity. Accordingly, you should attend in person at the Board's office with a receipt from the Prothonotary's office and correct identification. An application will be accepted by mail in circumstances where you reside over 100kms from the Melbourne CBD. A certified copy of your identification must be attached to the original statutory declaration. All ID documents must be originals.
5. Two forms of ID must come from **List A** and include a photo, name and address as stated on your application. Your name and address on the prescribed identification list must match that on your application for a compliance certificate.

LIST A

- Australian Passport (valid for ID purposes for up to two years post expiry as long as a new passport has not been issued)
- Foreign Passport that has an Australian Issued Visa (two separate documents counted as one form of ID)
- Immicard
- Australian Driver's Licence

If you cannot provide two forms of ID from **List A**, then other must come from **List A** and one from **List B**.

LIST B

- Australian Birth Certificate
- Australian Birth Extract
- Australian Change of Name Certificate
- Australian Citizenship Certificate
- Australian Marriage Certificate

In the event that you are unable to provide any identification from **List A** then you must provide one from **List B** AND two from **List C**.

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LIST C

- Australian Medicare Card
- Working with Children's Check
- Department of Veteran Affairs Card
- Centrelink Pensioner Concession Card
- Centrelink Health Care Card
- Tertiary Education Photo ID

- Proof of Age Card (Government issued)
- Australian Tax Office Assessment
- Australian Senior's Card
- Australian Electoral Roll Registration

For applicants who cannot provide the combination as listed above, please contact the Board.

For applicants who have never resided in Australia, two forms of ID from the following list is acceptable, one must include a photo, name and address as stated on your application: Your name and address on the prescribed identification list must match that on your application for a compliance certificate.

- Birth Certificate
 - Foreign Passport
 - Change of Name Certificate
 - Citizenship Papers
 - Marriage Certificate
 - Government issued Visa
 - Driver's Licence
6. The Board will notify you by email when a date and time is set for your appointment. You must inform the Board within 48 hours of acceptance of the date.
 7. The Board will issue a certificate of eligibility by email.
 8. The following documents must be filed with the Prothonotary's Office of the Supreme Court, 2nd Floor, 436 Lonsdale Street, Melbourne:

[Originating Motion in the Form 5D of Chapter I of the Supreme Court Rules](#)
[Form 2-15C Affidavit in Support of Application for Appointment.](#)

You must pay an Originating Motion fee and Authentication of an Order fee to the Prothonotary's office. See "Fees" page on the Website.

The Certificate of Eligibility must be annexed to Form 2-15C and must be filed within 30 days from the date of issue of the Certificate.

You must pin a [Form 2-15D Notice of Intention to Apply for Appointment of Public Notary](#) on the Supreme Court Noticeboard, Ground Floor, 450 Little Bourke Street, Melbourne.

9. Once all the requirements are met, processed and approved, information will be emailed to you regarding the appointment date. You must appear on the date of appointment and sign the Roll of Public Notaries.
10. Within one month after appointment of Public Notary you must send a copy of [Form 2-15F Notification of Particulars after Appointment](#) to:
 - (i) Prothonotary's office of the Supreme Court; and

(ii) Legal Services Board.

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