



**SUPREME COURT  
OF QUEENSLAND**

Society of Notaries Queensland  
Wednesday, 17<sup>th</sup> August 2022  
Banco Court

---

**Helen Bowskill  
Chief Justice**

Good evening everyone, and welcome to the Banco Court, for this very special occasion, in celebration of the 100 year anniversary of the founding of the Society of Notaries of Queensland.

My thanks to the President of the Society, Mrs Margot de Groot, for the invitation to join you, both yesterday afternoon at the reception at Government House and this evening. I acknowledge all of you as distinguished guests, including of course the speakers this evening, including Mr Neil McPherson, the former President of the Society; Morag Ellis QC, Master of Faculties, Dean of Arches and Auditor of the Chancery Court of York, who is joining you virtually; and Ms Kara Thomson, President of the Queensland Law Society.

I also acknowledge the traditional owners of this land and pay my respects to their elders, those who have spoken for the land in the past and who do so today.

I have learned a lot more about Notaries in the last few months than I knew before. In the pursuit of greater knowledge and understanding of the role, I very much wish that I could stay this evening to hear the speakers. I regret my inability to do so, as I have to travel to Canberra tonight for a commitment tomorrow.

Queensland is the only jurisdiction in Australia which maintains the traditional connection to the Court of Faculties in the United Kingdom in relation to the appointment of Notaries. In all other jurisdictions, the appointment of Notaries is governed by legislation. The application process for Notaries in Queensland is extremely rigorous, firstly, in terms of the role played by the Council of the Society of Notaries Queensland and, then, in terms of the requirements of the Court of Faculties, where the application is considered by the Master of Faculties, from whom you will hear shortly.

That rigorous process is of course appropriate. The office of a Notary is a public office, with a long and distinguished history involving great responsibility and trust. For example, it is said that one of the first Notaries may have been a person known as Tiro, who was a

personal secretary to Marcus Tullius Cicero. Tiro is said to have invented a form of shorthand, called “notae”. According to the reasons of DeBelle J in a 2003 decision of the South Australian Supreme Court,<sup>1</sup> a writer who adopted this method of note taking was called a “notarius”. Originally, a Notary was one who took down statements in shorthand and wrote them out in the form of memoranda or minutes. An obvious obligation, or duty, of truth and accuracy, as well as impartiality, arises from that role, which has endured throughout the centuries to the modern day, where Notaries are public officials who do not merely witness documents, but authenticate them, in a way which is capable of being relied upon, in courts and by other public authorities, worldwide.

As DeBelle J also observed in that case, “the public nature of the office serves to underline the importance of ensuring that an applicant has the skills and experience to discharge the duties and functions of the office both efficiently and competently”. It is for that reason that, as a general rule, it has been considered that a Notary should be a legal practitioner of some years standing and experience.

Notaries take their oath of office before the Chief Justice, or another Judge of the Supreme Court, reflecting the solemn nature of the role. It is a significant and personal occasion, as I have learned, most appropriate to this historically significant position of trust and confidence.

I very much enjoyed meeting many members of the Society yesterday at Government House, and once again, my great thanks to John de Groot for being my chaperone. I picked up a few tips: one, never get married in Florida at a ceremony presided over by a Notary, which is within the scope of their role in America I understand (as there is a risk they may be a nude Notary) and two, avoid arranging for the swearing in of a Notary to take place at 2.30 pm on Melbourne Cup day.

One can only imagine the need for Notaries ever increasing in our modern world, where, pandemics aside, physical borders are even less of a hindrance to international trade and commerce; and with the increasing awareness of what I will generically call cyber-fraud, the ability to rely on formal documents authenticated by a Notary, carrying with it as it does a level of trust and confidence because of the rigour of the appointment, should take on greater significance.

Both the esteem of the role, steeped as it is in such a long and distinguished history, and its practical importance to all kinds of people, should serve to encourage lawyers seeking to expand the range of services that they can offer, including public services, to start on the path of appointment as a Notary. I have it on good authority that the Society of Notaries, as it celebrates its 100<sup>th</sup> year, would very much welcome the addition of new members, to assist in carrying the mantle of this great office.

---

<sup>1</sup> *In the matter of the Legal Practitioners Act 1981 and in the matter of an application by Marilyn Reyes Bos to be a Public Notary* [2003] SAS 320.

Congratulations to the Society on reaching this very significant milestone, of 100 years. I hope you have a very enjoyable evening tonight.