



Consular Fees Regulations 1990

Statutory Rules No. 44, 1990

made under the

Consular Fees Act 1955

Compilation No. 4

Compilation date: 1 January 2017

Includes amendments up to: F2016L01379

Registered: 3 January 2017

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Consular Fees Regulations 1990* that shows the text of the law as amended and in force on 1 January 2017 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name of Regulations

These Regulations are the *Consular Fees Regulations 1990*.

1A Definitions

In these Regulations:

Act means the *Consular Fees Act 1955*.

2 Consular act

For the purposes of the definition of **consular act** in section 2 of the Act, each act described in column 1 of Schedule 1 is a consular act.

3 Fee for consular act

- (1) Under section 3 of the Act, the regulations may provide for the imposition of fees, to be collected on behalf of the Commonwealth, for the performance, whether in Australia or elsewhere, of consular acts by people mentioned in the section.
- (2) The fee mentioned in column 2 of an item in Schedule 1, as indexed under regulation 6, is imposed for performing the consular act mentioned in the item.

4 Acts performed for the governments of other countries

A fee imposed for a consular act is not payable if the consular act is performed at the request, and for the purposes, of the government of a foreign country.

5 Payment in local currency

If a consular act for which a fee is imposed is performed in a place outside Australia, payment of the fee may be made by the payment, in the currency of that place, of the equivalent of the amount of the fee.

6 Indexation of fees

- (1) The amount of a fee mentioned in column 2 of Schedule 1 is to be indexed on 1 January each year (the **indexation day**), commencing from 1 January 2018, in accordance with this regulation. This regulation explains how to work out the amount (the **indexed amount**) of a fee for the calendar year starting on 1 January 2018 and later calendar years.

Indexation method

- (2) The indexed amount of the fee is worked out in accordance with the following formula:

Regulation 6

Dollar amount of the fee immediately before the indexation day \times Indexation factor for the indexation day

where:

indexation factor, for an indexation day, means the number worked out by dividing:

- (a) the sum of the index numbers for the quarters of the 12 month period (the **reference year**) ending on 30 September immediately before the indexation day; by
- (b) the sum of the index numbers for the quarters of the 12 month period ending on 30 September in the year immediately before the reference year.

index number, for a quarter, means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician for that quarter.

quarter means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December.

- (3) The indexation factor is to be calculated to 3 decimal places (rounding up if the fourth decimal place is 5 or more).
- (4) The indexed amount is to be rounded to the nearest whole dollar (rounding 50 cents upwards).
- (5) The indexed amount is to be worked out:
 - (a) using only the index numbers published in terms of the most recently published index reference period for the Consumer Price Index; and
 - (b) disregarding index numbers that are published more than 2 weeks after the original publication in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

Indexation method to be used only to increase fees

- (6) However, if the indexed amount as worked out under subregulations (2) to (5) for a calendar year (the **current calendar year**) would be less than the amount of the fee applying immediately before the indexation day, the indexed amount for the current calendar year is the same as the amount of the fee applying immediately before the indexation day.

Application of indexed fee

- (7) The indexed amount for a calendar year applies to consular acts performed on or after the indexation day in that calendar year, even if an application or request relating to the consular act was made before that day.

7 Application of amendments made by the *Consular Fees Amendment (Fees and Indexation) Regulation 2016*

The amendments of these Regulations made by Schedule 1 to the *Consular Fees Amendment (Fees and Indexation) Regulation 2016* apply to a consular act performed on or after 1 January 2017, even if an application or request relating to the consular act was made before that day.

Schedule 1—Fees for consular acts

Note: See regulation 2 and subregulation 3(2).

Fees for consular acts		
	Column 1	Column 2
Item	Consular act	Fee
1	Administering an oath or receiving a declaration or affirmation	\$70
2	Effecting, or attempting to effect, service of a document and issuing a certificate or affidavit of service or attempted service of a document	\$70
3	Witnessing a signature or seal on a form or declaration	\$70
4	Preparing a declaration or other document	\$70
5	Verifying and certifying a copy of a document or part of a document	\$70
6	Signing a document, or affixing a seal to a document or other article	\$70
7	Witnessing the execution of a will	\$70
8	Transmitting a document or other article through official channels	\$70
9	Transferring funds through official accounts, other than for the purposes of the realisation of a deceased estate	\$70
10	Preparation and issue of an Apostille certificate	\$80
11	Preparation and issue of an Authentication certificate	\$80
12	Preparation and issue of a Certificate of No Impediment to Marriage	\$140

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

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ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement date	Application, saving and transitional provisions
1990 No. 44	27 Feb 1990	27 Feb 1990	
1995 No. 37	14 Mar 1995	16 Mar 1995	—
1998 No. 43	25 Mar 1998	25 Mar 1998	—
2000 No. 156	28 June 2000	1 July 2000	—

Name	Registration	Commencement	Application, saving and transitional provisions
Consular Fees Amendment (Fees and Indexation) Regulation 2016	2 Sept 2016 (F2016L01379)	Sch 1: 1 Jan 2017 (s 2(1) item 2)	—

Endnotes

Endnote 4—Amendment history

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Provision affected	How affected
r 1	rs 2000 No. 156
r 1A	ad 1998 No. 43 am F2016L01379
r 2	rs 1998 No. 43; F2016L01379
r 3	rs 1998 No. 43 am F2016L01379
r 6	rs F2016L01379
r 7	ad F2016L01379
Schedule	am 1995 No. 37; 1998 No. 43; 2000 No. 156 rep F2016L01379
Schedule 1	ad F2016L01379
