



## Consular Fees Regulations 2018

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 13 September 2018

Peter Cosgrove  
Governor-General

By His Excellency's Command

Marise Payne  
Minister for Foreign Affairs

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## 1 Name

This instrument is the *Consular Fees Regulations 2018*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	15 September 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Consular Fees Act 1955*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## 5 Definitions

In this instrument:

*Act* means the *Consular Fees Act 1955*.

*fee* means a fee imposed by paragraph 6(b).

*indexation day* has the meaning given by subsection 9(1).

*indexation factor* has the meaning given by subsection 9(3).

*indexed amount* has the meaning given by subsections 9(2) to (7).

## 6 Consular acts and fees

Each item of the following table has the following effects:

- (a) for the purposes of the definition of **consular act** in section 2 of the Act, each act specified in column 1 of the item is a consular act;

## Section 7

- (b) for the purposes of section 3 of the Act, a fee of the amount specified in column 2 of the item is imposed for the performance of the consular act.

Consular acts and fees		
Item	Column 1 Consular act	Column 2 Fee (\$)
1	Administering an oath or receiving a declaration or affirmation	71
2	Effecting, or attempting to effect, service of a document and issuing a certificate or affidavit of service or attempted service of a document	71
3	Witnessing a signature or seal on a form or declaration	71
4	Preparing a declaration or other document	71
5	Verifying and certifying a copy of a document or part of a document	71
6	Signing a document, or affixing a seal to a document or other article	71
7	Witnessing the execution of a will	71
8	Transmitting a document or other article through official channels	71
9	Transferring funds through official accounts, other than for the purposes of the realisation of a deceased estate	71
10	Preparation and issue of an Apostille Certificate	81
11	Preparation and issue of an Authentication Certificate	81
12	Preparation and issue of a Certificate of No Impediment to Marriage	143

Note: The amounts of the fees are indexed annually under section 9.

## 7 Fees not payable for consular acts performed for foreign governments

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

## 8 Fees may be paid in local currencies

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

## 9 Indexation of fees

### *Indexation*

- (1) The amount of a fee mentioned in the table in section 6 is indexed on each indexation day in accordance with this section. The **indexation days** are:
- (a) 1 January 2019; and
  - (b) each later 1 January.

### *Indexation method*

- (2) Subsections (3) to (7) explain how to work out the amount (the **indexed amount**) of the fee for the calendar year (the **current calendar year**) starting on an indexation day.

- (3) The indexed amount of the fee is worked out in accordance with the following formula, subject to subsection (7):

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

where:

**indexation factor**, for the 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.

- (4) The indexation factor is to be worked out to 3 decimal places (rounding up if the fourth decimal place is 5 or more).
- (5) The indexed amount is to be rounded to the nearest whole dollar (rounding 50 cents upwards).
- (6) 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*

- (7) If the indexed amount as worked out under subsections (3) to (6) for 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 amount*

- (8) 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.

## **Schedule 1—Repeals**

### ***Consular Fees Regulations 1990***

#### **1 The whole of the instrument**

Repeal the instrument.