

Chapter 5.3.3 > s 47E(d) > Foreign name change documents - legalisation

- Most countries require documents which originate from another country to be notarised before they can be used for official purposes or have legal effect.
- Apostilles and authentication certificates validate the seal and signature of a Notary on a document so that it can be accepted in a foreign country.
- For Australian passport purposes, foreign documents that are presented to establish a **current legal name** (a {{Foreign {{marriage certificate s 47E(d) }} or foreign name change certificate) must be legalised.
 - Note these documents are only accepted in **limited circumstances**, where a customer was born overseas and resides overseas and does not meet the residency requirements to update their name with an Australian {{RBDM s 47E(d) }}.
 - In the first instance, these customers should be encouraged to update their name with {{Home Affairs s 47E(d) }} and apply for a new {{Australian Citizenship Certificate s 47E(d) }}.
 - If the customer is unable or unwilling to update their name on their {{Australian Citizenship Certificate s 47E(d) }}, they must have their foreign name change or {{marriage certificate s 47E(d) }} legalised.
 - The name change must have occurred after the date the person became an Australian citizen.
 - For foreign language documents, an approved translation is also required.
- Foreign documents that are presented for other purposes (for example, {{Foreign birth certificate s 47E(d) }}s or passports presented to establish {{Place of Birth s 47E(d) }} or {{Gender s 47E(d) }} or foreign documents presented as linking documents) do not need to be legalised.

Related content

Accordion-Content-Begin

Policy

Foreign name change certificate - change of name s 47E(d) (Chapter 7.4)

Foreign {{marriage certificate s 47E(d) }} - change of Surname s 47E(d) (Chapter 7.4)

Accordion-Content-End

Chapter 5.3.4 > s 47E(d) > Legalisation of foreign documents - definition

- {{Subsection 25(11)s 47E(d)}} of {{the Passports Determination s 47E(d)}} provides that legalised means:
 - for a {{Foreign {{marriage certificate s 47E(d)}} s 47E(d)}} or foreign name change certificate issued in an overseas country that is a signatory to the Convention abolishing the Requirement of Legalisation for Foreign Public Documents, done at The Hague on 5 October 1961 —an apostille has been placed on the certificate or on a separate document affixed to the certificate in accordance with the requirements of the Convention; or
 - for a {{Foreign {{marriage certificate s 47E(d)}} s 47E(d)}} or foreign name change certificate issued in an overseas country that is not a signatory to the Convention abolishing the Requirement of Legalisation for Foreign Public Documents, done at the Hague on 5 October 1961 – **one or more signatures, stamps or seals** have been placed on the certificate, or on a separate document affixed to the certificate, in accordance with processes recognised in the country in which the certificate is issued.

Chapter 5.3.4.1 > s 47E(d) > Apostille - Legalisation by an Apostille Convention country

The Apostille process applies where a public document issued by a party to the Apostille Convention is to be used in another country that is also party to the Apostille Convention. Australia is a party to the Apostille Convention.

- An Apostille is a certificate that authenticates the origin of a public document (e.g. birth, death, marriage or name change certificate, court order etc.).
- An Apostille certificate confirms that the person signing, sealing or stamping a public document has lawful authority to do so and the apostilled document automatically becomes a legal document in countries that are parties to the Apostille Convention.
- The authority that apostilles a document is called a 'competent authority' under the Apostille Convention (note: this is the same terminology for refusal/Cancelation request s 47E(d) }s under the Passport Act).
- Each country has different procedures that are required to be met before issuing an Apostille. In some cases the customer may be need to attend in person in country. Customers should contact the relevant competent authority to establish that country's procedure.
- A comprehensive and updated list of the countries where the Apostille Convention applies, or will soon apply, is available at www.hcch.net in the Apostille section. This website also provides contact and general information of the relevant competent authorities.

Related content

Accordion-Content-Begin

Resources

HCCH Apostille Section

Accordion-Content-End

Chapter 5.3.4.2 > s 47E(d) > Features - Apostille

- An Apostille is a square certificate approximately 9 cm long, usually stamped on the reverse side of a document or attached with a ribbon binding the documents together where there is more than one page.
- It provides easily identifiable data, is dated, numbered, registered and impressed with the official seal of the government department which issued it.

s 47E(d)

Chapter 5.3.4.3 > s 47E(d) > e-Apostille

- Many countries now provide e-Apostilles, an electronic version of an Apostille.
- e-Apostilles have the same legal standing and effect as paper Apostilles and all countries who are party to the Apostille Convention are obliged to accept e-Apostilles.
- Applicants presenting with an e-Apostille should include a printed copy with their application and forward the e-Apostille to s 47E(d) @{{DFATs 47E(d)}}.gov.au (noting in the email their application number).

s 47E(d)

Chapter 5.3.4.4 > s 47E(d) > Authentication - Legalisation by a non-Hague Convention country

- If the customer's public document was issued in a state that is not a party to the Apostille Convention, the Apostille process does not apply.
- The customer should contact the Australian diplomatic or consular mission with responsibility for the state where the document was issued for advice on how to have the document "*authenticated*".
- Alternatively, the Ministry of Foreign Affairs (or foreign equivalent) of the state where the document was issued should be able to provide advice on how to have the document authenticated.
- The traditional method of authenticating foreign public documents for use in Australia consists of authentication by officials of the state where the document was issued as well as by the Australian diplomatic or consular mission in the state where the document is to be used.
- Customers may be referred to notary publics, local courts or other government agencies to have the document authenticated.
- One or more signatures, stamps or seals will be placed on the certificate, or on a separate document affixed to the certificate, in accordance with processes recognised in the country in which the certificate was issued.
- The authentication process tends to be more difficult than the Apostille process. The customer is responsible for all arrangements and costs involved in the authentication process.

Chapter 5.3.5 > s 47E(d) > Legalised Australian documents

- If a customer has had their original Australian document (that is their original {{Australian Citizenship Certificate s 47E(d)}} or any {{Original document s 47E(d)}} issued by an {{RBDM s 47E(d)}}, such as a birth certificate or {{marriage certificate s 47E(d)}} legalised by {{DFATs 47E(d)}} for use overseas, that document may be accepted with their application for a passport.
- The authentication process only verifies the signature of the registrar as genuine. The authentication process does not validate the accuracy of the information contained on the document. For this reason, the authenticated document will still need to be validated as per normal requirements.
- The authentication should not cover any of the customer's information (including the registration number). A new certificate may be required if the customer's information is not visible, preventing the document from being validated.

CEC staff provide general advice on notarial services in Australia and at our missions overseas (outside post business hours).

Notarial services are legal acts which allow a written record to be used for official or legal purposes, including in a court of law. Notarial services provided by the Department of Foreign Affairs and Trade (DFAT) will differ depending on whether they are requested within Australia or at an Australian mission overseas.

Extensive information on notarial services that guides clients through the process of accessing these services is available on Smartraveller.

The [Consular Fees Act 1955](#) stipulates that a fee must be collected for notarial services.

The range of, and requirements for, notarial services is varied. DFAT can't advise clients on what service they need for their documents, nor give legal advice. Clients need to check requirements directly with the intended recipient and ensure the document is presented in the correct form and with the correct instructions.

To provide guidance to CEC staff on how to respond to general enquiries about Australian and overseas notarial services

1. Determine the caller's location

If the client is in Australia

- Services are provided through the Australian Passport Office (APO) in capital cities by appointment only from 0830 - 1300 Monday – Friday
- Appointment bookings for Australian offices are only available online through [Smartraveller](#). It is not possible to book appointments over the phone.
- The three notarial services provided in Australia are:
 - Authentications
 - Apostilles
 - Certificates of No Impediment to Marriage

DFAT can only legalise original Australian public documents. These are documents issued directly by an Australian government agency or official, or documents that have been notarised or certified by an Australian notary public

Services available

Clients need to complete the [Document Legalisation Request Form](#) to request a notarial service, even if attending an office in person

Authentications

the client should check with the Embassy/Consulate, or receiving authority of the country in which they intend to use the document whether an Authentication or Apostille is required

Apostilles

the client should check with the Embassy/Consulate, or receiving authority of the country in which they intend to use the document whether an Authentication or Apostille is required

Certificates of No Impediment (CNI)

- the client should check with a representative of the country they are getting married in to confirm the requirement of a CNI and where the CNI should be issued.
- Smartraveller steps them through the process of getting the CNI
- the client will need to complete both the [CNI form](#) and the [Document Legalisation Request Form](#)

Accessing the service

Comprehensive information about notarial services is available on the [Smartraveller](#) website. Queries not answered on the website can be sent to [s 22\(1\)\(a\)\(ii\)](#) [@dfat.gov.au](#).

In Person

By appointment only. Appointments must be made online through the [Smartraveller](#) website

By Mail

- Requests can be lodged by mail to the APO - Melbourne only.

Clients should send their documents by registered post and include a self-addressed registered post envelope for their safe return

- Mailing address details are available on the [Document Legalisation Request Form](#) and on the [Smartraveller](#) website

APO offices do not confirm receipt of the documents

Collection

Clients will be advised of the time they can collect their documents during their appointment

Urgent appointments

Contact details for the legalisation supervisors in each office are available on the CEC Sharepoint site. CEC can also send emails to the following addresses (not for public use):

- s 47E(d) @dfat.gov.au
- s 47E(d) @dfat.gov.au
- s 47E(d) @dfat.gov.au
- s 47E(d) @dfat.gov.au
- s 47E(d) @dfat.gov.au
- s 47E(d) @dfat.gov.au
- s 47E(d) @dfat.gov.au
- s 47E(d) @dfat.gov.au

If the client is overseas

DFAT does not provide legal advice and cannot advise clients on what service they need for their documents. Clients need to check requirements directly with the receiving authority. Documents must be presented in the correct form and with the correct instructions.

Services available

Overseas posts perform additional notarial services to those provided in Australia. In addition to issuing authentications, apostilles and CNI's, posts also perform services such as witnessing a signature, certifying copies of documents and confirming a client's identity by issuing a DFAT identity certificate. The full list of services provided overseas can be found in section 6 of the [Consular Fees Regulations 2018](#)

Accessing the service

Information on how to access notarial services are available on post's websites

In Person

- Check individual post websites
- The majority of posts use the online appointment booking system [s 22\(1\)\(a\)\(ii\)](#) Clients are required to make an appointment prior to attending post
- CEC does not have access to post's booking systems
- Some posts instruct clients to phone or email post's consular inbox to request an appointment

By Mail

Post websites will show whether a mail-in service is available

Urgent appointments

Clients should email requests for urgent appointments to the consular inbox of the relevant post (consular.post mnemonic@dfat.gov.au) outlining the reasons for their request

CEC staff can respond to general enquiries about Australian and overseas notarial services queries

Policy

- s 47E(d)
- Legalisation of foreign documents - definition s 47E(d)
- Apostille - Legalisation by an Apostille Convention country s 47E(d)
- Features - Apostille s 47E(d)
- e-Apostille s 47E(d)
- Authentication - Legalisation by a non-Hague Convention country s 47E(d)
- Legalised Australian documents s 47E(d)

Client interaction

- <https://www.smartraveller.gov.au/consular-services/notarial-services>

Resources

- Notarial Services: A Practical Guide (Australia) eLearning
- Notarial Services: A Practical Guide (Overseas) eLearning

Pages 13-261 redacted under section 47E(d) of the FOI Act