



Australian Government
Department of Foreign Affairs and Trade



NOTARIAL SERVICES HANDBOOK

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1. INTRODUCTION

REMEMBER

We provide notarial services for Australian documents to be used in Australia or overseas, or for foreign documents for use in Australia only.

If a document does not meet this criteria, DFAT is unable to provide the notarial service.

Advise the client to check alternative providers with the requesting authority.

1.1 WHAT ARE NOTARIAL SERVICES?

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 missions overseas.

Notarial services provided by DFAT in Australia are limited to:

- issuing an Authentication or Apostille certificate (verifying a signature, stamp or seal on an Australian public document)
- issuing Certificates of No Impediment to Marriage

The full list of the services provided overseas can be found in the schedule of fees listed in the *Consular Fees Regulations 2018 (Cth)* found in **Section 9.1**, but include:

- certifying copies of documents
- administering affidavits
- witnessing signatures
- issuing an Authentication or Apostille certificate (verifying a signature, stamp or seal on an Australian public document)
- issuing Certificates of No Impediment to Marriage (including witnessing the signature on the application form).

The range of, and requirements for, notarial services are varied. It is the client's responsibility to know which service they require. **DFAT does not provide legal advice** and the onus is on the client to present documents in the correct form, and provide the correct instructions to ensure their documents are prepared according to their receiving authority's requirements. Clients should always be referred to the Notarial Services Disclaimer prior to providing the service (**refer to Section 1.2**).

REMEMBER

If you, or the client, have any doubts or concerns about the presented documents, suggest the client confirm requirements with the receiving authority. If you are unsure of the requirements, advise the client seek legal advice or contact their receiving authority.

If the client demands the service, you can provide and charge for it. You must ensure you make clear notes in CIS that the client was advised the document may not be valid, and that you recommended they confirm with their receiving authority.

1.2 THE NOTARIAL SERVICES DISCLAIMER

To ensure clients understand the limits of our services, all DFAT and Austrade offices providing notarial services in Australia and overseas must display the **Notarial Services Disclaimer** where clients can easily see it. You should draw the disclaimer to the attention of every client. The wording of the notice must be as below:

NOTARIAL SERVICES DISCLAIMER

Please ensure that documents relating to the notarial services you require from the **Australian Government/Embassy/Consulate**, are presented in the correct form and that you provide the correct instructions for the notarial service you require. If you are unsure of the legislative requirements relating to the notarial service you require, you should seek independent legal advice. Please note that neither the Australian Government nor the **Australian Passport Office in [City]/Australian Embassy/High Commission/Consulate in Post/Country** guarantees the legal effectiveness of the notarised document or the accuracy of its content. Fees paid for notarial services are non-refundable.

Translations of the Disclaimer

To ensure the content can be clearly understood by all clients, and to reduce the legal risk of misunderstandings, posts may wish to display a copy of the Notarial Services Disclaimer that has been translated into the local language.

The translation must:

- be completed by an official and registered translator, to ensure the content cannot be misinterpreted; and
- be accompanied by the Notarial Services Disclaimer in English (i.e. they must both be on display).

Note: The disclaimer should be amended, where highlighted, to reflect the name of the mission or Australian Passport Office in which it is displayed. No other amendments should be made to the disclaimer text. Contact [s47E\(d\) @dfat.gov.au](mailto:s47E(d)@dfat.gov.au) if you have any questions.

1.3 LEGAL FRAMEWORK

The overarching authority for notarial officers to provide notarial services overseas comes from the Vienna Convention on Consular Relations 1963, which states in Article 5(f) that:

'Consular functions consist in: acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided there is nothing contrary thereto in the laws and regulations of the receiving State'.

Commonwealth legislation provides the framework for the notarial services provided by DFAT. The *Consular Fees Act 1955* (Cth) determines who can perform notarial services in Australia and overseas and that a fee must be paid. The *Consular Fees Regulations 2018* (Cth) determine the fees that DFAT must charge for consular (notarial) services.

Under sections 3(b), 3(c) and 3(d) of the *Consular Fees Act 1955* (Cth), the Secretary of DFAT may authorise employees of DFAT and Austrade to perform notarial services. The Secretary has signed a legal instrument which authorises the following to perform notarial services and charge the fees prescribed by legislation:

- DFAT Locally Engaged Staff (LES) and Austrade Overseas Engaged Employees (OEE) (only in Austrade-managed missions) who are included on Schedule 001
 - *For ease of reference, where the term 'LES' is used more broadly (without specifying DFAT or Austrade) this should be interpreted to include all locally engaged staff, including DFAT and Austrade.*
- DFAT-Abased and Austrade A-based (only in Austrade-managed missions) on short-term missions/assignments overseas
- Permanent DFAT employees working in state and territory offices whose duties include assistance with consular functions
- Permanent DFAT employees who work in the Australian Passport Office
- Permanent DFAT employees who work in the Australian Representative Office in Ramallah or the Australian Office in Taipei

The instrument can be found under Delegations on the DFAT Intranet.

DFAT A-based and authorised LES, and Austrade A-based and authorised OEE (only in Austrade-managed missions), can perform notarial acts in all the countries of their post's consular or diplomatic accreditation. Some countries may be divided into several consular jurisdictions (for example Vietnam). Notarial officers in these countries should confirm with the host government whether they are permitted to perform notarial acts in geographic areas outside of their consular jurisdiction. In some countries, LES may also need to seek host country approval in order to provide notarial services on behalf of Australia.

Authorisation for LES appearing on **Schedule 001** is not anchored to an officer's location and the delegation can be used in other locations if required and allowed by the host government. If LES travel to other posts to assist with consular functions that may include notarial services, the receiving post may need to confirm whether host country approval, in order to provide notarial services on behalf of Australia, is required.

Austrade A-based and Austrade OEE in a DFAT-managed missions are **not authorised** to deliver notarial services.

Staff employed at overseas posts by other government agencies may be permitted to perform certain functions **for use by their own agency**. For example, where Home Affairs officers certify copies or witness statutory declarations of visa applicants. However, staff from attached agencies **CANNOT** perform these functions more generally for the mission by providing notarial services.

1.4 WHO CAN PERFORM NOTARIAL SERVICES?

Australian law allows for individuals holding certain positions to undertake notarial duties.

In Australia, lawyers, notary publics or Justices of the Peace (JPs) usually provide these services. Authorised notarial officers located in DFAT Australian Passport Offices can only provide three types of notarial services.

Overseas, DFAT A-based and Austrade A-based (only in Austrade-managed missions) as well as authorised DFAT Locally Engaged Staff (LES), Austrade Overseas Engaged Employees (OEE, only in Austrade-managed missions) and staff on short term missions/assignments are delegated to provide notarial services.

DFAT A-based and Austrade A-based (only in Austrade-managed missions) are authorised to perform notarial services and acts under Section 2 of the *Consular Fees Act 1955* (Cth).

DFAT LES and Austrade OEE (only in Austrade-managed missions) can be authorised in writing by the DFAT Secretary under Sections 3(b)(c)(d) of the *Consular Fees Act 1955* (Cth), to perform notarial acts. The names of authorised staff are listed in Schedule 001 – **Performance of notarial acts at posts by locally engaged staff, *Consular Fees Act 1955* (Cth)**. This can be located [here](#) on the Delegations page of the DFAT Intranet. Each quarter, the Consular Policy Section cables all posts to review the LES they currently have authorised. Posts are asked to nominate any additional LES for inclusion in the schedule. LES **cannot perform notarial services overseas until they have been authorised in Schedule 001**. Posts are also asked to advise if an authorised LES leaves the position and no longer requires their delegation (including for periods of long-term leave, such as maternity leave).

Short Term Missions and Short Term Assignments

A-based staff at post on short term missions or short term assignments are also authorised by the Secretary to perform notarial acts and services under Sections 3(b)(c)(d) of the *Consular Fees Act 1955* (Cth).

Staff assuming established positions at post will assume the authorities and delegations along with the position number. For example, an officer on STM to backfill the Second Secretary and Consul in Tokyo will be able to perform all the same functions as the Second Secretary and Consul in Tokyo on their long term posting.

Staff sent to post on short term missions or short term assignments to **assist post during busy periods/events/crises** and are not assuming an already established position will only have the same delegation and authorisation to perform notarial services as other LES. For example, staff deployed to Tokyo to provide additional support during the 2020 Olympic Games will have the same delegations as LES.

Position Titles at Post

An **Australian Consular Officer or an Australian Diplomatic Officer**, within the definition of the *Consular Fees Act 1955* (Cth), means a person appointed to hold a Consular or Diplomatic accreditation and act in offices of the Commonwealth in a country or place outside Australia. For example:

- Consul-General
- Consul
- Vice-Consul
- Ambassador
- High Commissioner
- Minister
- Commissioner
- Trade Commissioner
- Chargé d'Affaires
- First/Second/Third Secretary

DFAT are the competent authority for providing notarial services overseas. Therefore, this definition extends only to DFAT A-based and Austrade A-based (in Austrade run missions only). When performing notarial acts and services, A-based staff should use a stamp bearing the accreditation they are holding at post, as listed in their Diplomatic Passport. For example:

John Smith
Second Secretary & Consul
Australian High Commission, London

LES, Austrade Honorary Consuls or DFAT/Austrade departmental officers on STM are not considered to be 'consular officers' within the meaning of this definition.

When performing notarial acts, authorised LES **and** officers working in Australian Representative Offices (Taipei and Ramallah), should use a stamp bearing the delegation of 'Authorised Consular Employee' and **NOT** bearing the position title Consular Officer, or any reference to Passport Officer. LES and officers at Australian Representative Offices should hold a separate stamp for the various functions they undertake. For example:

Jane Smith
Authorised Consular Employee
Australian Embassy, Bangkok

Jane Smith
Passport Officer
Australian Embassy, Bangkok

The delegation of 'Authorised Consular Employee' will not interfere with any other job/position title that an officer holds at post. Officers can still be granted 'job titles' for business cards and emails, such as:

- Consular & Passports Manager;
- Consular Assistant;
- Senior Consular Officer;
- Deputy Director;
- and/or other consular and passport related positions.

Job/position title alone does not confer legal status or have any legal effect. Consular and Passport Officer titles are not interchangeable, and are separate delegations provided under two separate Acts (*Consular Fees Act 1955* and *Passports Act 2005*). LES should therefore hold separate stamps for each function.

A-based and LES employed by other government agencies at post may be permitted to certify documents intended for use by their agency but they **cannot** perform these functions more generally for the post.

DFAT Honorary Consuls, Consular Wardens and staff in Canadian missions are **not authorised** by DFAT to provide notarial services.

Austrade Honorary Consuls in Prague, and Vancouver, are employees of the Commonwealth and have been delegated by the DFAT Secretary to perform notarial acts. Their names are included on **Schedule 001**.

Notarial officers at posts included in the Australia-Canada Consular Services Sharing Agreement are reminded that the provision of notarial services for Canadian citizens should only be provided in limited circumstances, when required as part of providing consular assistance (e.g. certifying a copy of a death certificate of a Canadian citizen). These services are considered administrative in nature and **must be completed by A-based officers and provided free of charge**.

See the **table at 1.5** for a detailed list on who can provide common notarial services, in Australia and overseas.

The full list of the services provided overseas can be found in the schedule of fees listed in the *Consular Fees Regulations 2018 (Cth)* found in **Section 9.1**.

1.5 NOTARIAL SERVICES WE PROVIDE

WHO CAN PERFORM COMMON NOTARIAL SERVICES PROVIDED AT DFAT & AUSTRADE (only at AUSTRADE-MANAGED MISSIONS)

SERVICE	OVERSEAS	AUSTRALIA
Witness an application form and issue a Certificate of No Impediment to Marriage (CNI)	<ul style="list-style-type: none"> DFAT A-based consular & diplomatic officers, and Austrade officers whose duties include consular roles/functions DFAT LES & Austrade OEE authorised by the DFAT Secretary DFAT & Austrade employees on STMs whose duties include consular roles/functions 	<p>Permanent DFAT officers in state and territory offices, including Australian Passport Offices.</p> <p>In Australia the witness must meet the category of <i>permanent Commonwealth employee with 5 or more years of continuous service</i>.</p>
Issue Authentication and Apostille certificates	<ul style="list-style-type: none"> DFAT A-based consular & diplomatic officers, and Austrade officers whose duties include consular roles/functions DFAT LES & Austrade OEE authorised by the DFAT Secretary DFAT & Austrade employees on STMs whose duties include consular roles/functions 	<p>Permanent DFAT officers working in state and territory Australian Passport Offices.</p> <p>STOs should provide Notarials Support with the name and signature of any new signing officers. Please allow up to 3 business days for this to be distributed to foreign missions in Australia before they commence signing documents.</p>
Administer affidavits	<ul style="list-style-type: none"> DFAT A-based consular & diplomatic officers, and Austrade officers whose duties include consular roles/functions 	Not provided
Certify a copy of a document and certify identity.	<ul style="list-style-type: none"> DFAT A-based consular & diplomatic officers, and Austrade officers whose duties include consular roles/functions DFAT LES & Austrade OEE authorised by the DFAT Secretary 	As the issuing authority, permanent APO staff can certify copies of Australian passports, if required, e.g. for US taxation purposes.

**WHO CAN PERFORM COMMON NOTARIAL SERVICES PROVIDED AT
DFAT & AUSTRADE (only at AUSTRADE-MANAGED MISSIONS)**

	<ul style="list-style-type: none"> DFAT & Austrade employees on STMs whose duties include consular roles/functions 	There is no charge for this service.
Witness Commonwealth Statutory Declarations	<ul style="list-style-type: none"> DFAT A-based consular & diplomatic officers, and Austrade A-based officers whose duties include consular roles/functions DFAT LES & Austrade OEE authorised by the DFAT Secretary DFAT & Austrade employees on STMs whose duties include consular roles/functions 	Not provided
Witness state and territory Statutory Declarations or Property Transfer documents.	<ul style="list-style-type: none"> Authorised witnesses vary. Read instructions for witnesses on the form presented to you, if it contains instructions, and refer to Sections 3.1 and 3.2. If in doubt, ask client to contact requesting authority for advice. 	Not provided

Remember

Posted officers who require a notarial service for private purposes are expected to approach a notarial officer and to pay the relevant notarial fee for the service. Friends, interlocutors and associates who require assistance with a notarial act/service should also be directed to an Australian mission. Officers who perform a notarial act for a colleague or friend without charging a fee, may be considered to be defrauding the Commonwealth and contravening the APS Code of Conduct and the Overseas Code of Conduct.

1.6 FRAUD

All staff have a role in detecting and identifying fraud as part of their normal responsibilities. The Department's [Fraud Control Framework](#) sets out how we ensure we meet our obligations under the Commonwealth Fraud Control Framework.

Notarial officers need to be highly alert to the potential for fraud in the delivery of notarial services. There have been increasing numbers of fraudulent documents presented for notarial services. Some are highly sophisticated however, the majority are poorly executed reproductions of emblems and/or signatures/seals. In many cases, our own stamps, seals and signatures have been forged.

Minimising the potential for fraud

In an effort to minimise the potential for fraud, notarial officers should:

- securely store notarial supplies, particularly stamps and seals, when not in use;
- notify Consular Policy Section by emailing [s47E\(d\)@dfat.gov.au](mailto:s47E(d)@dfat.gov.au) promptly when staff are no longer authorised to provide notarial services and update CIS accordingly
- carefully examine documents presented for notarial services for signs of tampering, forged seals/signature or signatures

Should you have any concerns as to the authenticity of a document or believe that it may be used for fraudulent purposes, you are not obliged to provide the service.

Reporting suspected fraud

It is important not to alert the client, or their agent, that you believe the documents may be fraudulent or that there is a problem with the documents.

Advise the client that further verification is required and that you will call them when the documents are ready. **DO NOT RETURN THE DOCUMENTS TO CLIENT.**

In accordance with the *DFAT guidance and procedures for dealing with fraud*, all attempted, alleged, suspected and detected frauds must be reported immediately by contacting the Consular Policy Section [s47E\(d\)@dfat.gov.au](mailto:s47E(d)@dfat.gov.au) and the Fraud Control Section (FCS) fraud@dfat.gov.au.

This includes instances where Posts become aware that their mission seal, or an officer's signature, has been used fraudulently. Consular Policy Section will provide guidance on additional reporting and handling requirements.

2. CERTIFYING COPIES OF DOCUMENTS (OVERSEAS ONLY)

2.1 MAKING A CERTIFIED COPY

Clients will often approach post and request a 'certified copy' of a document. This involves taking a photocopy of the original document and certifying it. Photocopies can be made in colour or black and white. We should only provide the service if the client presents original Australian documents, or confirms their original foreign documents are for intended use in Australia. Officers are required to carefully inspect all original documentation presented at interview. They should confirm, to the best of their ability, that the documentation is genuine and there has been no attempt to fraudulently alter it and that it does not appear to be a photocopy. Laminated or framed documents should not be accepted.

The certification must take the following form: **'This is a true copy of the document presented to me'**. These words are approved by the Department and must not be changed. If the client requires a different form of words, they should have the document certified by an alternative provider or the entity which produced the document. We cannot provide different wording to this statement.

Notarial officers should stamp each page of the photocopy with **'This is a true copy of the document presented to me'**. You should then stamp or write your name and position below the certification statement on each page, sign and affix the official round stamp. The official round stamp should cover a part of your signature, but not obscure it or any text on the document. This makes the signature and mission seal difficult to copy or forge, and ensures the document is as tamper evident as possible. Below is an example:

GAILIN LAMIN CEMETERY ACT S MAN CATHOLIC) H	PUBLIC SERVANT JONES HOME OUTRER) RT DISEASE	AUSTRALIAN CAPITAL TERRITORY	CEI
I certify that this is a true copy of the document presented to me			
Name s22(1)(a)(ii)			
Title			
Signature			
Date			
			

Certifying multiple page documents

For larger documents that contain more than 10 pages, post can place the certification of **'This is a true copy of the document presented to me'** on the first page only, noting that it is page 1 of X. Each of the following pages should then be initialled and marked as 2/X, 3/X and so forth. The client should only be charged one certification fee unless they require multiple copies of the same document.

To ensure the certification is as tamper evidence as possible, post should bind the pages together using DFAT's official binding process. See [Help Card 1.1](#) for instructions and guidance.

REMEMBER

Make the photocopy of the original document yourself.

2.2 CERTIFYING ELECTRONIC DOCUMENTS

A printed copy of an electronic document can be certified as a true copy.

If the original document was issued electronically, the client should be able to produce the source email (email sent by the issuing authority) to the notarial officer and forward it to post's generic email inbox. Similarly, if the original electronic document is accessible through a web portal, the notarial officer should ask the client to log on to this portal using their mobile device. If the client does not have a mobile device, we should allow the client to access a computer in the waiting area, if available. The electronic copy to be certified must be printed by the notarial officer. Printing the document directly from the source (electronic version) is the only way we can be sure that we are certifying a true copy the original electronic document.

2.3 CERTIFYING PHOTOGRAPHS

Clients may require a photo to be certified. For example, to assist in the renewal of a driver's licence.

The person in the photograph must be physically present for their photograph to be certified and must present photo-identification (e.g. passport or driver licence). You must be satisfied that the person in front of you is, as far as you can tell, the person in the presented photo-identification.

The wording on the back of the photograph, or on the form, must state that the signatory certifies the photograph to be '**a true likeness of [name of the individual]**'. We cannot certify that the photograph is 'a true photo' of the person. If the client requires a different form of words, they should have the document certified by an alternative provider. We cannot provide different wording to this statement.

Reminder

Some forms such as the VicRoads 'Photo Kit' require the witness to confirm they have sighted photo ID. As this is part of the standard process for certifying photographs, a separate DFAT Identity Certificate is not required (see 2.4)

2.4 CERTIFYING IDENTITY

Notarial officers may be called upon to certify/verify a client's identity. This could be in support of, but not limited to, opening a bank account or proving identity for business or employment related purposes.

To standardise our services, DFAT has developed the DFAT Identity Certificate (DFAT IC) for use at overseas missions. It has been developed to ensure consistent practices, and mitigate the risk of notarial officers verifying aspects of a client's identity that they are unable to confirm.

The DFAT IC for Certifying Identity Only confirms the officer's name, position and authority to certify the identity documents presented to them. There is no charge for the DFAT IC, however normal charges for any accompanying certified copies apply.

Notarial officers **must not complete any other verification of identity form**. If another form (exceptions apply) is presented by a client, please advise the client that only the DFAT IC can be completed and direct them to contact their receiving authority in Australia to confirm the DFAT IC will meet their requirements.

The link for the DFAT IC for Certifying Identity Only can be found in Annex 12.1.

2.4.1 National Redress Scheme – Verifying Identity

The National Redress Scheme is managed by the Department of Human Services (DHS) and has been created in response to recommendations by the Royal Commission into Institutional Responses to Child Sexual Abuse.

The application process for a redress-payment requires an applicant to prove their identity, much like an application for an Australian passport.

DFAT has undertaken to assist DHS in verifying the identity and documents of applicants currently residing overseas. **There is no charge for this service.**

A-based and locally engaged officers will undertake a visual comparison against the applicant's photo ID and may also be required to witness the applicant's signature.

Officers must ensure the identity documents meet DHS's minimum requirements as outlined on the DHS website (see box to the right). Where these requirements are not met, officers must refer the individual back to DHS for further advice.

Officers are encouraged to use their local knowledge to determine the legitimacy of foreign-issued identity documents, much like a passport application.

The expected impact on posts is minimal, with DHS estimating that only a handful of people eligible to apply are currently overseas. In the event a client approaches your post in regards to a National Redress Application, CON have developed an easy to follow flowchart.

Please see Annex 12.13 for the link to this guide.

For questions regarding the role of DFAT posts, please contact [s47E\(d\)](#) [@dfat.gov.au](#).

2.5 CERTIFYING COPIES OF AUSTRALIAN PASSPORTS

Most staff in our overseas network perform a dual role. That of a Passport Officer and that of a Consular/Diplomatic Officer or Authorised Consular Employee. These delegations are not interchangeable and are separate functions.

Staff are delegated under the *Australian Passport Act 2005* to perform passport functions in both state and territory offices, and overseas. **See Section 1.4 for more detailed information on staff delegations.**

Any member of staff in DFAT who holds the delegation to issue a passport (including emergency passports and accepting passport application forms) is a 'Passport Officer' and can prepare a certified copy of an Australian passport. This certified copy **should always be prepared in your capacity as 'Passport Officer'** and not as a Consular/Diplomatic Officer or Authorised Consular Employee.

This is not considered to be a notarial service. DFAT are the issuing authority for Australian passports, and as such, can provide a client with a certified copy of the biodata page of their original Australian passport **free of charge**. Australian Passport Office (APO) policy allows for this. The *Australian Passport Act 2005*, *Australian Passport (Application Fees) Act 2005* and *Australian Passport Determinations 2015* do not allow for fees to be collected for any other service other than applying for an Australian travel document. Providing a certified copy of an Australian passport, as the issuing authority, is considered to be a simple FOI request that can be handled directly within the APO. **Please refer to Online Passport Information (OPI), 2.22.4**

Where the certified copy of an Australian passport is part of a broader notarial service or act, we then consider the certifying of the passport to be a notarial service and **a fee should be charged**.

3. WITNESSING A SIGNATURE (OVERSEAS ONLY)

Australian laws often require that a client sign an Australian document in front of an authorised witness before that document can be used for legal purposes. This is to confirm that the person named on the document as the signatory, actually signed the document. **Before witnessing a signature, officers should confirm the client in front of them is the person named on the document. You should do this by checking an identification document that includes both a signature and a photograph of the client.**

There are many types of documents you may be asked to witness, common documents include:

- Statutory declarations – Commonwealth as well as state and territory statutory declarations
- Applications to renew an Australian driver licence
- Notice of Intended Marriage forms (for marriage in Australia)
- Applications for a Certificate of No Impediment to Marriage
- Sale or transfer of property from one owner to another
- Affidavits
- Powers of Attorney

Documents usually contain specific instructions for witnesses. Take time to read the instructions if they are available. You should also be guided by the instructions provided by the client, or the client's legal representative. If there are no instructions and the client is unsure of the requirements, point out the Notarial Services Disclaimer and ask them to seek guidance from the receiving authority or obtain legal advice. If the document is not witnessed correctly it may be invalid. In this case, the client may need to have the document witnessed again, causing them unnecessary cost, time and stress. If a client insists we provide the service in the absence of clear instructions, ensure that clear notes are recorded in the comments field of the CIS entry.

Many forms now include a separate form or statement to confirm the witness' name, position and authority to act as a witness. Some forms may also ask the witness to record how they have verified the identity of the person signing the document. This will be the case on all documents that relate to a property transfer and is known as a verification of identity (VOI). To standardise our services, DFAT has developed a form called the **DFAT Identity Certificate (DFAT IC)** for use at overseas missions. This form is currently being used for property transfer documents but can now also be used for other situations, if needed. There are now two versions of the DFAT IC. One for certification of identity only, and one for certification of identity and witnessing a signature. See links in **Annex 12.1 and 12.2** for both certificates.

See Help Card 1.2 for further information and detailed steps for witnessing signatures.

Authority to witness signatures

The legal requirements for witnessing the signing of a document, including who is authorised to witness it, are determined by the jurisdiction in which the document is to be used. It is important to refer the client to the Notarial Services Disclaimer, and make sure the client knows who is authorised to witness their document. Some legislation does not list consular/diplomatic officers or authorised consular employees as authorised witnesses, so it is important for the client to check this. If the document presented by the client does not include a position at post in the list of authorised persons or state which legislation governs the witnessing of the signature, staff should have the client contact the receiving authority to clarify who can perform the act overseas. **See Section 3.2 for a list of Australian Statutory Declaration legislation and authorised witnesses.** In many cases, the client will be given instructions by their lawyer which explain who is authorised to witness the document. If a client insists we provide the service in the absence of clear instructions, ensure that clear notes are recorded in the CIS entry and advise there will be no refund.

International equivalents of Australian authorised witnesses

Commonwealth, state and territory legislation, as well as other types of forms, will often state that a person in a particular profession can be an authorised witness. For example, a registered medical practitioner, pharmacist, solicitor or police officer. **This is only valid when the document is signed in Australia.** Unless otherwise stated, notarial officers should not interpret individuals in the same professions in their host country as holding the same authority.

International Wills

A will can be one of the most complex and difficult documents to write, especially where it has international characteristics (for example, assets or beneficiaries are located across several jurisdictions).

To simplify the process for Australians executing wills with international characteristics, the Australian Government acceded to the *Convention Providing a Uniform Law on the Form of an International Will 1973* which entered into force for Australia on 10 March 2015. All states and territories have passed legislation to give effect to the Convention and this Convention defines the way International Wills are drawn up. Like the Apostille Convention, the parameters of the Convention are only relevant to the countries that are a party to it.

The Convention seeks to harmonise and simplify formalities for wills that have international characteristics. It does this by setting up a uniform law introducing a new form of will, known as an 'international will', which is recognised as a valid form in all countries that are party to the convention. **The Convention requires that International Wills be signed in the presence of an authorised person. This Convention does not empower Consular and/or Diplomatic officers or Authorised Consular Employees to witness them.** They can only be witnessed by a legal practitioner.

More information about the convention is available on the [UNIDROIT website](#).

International Wills are drawn up in a particular way and are easy to recognise. They will have the heading 'International Will' and will include a special certificate (called the authorised person's certificate). The process is very different to an Australian domestic will and most clients will know they have an 'International Will'. In the absence of the described indicators, those being the document states 'International Will' in the heading and the authorised person's certificate, it is not (under Australian law) considered to be an 'International Will'.

3.1 WITNESSING A STATUTORY DECLARATION

A statutory declaration is a legal written declaration made in front of an authorised witness in relation to any matter where a formal written statement is required. Australia has a **Commonwealth statutory declaration**, which is made on matters relating to the Commonwealth or the Australian Capital Territory (ACT), and seven **state/territory declarations** for state/territory-based purposes.

Australian statutory declarations are for use **only in Australia**. Notarial officers **should not** witness an Australian declaration that is intended for use in a foreign jurisdiction as they **only have legal standing under Australian legislation**. Should post notice an uptake of clients seeking to use Australian declarations for local purposes, please notify [s47E\(d\)](#) @dfat.gov.au as it may be a matter that needs to be taken up with the local authorities.

A person wishing to make a Commonwealth statutory declaration makes the declaration in accordance with the *Statutory Declarations Act 1959* (Cth). The form itself and the individuals who are authorised to witness it are explained under the *Statutory Declarations Regulations 2018*. A list of authorised witnesses appears on page two of the form.

A person wishing to make a state or territory statutory declaration should check the procedures for making and using declarations with the relevant state or territory, as they are made under each state or territory's legislation. Generally, authorised witnesses in states/territories are similar to those authorised to witness Commonwealth statutory declarations, however, clients should be instructed to confirm requirements with the receiving authority or obtain legal advice if unsure.

The Commonwealth statutory declaration form is available through the Attorney General's Department website at www.ag.gov.au/statdec.

Our Role

We are not concerned with the contents of the declaration – our role is only to establish the identity of the person signing the declaration and to witness them signing it. However, the person making the declaration must be sure that what they have written in the statutory declaration is a declaration of fact or belief. They must also understand that making a false declaration is against the law and can result in penalties or a prison sentence. It is therefore important that, prior to witnessing their signature, their attention is drawn to the statement on the declaration form that outlines the consequences of making a false declaration.

See Help Card 1.3 for more detailed instructions.

See Section 3.2 for a list of Australian Statutory Declaration legislation and authorised witnesses.

REMINDER

Notarial officers can only witness Australian statutory declarations for use in Australia. Australian statutory declarations CANNOT be used for local purposes as they have no legal standing under the laws of foreign states and may cause reputational harm to the Australian government.

Advise the client to use a local equivalent, which can be witnessed by a local official.

Statutory Declarations Written In Languages Other Than English

There is no legislative or regulatory requirement for Australian statutory declarations to be written in English. Accepting an Australian statutory declaration written in a language other than English is at the discretion of the Australian receiving authority. This will be dependent on whether the Australian receiving authority can understand what has been declared by the client. Clients should be encouraged to confirm with receiving authority in Australia if a language other than English will be accepted.

As a reminder, the role of the notarial officer is to establish the identity of the person signing the document, ensure they are able to understand what they are declaring and witness the client sign in front of us. It is not DFAT's responsibility to review the content of the declaration.

However, to provide further reassurance that the statutory declaration is being presented for use in Australia, wherever possible, posts should encourage that the declaration is written in English first and where the client insists, followed by the client's preferred language. For example, in China, a client can make their declaration in English and write the Mandarin underneath.

Any further questions regarding this should be referred to [s47E\(d\)](#)

[@dfat.gov.au](#).

3.2 WITNESSING STATUTORY DECLARATIONS UNDER AUSTRALIAN STATE AND TERRITORY LEGISLATION

DFAT A-based, Austrade A-based (at Austrade-managed missions) and LES authorised by the DFAT Secretary are able to witness signatures and administer oaths and affirmations under the following legislation:

WHO CAN WITNESS SIGNATURES UNDER AUSTRALIAN STATE AND TERRITORY LEGISLATION?		
JURISDICTION	LEGISLATION	AUTHORISED WITNESSES
Commonwealth	<p><i>Statutory Declarations Act 1959 (Cth)</i></p> <p><i>Statutory Declaration Regulations 2018 (Cth)</i></p>	<ul style="list-style-type: none"> • DFAT A-based consular & diplomatic officers • Austrade A-based officers at Austrade-managed missions • DFAT LES & Austrade OEE authorised by the DFAT Secretary • DFAT & Austrade employees on STMs whose duties include consular roles/functions
Australian Capital Territory (ACT)	<i>Oaths and Affirmations Act 1984 (ACT)</i>	<ul style="list-style-type: none"> • DFAT A-based consular & diplomatic officers • Austrade A-based officers at Austrade-managed missions • DFAT LES & Austrade OEE authorised by the DFAT Secretary • DFAT & Austrade employees on STMs whose duties include consular roles/functions
New South Wales (NSW)	<i>Oaths Act 1900 (NSW)</i>	<ul style="list-style-type: none"> • DFAT A-based consular & diplomatic officers • Austrade A-based officers at Austrade-managed missions • DFAT LES & Austrade OEE authorised by the DFAT Secretary • Austrade & DFAT employees on STMs whose duties include consular roles/functions • British Consular Officers

WHO CAN WITNESS SIGNATURES UNDER AUSTRALIAN STATE AND TERRITORY LEGISLATION?

Northern Territory (NT)	<i>Oaths, Affidavits and Declarations Act 2012 (NT)</i>	<ul style="list-style-type: none"> • DFAT A-based consular & diplomatic officers • Austrade A-based officers at Austrade-managed missions • DFAT LES & Austrade OEE authorised by the DFAT Secretary • DFAT & Austrade employees on STMs whose duties include consular roles/functions
Queensland (Qld)	<i>Oaths Act 1867 (Qld)</i> <i>Australian Consular Officers' Notarial Powers and Evidence Act 1946 (Qld)</i>	<ul style="list-style-type: none"> • DFAT A-based consular & diplomatic officers • Austrade A-based officers at Austrade-managed missions • DFAT LES & Austrade OEE authorised by the DFAT Secretary • DFAT & Austrade employees on STMs whose duties include consular roles/functions
South Australia (SA)	<i>Oaths Act 1936 (SA)</i> <i>Imperial Act 5 and 6 (UK Legislation)</i> <i>Temporary legislation – COVID-19 Emergency Response Act 2020 (SA) – Section 16 Regulations 2020</i>	<ul style="list-style-type: none"> • DFAT A-based consular & diplomatic officers • Austrade A-based officers at Austrade-managed missions • DFAT LES & Austrade OEE authorised by the DFAT Secretary • DFAT & Austrade employees on STMs whose duties include consular roles/functions
Tasmania (Tas)	<i>Oaths Act 2001 (Tas)</i>	<ul style="list-style-type: none"> • DFAT A-based consular & diplomatic officers • Austrade A-based officers at Austrade-managed missions
Victoria (Vic)	<i>Oaths and Affirmations Act 2018</i> From 1 March 2019 only.	<ul style="list-style-type: none"> • DFAT A-based consular & diplomatic officers • Austrade A-based officers at Austrade-managed missions

WHO CAN WITNESS SIGNATURES UNDER AUSTRALIAN STATE AND TERRITORY LEGISLATION?

		<ul style="list-style-type: none"> • DFAT LES & Austrade OEE authorised by the DFAT Secretary • DFAT & Austrade employees on STMs whose duties include consular roles/functions
Western Australia (WA)	<i>Oaths, Affidavits and Statutory Declarations Act 2005 (WA)</i>	<ul style="list-style-type: none"> • DFAT A-based consular & diplomatic officers • Austrade A-based officers at Austrade-managed missions • British Consul or Vice-Consul

3.3 WITNESSING PROPERTY TRANSFERS

When witnessing the signing of a property transfer, the notarial officer must complete a DFAT Identity Certificate for Identity and Witnessing Certification (DFAT IC) **which can be found in Annex 12.2** This DFAT IC confirms the witness' name, position and authority to act as a witness and provides both a verification of identity, and confirmation that the document was signed in front of the witness. There is no charge for the DFAT IC, however normal charges for witnessing signatures and any accompanying certified copies apply. Notarial officers must not complete any other verification of identity form. If another verification of identity form is presented by a client, please advise the client that only the DFAT IC can be completed and direct them to contact their legal representative in Australia to confirm the DFAT IC will meet their requirements.

Each state and territory has different legislation and procedures for witnessing land or property transfer documents. Ordinarily, posts should request a client present written instructions from an Australian legal practitioner or conveyancer. However, if the client elects to have the service provided without such instructions, post should provide clear guidance to the client that post does not warrant the service provided is in accordance with the specific requirements of the state/territory, is only being performed in accordance with the client's instructions, there are no refunds and refer them to the Notarial Services Disclaimer. Posts should make detailed notes in the 'comments' field in CIS confirming that this advice was provided.

DFAT and the Australian Registrars National Electronic Conveyancing Council (ARNECC) have agreed to a strict simplified procedure for electronic conveyancing. ARNECC has also provided details of this procedure to all property conveyancers. Conveyancers should all have access to the guidelines and their instructions to their clients should be in line with ARNECC's guidelines.

See Help Card 1.4 for more detailed guidelines.

Some clients will present a 'Client Authorisation Form' (see Annex 12.8). This form has been produced by ARNECC and only requires notarial officers to watch the client sign their name, and write their name and the date. ARNECC have agreed that A-based and LES can witness the form and provide the verification of identity using the DFAT Identity Certificate for Identity and Witnessing Certification. This 'Client Authorisation Form' does not pertain to any specific land transfer legislation, meaning **officers at post can provide the witnessing and identify verification service regardless of the state/territory the transfer is occurring in.**

It is important to note that ARNECC are a regulatory body only and define best practice principles for state and territory registrars to accept and process property transfers. States and territories are not obligated to use ARNECC forms or follow their processes.

As a result of the above, some clients will present state and/or territory specific land transfer forms. These forms will relate to the state or territory's land transfer legislation (Queensland and Western Australia, for example). Notarial officers should be aware that some state and territory legislation excludes LES as authorised witnesses for these forms and allows only for A-based officers to perform this role. The below table has been developed to assist posts in providing these services.

WHO CAN WITNESS PROPERTY DOCUMENTS UNDER STATE AND TERRITORY LEGISLATION?		
JURISDICTION	LEGISLATION	AUTHORISED WITNESSES
Queensland	<p><i>Land Title Act 1994 (Qld), s. 161(2)</i></p> <p><i>Land Act 1994 (Qld), s. 310 (2)</i></p> <p><i>Land Regulation 2009, s 46</i></p> <p><i>Australian Consular Officers' Notarial Powers and Evidence Act 1946</i></p>	<ul style="list-style-type: none"> • DFAT A-based consular & diplomatic officers • Austrade A-based officers at Austrade-managed missions • DFAT LES & Austrade OEE authorised by the DFAT Secretary • Austrade & DFAT employees on STMs whose duties include consular roles/functions <p>• The witness must complete this form and lodge it with the signed documents.</p>
New South Wales	<p><i>Conveyancing Act 1919 (NSW), s 168</i></p> <p><i>Real Property Act 1900 (NSW)</i></p> <p><i>Oaths Act 1900 (NSW), s 26</i></p>	<ul style="list-style-type: none"> • DFAT A-based consular & diplomatic officers • Austrade A-based officers at Austrade-managed missions • DFAT LES & Austrade OEE authorised by the DFAT Secretary • Austrade & DFAT employees on STMs whose duties include consular roles/functions • British Consular Officers
Victoria	<p><i>Transfer of Land Act 1958 (Vic)</i></p> <p>NB: Clients undertaking a property transfer process in Victoria will usually provide the ARNECC 'Client Authorisation Form' allowing</p>	<p>In relation to land transactions in Victoria, a person must have their identity verified by Australia Post. Australia Post will not verify a person's identity if they are outside Australia. In these cases, the person must seek the assistance of a conveyancer or lawyer</p>

WHO CAN WITNESS PROPERTY DOCUMENTS UNDER STATE AND TERRITORY LEGISLATION?

	officers at post to proceed with the service, regardless of the limitations of this legislation.	to complete their conveyancing transaction and conduct verification of their identity.
Tasmania	<i>Land Titles Act 1980 (Tas)</i> , s 48.	Anyone over the age of 18, who is not a party to the dealing may witness it.
South Australia	<i>Real Property Act 1886 (SA)</i> , s 267 – 268. Also relevant: Model Participation Rules Guidance Note 2 , as released by Land Services South Australia.	<ul style="list-style-type: none"> • DFAT A-based consular & diplomatic officers • Austrade A-based officers at Austrade-managed missions • DFAT LES & Austrade OEE authorised by the DFAT Secretary • Austrade & DFAT employees on STMs whose duties include consular roles/functions •
Australian Capital Territory	<i>Land Titles Act 1925 (ACT)</i> , s 173.	An adult who is not party to the dealing may witness the document.
Northern Territory	<i>Land Title Act (NT)</i> , Schedule 1	<ul style="list-style-type: none"> • DFAT A-based consular & diplomatic officers • Austrade A-based officers at Austrade-managed missions • DFAT & Austrade LES authorised by the DFAT Secretary • Austrade & DFAT employees on STMs whose duties include consular roles/functions • British Diplomat or Consular Officer
Western Australia	<i>Transfer of Land Act 1893 (WA)</i> , s 145	<ul style="list-style-type: none"> • DFAT A-based consular & diplomatic officers • Austrade A-based officers at Austrade-managed missions

Some posts may be approached by clients requesting completion of 'Form 20 – Identity/Witnessing Certification'. Notarial officers should not complete this form as it is not intended for use by DFAT and is not required to be completed by posts. If approached by clients to complete this form, please advise that only the DFAT IC for certifying identity and witnessing signatures can be completed.

Fraud Checks by Receiving Authorities

Where it is considered necessary, Australian legal practitioners or state land registry authorities may email witnessing officers at their official email address to cross-check the details of the witness. Where they are unsuccessful at making contact with the witnessing officer, a request to verify the details and the authority of the witness, attaching the relevant DFAT IC, will be sent to [s47E\(d\)@dfat.gov.au](mailto:s47E(d)@dfat.gov.au). In most circumstances, Consular Policy is able to provide verification using the CIS record for the notarial act. Where this is not possible, Consular Policy will contact the notarial officer and Post directly.

3.4 ADMINISTERING AN AFFIDAVIT

An affidavit is a legally binding statement of fact to be presented as evidence in Australian court or other legal proceedings. Only authorised Australian diplomatic and consular officers ([see table at 1.5](#)) can witness affidavits and administer oaths or affirmations. It is the client's responsibility to advise if there is a requirement to have the document administered by an officer holding a specific position. **Locally Engaged Staff (LES) cannot witness affidavits.**

As the intention of an affidavit to submit evidence in an Australian court, or another legal proceeding, witnesses who have administered the oath or affirmation are liable to be subpoenaed to court to provide further evidence. It is for this reason that policy restricts the function only to A-based staff.

We are not concerned with the contents of the declaration – our role is only to establish the identity of the person signing the declaration, confirm that they understand the declaration and witness them signing it.

Making an affidavit is a solemn legal act and if possible you should take the client into a quiet area such as an interview room, so they have privacy while undertaking it.

Step-by-step instructions for administering an affidavit are listed on Help Cards 1.5 and 1.6

The client making the affidavit (the 'deponent') must make it in a way that is meaningful to them. The client may choose to confirm that the statement contained in their affidavit is the truth by either making a religious statement (an 'oath') or a non-religious statement (an 'affirmation'). Both are equal under the law and we should not influence the client in their choice. The most important thing is that the statement the deponent makes must be meaningful to them and be binding on their conscience.

Religious oaths can take different forms, depending on the beliefs of the deponent. For example, if the client has Christian religious beliefs, their oath may be sworn on a Bible. We encourage clients to provide their own religious text or item of religious significance to use during the swearing of their oath.

Often the affidavit form itself will include text that the client must repeat to confirm that their statement is the truth, but we also have [standard text for oaths and affirmations](#) which can be used if there is no form of words provided by the client's legal adviser ([refer to Help Card 1.5](#)).

If a client chooses a religious oath or ceremony, after signing the affidavit the notarial officer should ask them 'Are you bound by that oath [or by that ceremony you have performed] to speak the truth? Do you swear that this is your name and handwriting [or mark] and that the contents of this your affidavit are true?'. (refer to Help Card 1.6).

Affidavits often include attachments. These attachments can also be called 'exhibits, 'annexes' or 'annexures'. If there are attachments to the affidavit, the client must refer to them when they swear their oath or affirmation. The additional wording for attachments is included in our standard texts for oaths and affirmations (refer to Help Card 1.6). You should ask the client to advise whether all the pages require the witness to initial them.

If the client does not speak English or has limited English language skills, they should bring an interpreter of their choice with them to interpret:

- The notarial officer's explanation of the process of administering an affidavit to the client;
- The contents of the written affidavit to the client;
- The client's confirmation that they understand the contents of the written affidavit;
- The English oath or affirmation for client;
- The oath or affirmation as it is being made by the client.

The interpreter should write a short statement below the jurat on the affidavit:

I, [insert interpreter name], have been requested to act as an interpreter for the affidavit of [insert deponent name]. The deponent speaks the [insert name of language here] language, I understand and am able to converse in English and [insert name of language here]. I understand that a person who makes a false statement in an affidavit is guilty of an offence and believe that I have faithfully performed the services of an interpreter and the deponent understood all that I interpreted.

This statement should be followed by the name and signature of the interpreter and the date they performed their duties.

The text in an affidavit must not be amended after it has been sworn or affirmed. If an affidavit needs to be corrected, ask the client to seek legal advice. It may be necessary, for a new affidavit clarifying the change, to be sworn/affirmed and then attached to the original affidavit; or for a new affidavit, which incorporates the required changes, to be sworn/affirmed.

4. LEGALISING DOCUMENTS - APOSTILLE AND AUTHENTICATION CERTIFICATES (AUSTRALIA AND OVERSEAS)

Some foreign authorities may request a document to be issued with an Apostille or an Authentication certificate before it will be accepted by that foreign country. This is referred to as 'legalisation services'.

Legalisation describes the process whereby the signature, seal or stamp on an original public document is verified by a series of public officials along a 'chain of authentication' or 'authentication chain'. This is done to a point where ultimately it can be accepted and recognised by the receiving country. We do this by comparing the signature, seal or stamp on the original public document against a specimen held in the [Signatures and Seals database in CIS](#). We affix the Authentication and/or Apostille certificate to the original public document, which includes a statement confirming that we have verified the signature, seal or stamp. There are over 41,000 signature records and over 260 seal records held in the Signatures and Seals database and we continue to add more as required. For guidance on how to check the Signatures and Seals database, and how to add a new signature see the [Help Cards 1.9, 1.9.1 and Chapter 7 for more detailed guidelines](#).

We can only legalise original Australian public documents. There are two types of public documents:

- Documents issued directly by an Australian government agency or official (Federal, state or territory).
- Documents that have been notarised or certified by an Australian notary public.

When we legalise a public document we are NOT verifying the contents of the document or making any endorsement that the contents are correct. We are only confirming that – as far as we can tell – the signature, seal or stamp that appear on the public document match the record of the signature, seal or stamp held in our database.

The **Apostille certificate** and the **Authentication certificate** both serve the same purpose. The country receiving the public document decides which certificate they will accept.

Countries that are signatories to the *Hague Convention of 05 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (also known as the Hague Apostille Convention), accept Apostille certificates. The Hague Apostille Convention simplifies the legalisation process by removing the cumbersome requirements of an 'authentication chain', or a 'chain of authentication', and replaces it with the single formality of issuing an Apostille certificate.

It is considered to be a 'one-step' process and Apostille certificates have no expiry date. For example, an Apostille certificate issued 10 years ago holds the same weight under The Hague Apostille Convention as an Apostille certificate issued 10 days ago. If a document is presented already bearing an Apostille certificate verifying the underlying signature on the document, **a second Apostille certificate cannot be issued**.

A second Apostille certificate can only be issued on a single document if it is verifying a second signature, seal or stamp on that document. For example, if a Power of Attorney document has been witnessed by two Australian notary publics, then an Apostille verifying each notary public can be issued.

A full list of countries that are party to the Hague Apostille Convention can be found on the [Hague Conference on Private International Law website](#).

Countries who are not signatories to the Hague Apostille Convention accept Authentication certificates. An Authentication certificate can be issued on a document already affixed with an Apostille certificate and vice versa. We should try however, where possible, to only issue one or the other as bearing both certificates may mean the document does not meet the requirements of the receiving authority.

It is the client's responsibility to determine which type of certificate they require. They should confirm this with the receiving authority. Notarial officers should not provide clients with advice on what certificate will be required for their documents.

Receiving authorities can confirm the details of an Apostille issued by an Australian mission or passport office using the online verification tool on the Smartraveller website, by entering the Apostille number and date of issue. *NB. Only Apostilles issued on or after 14 December 2015 can be verified using this tool.*

4.1 WHICH DOCUMENTS CAN WE LEGALISE?

We can only authenticate signatures, seals and stamps on **original Australian 'public documents'**. An Australian public document is a document issued by an Australian government agency or official. Examples of public documents include birth, death and marriage certificates, court documents, and other official documents issued by Commonwealth, state or territory government departments. Additionally, if a document has been notarised or certified by an Australian notary public, it is considered a public document for our purposes. When we issue an Apostille or Authentication certificate on a document that a notary public has legalised, **we are verifying the signature, seal and/or stamp of the notary public**, not the person or authority who signed or issued the original document.

If a specimen of the signature, seal or stamp on the presented document is stored in the Signatures and Seals database, officers should cross reference the document to ensure the information held in the record matches the document, and that the signatory is authorised to issue the document. Once confirmed, we can legalise the document. If they are not in the database, we should arrange for a specimen to be added. **See Signatures and Seals chapter 7 and Help Card 1.9 and 1.9.1 for procedures and instructions.**

We can only issue an Apostille or Authentication certificate on a **photocopy of an Australian public document if the certified copy has been prepared by an Australian notary public**. The Apostille or Authentication certificate will verify the signature and seal of the notary public, rather than the details of the authority who issued the original document or the content.

Due to the high incidence of fraud associated with educational documents, notarial officers should only issue an Apostille or Authentication certificate on a certified copy of an Australian university document prepared by an Australian notary public where the notary's certificate states that the original record has been verified with the issuing institution or via the institution's online verification tool. A statement by the notary that the document is a 'true copy' does not satisfy the verification requirement. We **do not** legalise foreign education documents notarised by an Australian notary public. **See Section 4.4 for information regarding the authentication process for Education Documents.**

Damaged or Laminated Documents

Notarial officers should use their judgement to make an initial assessment when presented with a document that contains damage. Whilst determining whether a document can be accepted is a largely discretionary process, we should refuse to legalise a document if:

- any part of the document has been altered or tampered with;
- the document is at risk of being separated due to wear and tear;
- the document appears to have been torn and pieces reattached with sticky tape;
- the document is water damaged; or
- we suspect that part of the document is missing.
- documents that have been laminated or framed

Under **no circumstances** should documents that meet the above criteria be accepted for issue of an Apostille or Authentication certificate. The client should be advised to obtain a replacement document from the issuing authority.

In all other situations, DFAT is able to provide the legalisation service but it is up to the client to check with the requesting authorities if the document meets their standards and whether it will be accepted.

WHICH DOCUMENTS CAN WE LEGALISE?

TYPE OF DOCUMENT	REQUIREMENTS, LIMITATIONS AND OTHER INFORMATION
Birth certificate and Extract of Birth	<p>Issued by an Australian state or territory government Registry of Births, Deaths and Marriages.</p> <p>Extracts of birth and commemorative birth certificates can be issued with an Apostille or Authentication certificate where the registrar's signature appears on the document. As these documents do not contain all of the information relating to a person's birth registrations, clients should ensure their document meets the requirements of the receiving authority.</p>
Marriage certificate	<p>Issued by an Australian state or territory government Registry of Births, Deaths and Marriages.</p> <p>An Apostille or Authentication certificate cannot be issued on a commemorative marriage certificate or a ceremonial marriage certificate issued by the registered civil or religious celebrant.</p>
Death certificate	Issued by an Australian state or territory government Registry of Births, Deaths and Marriages.
Single Status certificate	Issued by an Australian state or territory government Registry of Births, Deaths and Marriages.
Record of No Result	Issued by an Australian state or territory government Registry of Births, Deaths and Marriages.

	<p>source of a document in accordance with our requirements – please email s47E(d) @dfat.gov.au with the following information:</p> <ol style="list-style-type: none"> 1. File number 2. Name of the parties 3. The name of the party requesting verification 4. Business case for requesting additional verification from the Court <p><u>Divorce granted <i>before</i> 13 February 2010</u></p> <p>If a client does not have their original Divorce Order, clients to complete the online form requesting proof of divorce on the Federal Circuit Court website. Clients will then receive a copy of the order with an electronic signature/seal. Once requests are processed, the orders will available electronically through the Commonwealth Courts Portal.</p>
Immigration Movement Record	Issued by the Department of Home Affairs (formerly Department Immigration and Border Protection)
Police Criminal Records Check or Finger Print Check	<p>Issued by the Australian Federal Police or state or territory police.</p> <p>An Apostille or Authentication certificate cannot be issued on a document issued by private security company.</p>
Translation documents	<p>If translated by a translator certified by National Accreditation Authority for Translators and Interpreters (NAATI). NAATI are endorsed as being the standard authority for translations for all Australian government organisations.</p> <p>From 1 July 2018, only translations done by a NAATI Certified Translator or a Recognised Practising Translator can be accepted. Translations done by NAATI Accredited translations are no longer to be accepted if they have been produced after this date.</p> <p>The translation must include the translator's signature, official NAATI stamp and a short statement confirming the translated document is a true and accurate translation of the original. The translation must be accompanied by a copy of the original document, signed by the translator. The documents should be bound together as part of the authentication process.</p> <p>See Annex 12.7 for NAATI's Guidelines for Translators detailing DFAT's requirements.</p>
Private documents (e.g. Power of Attorney, Will, bank statement, company documents etc.)	If notarised by an Australian notary public. We authenticate the signature and seal of the notary public, NOT the signature of the author of the document. The signature and seal of the notary must be original, not a photocopy.
Photocopies or certified copies of documents	If they were photocopied and certified as true copies by an Australian notary public.

Therapeutic Goods Administration (TGA) documents	<p>Documents must bear a signature, stamp or seal. TGA is part of the Australian Government Department of Health.</p> <p>Documents presented that have been issued from the GMP Goods and Manufacturing Practice (GMP) section of TGA must be signed by an authorised officer before they can be legalised. If presented with a GMP certificate that bears no signature or seal, direct the client to contact GMP@health.gov.au to organise an authorised officer to sign their document.</p>
Australian Securities and Investments Commission (ASIC) documents	<p>Documents must bear an original or electronic signature from the Chairman of ASIC.</p> <p>An Authentication certificate can be issued on an ASIC document <u>without</u> a signature (see electronic documents 4.2).</p> <p>An Apostille certificate <u>cannot be issued</u> on an ASIC document without a signature.</p>
Education documents	<p>Separate rules apply for education documents. See Section 4.4 for guidance</p>
Passports	<p><i>In Australia:</i> a photocopy must be certified as a true copy by a notary public OR an Australian Passport Officer. If the copy is certified by a passport office, <u>a different notarial officer must issue the Apostille or Authentication certificate.</u></p> <p><i>Overseas:</i> a photocopy must be certified as a true copy by a Passport Officer, using their passport name/position title stamp, not their consular name/position title stamp. <u>A different notarial officer must issue the Apostille or Authentication certificate.</u> See Section 2.5</p>
Driver licence or ID card	<p>An Apostille or Authentication certificate can be issued on a certified copy of a driver licence or ID card which has been prepared by an Australian notary public.</p>
Foreign document	<p><i>Generally should be referred to Embassy/Consulate of issuing country.</i></p> <p>An Apostille or Authentication certificate can be issued if the foreign document has been notarised by an Australian notary public (except foreign education documents).</p> <p>An Authentication certificate can be issued if the document has been authenticated by an accredited foreign diplomatic or consular officer posted to that country's mission in Australia (e.g. Consul of the Embassy of Kuwait in Canberra). An Apostille certificate cannot be issued in this circumstance.</p> <p>Australian missions can also issue an Authentication certificate against the signature/seal of a foreign competent authority (e.g. Ministry of Foreign Affairs) in their country of accreditation, when the document is to be relied on in Australia by an Australian authority or organisation.</p>

	An Apostille certificate cannot be issued in this circumstance. See Section 4.5.
Documents issued by authorised chambers of commerce and industry	<p>An Authentication certificate only can be issued if the document has been issued by an authorised state, territory or local Australian Chamber of Commerce and Industry. Foreign chambers must have an official affiliation with the Australian Government, or have been endorsed by the Australian Chamber of Commerce and Industry in order to be acceptable.</p> <p>These documents cannot be issued with an Apostille certificate. If an Apostille certificate is required, the documents must first be signed and certified by an Australian notary public. Under the Apostille Convention, commercial documents of an administrative nature, dealing directly with commercial or customs operations, are exempt from requiring an Apostille certificate. Examples of these documents include, but are not limited to, export certificates or certificates of origin.</p> <p>An Authentication certificate only can be issued on documents issued by a chamber of commerce and industry that has been registered in their respective Australian state or territory or recognised by their relevant foreign mission in Australia.</p> <p>For a list of registered business chambers, please visit https://www.austrade.gov.au/contact/faqs/what-is-a-certificate-of-origin.</p>
Documents signed by registered medical practitioners	Australian medical documents must first be certified by an appropriate certifying officer at either the Department of Health; Australian Health Practitioners Regulation Authority (AHPRA); the state government health authority/regulatory body, or an Australian notary public.
Electronic documents	Separate rules apply. See 4.2 and 4.3 for guidance
Documents with no signature or seal	<p>Separate rules apply. See 4.3 for guidance</p> <p>An Apostille certificate cannot be issued unless the document has been certified by an Australian notary public.</p>

4.2 LEGALISING ELECTRONIC DOCUMENTS

It is becoming more common for public documents to be issued electronically, bearing an electronic signature and/or seal. The electronic version of the document (the soft copy) is considered to be the original document. The process of issuing an Authentication or Apostille certificate an electronic public document is similar to the process for other public documents.

If the original document was issued electronically, the client should be able to produce the source email (email sent by the issuing authority) to the notarial officer and forward it to the office or post's generic email inbox. Similarly, if the original electronic document is accessible through a web portal, the notarial officer should ask the client to log on to this portal using their mobile device. If the client does not have a mobile device, we should allow the client to access a computer in the waiting area, if available. The electronic

document to be issued with an Authentication and/or Apostille certificate should be printed by the notarial officer. Printing the document directly from the original source (electronic version) is the only way we can be sure that we will be issuing our legalisation stamp on a printed copy of the original.

Check the signature and/or seal on the document to the specimen held in the Signature and Seals database. There may be a comment in the specimen record confirming the form the electronic document should take and any security features which need to be checked before a certificate is issued.

Already printed copies of documents that have been issued electronically should no longer be accepted. The notarial officer should always produce the printed version themselves.

4.3 LEGALISING DOCUMENTS WITH NO SIGNATURE OR SEAL

Only Authentication certificates can be issued on Australian public documents without either a signature or seal.

Some public documents have no signature or seal. Usually these original public documents are issued electronically, and some rely on embedded security features to prove their authenticity. For example, movement records requested by clients and issued by the Department of Home Affairs now bears no signature or seal. They are, however, sent directly to a client via a secure Home Affairs email address.

Where a public document of this type has been identified, there will be a related record in the Signatures and Deals database under the name of the issuing authority. The 'Comments' field of the record in the database will confirm the form the document should take and any security features which must be checked before an Authentication certificate can be issued.

When issuing the Authentication certificate, notarial officers will need to select **Authentication Electronic Document – no binding** from the 'Notarial Type' drop down menu in CIS. When printing the Authentication certificate, select 'Template' **Authentication – No Signature/Seal – Electronic Document**. These steps ensure the wording on the Authentication certificate will state that the document was 'issued by' the authority, instead of stating that the notarial officer is verifying the signature/seal/stamp of the authority. See **Help Card 1.8.2** for more detailed instructions for issuing an Authentication certificate in CIS.

Please contact Notarials Support ([s47E\(d\)@dfat.gov.au](mailto:s47E(d)@dfat.gov.au)) if you are unable to locate the CIS record for the presented document.

EXCEPTION

The only exception to the above advice is for Notices of Assessment issued by the Australian Taxation Office. These documents have no signature or seal, only a printed name and authority (Paragraph 24, *Taxation Administration Regulations 2017* (Cth) confirms this is acceptable). Other public documents without a signature or seal rely on embedded security features to prove their authenticity

If you suspect a document is fake or fraudulent, refer to Section 1.6.

You must not issue an Apostille or Authentication certificate. Instead, make a copy and advise both your supervisor and ^{s47E(d)} [@dfat.gov.au](mailto:dfat.gov.au).

The matter will be investigated and if necessary, referred to the appropriate authorities.

4.4 EDUCATION DOCUMENTS

To be accepted for legalisation, education documents must have been issued by an Australian accredited education institution. It is possible to check the credentials of Australian education institutions using the Department of Education's Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS): <http://cricos.education.gov.au/>

CRICOS will list whether an institution is private or public. If you are unable to locate the institution on CRICOS, then it is likely to be private.

Fraudulent education documents are increasingly common so strict rules are applied when legalising documents issued by Australian educational institutions.

Primary and Secondary Schools

We can legalise original education documents from Australian primary schools and secondary schools, as long as the document has been verified and signed by an authorised officer from the relevant state or territory government education body, **not the school administration**. The Apostille or Authentication certificate we issue verifies the signature/seal/stamp of the authorised officer from the relevant state or territory education body.

We can also legalise Australian education documents from Australian primary schools and secondary schools which have been notarised by an Australian notary public. The Apostille or Authentication certificate we issue verifies the signature/seal/stamp of the Australian notary public.

The following state and territory government education bodies can provide information regarding who is authorised to verify and sign primary and secondary education documents:

ACT – ACT Government Education Directorate (Primary Schools) & ACT Board of Senior Secondary Studies

New South Wales – NSW Education Standards Authority & NSW Department of Education

Northern Territory -Department of Education

Queensland - Queensland Curriculum & Assessment Authority & Department of Education and Training

South Australia - SACE Board of South Australia

Tasmania – Office of Tasmanian Assessment, Standards & Certification & Department of Education

Victoria - Victorian Registration and Qualifications Authority and Department of Education Victoria

Western Australia – School Curriculum and Standards Authority and Department of Education WA

Public Colleges of Technical and Further Education (e.g. TAFE, CIT)

TAFE Colleges are owned, operated and financed by various state and territory governments. As a result, from a policy perspective, they are considered to be public institutions. This means that we can legalise original documents from Australian public technical colleges, as long as the document bears the stamp of the issuing institution or the signature of the authorised officer holding appropriate authority to issue the certificate. In most cases for TAFE documents, the appointed official will be the Managing Director or Director. The appointed official in a TAFE or CIT College is appointed by the relevant Minister in the state/territory having direct responsibility for education. The Apostille or Authentication certificate we issue verifies the signature/seal/stamp of the person who has signed the certificate.

We can also legalise education documents from Australian public technical colleges which have been notarised by an Australian notary public. The Apostille or Authentication certificate we issue verifies the signature/seal/stamp of the Australian notary public.

Private Schools & Colleges

We can legalise education documents from Australian private schools and colleges which have been notarised by an Australian notary public. The Apostille or Authentication certificate we issue verifies the signature/seal/stamp of the Australian notary public.

In some Australian states and territories, the Department of Education may also verify and apply their departmental seal to original education documents issued by private schools and colleges. In these circumstances, we can issue an Apostille or Authentication certificate which verifies the signature/seal/stamp of the authorised officer from the relevant state or territory education body.

Universities

All Australian universities, regardless of whether they are publicly or privately run, are enacted under the *High Education Support Act 2003*. As a result, from a policy perspective, they are considered to be **public institutions**.

A list of Australian universities can be found at: <https://www.universitiesaustralia.edu.au/>

We can legalise original education documents from Australian universities, as long as the documents have been verified by the issuing university. This verification process was introduced, after consultation with Australian universities, to protect against the overseas use of fraudulent Australian university documents. The Apostille or Authentication certificate we issue verifies the signature of the original author (e.g. Chancellor or Vice-Chancellor) or seal/stamp of the issuing university **not/not** the signature of the authorised officer who verified the document.

If an Australian university document which has not been verified by the issuing university is presented for authentication, ask the client to provide a copy of the verification.

Ways the client can have their document verified include:

- returning the document to the university to obtain the verification statement;

- accessing the university's online portal when in the mission/office and showing the notarial officer the verification statement;
- organising the university to send a verification email directly to the Australian mission or passport office.

Not all Australian universities have online verification tools. Some universities require students contact their central student administration office to have their degrees, certificates and academic transcripts verified. The [Smartraveller](#) website contains a list of universities with online verification tools and provides contact details for universities without online verification tools.

We also require Australian notary publics who produce certified copies of Australian university documents to complete this verification process. Their notarial certificate must include a statement confirming that the original record has been verified with the issuing institution. A statement by a notary public that the document is a 'true copy' does not satisfy this verification requirement. **If the verification process has been confirmed in the notarial certificate**, we can issue an Apostille or Authentication certificate verifying the signature/seal/stamp of the Australian notary public.

Some universities have commenced issuing testamurs, academic transcripts and degrees electronically by utilising a new online portal called [My eEquals](#). These can be legalised without any further verification as long as the steps for legalising an electronic document are followed. See Section 4.2.

Foreign education documents

We do not legalise documents issued by a foreign educational institution or foreign education documents certified by an Australian notary public. Clients presenting these documents should be referred to the Embassy/Consulate /Ministry of Foreign Affairs of the country where the documents were issued.

Check Australian government sources to confirm whether an education provider is public or private.

Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS):
<http://cricos.education.gov.au/>

4.5 DOCUMENTS ISSUED BY DIPLOMATIC OR CONSULAR OFFICERS

The Apostille Convention states that it does not extend to include documents executed (or issued) by an Australian Diplomatic or Consular Officer. By doing this, we would effectively be providing legalisation on ourselves. In these cases, the client should have their document notarised by an Australian notary public if it requires an Australian legalisation. If the client is overseas, they could have their document notarised by a local notary public (or equivalent). The local authorities may then be able to issue their own Apostille certificate against the signature and seal of the local notary public. The client should be advised to confirm requirements with their receiving authority before using this option. Certificates of No Impediment to Marriage (CNI) issued at post are an exception to this rule and can be legalised. The CNI and legalisation should not be prepared by the same officer.

An Authentication certificate can be issued on original Australian 'public documents' if they have been issued with an Authentication certificate by an Australian Diplomatic or Consular Officer or an Authorised Consular Employee. We cannot issue an Apostille certificate on these documents.

An Authentication certificate may be issued on documents that have been authenticated by an official working in a foreign High Commission/Embassy/Consulate in Australia, provided they have been provided with Consular or Diplomatic accreditation in Australia. For example, the Consul General of the Iraqi Consulate in Sydney. It is the signature of the Diplomatic or Consular Official that is being verified. We cannot issue an Apostille certificate on these documents.

Australian missions can issue an Authentication certificate against the signature/seal of the foreign competent authority (e.g. Ministry of Foreign Affairs) in their country of accreditation, when the document is to be relied upon in Australia by an Australian receiving authority. We cannot issue an Apostille certificate on these documents.

4.5.1 Certified Copies of Australian Passports

Please see Section 2.5 for more detailed information regarding Certified Copies of Australian Passports.

A certified copy of an Australian passport, prepared in your capacity as Passport Officer, can be issued with an Authentication and an Apostille certificate. This is because your authority to issue a certified copy lies with the Passport Officer delegation as DFAT is the issuing authority of the document.

The Apostille Convention does not permit DFAT to issue an Apostille certificate against the signature of a Consular or Diplomatic Officer, but it does allow us to issue an Apostille certificate against the signature of a Passport officer. This is the reason DFAT can issue an Apostille certificate on a certified copy of an Australian Passport.

4.6 WHERE TO PLACE THE APOSTILLE OR AUTHENTICATION CERTIFICATE?

On a **one-page document** such as a birth certificate, print the Apostille or Authentication certificate onto an A5 sticky label and affix the label to the back of the document. Do NOT cover any text on the document. For full instructions on issuing an Apostille or Authentication certificate see Help Card 1.8 and 1.8.1.

If a **one-page document has text on both sides of the page** and there is insufficient space for an A5 sticky label to be affixed, you will need to print the Apostille or Authentication certificate onto a blank A4 page and bind this page to the front of the original document. The instructions for binding a document can be found on the Help Card 1.10.

If the document we are authenticating contains **multiple pages**, it must be bound as part of the process of issuing the Apostille or Authentication certificate. By binding the document we indicate that the Apostille or Authentication certificate issued by us applies to the entire document. It also ensures that pages cannot be added to the document at a later stage.

If the **multiple page document has not been bound by the issuing authority**, the document must be bound by the officer at the time the Apostille or Authentication certificate is issued. Notarial officers must confirm that every page of the document bears the signature, seal or stamp we are verifying. We are verifying the signature, stamp or seal, not the content of the document. The Apostille or Authentication certificate must be printed onto a blank A4 page and this page must be bound to the front of the multiple page document. The instructions for binding a document can be found on the Help Card 1.10.

If the **multiple page document has been bound by the issuing authority**, the legal binding should not be removed by the officer. Staples are not accepted as a legal binding due to the risk of additional pages being added after the certificate has been issued. Before issuing an Apostille or Authentication certificate for a multiple-page document, the officer must confirm that the original document bears the same signature, seal or stamp on every page. If the document does not bear the signature, seal or stamp on every page, it is acceptable to refer the document back to the issuing authority for this to be rectified. The majority of pre-bound multiple page documents presented for authentication originate from Australian notary publics. Australian notary societies and their members are aware of our requirements.

Once it has been confirmed that the document bears the signature, seal or stamp on every page, the Apostille or Authentication certificate can be issued and printed onto an A5 sticky label. The label should be affixed either below the notarial certificate or onto the page behind it. For example, for a document issued by an Australian notary public this will be the page that bears the official embossed seal and signature of the notary public. Do NOT cover any text on the document. For full instructions on issuing an Apostille or Authentication certificate see Help Cards 1.8 and 1.8.1.

EXCEPTION

We can bind multiple page Australian Higher Education Graduation Statements issued by Australian universities, which do not include a signature, seal or stamp on every page but clearly show the number of pages contained within the document. See Section 4.4 for further information.

5. CERTIFICATES OF NO IMPEDIMENT TO MARRIAGE (AUSTRALIA AND OVERSEAS)

5.1 WHAT IS A CERTIFICATE OF NO IMPEDIMENT TO MARRIAGE?

In some countries, foreigners must provide evidence that they are free to marry, before a legal marriage ceremony can be held in that country. A Certificate of No Impediment to Marriage (CNI) can be issued for this purpose. **A CNI is not a requirement under Australian law.** The CNI is a general statement of the law in Australia concerning the recognition of foreign marriages. It states that the person named in the certificate has signed a declaration and, on the basis that the declaration is true and correct, there is no legal reason why they cannot marry.

The Certificate also states that we are unable to confirm whether the person named is actually free to marry. This is because there is no central marriage registry in Australia, and we are not able to check or confirm that the person is not already married.

The signed CNI application form is the equivalent of a Commonwealth statutory declaration, as it is effected under the *Statutory Declarations 1959* (Cth) and is a legal declaration by a person that they are free to marry. Some countries require both the CNI and the signed application (declaration), as it forms the legally binding statement.

The client must check whether or not their CNI must be issued in that country, or if a CNI issued in Australia or a third country is acceptable, with the government authorities where they intend to marry. Rules can vary in different parts of the same country. Because of this, the client should also be encouraged to check with the government authorities in the state or province where they intend to get married.

REMEMBER

The CNI application is equal to a Commonwealth Statutory Declaration. The declaration provides us with the information to be included in the document we are producing.

The CNI itself is not a statutory declaration, it is a Letter of No Objection. It is designed specifically for use overseas.

5.2 WHO IS ELIGIBLE FOR A CERTIFICATE OF NO IMPEDIMENT?

From 1 February 2012, a Certificate of No Impediment can be issued if, on the basis of information supplied by the applicant, the couple meet the criteria which would render a marriage legal in Australia, i.e.:

- the parties are not closely related
- they are both of marriageable age (at least 18 years old)
- neither is already married.

Under Australian law, individuals under the age of 18 cannot legally marry. If either person listed on the CNI application form is under 18 years old, the CNI cannot be issued. It does not matter if the local age for marriage is under 18 or if the applicants have parental consent. Only an order **from an Australian court** can authorise a marriage where a party to the marriage is under the age of 18.

Australian law also states that a couple cannot be married more than once and cannot be married in Australia if they have already been married under the law of another country. However, under the *Marriage Act 1961*, there is nothing prohibiting a couple from having another religious ceremony after they have been married, but it cannot purport to be a ceremony of marriage and no documents can be prepared or filed in relation to the religious ceremony.

If there is any doubt about whether a marriage would be recognised in Australia, the certificate should not be issued, and the matter should be referred to [s47E\(d\)](#) @dfat.gov.au who will consult the Attorney-General's Department, as necessary.

Marriage Equality

On 9 December 2017, the *Marriage Amendment (Definition and Religious Freedoms) Act 2017* commenced. The Act changes the definition of marriage and provides for marriage equality in Australia. The right to marry in Australia is no longer determined by sex or gender. We can issue a CNI to a same sex couple for use overseas.

5.3 APPLYING FOR A CERTIFICATE OF NO IMPEDIMENT

Clients can download CNI application forms from the [DFAT Smartraveller website](#).

In Australia, they can complete the form and have it witnessed by a qualified witness listed on the application form. They can then present it at any state APO office or Australian mission overseas. Clients overseas can complete the form and present it at an Australian mission for witnessing. A Certificate of No Impediment to Marriage application form is a statutory declaration made under the Commonwealth Act (*Statutory Declaration Act 1959*).

Overseas this form must be witnessed by DFAT A-based and Austrade A-based (in Austrade-managed missions) or authorised DFAT LES and Austrade OEE (in Austrade-managed missions) or a local notary public. Notarial officers should not interpret Australian legislation listing categories of professions as being equivalent to professions in their host countries.

Supporting identification and evidence must be submitted with the CNI form for both the applicant and the intended spouse. The applicant will need to provide their passport with their application for a CNI. If they are unable to provide a passport, then they can provide similar identity documents (such as a birth certificate) but these **must be accompanied by a form of photo identification**. If either the applicant or the intended spouse are unable to provide any photo identification, notarial officers are encouraged to first use all tools available to them to satisfy themselves of the applicant's, and their intended spouse's, identity. This could be, for example, following APO principles for establishing ID where photo ID cannot be provided for a passport application.

If identity cannot be reasonably established, state/territory offices and overseas posts should refer the case to **s47E(d)** @dfat.gov.au outlining the reasons why no photo identification can be produced and what steps have been taken to ensure the applicant's identity.

Supporting Evidence

If the applicant is not an Australian citizen, he/she must provide proof of their permanent residency status in Australia. Evidence of Australian Citizenship or proof of permanent residency is not required for the spouse.

If the applicant or spouse has been married before, he/she must provide their divorce certificate OR the death certificate of their former spouse.

If the documents are not in English, they must be accompanied by an English translation, prepared by a professional translator.

The applicant can provide original documents which can be photocopied and certified by notarial officers. There should be no charge for this. Certified copies can also be accepted if they have been certified by a person or agency that is recognised by the local law of the country where the applicant and/or intended spouse is located.

CNIs must be processed electronically using the Certificate of No Impediment module of CIS, with a copy of the application form, supporting documentation and certificate saved to the EDRMS files of the post or passport office.

Applications received by mail are acceptable in principle. In countries where there is a high incidence of forced or underage marriage, overseas posts may make a local rule that applicants must attend in person and the clients be interviewed individually. See Consular Operations Handbook 11.6 if forced marriage is suspected.

If accepting an application by mail, the application form must be witnessed by an authorised witness. Photocopies of all supporting documents must be certified copies. The list of approved witnesses is included in the application form available on the Smartraveller website.

The text of the CNI has been approved by the Attorney-General's Department and cannot be changed without approval from Consular Policy. The word 'citizen' may be replaced manually with 'resident' in certain circumstances. Any request to change the text, or provide additional statements should be referred to **s47E(d)** @dfat.gov.au.

When required by the host government, **Australian missions may issue certificates in the local language**. Requests to have a foreign language template included in CIS should be referred to **s47E(d)** @dfat.gov.au. Such requests should include a translation of the CNI text, prepared by an

authorised/professional translator. Once the foreign language CNI template has been uploaded by Consular IT, it will be possible for the requesting mission to print the foreign language CNI directly from CIS.

Some foreign governments require applicants to provide a copy of the application form in addition to the CNI (Japan for example). Clients should be advised to check local requirements with the foreign government. Provide a copy of the application form to the client if this is a requirement of the country where they intend marry.

Step-by-step instructions for issuing a Certificate of No Impediment to Marriage (CNI) are listed on Help Card 1.7.

Single Status Certificates or No Record Result Certificates

Most Australian states and territories issue a Single Status Certificate as evidence of the client being unmarried in that state or territory. A Single Status Certificate only confirms there are no records of marriage for the state or territory in which it was issued, not for the whole of Australia. This is because there is no national registry of births, deaths and marriages in Australia. Application forms are available on the websites for state and territory registries and often the fees can be paid online.

De Facto Relationship Letter

Some clients ask for a certificate confirming their de facto relationship. If this certificate is for use overseas, the client should seek local legal advice. A generic 'De Facto Information Letter' can be downloaded by the client from the [Smarttraveller website](#).

6. LETTERS OF NO OBJECTION

6.1 WHAT IS A LETTER OF NO OBJECTION?

Notarial staff at post are sometimes required to provide documents to Australian citizens known as Letters of 'No Objection' (LNO's). LNOs are letters issued to Australian citizens by posts in support of requirements of the host government, or third country, for a specific purpose. Some examples include letters:

- travel to 'Do Not Travel' countries;
- to accompany the repatriation remains of a deceased Australian to Australia; or
- confirming no objection to an Australian studying.

Posts are expected to test the requirement for LNOs with local authorities and **discontinue** their issue wherever possible.

LNOs are only to be provided where there is a **local legal requirement** to do so and where a 'blanket' LNO, Third Person Note (TPN) or similar document does not satisfy local requirements. Consular Policy Section retains some TPN examples and 'blanket' LNOs used at other posts for this purpose.

Where local authorities insist on the provision of an LNO, or where unique circumstances exist and post considers an LNO should be issued for a specific purpose, post must seek approval to do so from Consular Policy Section by contacting **s47E(d)** [@dfat.gov.au](mailto:s47E(d)@dfat.gov.au).

In some circumstances, depending on the required content of the LNO, clients may be asked to sign a Commonwealth Statutory Declaration containing the information for the LNO and provide accompanying evidence in support the content. For example: documents evidencing such as student ID or an academic record attached to the statutory declaration.

Clients should be charged a notarial fee for the witnessing of their statutory declaration and a fee for the issuance of the LNO (Preparation of a declaration or other document).

If posts identify the need for a LNO, they must confirm in their initial email to **s47E(d)** [@dfat.gov.au](mailto:s47E(d)@dfat.gov.au) that they have:

- established there is a local legal requirement and include this confirmation in writing;
- liaised with likeminded missions to identify their processes for the requirement; and
- identified whether a 'blanket' LNO can be used, or whether it will need to contain specific personal information, requiring clients to complete a statutory declaration.

All LNOs and accompanying statutory declarations should be retained at post in EDRMS.

REMEMBER

Letters of no objection need to be cleared by the Consular Policy Section before being used by Post.

6.1.1 Blanket LNOs

Where the Consular Policy Section has approved the use of a 'blanket' LNO, posts should upload a PDF version of the document available on the Embassy website for clients to download at any time to reduce the burden on post.

6.1.2 LNOs for 'Do Not Travel' countries

LNOs will only be provided for Australians to travel to a country with a **Do Not Travel** warning where there are exceptional humanitarian circumstances and/or a local legal requirement. Posts should consult the Consular Policy Section prior to issuing any LNOs for this purpose.

Prior to issuing the LNO, the client must sign a Commonwealth Statutory Declaration stating that:

- they have read and understood the contents of the current travel advice for the country
- they accept full responsibility for their decision to travel despite the warnings
- they understand the Australian Government can only provide limited consular assistance in that country
- the declaration provided to Consular Policy Section for review before the LNO is issued.

LNOs and the statutory declarations, including a copy of the travel advice at the time of signing, should be recorded in EDRMS at post.

Posts providing these letters should not indicate support for the travel, but rather that the Australian government does not object to it.

6.1.3 LNOs for Overseas Adoption

Posts may be approached by Australians requesting a letter to enable an overseas adoption process to proceed. The Australian Government does not issue Letters of No Objection to Australian prospective adopting parents. The Department of Home Affairs has an Information Page on overseas adoptions for Australians which outlines the visa and citizenship pathways available to a child adopted outside Australia. Posts should refer clients to this website: <http://www.border.gov.au/Trav/Life/Adoption-of-children/australians-overseas>.

Where Australian prospective adoptive parents request a letter confirming their Australian citizenship and/or ongoing residence overseas, this may be provided in a letter without reference to the proposed adoption process. Posts should refer clients to this website: <http://www.border.gov.au/Trav/Life/Adoption-of-children>

REMINDER

Australian statutory declarations and Affidavits cannot be used for local purposes.

Notarial officers should be aware that in some foreign jurisdictions, Australian statutory declarations or affidavits, witnessed by staff at post and used for local purposes, are perceived as an endorsement of the content, or a proxy LNO. **Australian statutory declarations and affidavits are not a substitute for a LNO.** They are for use in Australia only and have no legal standing in a foreign jurisdiction, even where local authorities deem them acceptable. Posts must not witness a statutory declaration or an affidavit where it is intended for use in a foreign jurisdiction.

By issuing an LNO based on information provided in a Commonwealth Statutory Declaration, this allows DFAT to pursue the individual if fraudulent or misleading information is provided. An Australian statutory declaration presented directly to a foreign government does not provide any legal obligations, or basis, for DFAT to pursue individuals.

Many countries will have a local equivalent declaration which should be completed by clients when required by local authorities. Like Australian statutory declarations, local forms will often have a list of approved witnesses.

7. SIGNATURE AND SEALS DATABASE

7.1 WHAT IS THE SIGNATURE AND SEALS DATABASE USED FOR?

The Signatures and Seals database, located in CIS, contains over 41,000 specimen signatures, and over 260 seals and stamps of officials and authorities who are, or who have been in the past, authorised to issue various documents. These records are used when issuing Apostille and Authentication certificates. The certificates themselves are generated and printed using the database. See **Help Cards 1.9 and 1.9.1 for instructions**.

When a client requests to have an Apostille or Authentication certificate issued on a document, you must search for the name of the signatory or organisation in the Signatures and Seals database. Once the correct record is located, you must carefully check that the signature, seal or stamp shown in the database is the same as on the document the client has provided. It is important to confirm that all the details on the document, such as the position title of the signatory, match the record in the Signatures and Seals database. There may also be explanatory notes in the 'Comments' field of the record, including security features which should be checked, or advice not to use that particular record.

Historical records, where signatories no longer hold the same position or the name of an organisation has changed, are not deleted from the database, as there may still be documents in circulation bearing these details which require legalisation. Once identified, these records are marked as 'Not-Current' (advise **s47E(d)** [:@dfat.gov.au](mailto:@dfat.gov.au) if changes to an existing record are required). If you need to issue an Apostille or Authentication certificate using a 'Not-Current' record it is essential to confirm the document presented was issued during the validity period listed on the record.

If a signatory or organisation has changed its title, or a new seal or stamp has been introduced, we need to verify the change directly with the issuing authority before adding a new record in the Signatures and Seals database. If a public document is presented where the signature, seal or stamp is not held in the database, it is necessary to add a new record before an Apostille or Authentication certificate can be issued.

If the main details of a signatory change (such as authority, position title or organisation) then a new record should be created in CIS. Details of the existing record cannot be amended as this will compromise previous Apostille certificates issued against that record, resulting in online verification no longer matching the details on the printed Apostille certificate.

Minor details, such as contact details and additional signature versions, can be added to existing records. Notarial officers have access to do this themselves. Contact **s47E(d)** @dfat.gov.au for further questions.

7.1.1 New Notarial Staff

Before any staff at the mission commence notarial duties, a specimen of their signature and seal should be recorded in the Signatures and Seals database. This can be entered by staff overseas using **Help Cards 1.9 and 1.9.1**. When staff leave the mission or cease performing notarial duties, the validity date of their database record should be updated to reflect this.

Entering an officer's signature into CIS allows others with access to CIS to compare documents signed by that person to the specimen signature in the database. **It does not enable notarial acts to be entered against that person's name.** Only officers with access to the Signature & Seals module of CIS can be nominated as Signing or Preparing Officers in a notarial record.

7.2 ADDING A NEW SIGNATURE TO THE DATABASE

If a document is eligible for an Apostille or Authentication certificate yet the signature, stamp or seal on the public document is not held in the Signatures and Seals database, you will need to have a new record added before the document can be legalised. Before a new record can be added to the database, a specimen signature, stamp or seal must be obtained from the signatory or issuing institution. Alternatively, if the document is old and we are not able to obtain the signature, stamp or seal directly from the signatory then we must have express written consent from the organisation to include the signature, seal or stamp in the database.

Notarial staff in state and territory passports offices are responsible for locating and contacting the signatory or organisation and arranging for them to complete a 'Request for Specimen Signature/Seal/Stamp form' (see Annexes 12.5 and 12.6).

In Australia staff should:

1. Locate contact details of the signatory or authority either through internet or directory searches.
2. Contact the signatory and briefly explain the process of issuing an Apostille of Authentication certificate, highlighting why a specimen signature/seal/stamp is needed.
3. Ask if you can email the Request for Specimen Signature/Seal/Stamp form and obtain the relevant address. Request the form be returned, by email, as soon as possible to allow early processing of the document.
4. Prepare the cover letter and form found at **Annex 12.6**.
5. Email the completed cover letter and request form to the signatory.
6. Where relevant, advising the requesting Post that the signature has been obtained and added to the database.

Record Keeping for Specimen Signature/Seal Requests

To ensure we meet our record keeping obligations under the *Archives Act 1983* (Cth) and our obligations under the *Privacy Act 1988* (Cth), every office must obtain and store consent forms or emails in EDRMS prior to adding a signature or seal to the Signatures and Seals module in CIS. Offices that do not already have filing practices in place should refer to DFAT's Record Management Procedures Manual for further guidance. **All new signature/seal entries must contain comments that specify the EDRMS file reference where the specimen signature form or email is contained.** This process is necessary for DFAT to quickly retrieve consent forms or emails provided to DFAT to use and store information in CIS.

Independent confirmation should be obtained when adding new signatures, seals or stamps. We cannot accept a copy of the Specimen Signature/Seal/Stamp form provided by the client. If you have doubts about the legitimacy of the signatory, contact the relevant issuing institution or government department, e.g. a state/territory society of notaries, NAATI, Registrar of Births, Deaths and Marriage. **Further instructions on how to add a new signature and seal to the database in CIS are in Help Cards 1.9 and 1.9.1.**

Overseas, notarial staff should email a request for assistance, including a scan of the presented document, to the Australian Passports Office in the state or territory where the signatory or issuing institution is based. They will contact the signatory, obtain and upload the new signature and seal on behalf of the overseas post and advise when it is done. This process may take several weeks, so you will need to explain to the client there will be a delay while the specimen signature/seal/stamp is obtained.

The contact details for the Australian Passport Offices are:

Adelaide: s47E(d)	@dfat.gov.au
Brisbane: s47E(d)	@dfat.gov.au
Canberra: s47E(d)	@dfat.gov.au
Darwin: s47E(d)	@dfat.gov.au
Hobart: s47E(d)	@dfat.gov.au
Melbourne: s47E(d)	@dfat.gov.au
Perth: s47E(d)	@dfat.gov.au
Sydney: s47E(d)	@dfat.gov.au

Notarial officers in missions overseas should only load the signature/seal/stamp for notarial officers employed at their mission or the signature/seal/stamp of government officials from the host country Ministry of Foreign Affairs (MFA) or other government institutions who issue Authentication certificates. The CIS records of MFA or other government officials should only be used by consular staff in the mission(s) with accreditation to that country, in order to issue Authentication certificates.

7.2.1 Entering Correct Information into Signature and Seal Records

When creating new signature entries it is important to ensure all fields are entered with correct and accurate information. As a result, we must understand the function of each field in CIS that will determine information that will be contained in an Authentication or Apostille certificate.

Notarial Type - Signature/Seal should always be chosen for records that will contain the signature of an individual. Seal should be chosen for records that will only contain the seal or stamp of an organisation.

Authority – The authority field reflects the source of the authority to issue a public document.

- For a signature record, a government official draws their authority to issue a public document from the government department they are employed by. For example, all DFAT entries (including overseas) should bear the authority of 'Department of Foreign Affairs and Trade'.
- For a seal record, the seal/stamp draws its authority from the government department.
- Authority fields should not contain reference to a person's position/title. This is reflected in the position/title field in CIS.
- Sometimes the authority field may not reflect what is on the seal itself. For example, TGA sits within the Department of Health. Therefore, the authority field should reflect 'Department of Health' and not 'Therapeutic Goods Administration'.
- Australian notary publics draw their authority from the seal they have been issued. The seal lists their name, their title and the jurisdiction they have been appointed to act as a notary public in. The

- authority field should reflect what is written on their seal. For example, John Smith, Notary Public, Victoria, Australia.
- Do not guess. If you are unsure what should appear in the authority field you should contact **s47E(d)** [@dfat.gov.au](mailto:s47E(d)@dfat.gov.au)

First/Middle/Last Name – It is of the utmost importance that officers ensure they have correctly entered the details of a signatory's name. Proper capitalisation should be used and names should not be written in full capital letters. For example, John SMITH should be John Smith. For seal records, write the full name of the authority again in the 'Last Name' field. This is the only mandatory field in a signature form. First and Middle name fields should be left blank.

Organisation – This field reflects the organisation a signatory works for. In most cases, the authority and the organisation will be the same. However, such as in the case of TGA, organisation may be the sub-section of a government organisation.

- Some old records in CIS may only show an organisation and not an authority. It is important to note that in the absence of 'authority', the Authentication and/or Apostille certificate will automatically revert to the 'organisation'. If you come across a record where the authority is missing, contact **s47E(d)** [@dfat.gov.au](mailto:s47E(d)@dfat.gov.au) and provide the link to the relevant record.

Position/Title – This should reflect the position that provides the public official with the authority to issue the document. In most cases 'authorised officer' is sufficient to mitigate multiple movements of officers in a Department. However, sometimes a person's authority to issue a document is anchored to the specific position they are currently holding. For example:

- Only a Chancellor or Vice Chancellor can issue a university degree
- Only a Registrar can issue an RBDM document
- Only a Registrar can issue a court document

Staff in Australian Passport Offices should list their signatures as 'Authorised Officer'.

Authorised Locally Engaged Staff at overseas missions should use 'Authorised Consular Employee'.

A-based staff at overseas missions should use their Diplomatic and Consular accreditation.

8. BINDING DOCUMENTS

A legal document with multiple pages must be formally bound together so that any attempt to remove or replace a page is obvious.

If a legalised document has multiple pages, we must bind the page bearing the Apostille or Authentication certificate to the multiple-page original document. Before issuing an Apostille or Authentication certificate for a multiple-page document, the notarial officer must confirm that the original document bears the same signature, seal or stamp on every page. Other multiple page notarial acts, such as an affidavit which includes an attachment or a multiple-page certified copy, should also be bound.

If there is insufficient space to affix an Apostille or Authentication certificate on a public document, the certificate should be printed on a blank A4 page, which is then bound to the front of the original document.

For reasons of fraud prevention, it is important that all offices and missions follow the same binding process. The binding process we use involves tying the pages of a document together with a thin green ribbon, which is then affixed to the document using a red wafer seal that has been embossed with the seal of the issuing office or mission. Full instructions on how to bind a document can be found in Help Card 1.10. If you require any of the materials used in the binding process and cannot source them locally, please contact Notarials Support (s47E(d) [:@dfat.gov.au](mailto:s47E(d)@dfat.gov.au)) to seek supplier contact details and product codes.

We do not charge any additional fees to bind a document. Clients may not be aware that binding will result in permanent modifications to their document. Before performing the notarial service, you should explain the binding process to the client.

When issuing the Apostille or Authentication certificate, select **with binding** from the 'Notarial Type' dropdown menu in CIS.

If a client's notary public has bound a multiple page document, notarial officers should **not** remove or replace the binding performed by the notary public.



Full instructions on how to bind a document are in Help Card 1.10.

9. FEES

The *Consular Fees Act 1955 (Cth)* and the *Consular Fees Regulations 2018 (Cth)* set out the fees charged for notarial services. The Consular Fees Act determines who can perform notarial services in Australia and overseas and that a fee is payable, and the Consular Fees Regulations determine the fee that DFAT must charge for consular (notarial) services. **Charging for notarial services is not discretionary** – fees for services must be charged, under the Act. The current schedule of fees in Australian Dollars can be found at Section 9.1

Under the Act, fees are not payable when the notarial act is part of a **government-to-government request**, such as a Mutual Assistance Request (MAR). For example, if a foreign court requested the release of Australian court documents through the Attorney General's Department. In these cases, *Consular Policy* will task the post and advise appropriate action.

There are no fees charged for notarial acts associated with internal **Australian Government business**, such as certifying true copies of documents for security clearance processes or witnessing statutory declarations for internal use only such as declaring travel costs, refunds etc.

Posted officers who require a notarial service for private purposes are expected to approach a notarial officer and to pay the relevant notarial fee for the service. Friends, interlocutors and associates who require assistance with a notarial act/service should also be directed to a consular office. Officers who perform a notarial act for a colleague or friend without charging a fee, may be considered to be defrauding the Commonwealth and contravening the APS Code of Conduct and the Overseas Code of Conduct.

9.1 FEES SCHEDULE

Fees for consular acts – applicable from 1 January 2018		
	Column 1	Column 2
Item	Consular act	Fee
1	Administering an oath or receiving a declaration or affirmation	\$xx
2	Effecting, or attempting to effect, service of a document and issuing a certificate or affidavit of service or attempted service of a document	\$xx
3	Witnessing a signature or seal on a form or declaration	\$xx
4	Preparing a declaration or other document	\$xx
5	Verifying and certifying a copy of a document or part of a document	\$xx
6	Signing a document, or affixing a seal to a document or other article	\$xx
7	Witnessing the execution of a will	\$xx
8	Transmitting a document or other article through official channels	\$xx
9	Transferring funds through official accounts, other than for the purposes of the realisation of a deceased estate	\$xx
10	Preparation and issue of an Apostille certificate	\$xx
11	Preparation and issue of an Authentication certificate	\$xx
12	Preparation and issue of a Certificate of No Impediment to Marriage	\$xx

When notarial services are delivered overseas, fees are charged in the relevant local currency. Posts are required to display the schedule of fees, both in AUD and in the local currency, in the public area of the mission where notarial services are delivered.

The *Consular Fees Regulations 2018 (Cth)* provides for the annual indexation of consular fees, including fees for notarial services, in line with the Consumer Price Index (CPI). As a result, fees are reviewed at the start of each calendar year in line with CPI. **Posts will be advised of the revised fee schedule by cable.**

9.2 HOW TO CALCULATE FEES

Local currency fees are reviewed monthly by the Australian Passport Office Divisional Coordination Unit (APO DCU) and CASHDESK is adjusted to reflect local currency exchange rate variations of +/- 3%. Each month, APO DCU advises posts whether their notarial fees will be adjusted. On receiving this advice, posts should access their revised local currency fees schedule using SAP (report: ZDFAT_FEES) and update fee schedule posters to reflect the adjustment. Supervising posts should share the revised fees schedule with their relevant Austrade and subordinate mission/s. All missions located in the same country should charge the same fees. The supervising missions should set these fees.

The following provides clarification on how to charge clients for notarial acts:

- witnessing a client's signature (once or multiple times) throughout a **single** document = one fee (1 x Item 3, Fees Schedule).
- witnessing the signatures of **two** separate clients on a **single** document = two fees (2 x Item 3, Fees Schedule)
- witnessing a client's signature by **two** A-based/Authorised LES notarial officers = two fees (2 x Item 3, Fees Schedule)
- witnessing a client's signature on **multiple** documents = multiple fees of AUD72 (multiple x Item 3, Fees Schedule)

Grouping/bundling of notarial acts is not allowed.

Fees must be collected prior to performing notarial acts. Handling and receipting of funds should occur in accordance with the Financial Management Manual. The receipt number should be recorded before the document is issued to the client and must be entered into CIS before the notarial act/service is finalised.

The client should always be given a receipt.

There is no scope for refunds under the Act, however, if a client believes a notarial act was delivered in a defective manner, they may apply for compensation under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme. The client changing their mind regarding the service they require is not grounds for a refund under this Scheme.

Performing Notarial Acts on Post Outreach Visits

When undertaking outreach visits for passport and notarial interviews, Posts should process payments as per the receipting policy on the intranet. Finance Managers may contact [s47E\(d\)@dfat.gov.au](mailto:s47E(d)@dfat.gov.au) for further advice relating to the security of handling money off premises.

Only the fee prescribed in the schedule (above at 9.1) can be charged for any notarial acts being undertaken. Additional amounts cannot be charged to compensate for costs incurred by Post by the travelling officer. The *Consular Fees Regulation 2018* no longer contains this provision.

Notarial acts should be entered into CIS on the first working day back in the office for the travelling officer. All entries should be accurate, contain all of the relevant information relating to the act and reflect the date the act took place, not the date it was entered into CIS. Travelling officers are encouraged to keep detailed notes and take copies of documents/acts to ensure important information is not missed.

10. GLOSSARY

Affidavit: a written statement to be used in Court. The deponent swears an oath or makes an affirmation confirming that the contents of their statement are true.

Affirmation: a legally-binding non-religious confirmation that the statement in an affidavit is true. Making a false affirmation may result in prosecution.

Affix: to place a stamp or seal onto a document so that it cannot easily be removed.

Annex / annexures: (see Exhibit)

Apostille: a statement placed on a public document in accordance with the *05 October 1961 Hague Convention Abolishing the Requirement for Legalisation of Foreign Public Documents* (The Hague Apostille Convention). The Apostille verifies the origin of the public document, the authenticity of the signature and seal which appear on the document, and the official capacity of the person who signed the document

Attest / attest to / attestation: to certify the validity of something; a statement certifying the validity of something

Attachment: (see Exhibit)

Australian public document: a document issued by a government authority. For example a birth certificate, issued by a state/territory registry of births, deaths and marriages. A private document can become a public document if it has been notarised by an Australian notary public.

Authentication / authenticate: the process of verifying the signature, seal or stamp on a document and making a statement on the document that these have been verified. Also referred to as 'legalisation' or 'notarisation'.

Authorised Consular Employee: a locally engaged staff member delegated by the Secretary of the Department of Foreign Affairs and Trade, under the Consular Fees Act 1955 to perform consular and notarial acts. The name of the locally engaged staff member must appear on Schedule 001 – Performance of notarial acts at posts by locally engaged staff, Consular Fees Act 1955.

Bind / binding: when the pages of a document are joined together in a way which makes it hard to separate them without this being detected. Legal binding that involves a ribbon passing through all pages, with the ends of the ribbon sealed by a stamp or seal.

Chain of Authentication: when a document, for use in a country that is not signatory to the 1969 Hague Apostille Convention, is authenticated by a series of authorities, each verifying the previous signatory, the process is referred to as a Chain of Authentication.

Consular officer: a person appointed to hold or act in any of the following roles: Consul-General, Consul, Vice-Consul and Consular Agent as defined in the Section 2 of the *Consular Fees Act 1955* (Cth).

Declaration: a written statement that the author believes to be true. There are penalties for making false statements in declarations, such as statutory declarations.

Declarant: a person making a declaration (for example the person signing a Statutory Declaration)

Deponent: a person who gives information concerning facts known to them, in a statement to be used in court, such as an affidavit.

DFAT Identity Certificate (DFAT IC): a form developed by DFAT as a statement signed by the witness to a document confirming their name, position and authority to act as a witness. The form is used at overseas missions mainly for property transfer documents. The DFAT IC can also be used for other situations where a document is being executed and identity needs to be confirmed. The DFAT IC is a type of Verification of Identity (VOI). (see **Verification of Identity**)

Diplomatic officer: a person appointed to hold or act in any of the following roles: Ambassador, High Commissioner, Minister, Head of Mission, Charge d'Affaires, Counsellor, Attaché or Secretary as defined in Section 2 of the *Consular Fees Act 1955* (Cth).

Dry seal: an impression of an official symbol/crest of an organisation made by an embosser. The dry seal can be embossed onto on a wax/wafer seal or the paper of a document.

Embosser: an instrument used to impress or emboss the seal of an organisation/entity permanently into a document.

Embossing: impressing the official mark/crest of an organisation/entity permanently into a document using an embosser. The imprint is known as a 'dry seal'.

Execute (a document): to bring a legal document into its final legally enforceable form.

Exhibit: an attachment to an affidavit, declaration or other legal document.

Instrument: a written document which records an act or agreement.

Jurat: the clause at the end of a legal statement, such as a statutory declaration or an affidavit, showing the date, location and name of the person who witnessed the statement being 'executed' (declared, signed, sworn or affirmed).

Land transfer: see Property transfer

Legalise / legalisation: the process of issuing an Apostille or Authentication certificate on a document based on the verification of a signature, seal or stamp.

Notarise / notarisation: the performance of any notarial act, including legalisation, certifying a copy or witnessing a signature.

Notary public /notary: an officer of the law appointed for life by a State or Territory Supreme Court and given statutory powers to witness documents, administer oaths, take depositions and perform other legal administrative functions. The seal of a notary public authenticates a document. Notaries' signatures and seals are officially recorded in DFAT's Signatures and Seals database.

Notarial certificate: the statement stamped or affixed to a document confirming that the document has been 'notarised', by whom, where and when.

Notarial officer: an authorised person located in an Australian Passport Office or overseas mission who performs notarial functions.

Notarial services (all): 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 (action): the legalisation of a document through the issue of an Apostille and/or Authentication certificate, and the issuing of a Certificate of No Impediment to Marriage.

Notarial acts: the act of witnessing the execution of a document or providing a certified copy of a document.

Oath: a legally binding religious confirmation that the statement in an affidavit is true. Swearing a false oath may result in prosecution.

Official Round Stamp: an image of the crest of Department of Foreign Affairs and Trade/Australian Embassy/Australian Consulate-General made by a rubber stamp and ink. The inked stamp is also known as a 'wet seal'.

Property transfer: the legal transfer of ownership from the seller to the buyer, when a property is sold. There are strict rules to confirm the identity of the person selling the property and also the identity of the person witnessing the transfer documents. See also [DFAT Identity Certificate \(DFAT IC\)](#).

Public document: (see Australian Public Document)

Seal: The official symbol/crest which identifies the authority issuing or servicing a document. The seal can be applied as an inked stamp or as an impression made by an embosser on a wax/ wafer seal or directly onto the paper of a document. The inked stamp of the official symbol/crest is also called a 'wet seal' or in DFAT's case, the 'Official Round Stamp'.

Verification of Identity (VOI): a generic statement signed by the witness of a document confirming their name, position and authority to act as a witness. DFAT has developed a VOI form called the [DFAT Identity Certificate \(DFAT IC\)](#) to use at overseas posts.

Wafer seal: a red, round sticker, which is affixed to a document and embossed with the dry seal using the embosser. This is used to produce a tamper-proof seal.

Wet seal: an impression of an official symbol/crest of an organisation made by an inked stamp.

Witness (verb): to be present when an official document is signed and to sign the document yourself confirming you saw the person sign the official document.

Witness (noun): a person authorised to watch another person sign an official document.

11. NOTARIAL SUPPLIES

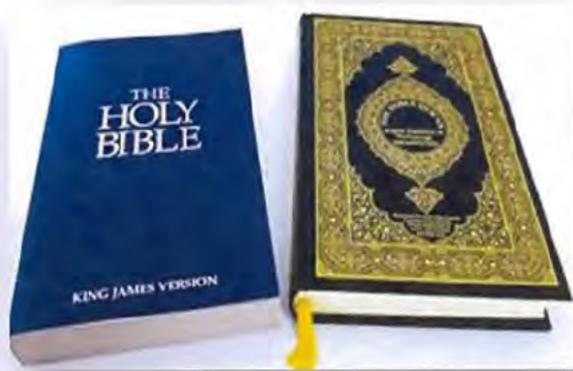
In order to perform notarial services and acts, all posts and state/territory offices need to ensure they have the right tools and supplies.

Supplies all posts should have on hand are:

- Red wafer seals
- Green ribbon (ribbon should be dark green or emerald in colour)
- Gold brass eyelets
- Hole punch
- Eyelet crimper
- Scissors
- Long handled emboss tool
- Round mission stamp
- A5 sticky labels
- Bible and/or other relevant religious texts
- Access to the Signature and Seals Database in CIS
 - *Access can be requested by submitting a Service or Access request via MyIT to the GSC. This request will need to be SAO approved. LES cannot be granted access to the Signature and Seals Module until they are authorised on Schedule 001 to perform notarial services.*

Posts are financially responsible for their own notarial supplies.

Consular Policy Section hold the budget for notarial supplies in Australian state and territory offices. All Section 23 requests should be sent to [s47E\(d\)@dfat.gov.au](mailto:s47E(d)@dfat.gov.au). State/territory offices are responsible for placing the order for their own supplies. Charges can be acquitted against Cost Centre N0170.



See Annex 12.3 for ordering notarial supplies overseas.
See Annex 12.4 for ordering notarial supplies in Australia.

12. ANNEXES

Downloadable forms can be found as separate documents under 'Notarial Services Handbook' in the 'Notarials Support' section of the Consular Gateway.

[ANNEX 12.1 DFAT IDENTITY CERTIFICATE – IDENTITY CERTIFICATION ONLY](#)

[ANNEX 12.2 DFAT IDENTITY CERTIFICATE – WITNESSING SIGNATURE AND IDENTITY CERTIFICATION](#)

[ANNEX 12.3 NOTARIAL SUPPLIES – ORDERING FROM POSTS](#)

[ANNEX 12.4 NOTARIAL SUPPLIES – ORDERING FROM STOS](#)

[ANNEX 12.5 SPECIMEN SIGNATURE REQUEST COVER LETTER](#)

[ANNEX 12.6 SPECIMEN SIGNATURE REQUEST FORM](#)

[ANNEX 12.7 DFAT REQUIREMENTS FOR NAATI TRANSLATIONS](#)

[ANNEX 12.8 CLIENT AUTHORISATION FORM – ARNECC](#)

[ANNEX 12.9 COMMONWEALTH STATUTORY DECLARATION](#)

[ANNEX 12.10 WHO CAN PERFORM NOTARIAL SERVICES – TABLE](#)

[ANNEX 12.11 WHO CAN WITNESS STATUTORY DECLARATIONS, STATE & TERRITORY LEGISLATION – TABLE](#)

[ANNEX 12.12 WHO CAN WITNESS PROPERTY TRANSFER DOCUMENTS, STATE & TERRITORY LEGISLATION
– TABLE](#)

[ANNEX 12.13 NATIONAL REDRESS SCHEME – FLOW CHART](#)

[ANNEX 12.14 NOTARIAL SERVICES DISCLAIMER](#)