

Consular Fees Act 1955

No. 5, 1955

**Compilation No. 7**

**Compilation date:** 1 May 2016

**Includes amendments up to:** Act No. 31, 2016

**Registered:** 6 June 2016

**About this compilation**

**This compilation**

This is a compilation of the *Consular Fees Act 1955* that shows the text of the law as amended and in force on 1 May 2016 (the ***compilation date***).

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

**Uncommenced amendments**

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

**Application, saving and transitional provisions for provisions and amendments**

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

**Editorial changes**

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

**Modifications**

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

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

1 Short title 1

2 Interpretation 1

3 Fees may be prescribed for consular acts 2

4 List of fees to be displayed 2

5 Saving of fees under other Acts 2

6 Regulations 3

Endnotes 4

Endnote 1—About the endnotes 4

Endnote 2—Abbreviation key 6

Endnote 3—Legislation history 7

Endnote 4—Amendment history 8

An Act to provide for the Charging of Fees for Consular Acts performed by Australian Diplomatic and Consular Officers and certain other Officers and Employees of the Commonwealth

1 Short title

 This Act may be cited as the *Consular Fees Act 1955*.

2 Interpretation

 In this Act, unless the contrary intention appears:

***Australian Consular Officer*** means a person appointed to hold or act in any of the following offices of the Commonwealth in a country or place outside Australia:

 (a) Consul‑General;

 (b) Consul;

 (c) Vice‑Consul;

 (d) Trade Representative; and

 (e) Consular Agent.

***Australian Diplomatic Officer*** means a person appointed to hold or act in any of the following offices of the Commonwealth in a country or place outside Australia:

 (a) Ambassador;

 (b) High Commissioner;

 (c) Minister;

 (d) Head of a Mission;

 (e) Commissioner;

 (f) Chargé d’Affaires; and

 (g) Counsellor, Secretary or Attaché at an Embassy, High Commissioner’s office, Legation or other post.

***consular act*** means an act specified in the regulations as being a consular act for the purposes of this Act.

3 Fees may be prescribed for consular acts

 The regulations may provide for the imposition of fees, to be collected on behalf of the Commonwealth, for the performance, whether in Australia or elsewhere, of consular acts by:

 (a) an Australian Diplomatic Officer or an Australian Consular Officer; or

 (b) the person holding or acting in the office of Secretary of the Department or an officer of the Department acting with the authority of the Secretary; or

 (c) an employee of the Commonwealth authorised, in writing, by the Secretary of the Department; or

 (d) an employee of the Australian Trade and Investment Commission authorised, in writing, by the Secretary of the Department.

4 List of fees to be displayed

 An Australian Diplomatic Officer or an Australian Consular Officer who performs consular acts shall cause to be displayed in his or her office, in a position where it may readily be inspected by persons seeking the performance of consular acts, a list of the consular acts for which fees are chargeable under this Act, and of other acts that may be performed by him or her for which fees are chargeable under any other Act, showing the respective fees chargeable.

5 Saving of fees under other Acts

 A fee under this Act is not chargeable in respect of an act for which a fee is chargeable under another Act (whether passed before or after the commencement of this Act).

6 Regulations

 The Governor‑General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, providing that the prescribed fees are not payable in such cases as are prescribed.

Endnotes

Endnote 1—About the endnotes

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

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

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

**Legislation history and amendment history—Endnotes 3 and 4**

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

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

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

**Editorial changes**

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

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

**Misdescribed amendments**

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

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

Endnote 2—Abbreviation key

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

Endnote 3—Legislation history

| Act | Number and year | Assent | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- | --- |
| Consular Fees Act 1955 | 5, 1955 | 23 May 1955 | 20 June 1955 |  |
| Administrative Changes (Consequential Provisions) Act 1976 | 91, 1976 | 20 Sept 1976 | s 4: 20 Sept 1976 (s 2(1))Sch: 22 Dec 1975 (s 2(7)) | s 4 |
| Australian Trade Commission (Transitional Provisions and Consequential Amendments) Act 1985 | 187, 1985 | 16 Dec 1985 | s 1–4, 12, 19, 32 and 61: Royal AssentRemainder: 6 Jan 1986 (s 2(1) and gaz 1985, No S551) | s 34 |
| Foreign Affairs and Trade Legislation Amendment Act 1997 | 150, 1997 | 17 Oct 1997 | Sch 1 (items 2–5): 17 Oct 1997 (s 2(1)) | — |
| Statute Law Revision Act 2008 | 73, 2008 | 3 July 2008 | Sch 4 (items 191, 192): 4 July 2008 (s 2(1) item 64) | — |
| Statute Law Revision Act 2011 | 5, 2011 | 22 Mar 2011 | Sch 7 (item 41): 19 Apr 2011 (s 2(1) item 18) | — |
| Trade Legislation Amendment Act (No. 1) 2016 | 31, 2016 | 23 Mar 2016 | Sch 2 (item 12): 1 May 2016 (s 2(1) item 3) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| Title  | am No 150, 1997 |
| s 2  | am No 187, 1985 |
| s 3  | am No 91, 1976; No150, 1997; No 5, 2011; No 31, 2016 |
| s 4  | am No 73, 2008 |