

Consular Fees Amendment (Fees and Indexation) Regulation 2016

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

Dated 01 September 2016

Peter Cosgrove

Governor‑General

By His Excellency’s Command

Julie Bishop

Minister for Foreign Affairs

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1 Name

 This is the *Consular Fees Amendment (Fees and Indexation) Regulation 2016*.

2 Commencement

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

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table | The day after this instrument is registered. | 3 September 2016 |
| 2. Schedule 1 | 1 January 2017. | 1 January 2017 |

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

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

4 Schedules

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Consular Fees Regulations 1990

1 Regulation 1A (definition of *consular act*)

Repeal the definition.

2 Regulation 2

Repeal the regulation, substitute:

2 Consular act

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

3 Subregulation 3(2)

Repeal the subregulation, substitute:

 (2) The fee mentioned in column 2 of an item in Schedule 1, as indexed under regulation 6, is imposed for performing the consular act mentioned in the item.

4 Regulation 6

Repeal the regulation, substitute:

6 Indexation of fees

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

Indexation method

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



where:

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

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

 (b) the sum of the index numbers for the quarters of the 12 month period ending on 30 September in the year immediately before the reference year.

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

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

 (3) The indexation factor is to be calculated to 3 decimal places (rounding up if the fourth decimal place is 5 or more).

 (4) The indexed amount is to be rounded to the nearest whole dollar (rounding 50 cents upwards).

 (5) The indexed amount is to be worked out:

 (a) using only the index numbers published in terms of the most recently published index reference period for the Consumer Price Index; and

 (b) disregarding index numbers that are published more than 2 weeks after the original publication in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

Indexation method to be used only to increase fees

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

Application of indexed fee

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

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

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

5 Schedule

Repeal the Schedule, substitute:

Schedule 1—Fees for consular acts

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

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