

Part B - Questions for Contracting States

Apostille sample

Please submit a **sample** (preferably in .PDF, .JPEG or .TIFF format) of the Apostille Certificate used by your Competent Authority(ies).

If YOUR STATE issues both paper and e-Apostilles please provide us with a sample of both.

➡ c.f. Q 8.2 a) of the 2012 questionnaire

✍ This Apostille Certificate will be used for internal purposes only.

Section 1 Joining the Apostille Convention

1.1 Changes to internal law

a) Was implementing legislation necessary to give the Apostille Convention force of law in YOUR STATE (including regulations relating to the establishment and functioning of Competent Authorities)?

➡ c.f. Q 1.1 a) of the 2012 questionnaire

Yes

Please specify the provision(s) or implementing legislation, and the date of entry into force:

[Part 5 of the Foreign Evidence Act 1994](#)

<https://www.legislation.gov.au/Details/C2014C00775>,
entry into force in Australia on 16 March 1995.

Please specify how the legislation may be accessed (e.g., include a copy or provide a link to an online version):

No

Comments:

1.2 Foreign direct investment

a) Is YOUR STATE aware that international organisations, such as the World Bank and the International Chamber of Commerce, have recognised the importance and efficacy of the Apostille Convention in the promotion and development of international trade and investment and have urged States that have not done so to join the Convention?

➡ c.f. Q 1.2 a) of the 2012 questionnaire


✍ See C&R No 4 of the 2012 SC.

✍ The International Finance Corporation (IFC) of the World Bank Group released the *Investing Across Border Report*, which is an initiative that compares the regulation of foreign direct investment ("FDI") around the world. One of the indicators used in the report to measure the ease with which a foreign company can start a business in a given economy was whether or not the Apostille Convention was in force for that economy. Accordingly, **by being party to the Apostille Convention, a State can improve its FDI competitiveness**. For more information, [click here](#).

Yes

No

Comments:

 The Chamber of Commerce released a news item urging States to join the Apostille Convention, [click here](#).

➡ see also para. 23 of the [Apostille HB](#)

1.3 Other relevant instruments, laws and practices	
<p>a) Is the production of any types of foreign public documents in YOUR STATE exempted from / not subject to legalisation or similar formality, or otherwise facilitated, by virtue of:</p> <ul style="list-style-type: none"> • any internal law or practice that YOUR STATE has introduced or intends to introduce? or • any bilateral, regional or global instrument to which YOUR STATE is party or to which it intends to become party? <p>➡ c.f. Q 1.3 a) of the 2012 questionnaire ➡ see also paras 18-20 of the Apostille HB</p>	<p><input type="checkbox"/> Yes – <i>please specify:</i></p> <p><input checked="" type="checkbox"/> No</p> <p>Comments:</p>

Section 2 Objections to accessions	
2.1 Revisiting objections	
<p>Only for States that have objected to one or more accessions</p> <p>a) If YOUR STATE has objected to the accession of one (or more) Contracting State(s) under Article 12 of the Convention, has your State revisited its position on this issue in the last five years, or does YOUR STATE intend to do so in the near future?</p> <p>➡ c.f. Q 2.1 a) of the 2012 questionnaire ✍ The Special Commission has invited States that have objected to continue assessing whether conditions for withdrawing their objections are met (see C&R No 7 of the 2012 SC). ➡ see also paras 91-95 of the Apostille HB</p>	<p><input type="checkbox"/> Yes – <i>please specify:</i></p> <p><input checked="" type="checkbox"/> No</p> <p>Comments:</p>

Section 3 The Apostille Section and publications	
3.1 Content of the Apostille Section	
<p>a) How useful is the information provided on the Apostille Section of the Hague Conference website?</p> <p>➡ c.f. Q 3.1 a) of the 2012 questionnaire ✍ In addition to English and French, the Apostille Section is available in German, Portuguese and Spanish (click on the link "other languages" – not all documents have been translated). ✍ The Special Commission has noted that the Apostille Section continues to be a most useful resource of information (see C&R No 8 of the 2012 SC). ➡ see also para. 33 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Very useful</p> <p><input type="checkbox"/> Useful</p> <p><input type="checkbox"/> Not useful</p> <p>Comments or suggestions for improvement: Direct reference to the table of members is provided in public material published by the Department of Foreign Affairs and Trade to assist clients in understanding which countries will accept an Apostille certificate.</p>

<p>b) How often do staff of the Competent Authority(ies) of YOUR STATE consult the Apostille Handbook?</p> <p><i>✍ The Apostille Handbook was published in 2013 and is available in English and French on the Apostille Section. A revised Spanish version will be available soon on the Apostille Section (for a provisional version, click here).</i></p>	<p><input type="checkbox"/> Daily <input type="checkbox"/> Frequently <input checked="" type="checkbox"/> Seldom <input type="checkbox"/> Never</p> <p>Comments or suggestions: Information contained in the handbook is summarised for staff through internal policy guidelines.</p>
<p>c) Does YOUR STATE have any suggestions or comments concerning the publications of the Permanent Bureau, the ABCs of Apostilles, the Brief Implementation Guide, or the Apostille Handbook, available on the Apostille Section of the Hague Conference website?</p> <p>➡ c.f. Q 3.1 b) of the 2012 questionnaire</p>	<p><input type="checkbox"/> Yes – please specify: <input checked="" type="checkbox"/> No</p>
<p>d) Does YOUR STATE have any suggestions for future publications that could assist the promotion, implementation, or operation of the Apostille Convention?</p> <p>➡ c.f. Q 3.1 c) of the 2012 questionnaire</p>	<p><input type="checkbox"/> Yes – please specify: <input checked="" type="checkbox"/> No</p>

Section 4 Operation and statistics

4.1 General evaluation

<p>a) How does YOUR STATE rate the overall operation of the Apostille Convention?</p> <p>➡ c.f. Q 4.1 a) of the 2012 questionnaire</p>	<p><input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory</p> <p>Comments or suggestions for improvement: There is still general misunderstanding concerning the legalisation of signatures and seals on education documents.</p>
<p>b) Has YOUR STATE encountered any persistent difficulties, issues or challenges in the operation of the Apostille Convention?</p> <p>➡ c.f. Q 4.1 b) of the 2012 questionnaire ➡ see also para. 36 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Yes – please specify: There is still general misunderstanding concerning the legalisation of signatures and seals on education documents.</p> <p><input type="checkbox"/> No <input type="checkbox"/> Unknown</p> <p>Comments:</p>

4.2 Statistics on issued Apostilles

<p>a) How many Apostilles were issued in YOUR STATE for each of the following years? Under Art. 7(1) of the Apostille Convention, each Competent Authority must keep a register in which to record each Apostille issued.</p> <p>➡ c.f. Q 4.2 a) of the 2012 questionnaire ➡ see also para. 46 of the Apostille HB</p>	Year	Number If you wish to provide detailed information per Competent Authority, please identify the number of Apostilles separately in the space below, or attach a detailed breakdown of the statistics as a separate document.
	2015	53,982
	2014	50,477
	2013	48,027

	2012	45,260
	<input type="checkbox"/> Unknown – <i>please explain</i> : <i>Comments:</i>	
b) Can any trend(s) be discerned from these statistics? ☞ <i>c.f. Q 4.2 b) of the 2012 questionnaire</i>	<input checked="" type="checkbox"/> Yes – <i>please specify, including possible reasons for the trend(s)</i> : <input type="checkbox"/> No <input type="checkbox"/> Unknown	
c) What are the principal States of destination for Apostilles issued in YOUR STATE? ☞ <i>c.f. Q 4.2 c) of the 2012 questionnaire</i>	<i>If possible, please indicate an estimation of the proportion/percentage of total Apostilles issued by YOUR STATE that are for use in these States of destination.</i> Top 5 in 2015: Italy (16.3%), India (7.4%), Greece (7.2%), Netherlands (5.8%), Croatia (3.9%)	
Only for States that issue e-Apostilles d) How many e-Apostilles were issued in YOUR STATE for each of the following years? ☞ <i>c.f. Q 4.2 d) of the 2012 questionnaire</i>	Year	Number <i>If you wish to provide detailed information per Competent Authority, please identify the number of Apostilles separately in the space below</i>
	2015	
	2014	
	2013	
	2012	
	<input type="checkbox"/> Unknown – <i>please explain</i> : <i>Comments:</i>	
Only for States that issue e-Apostilles e) What are the principal States of destination for e-Apostilles issued in YOUR STATE? ☞ <i>c.f. Q 4.2 e) of the 2012 questionnaire</i>		
f) Please identify the three categories of public document that are most frequently requested to be apostilled in YOUR STATE. <i>Please indicate these from "1" to "3" in descending order of frequency, with "1" being the most frequent.</i> <i>If a category of document is not listed, please specify it at the bottom of the list in the space provided.</i> ☞ <i>c.f. Q 4.2 f) of the 2012 questionnaire</i>	2	Civil status documents (e.g., birth, death and marriage certificates) and certificates of non-impediment
	3	Other administrative documents (including decisions from administrative tribunals or decision making bodies)
		Extracts from commercial registers and other registers
	1	Notarial authentications of signatures
		Other notarial acts
		Diplomas and other education documents
		Court documents, including judgments
		Patents or other documents pertaining to intellectual property rights
		Documents relating to adoptions
		Translations
	Medical or health certificates	

		Criminal records
		Import or export licences
		Certificates of origin
		Certificates of conformity
		Other documents – <i>please specify</i>
<p>g) Please mark with an “X” the categories of documents that are issued in YOUR STATE in <i>electronic</i> format (even if this is the case for only a few documents within that category) and for which an Apostille is issued (whether as an e-Apostille or in paper form)?</p> <p><i>If a category of document is not listed, please specify it at the bottom of the list in the space provided.</i></p> <p><i>✍ see also Section 0 Electronic documents and electronic signatures</i></p> <p><i>➡ see also paras 170-171 of the Apostille HB</i></p>		Civil status documents (e.g., birth, death and marriage certificates) and certificates of non-impediment
	X	Other administrative documents (including decisions from administrative tribunals or decision making bodies)
	X	Extracts from commercial registers and other registers
		Notarial authentications of signatures
		Other notarial acts
	X	Diplomas and other education documents
	X	Court documents, including judgments
	X	Patents or other documents pertaining to intellectual property rights
		Documents relating to adoptions
	X	Translations
		Medical or health certificates
		Criminal records
		Import or export licences
		Certificates of origin
		Certificates of conformity
4.3 Legalisations		
<p>a) How many legalisations were performed in 2015 by the authorities of YOUR STATE?</p> <p><i>If no statistics are kept, please provide a rough estimate</i></p> <p>➡ c.f. Q 4.3 a) of the 2012 questionnaire</p>	<p><i>Outgoing documents</i></p> <p><i>Legalisations performed by the Ministry of Foreign Affairs on documents executed in YOUR STATE and bound for a non-Contracting State to the Apostille Convention</i></p> <p>In 2015: 53,309</p>	<p><i>Incoming documents</i></p> <p><i>Legalisations performed by consulates/embassies of YOUR STATE located in another State on documents executed in that State and bound for a non-Contracting State to the Apostille Convention</i></p> <p>In 2015: 4,578</p>
4.4 Public information		
<p>a) Is practical information (such as informational brochures or information provided on government websites) on the operation of the Apostille Convention made available to Apostille users?</p> <p>➡ c.f. Q 4.4 a) of the 2012 questionnaire</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><i>Please specify how this information is made available (if available online, include URL):</i></p> <p>www.smartraveller.gov.au</p> <p><i>If not accessible online, please submit a copy of this information</i></p>	

➡ see also paras 55-57 of the [Apostille HB](#)

No

4.5 Published works on the Apostille Convention	
<p>a) Has the Apostille Convention been the subject of any articles, books or other works published in YOUR STATE?</p> <p>↻ <i>c.f. Q 4.5 a) of the 2012 questionnaire</i></p>	<p><input checked="" type="checkbox"/> Yes – <i>please provide full citation (if possible please provide a summary in English or French):</i> Principles of Notarial Practice</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Unknown</p>

Section 5 Competent Authorities	
5.1 Contact details	
<p>a) Please indicate how many Competent Authorities YOUR STATE has designated under the Apostille Convention (see also Questions 7.2 and 7.3).</p> <p><i>If your State is unable to specify the exact number, please provide a rough estimate.</i></p>	1
<p>b) Are the contact details and practical information provided on the Apostille Section for the Competent Authorities of YOUR STATE accurate and complete?</p> <p>↻ <i>c.f. Q 5.1 a) of the 2012 questionnaire</i> ✍ <i>The Special Commission has strongly encouraged States Parties to provide the Permanent Bureau with annual updates of information relating to their State which is made available on the Apostille Section (see C&R No 70 of the 2009 SC and C&R No 8 of the 2012 SC).</i> ↻ <i>see also para. 67 of the Apostille HB</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – <i>please supply the correct information to be uploaded to the Apostille Section in Annex A or in a separate Word or PDF file:</i></p>
5.2 Training and support	
<p>a) Have guidelines, desk instructions, or similar documentation been prepared to assist staff at Competent Authorities in the performance of their functions under the Apostille Convention?</p> <p>↻ <i>c.f. Q 5.2 a) of the 2012 questionnaire</i> ↻ <i>see also para. 47 of the Apostille HB</i></p>	<p><input checked="" type="checkbox"/> Yes - <i>please submit a copy of this documentation, if possible, with a summary in English or French (for internal use only)</i></p> <p><input type="checkbox"/> No</p>
<p>b) How often does YOUR STATE provide training to staff at Competent Authorities?</p> <p>↻ <i>c.f. Q 5.2 b) of the 2012 questionnaire</i> ↻ <i>see also para. 48 of the Apostille HB</i></p>	<p><input checked="" type="checkbox"/> Regularly</p> <p><input type="checkbox"/> As required</p> <p><input type="checkbox"/> Seldom</p> <p><input type="checkbox"/> Never</p> <p>Comments:</p>

Section 6 Substantive scope of the Apostille Convention


6.1 Definition of "public document"

<p>a) Is the concept of a "public document" defined in the internal law of YOUR STATE?</p> <p>➡ c.f. Q 6.1 a) of the 2012 questionnaire</p> <p>✍ The Apostille Convention applies to "public documents". Art. 1(2) lists certain categories of documents that are deemed to be public documents. The Special Commission has noted that it is for the law of the State of origin to determine the public nature of a document. It also recalled that the list of public documents in Art. 1(2) is not exhaustive (see C&R No 72 of the 2009 SC and C&R No 12 of the 2012 SC).</p> <p>➡ see also para. 110 et seq. of the Apostille HB</p>	<p><input type="checkbox"/> Yes – please specify (including reference to the relevant law(s)):</p> <p><input checked="" type="checkbox"/> No – please explain:</p> <p>Comments:</p>
<p>b) Has YOUR STATE experienced any difficulties with characterising a document as a "public document" for the purposes of the Apostille Convention (see also Questions 6.2 and 0)?</p> <p>➡ c.f. Q 6.1 d) of the 2012 questionnaire</p> <p>✍ Keeping in mind the purpose of the Apostille Convention, the Special Commission has suggested that States Parties should give a broad interpretation to the category of public documents (see C&R No 72 of the 2009 SC and C&R No 12 of the 2012 SC).</p>	<p><input checked="" type="checkbox"/> Yes – please specify which documents have led to difficulties and how such difficulties have been addressed:</p> <p><input type="checkbox"/> No</p> <p>Comments:</p>

6.2 Exclusion of documents executed by diplomatic or consular agents

<p>a) Has the exclusion of "documents executed by diplomatic or consular agents" from the scope of the Apostille Convention given rise to any difficulties in YOUR STATE, either as a State of origin or a State of destination?</p> <p>➡ c.f. Q 6.2 a) of the 2012 questionnaire</p> <p>✍ The Special Commission has confirmed that the exception for "documents executed by diplomatic or consular agents" is to be interpreted narrowly (see C&R No 77 of the 2009 SC and C&R No 15 of the 2012 SC).</p> <p>➡ see also paras 135-139 et seq. of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Yes – please specify: Consular Officers are permitted to issue original Certificates of No Impediment to marriage, and certify copies of Australian Passports (which are issued from Australia). When executed overseas clients are often forced to send the documents back to Australia for legalisation, despite Australian consulates having authority to issue Apostilles abroad.</p> <p><input type="checkbox"/> No</p> <p>Comments:</p>
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6.3 Exclusion of administrative documents dealing directly with commercial or customs operations	
<p>a) Has the exclusion of “administrative documents dealing directly with commercial or customs operations” from the scope of the Apostille Convention given rise to any difficulties in YOUR STATE, either as a State of origin or a State of destination?</p> <p>➡ <i>c.f. Q 6.3 a) of the 2012 questionnaire</i> <i>✍ The Special Commission has noted that some States issue Apostilles for import/export licences, health certificates or certificates of origin/conformity (see C&R No 77 of the 2009 SC and C&R No 15 of the 2012 SC).</i> ➡ <i>see also paras 135-138, 146 et seq. of the Apostille HB</i></p>	<p><input type="checkbox"/> Yes – <i>please specify (including the category of document concerned and the steps taken to address the difficulty/ies):</i></p> <p><input checked="" type="checkbox"/> No</p> <p><i>Comments:</i></p>
<p>b) Does YOUR STATE issue Apostilles for any of the following documents? <i>This question concerns outgoing documents</i></p> <p>➡ <i>c.f. Q 6.3 b) of the 2012 questionnaire</i> <i>✍ The Special Commission has reconfirmed that the exception for “administrative documents dealing directly with commercial or customs operations” is to be interpreted narrowly (see C&R No 77 of the 2009 SC and C&R No 15 of the 2012 SC).</i> ➡ <i>see also paras 148 et seq. of the Apostille HB</i></p>	<p><input checked="" type="checkbox"/> Certificates of origin</p> <p><input type="checkbox"/> Export licences</p> <p><input type="checkbox"/> Import licences</p> <p><input checked="" type="checkbox"/> Health and safety certificates issued by the relevant government authorities or agencies</p> <p><input checked="" type="checkbox"/> Certificates of products registration</p> <p><input type="checkbox"/> Certificates of conformity</p> <p><input checked="" type="checkbox"/> End user certificates (<i>i.e.</i>, documents certifying that the buyer is the end user of acquired goods)</p> <p><input type="checkbox"/> Commercial invoices</p> <p><i>Comments:</i> Where the document has been issued by a government authority or a government approved entity - in accordance with our free trade agreements and treaties.</p>
<p>c) Does YOUR STATE accept Apostilles issued for any of the following documents? <i>This question concerns incoming documents</i></p> <p>➡ <i>c.f. Q 6.3 c) of the 2012 questionnaire</i> <i>✍ The Special Commission has encouraged States to accept, to the extent possible, Apostilles issued for documents such as import / export licenses, health certificates and certificates of origin even if that State would not itself issue Apostilles for such documents (C&R No 15 of the 2012 SC).</i> ➡ <i>see also paras 148 et seq. of the Apostille HB</i></p>	<p><input type="checkbox"/> Certificates of origin</p> <p><input type="checkbox"/> Export licences</p> <p><input type="checkbox"/> Import licences</p> <p><input type="checkbox"/> Health and safety certificates issued by the relevant government authorities or agencies</p> <p><input type="checkbox"/> Certificates of products registration</p> <p><input type="checkbox"/> Certificates of conformity</p> <p><input type="checkbox"/> End user certificates (<i>i.e.</i>, documents certifying that the buyer is the end user of acquired goods)</p> <p><input type="checkbox"/> Commercial invoices</p> <p><i>Comments:</i> We are not aware of entities within Australia requiring Apostilles on these categories of documents.</p>
6.4 Copies	
<p>a) Under the internal law of YOUR STATE, is the Convention considered to apply to a simple copy of a public document (<i>i.e.</i>,</p>	<p><input checked="" type="checkbox"/> Yes – <i>please specify:</i> The copy must be certified by a Notary Public or be a copy from an original</p>

<p>may a simple copy of a public document be also regarded as a public document)?</p> <p>➔ c.f. Q 6.4 a) of the 2012 questionnaire ➔ see also para. 157 of the Apostille HB</p>	<p>electronic issued public document. The application of this rests in public policy not internal law.</p> <p><input type="checkbox"/> No – <i>please specify/explain:</i></p>
<p>b) Under the internal law of YOUR STATE, is the Convention considered to apply to a <i>certified</i> copy of a public document?</p> <p>➔ c.f. Q 6.4 b) of the 2012 questionnaire ➔ see also para. 154 et seq. of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Yes – but an Apostille may be issued for the certification <i>only</i>, not the copied public document.</p> <p><input type="checkbox"/> Yes – an Apostille may be issued either for the certification or for the copied public document – <i>please specify/explain:</i></p> <p><input type="checkbox"/> No – an Apostille may not be issued for the certification nor for the copied public document – <i>please specify/explain:</i></p> <p>Comments:</p>
6.5 Translations	
<p>a) Under the internal law of YOUR STATE, is the Convention considered to apply to a <i>simple</i> translation of a public document?</p> <p>➔ c.f. Q 6.5 a) of the 2012 questionnaire ➔ see also paras 195-197 of the Apostille HB</p>	<p><input type="checkbox"/> Yes – <i>please specify/explain:</i></p> <p><input checked="" type="checkbox"/> No – <i>please specify/explain:</i> The translation must be certified by an accredited interpreter or translator, unless performed by an Australian Notary Public.</p> <p>Comments:</p>
<p>b) Under the internal law of YOUR STATE, is the Convention considered to apply to a <i>certified</i> translation (<i>i.e.</i>, a translation executed by a sworn/affirmed/accredited translator)?</p> <p>➔ c.f. Q 6.5 b) of the 2012 questionnaire ➔ see also paras 195-197 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Yes – <i>please specify/explain:</i> Usually only applies to translations of public documents</p> <p><input checked="" type="checkbox"/> Only if the document to which the certified translation relates is a public document</p> <p><input type="checkbox"/> No – <i>please explain:</i></p> <p>Comments:</p>
6.6 Extradition documents	
<p>a) Under the internal law of YOUR STATE, is the Convention considered to apply to extradition documents?</p> <p> <i>The Special Commission has recognised that the Apostille Convention may apply to extradition requests (C&R No 16 of the 2012 SC)</i></p> <p>➔ see also paras 160-162 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Yes – <i>please specify/explain:</i></p> <p><input type="checkbox"/> No – <i>please specify/explain:</i></p> <p>Comments:</p>
6.7 Medical certificates	
<p>a) Under the internal law of YOUR STATE, is the Convention considered to apply to medical certificates?</p>	<p><input checked="" type="checkbox"/> Yes – <i>please specify/explain:</i> Certificate issued by registered medical practitioners who are accredited by the Australian Medical Practitioners Authority</p>

<p>➡ see also para. 182 of the Apostille HB</p>	<p><input type="checkbox"/> No – <i>please specify/explain</i></p> <p><i>Comments:</i></p>
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6.8 Electronic documents and signatures	
<p>a) Can public documents executed in electronic form be considered “public documents” in YOUR STATE for the purposes of the issuance of an Apostille?</p> <p>➡ <i>c.f. Q 6.6 a) of the 2012 questionnaire</i> ➡ <i>see also paras 170-173 of the Apostille HB.</i></p>	<p><input checked="" type="checkbox"/> Yes – <i>please specify (then go to Question 6.8b)</i>): Australian court documents are often issued electronically, including through the Commonwealth Courts Portal. Australia maintains an electronic company register, Australian Taxation Office documents are often issued electronically through an Australian Government online portal to clients (www.MyGov.gov.au).</p> <p><input type="checkbox"/> No – <i>please explain (then go to Question 6.8c)</i>):</p> <p><input type="checkbox"/> Public documents are never executed in electronic form – go to Question 6.8c</p> <p><i>Comments:</i></p>
<p>b) If a public document is executed in electronic form, how does YOUR STATE issue an Apostille for that document?</p> <p>➡ <i>c.f. Q 6.6 b) of the 2012 questionnaire</i> ➡ <i>see also paras 235-237 of the Apostille HB</i></p>	<p><input type="checkbox"/> An e-Apostille is issued</p> <p><input checked="" type="checkbox"/> A paper Apostille is attached to the printout of the electronic public document (if so, please explain the rationale of this practice and whether YOUR STATE envisages the issuance of e-Apostilles for public documents executed in electronic form): e-Apostilles are under active consideration by Australia. Australia has already implemented the first stage - an e-Register of Apostilles.</p> <p><input type="checkbox"/> Other – <i>please specify</i>:</p> <p><i>Comments:</i></p>
<p>c) Can scanned copies of public documents that were executed in paper form be considered “public documents” in YOUR STATE for the purposes of the issuance of an Apostille?</p> <p>➡ <i>c.f. Q 6.6 c) of the 2012 questionnaire</i> ➡ <i>see also paras 158-159, 173 of the Apostille HB</i></p>	<p><input type="checkbox"/> Yes – <i>please specify the manner in which the scanned public document circulates (e.g. electronically or as a printout)</i>:</p> <p><input checked="" type="checkbox"/> No – <i>please specify/explain</i>:</p> <p><i>Comments:</i></p>
<p>d) Are electronic signatures recognised in YOUR STATE as functionally equivalent to handwritten signatures (<i>i.e.</i>, can a public document be signed electronically)?</p> <p>➡ <i>c.f. Q 6.6 d) of the 2012 questionnaire</i> ➡ <i>see also para. 261 of the Apostille HB</i></p>	<p><input checked="" type="checkbox"/> Yes – <i>please specify the legal basis (e.g., legislation)</i>: Usually documented in legislation.</p> <p><input type="checkbox"/> No – <i>please specify/explain</i>:</p> <p><i>Comments:</i></p>

Section 7 Access to Apostille services

7.1 One-step vs multi-step process

<p>a) Does a public document executed in YOUR STATE need to be somehow certified before the issuance of an Apostille?</p> <p>➡ <i>c.f. Q 7.1 a) of the 2012 questionnaire</i> <i>✍ Recalling the purpose of the Convention to simplify the process of authentication, the Special Commission has invited States Parties to consider removing any unnecessary obstacles to the issuance of Apostilles while maintaining the integrity of authentications (see C&R No 79 of the 2009 SC and C&R No 19 of the 2012 SC).</i></p> <p>➡ <i>see also paras 14-16 of the Apostille HB</i></p>	<p><input type="checkbox"/> Certification is not required for any public document – go to Question 7.2</p> <p><input checked="" type="checkbox"/> Certification is required for some categories of public documents – go to Question 7.1b)</p> <p><input type="checkbox"/> Certification is required for all categories of public documents – go to Question 7.1b)</p>															
<p>Only for States that require certification</p> <p>b) What certification process is involved (in particular, how many certifications are required before the issuance of an Apostille)?</p> <p>➡ <i>c.f. Q 7.1 b) of the 2012 questionnaire</i> <i>If necessary, use the space provided in Question 12.1b) to respond to this question</i></p>	<table border="1"> <thead> <tr> <th>Category of public document</th> <th>Number of certifications</th> <th>Certifying authority</th> </tr> </thead> <tbody> <tr> <td>University Degrees</td> <td>One</td> <td>Issuing Institution - not certification, rather content verification</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Category of public document	Number of certifications	Certifying authority	University Degrees	One	Issuing Institution - not certification, rather content verification									
Category of public document	Number of certifications	Certifying authority														
University Degrees	One	Issuing Institution - not certification, rather content verification														
<p>Only for States that require certification</p> <p>c) Why is certification required?</p> <p>➡ <i>c.f. Q 7.1 c) of the 2012 questionnaire</i></p>	<p><input type="checkbox"/> YOUR STATE has designated a single Competent Authority but the signatures, seals and stamps of local officials and authorities are subject to a certification by a regional authority, whose certificate is in turn subject to an Apostille issued by the Competent Authority (in other words, the Apostille is not issued for the underlying document but for the (final) certification). In the above circumstances, how (if at all) can an Apostille be issued for the underlying document?</p> <p><input type="checkbox"/> YOUR STATE has designated several Competent Authorities but the signatures, seals and stamps of local officials and authorities are nonetheless subject to a certification by a regional authority, whose certificate is in turn subject to an Apostille issued by the relevant Competent Authority (in other words, the Apostille is not issued for the underlying document but for the (final) certification). In the above circumstances, how (if at all) can an Apostille be issued for the underlying document?</p> <p><input checked="" type="checkbox"/> YOUR STATE has a special, multi-step procedure for the authentication of diplomas and other education documents that are issued in your State and need to be</p>															

	<p>produced abroad – please explain the nature and content of that process:</p> <p>For Australian university documents, the content of the document must be verified as a true and accurate record before the signatures/seals are legalised. This is to combat the promulgation of fraudulent tertiary awards. Most Australian universities now have online verification so this step is not required in most situations.</p> <p><input type="checkbox"/> Other – <i>please specify</i>:</p>
<p>Only for States that require certification</p> <p>d) Does YOUR STATE plan to make changes to the certification process (e.g., adopting a one-step process for all or certain categories of public documents)?</p> <p>➔ c.f. Q 7.1 d) of the 2012 questionnaire</p>	<p><input checked="" type="checkbox"/> Yes – <i>please specify/explain</i>:</p> <p>The Australian Government Department of Education has now implemented a standard Australian Higher Education Graduation Statement with agreed template and standard information for all Higher Education entities in Australia. These documents will be able to be issued with an Apostille without any further certification as the Department of Education will also maintain a register of awards that can be verified by foreign entities.</p> <p><input type="checkbox"/> No – <i>please explain why not</i>:</p>
7.2 Decentralisation of Apostille services	
<p>Only for States that have designated ONE Competent Authority</p> <p>a) Has YOUR STATE considered decentralising the Apostille services by establishing regional offices or by designating additional Competent Authorities?</p> <p><i>✍ The Special Commission has welcomed and encouraged efforts designed to decentralise the provision of Apostille services. Such efforts have been shown to increase efficiency in the provision of services while reducing the burden on the public (C&R No 18 of the 2012 SC)</i></p> <p>➔ see also para. 218 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Yes – <i>please specify/explain</i>:</p> <p>Australian missions overseas exercise authority through a delegation given by Australia's Competent Authority to issue apostilles at overseas missions. This has led to increased client satisfaction and deregulation savings for the Australian community. Previously all documents had to be mailed to Australia to have an Apostille issued.</p> <p><input type="checkbox"/> No – <i>please explain why not</i>:</p>
7.3 Diplomatic missions as Competent Authorities	
<p>a) A few Contracting States have recently designated their diplomatic missions as Competent Authorities (e.g., Australia and Austria). Does YOUR STATE consider there to be any advantages or disadvantages with regard to this practice, in particular in light of Art. 1(3)(a) of the Convention?</p> <p><i>✍ The Special Commission has confirmed that the exception for "documents executed by diplomatic or consular agents" is to be interpreted narrowly (see C&R No 77 of the 2009 SC and C&R No 15 of the 2012 SC).</i></p> <p>➔ see paras 139-140 of the Apostille HB,</p>	<p>Australia sees great advantages in permitting Apostilles to be issued at overseas missions. The policy only applies to original public documents, and usually relates to administrative documents (birth, death, marriage, divorce certificates) and diplomas.</p> <p>There are considerable savings for the community in not having to send documents to Australia for legalisation.</p>
<p>Only for States that have designated diplomatic missions as Competent Authorities</p>	<p><input checked="" type="checkbox"/> Documents executed in YOUR STATE (i.e. the State that the consular or diplomatic</p>

<p>b) For which of the following documents do your diplomatic missions issue Apostilles?</p> <p>➔ see also paras 144-145 of the Apostille HB</p>	<p>agent represents), which are subsequently presented for apostillisation to the diplomatic mission</p> <p><input type="checkbox"/> Documents handled by consular or diplomatic agents but executed by another authority in YOUR STATE, which are reprinted or reissued by the diplomatic mission (<i>i.e.</i>, the consular or diplomatic agent merely acts as an intermediary for a document that has been effectively issued in the State (s)he represents)</p> <p><input type="checkbox"/> Documents executed by consular or diplomatic agents that are not of a diplomatic or consular nature (<i>e.g.</i>, civil status documents or notarial acts)</p> <p><input type="checkbox"/> Others. Please specify</p> <p><i>Comments:</i> Australian diplomatic or consular staff do not execute civil status documents. These are only issued in Australia.</p>
<p>Only for States that have designated diplomatic missions as Competent Authorities</p> <p>c) Has YOUR STATE experienced any practical difficulties with the designation of diplomatic missions as Competent Authorities?</p>	<p><input checked="" type="checkbox"/> Yes – <i>please specify/explain:</i> Certificates of No Impediment to Marriage are currently produced by Consular Officers however the certificates themselves are generated from Australia in a centrally managed database.</p> <p>Copies of Australian passports are issued by an officer of the Australian Passports Office, but this is drawn from the Centrally managed Australian passports database which is held in Australia. They issue these copies as authorised officers of the Passports Office, not as Consular or Diplomatic Officers.</p> <p><input type="checkbox"/> No – <i>please explain:</i></p> <p><i>Comments:</i></p>
<p>Only for States that have designated diplomatic missions as Competent Authorities</p> <p>d) Please explain how, in practice, Apostille services are provided by the diplomatic missions of YOUR STATE (<i>e.g.</i> via retrieval from a database of public documents in YOUR STATE or using physical documents presented at the diplomatic mission, and how the origin of a public document is verified).</p>	<p>Physical documents presented at the Diplomatic mission.</p> <p>Australia maintains an up to date database of signatures and seals of Australian public officials. The database is accessible by Australian Consular or Diplomatic Officers who can compare the signatures and seals and the database also has sample public documents.</p>
7.4 Apostille requests	
<p>a) In YOUR STATE, how can an Apostille be requested?</p> <p>➔ <i>c.f. Q 7.2 b) of the 2012 questionnaire</i> ➔ see also the Model Apostille Request Form at Annex III of the Apostille HB</p>	<p><input checked="" type="checkbox"/> In person</p> <p><input checked="" type="checkbox"/> By post</p> <p><input type="checkbox"/> By email (to request the issuance of an e-Apostille)</p> <p><input checked="" type="checkbox"/> Through a website</p>

	<input type="checkbox"/> Other – <i>please specify</i> : <i>Comments:</i> Forms are available online through www.smartraveller.gov.au but it must be completed and then lodged either in person or by mail with the documents requiring legalisation.		
<p>b) In YOUR STATE, do Competent Authorities enquire about the State of destination of the public document to be apostilled?</p> <p>➡ c.f. Q 7.2 c) of the 2012 questionnaire ➡ see also para. 203 of the Apostille HB</p>	<input checked="" type="checkbox"/> Always <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Applicants specify the State of destination in an application form <input type="checkbox"/> The State of destination is mentioned on the Apostille Certificate <input type="checkbox"/> The enquiry is made orally and no record is kept <input type="checkbox"/> Occasionally – <i>please specify any circumstances for such an inquiry</i> : <input type="checkbox"/> Never <i>Comments:</i>		
<p>c) How long does it take for an Apostille to be issued?</p> <p>➡ c.f. Q 7.2 e) of the 2012 questionnaire</p>		In-person request	Other requests (from the time of receipt of request to the time of dispatch / collection)
	Less than one hour	<input type="checkbox"/>	<input type="checkbox"/>
	Less than two hours	<input type="checkbox"/>	<input type="checkbox"/>
	On the same day	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	By the following working day	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Within two to three working days	<input type="checkbox"/>	<input type="checkbox"/>
	Within one working week	<input type="checkbox"/>	<input type="checkbox"/>
	Other – <i>please specify</i> :	Same day within Australia. Up to 2 business days at overseas missions.	
7.5 Fees			
<p>a) Do Competent Authorities in YOUR STATE impose a fee for issuing an Apostille?</p> <p>➡ c.f. Q 7.3 a) of the 2012 questionnaire ✍ The 2009 Special Commission encouraged States to ensure that any fee imposed for issuing Apostilles be reasonable (see C&R No 94). ➡ see also paras 274-277 of the Apostille HB</p>	<input checked="" type="checkbox"/> Yes. Please specify the fee in Annex A. <input type="checkbox"/> No <i>Comments:</i>		

Section 8 Issuance of Apostilles

8.1 Verification of public documents

<p>a) Do all Competent Authorities of YOUR STATE have access to a register or database containing sample signatures / stamps / seals of the officials / authorities that execute public documents, which the Competent Authority may consult before issuing an Apostille?</p> <p>➡ c.f. Q 8.1 a) of the 2012 questionnaire ➡ see also paras 219 et seq. of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>Please explain how your Competent Authority(ies) then ascertain(s) whether a signature / stamp / seal on a public document is genuine and comes from an authority / official of your State:</i></p> <p><i>Comments:</i> There is only one Competent Authority in Australia for the purpose of issuing Apostilles. All authorised officers have access to a global database</p>
<p>b) What is the form of the register or database containing sample signatures / stamps / seals of the officials / authorities that execute public documents?</p> <p>➡ c.f. Q 8.1 b) of the 2012 questionnaire</p>	<p><input checked="" type="checkbox"/> Electronic form <input type="checkbox"/> Paper form <input type="checkbox"/> Electronic and paper form</p> <p><i>Comments:</i></p>
<p>c) How is the register or database containing sample signatures / stamps / seals of the officials / authorities that execute public documents maintained and updated?</p> <p>➡ c.f. Q 8.1 c) of the 2012 questionnaire ➡ see also paras 223-225 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Each Competent Authority maintains and updates its own register or database <input type="checkbox"/> Competent Authorities maintain and update a common register or database</p> <p><i>Comments (including whether a standard form is used to obtain sample signatures / seals stamps from the officials / authorities):</i> There is only one database managed by the Department of Foreign Affairs and Trade.</p>

<p>d) How does a Competent Authority of YOUR STATE address situations where the public document for which an Apostille is requested bears a signature, stamp or seal that does not match the sample in the register or database containing sample signatures / stamps / seals of the officials / authorities that execute public documents?</p> <p>➔ c.f. Q 8.1 d) of the 2012 questionnaire ➔ see also para. 227 of the Apostille HB</p>	<p>Confirmation is obtained from the issuing authority to ensure the document is genuine and if so, a new specimen signature/seal is obtained and put into the database with the appropriate date range.</p> <p>Under Australia's Privacy Act 1988 legislation, consent is obtained before signatures/seals are loaded into the database.</p>
8.2 The Apostille	
<p>a) What stationery is used for the Apostille?</p> <p>➔ c.f. Q 8.2 b) of the 2012 questionnaire ➔ see also paras 245, 248-249 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Standard paper <input type="checkbox"/> Paper with security features – <i>please specify</i> (e.g., watermarks, holograms, barcodes):</p> <p><input checked="" type="checkbox"/> Rubber stamp <input checked="" type="checkbox"/> Self-adhesive stickers <input type="checkbox"/> Other – <i>please specify</i>:</p> <p><i>Comments:</i> Red wafer seals are used to emboss the Apostille onto the document. In cases where the staff cannot place the document through a printer, a self adhesive plain white label is also used to print the Apostille certificate and place onto the document.</p>
<p>b) Does YOUR STATE use a bilingual or trilingual Apostille Certificate or is it planning to introduce one?</p> <p>➔ c.f. Q 8.2 c) of the 2012 questionnaire ✍ The Special Commission welcomed the development of multilingual Model Apostilles by the Permanent Bureau and encouraged their use by Competent Authorities (see C&R No 20 of the 2012 SC). The bilingual and trilingual Certificates are available on the Apostille Section ➔ see also paras 241-243 of the Apostille HB</p>	<p><input type="checkbox"/> Yes - <i>please specify in which languages</i>:</p> <p><input checked="" type="checkbox"/> No – <i>please specify why not</i>:</p> <p><i>Comments:</i> Apostilles can be verified online and google translator can be used on the verification page.</p>
<p>c) Does YOUR STATE use the Apostille Certificate to authenticate the origin of public documents even when the Apostille Convention does not apply (e.g. using the Apostille Certificate for legalisations or other certifications)?</p> <p>➔ see also paras 87 et seq. of the Apostille HB</p>	<p><input type="checkbox"/> Yes – <i>if applicable, please specify the disclaimer included in the Apostille</i>:</p> <p><input checked="" type="checkbox"/> No</p> <p><i>Comments:</i> Although, this is under active consideration.</p>
8.3 Completing the Apostille	
<p>a) How are Apostilles filled in?</p> <p>➔ c.f. Q 8.3 a) of the 2012 questionnaire</p>	<p><input type="checkbox"/> By hand <input type="checkbox"/> Using a typewriter <input checked="" type="checkbox"/> Using computer software – <i>please specify</i>:</p> <p>The Apostille register captures the data and then generates the certificate from</p>

	<p>information the staff member inputs. The Apostille Register also generates the unique number for each Apostille certificate for verification under the e-Register.</p> <p><i>Comments:</i></p>
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<p>b) In what language are the blanks of Apostilles usually filled in?</p> <p>Please note that this question does not refer to the 10 standard informational items of the Apostille Certificate, which was the subject of Question 8.2b). In other words, how does YOUR STATE complete its Apostille certificates?</p> <p>➡ c.f. Q 8.3 b) of the 2012 questionnaire <i>✍ The Special Commission has encouraged States to consider that, in addition to a language used by the State of origin, if not English or French, the information in Apostilles be completed in one of these languages (see C&R No 90 of the 2009 SC).</i></p> <p>➡ see also para. 259 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> In one language – <i>please specify:</i> English</p> <p><input type="checkbox"/> In two languages – <i>please specify:</i></p> <p><input type="checkbox"/> In three languages – <i>please specify:</i></p> <p><input type="checkbox"/> Other – <i>please specify:</i></p> <p>Comments:</p>
<p>c) How are Apostilles numbered?</p> <p>➡ c.f. Q 8.3 c) of the 2012 questionnaire ➡ see also paras 262-264 of the Apostille HB</p>	<p><input type="checkbox"/> Consecutively</p> <p><input checked="" type="checkbox"/> Randomly – <i>please specify how the number is generated:</i> Internal computer system (CRM) generates a certificate number after the officer has included all details of the authorised signatory and public document.</p> <p><input type="checkbox"/> Other – <i>please specify:</i></p> <p>Comments:</p>
<p>d) Where an item of the Apostille is not applicable (e.g. the underlying public document is not signed or does not bear a seal), does YOUR STATE write in the relevant item “not applicable” or “n/a”?</p> <p><i>✍ The Special Commission has emphasised the importance of completing the 10 numbered standard informational items in every Apostille. No item should be left blank. Where an item is not applicable this should be indicated by writing “not applicable” or “n/a” (C&R No 21 of the 2012 SC)</i></p> <p>➡ see also para. 258 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No - <i>Please specify your current practice:</i></p> <p><input type="checkbox"/> Such situations do not arise in practice</p> <p>Comments: On some occasions the field is left blank or it duplicates the name of the authority. It depends what type of underlying public document it is - some documents have both signatures and seals however the officer is only legalising one of the items.</p>
<p>Question 8.3e) – for Apostilles issued in paper form</p>	
<p>e) How is a paper Apostille signed?</p> <p>➡ c.f. Q 8.3 e) of the 2012 questionnaire <i>✍ The Special Commission has affirmed the principle that the validity of the signature is determined by the law applicable to the Competent Authority issuing the Apostille (C&R No 22 of the 2012 SC)</i></p> <p>➡ see also para. 261 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> By hand (“wet” signature)</p> <p><input type="checkbox"/> By rubber stamp</p> <p><input type="checkbox"/> By printer (e.g., a facsimile signature or PDF/JPEG image of the signature)</p> <p><input type="checkbox"/> By electronic signature - <i>please specify:</i></p> <p><input type="checkbox"/> Other – <i>please specify:</i></p> <p>Comments:</p>

Question 8.3f) and g)– for Apostilles issued in electronic form (e-Apostilles)	
<p>f) How is an e-Apostille signed?</p> <p>➤ c.f. Q 8.3 f) of the 2012 questionnaire</p> <p>➤ see also paras 348 et seq. of the Apostille HB</p>	<p>Please describe the technology used for applying the electronic signature:</p>
<p>g) Does the law of YOUR STATE allow for a printout of an electronic document or an e-Apostille (both of which have been digitally signed) to be circulated?</p>	<p><input type="checkbox"/> Yes - please specify:</p> <p><input type="checkbox"/> No – please specify:</p> <p>Comments:</p>
8.4 Additional text	
<p>a) Do Competent Authorities include other information on the Apostille (in addition to the entries of the 10 numbered standard informational items)?</p> <p>➤ c.f. Q 8.4 a) of the 2012 questionnaire</p> <p>✍ The Special Commission has recognised the usefulness of additional text outside the area of the 10 numbered standard informational items of the Apostille and that States are free to employ text as necessary to provide clarifications regarding the Apostilles they issue. The Permanent Bureau has developed model additional text, which is included on the bilingual and trilingual Certificates, available on the Apostille Section of the Hague Conference website under “Model Apostille Certificate”</p> <p>➤ see also paras 253 et seq. of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> Information relating to the limited effect of an Apostille (see Art. 3 of the Convention)</p> <p><input type="checkbox"/> Information relating to the nature or content of the underlying public document</p> <p><input type="checkbox"/> Information relating to the effect of Apostilles on certified copies</p> <p><input type="checkbox"/> Information relating to the person who requested the Apostille</p> <p><input type="checkbox"/> Information relating to the State of destination</p> <p><input type="checkbox"/> Information relating to fees</p> <p><input checked="" type="checkbox"/> Information relating to the e-Register of the Competent Authority (e.g., the URL of the relevant website)</p> <p><input type="checkbox"/> Information relating to a digital signature</p> <p><input type="checkbox"/> Identification of a code to access the e-Register of the Competent Authority</p> <p><input type="checkbox"/> Other – please specify:</p> <p><input type="checkbox"/> No</p> <p>Comments:</p> <p>This additional information is contained in a separate disclaimer box printed next to the Apostille Certificate.</p>

8.5 Affixing the Apostille

Questions 8.5a) to d) – for Apostilles issued in paper form

<p>a) Is the Apostille placed on the document itself or on a separate slip of paper (an <i>allonge</i>)?</p> <p>➔ c.f. Q 8.5 a) of the 2012 questionnaire</p> <p>➔ see also paras 265 et seq. of the Apostille HB</p>	<p><input checked="" type="checkbox"/> The Apostille is placed on the document itself by:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> self-adhesive sticker <input type="checkbox"/> glue <input type="checkbox"/> rubber stamp <input checked="" type="checkbox"/> printing it on the underlying document <input checked="" type="checkbox"/> seals <input type="checkbox"/> staples <input checked="" type="checkbox"/> other – <i>please specify</i>: Embossed red wafer seals and wet ink stamps are also placed in the Apostille to ensure it is not copied or removed from the document. <p><input checked="" type="checkbox"/> The Apostille is placed on a separate slip of paper by (see also Question 8.5b):</p> <ul style="list-style-type: none"> <input type="checkbox"/> self-adhesive sticker <input type="checkbox"/> glue <input type="checkbox"/> rubber stamp <input checked="" type="checkbox"/> printing it on the separate slip of paper <input checked="" type="checkbox"/> seals <input checked="" type="checkbox"/> other – <i>please specify</i>: Embossed red wafer seals, wet ink stamps and brass eyelets and ribbon are also used to attach the allonge to the document so that it remains tamper evident. <p><i>Comments (in particular, please specify what criteria are applicable to determine whether the Apostille is placed on the document itself or on an allonge):</i></p> <p>Both methods are used, depending on the space available.</p>
<p>b) If a separate slip of paper is used (an <i>allonge</i>), how is it attached to the document?</p> <p>➔ c.f. Q 8.5 b) of the 2012 questionnaire</p> <p><i>The Special Commission has encouraged the use of methods that would evidence any tampering with the method of affixation (see C&R No 91 of the 2009 SC and C&R No 24 of the 2012 SC)</i></p> <p>➔ see also paras 268-269 of the Apostille HB.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Staples <input type="checkbox"/> Grommet <input checked="" type="checkbox"/> Ribbons <input type="checkbox"/> Glue <input type="checkbox"/> Tape <input checked="" type="checkbox"/> Other – <i>please specify</i>: Brass eyelets <p><i>Comments:</i></p>
<p>c) In the case of a one-page public document, where is the Apostille placed / <i>allonge</i> attached?</p> <p>➔ c.f. Q 8.5 c) of the 2012 questionnaire</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The front of the document <input checked="" type="checkbox"/> The back of the document <p><i>Comments:</i></p> <p>Where there is space available.</p>
<p>d) In the case of a multi-page document, where is the Apostille placed / <i>allonge</i> attached?</p> <p>➔ c.f. Q 8.5 d) of the 2012 questionnaire</p> <p><i>The Special Commission has recommended that the Apostille be placed on the signature</i></p>	<ul style="list-style-type: none"> <input type="checkbox"/> The first page of the document <input type="checkbox"/> The last page of the document <input checked="" type="checkbox"/> The page with the signature / seal / stamp <input type="checkbox"/> Other – <i>please specify</i>:

<p>page and, if an allonge is used, that the allonge be attached to the front or back of the document (see C&R No 17 of the 2003 SC)</p> <p>➔ see also paras 271-272 of the Apostille HB</p>	<p>Normally at the front of the package of documents, as close as possible to where the signature/seal appears.</p> <p>Comments:</p>
<p>Question 8.5e) and f) – for Apostilles issued in electronic form (e-Apostilles)</p>	
<p>e) What technology does YOUR STATE use to affix or logically associate the Apostille to the underlying public document?</p> <p>➔ c.f. Q 8.5 e) of the 2012 questionnaire</p> <p>➔ see also para. 270 of the Apostille HB</p>	
<p>f) How does that technology ensure that the Apostille is not tampered with?</p> <p>➔ see also para. 267 of the Apostille HB</p>	

Section 9 Register of Apostilles	
9.1 Maintaining the register	
<p>a) Does each Competent Authority of YOUR STATE record particulars of each Apostille issued in a register?</p> <p>➔ c.f. Q 9.1 a) of the 2012 questionnaire</p> <p>✍ <i>The Special Commission has recalled that Article 7 of the Convention requires each Competent Authority to establish and maintain a Register of Apostilles containing the information required by that Article (C&R No 25 of the 2012 SC)</i></p> <p>➔ see also para. 278 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Yes – <i>what information is recorded?</i></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> the number and date of the Apostille (requirement of Art. 7(1)) <input checked="" type="checkbox"/> the name and capacity of the person signing the document and/or the name of authority whose seal or stamp is affixed thereto (requirement of Art. 7(1)) <input checked="" type="checkbox"/> the name and/or type of the underlying document <input type="checkbox"/> a description of the contents of the underlying document <input checked="" type="checkbox"/> the name of the applicant <input checked="" type="checkbox"/> the State of destination <input checked="" type="checkbox"/> a copy of the Apostille <input type="checkbox"/> a copy of the underlying document <input type="checkbox"/> the fees of the Apostille <input type="checkbox"/> other – <i>please specify:</i> <p><input type="checkbox"/> No – <i>please explain (including how Competent Authorities in YOUR STATE respond to requests for verification of Apostille – then go to Question 10.1):</i></p> <p>Comments:</p>
<p>b) In what form is the register kept?</p> <p>➔ c.f. Q 9.1 b) of the 2012 questionnaire</p> <p>✍ <i>The Special Commission has recognised the utility of maintaining an e-Register that is accessible online in order to facilitate recipients' ability to verify the issuance of Apostilles (C&R No 25 of the 2012 SC)</i></p> <p>➔ see also paras 279-280 of the Apostille HB</p>	<p><input type="checkbox"/> Electronic form, <i>not</i> publicly accessible online</p> <p><input checked="" type="checkbox"/> Electronic form, publicly accessible online (an "e-Register") – <i>with the following features:</i></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> the URL for the relevant website is indicated on the Apostille (see Question 8.4a)) <input checked="" type="checkbox"/> the register incorporates features to avoid 'fishing expeditions' (<i>i.e.</i>, attempts by users to collect information about an

	<p>Apostille that he/she has not received) – <i>please specify:</i></p> <p>Security Check questions before results are obtained</p> <p><input checked="" type="checkbox"/> the register allows users to view details about the Apostille (<i>e.g.</i>, the entries against any of the 10 numbered standard informational items) – <i>please specify:</i></p> <p>Name, Capacity, issuing place and signatory</p> <p><input type="checkbox"/> the register allows users to access the Apostille, or an image thereof</p> <p><input type="checkbox"/> the register allows users to access the underlying document, or an image thereof</p> <p><input checked="" type="checkbox"/> the register allows users to verify the signature on the Apostille</p> <p><input type="checkbox"/> Paper form</p> <p><i>Comments:</i></p>
<p>c) How is the register maintained?</p> <p>➔ <i>c.f. Q 9.1 c) of the 2012 questionnaire</i></p>	<p><input type="checkbox"/> Each Competent Authority maintains its own register</p> <p><input checked="" type="checkbox"/> Competent Authorities maintain a common register</p>
<p>d) For how long do Competent Authorities retain records of particulars in their register?</p> <p>➔ <i>c.f. Q 9.1 d) of the 2012 questionnaire</i></p> <p><i>✍ Although the Special Commission has not suggested a minimum period during which records in a register should be kept, it has concluded that it was a matter for each State party to develop objective criteria in this respect, and that holding of information in electronic form would facilitate the storage and retrieval of records. (C&R No 21 of the 2003 SC)</i></p> <p>➔ <i>see also paras 289-290 of the Apostille HB</i></p>	<p><input type="checkbox"/> Less than one year</p> <p><input type="checkbox"/> Between one and five years</p> <p><input type="checkbox"/> Between five and ten years</p> <p><input type="checkbox"/> Ten years or more</p> <p><input checked="" type="checkbox"/> Indefinitely</p> <p><i>Comments (including specific detailed regarding records retention):</i></p>
<p>9.2 Checking the register</p>	
<p>Only for States in which Competent Authorities keep a Register in paper or in electronic form BUT it is not publicly accessible online (i.e. not an e-Register)</p> <p>a) How frequently is a request made to the Competent Authorities in YOUR STATE to check the register of Apostilles?</p> <p>➔ <i>c.f. Q 9.2 a) of the 2012 questionnaire</i></p> <p><i>✍ Under Art. 7(2) of the Apostille Convention, the Competent Authority that issued the Apostille must, at the request of any interested person, verify whether the particulars of the Apostille correspond with those in the register.</i></p> <p>➔ <i>see also paras 286-288 of the Apostille HB</i></p>	<p><input type="checkbox"/> Never</p> <p><input type="checkbox"/> Once per year</p> <p><input type="checkbox"/> Between 2 and 10 times per year</p> <p><input type="checkbox"/> Between 10 and 20 times per year</p> <p><input type="checkbox"/> More than 20 times per year – <i>please specify approximately how many:</i></p> <p><input type="checkbox"/> Unknown</p> <p><i>Comments:</i></p>
<p>Only for States in which Competent Authorities keep an e-Register</p> <p>b) If Competent Authorities in YOUR STATE keep an e-Register, does YOUR STATE</p>	<p><input type="checkbox"/> Yes – <i>please specify the number of consultations and the relevant period:</i></p>

<p>have statistics on how frequently the e-Register is consulted?</p> <p>➔ c.f. Q 9.2 b) of the 2012 questionnaire</p>	<p>Has the implementation of an e-Register led to more Apostilles being checked against the register? <i>This question does not apply to Contracting States that implemented an e-Register upon accession to the Apostille Convention</i></p> <p><input type="checkbox"/> Yes – by how much?</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> No</p> <p><i>Comments:</i></p> <p>Google analytics can be used to determine how many times the URL is accessed by clients but there are generally no statistics on what type of enquirer it is conducting the search.</p>
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Section 10 The effect of Apostilles

10.1 Apostilles issued in YOUR STATE

<p>a) Has the effect of a paper Apostille or e-Apostille issued by a Competent Authority of YOUR STATE ever been refused to be given in other Contracting States (<i>i.e.</i>, has the Apostille been rejected)?</p> <p>➔ c.f. Q 10.1 a) of the 2012 questionnaire</p> <p>➔ see also paras 293-320 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Yes - <i>please specify on what grounds:</i></p> <p><input type="checkbox"/> the Apostille was not square-shaped</p> <p><input type="checkbox"/> the Apostille did not have sides at least nine centimetres long</p> <p><input type="checkbox"/> the Apostille did not have a border</p> <p><input checked="" type="checkbox"/> the colour of the ink used to print the Apostille</p> <p><input type="checkbox"/> the Apostille was signed other than by hand (“wet” signature)</p> <p><input type="checkbox"/> the Apostille was not signed at all</p> <p><input type="checkbox"/> the Apostille was issued in electronic form (an e-Apostille)</p> <p><input type="checkbox"/> the Apostille had expired</p> <p><input type="checkbox"/> the manner in which the Apostille was numbered – <i>please specify:</i></p> <p><input type="checkbox"/> the manner in which the Apostille was affixed to the underlying document – <i>please specify:</i></p> <p><input type="checkbox"/> the Apostille was physically detached from the underlying document</p> <p><input type="checkbox"/> the underlying document was not a public document under the law of the State of destination</p> <p><input type="checkbox"/> the person that signed the underlying document no longer acts in the capacity certified in the Apostille</p> <p><input type="checkbox"/> the Apostille did not certify the authenticity of the signature or the capacity in which the person signing the underlying document had acted, whether or not the document was signed (<i>i.e.</i>, standard informational item no 2 and 3 are not filled in)</p> <p><input checked="" type="checkbox"/> other – <i>please specify:</i></p> <p>India attempted to refuse an Australian Apostille because the ink of the stamp was not blue.</p> <p>The Netherlands advised clients that the Australian Apostille on a birth certificate was expired, rather than explain that the underlying document must be issued</p>
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	<p>no later than 6 months before the Apostille is affixed.</p> <p>Chile has attempted to refuse two Apostilles in the last two months because the Apostille for the Australian Family Court did not state "N/a" under signature where a staff member was issuing the Apostille against the seal of the court.</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Unknown</p> <p><i>Comments:</i></p> <p>In all cases above, the Australian Competent Authority referred clients to the Apostille handbook and advised them to go back to the authority in the receiving State to confirm the requirements.</p>
<p>b) If an Apostille was rejected, what action did YOUR STATE take?</p> <p>➡ c.f. Q 10.1 b) of the 2012 questionnaire</p>	<p><input type="checkbox"/> The Apostille was reissued</p> <p><input checked="" type="checkbox"/> The receiving authority was contacted</p> <p><input type="checkbox"/> The Competent Authority of the State of destination was contacted</p> <p><input checked="" type="checkbox"/> Diplomatic mission of the State of destination in YOUR STATE was contacted</p> <p><input type="checkbox"/> Diplomatic mission of YOUR STATE in the State of destination was contacted</p> <p><input type="checkbox"/> The Permanent Bureau was contacted</p> <p><input type="checkbox"/> No action taken</p> <p><input type="checkbox"/> Other – <i>please specify:</i></p>

<p>c) Has a Competent Authority in YOUR STATE ever been requested by the authorities in another Contracting State to certify or confirm its procedures for issuing Apostilles?</p> <p>➡ c.f. Q 10.1 c) of the 2012 questionnaire</p> <p>✍ The Special Commission has strongly recommended that Competent Authorities refuse to comply with requests from other Contracting States to confirm issuance procedures or provide specimen signatures, and to notify the Permanent Bureau if they receive them (C&R No 27 of the 2012 SC)</p>	<p><input checked="" type="checkbox"/> Yes – <i>please elaborate:</i></p> <p>Information is contained on www.smartraveller.gov.au so all other Competent Authorities or foreign missions are referred to that information. Australia's Competent Authority has also held briefings for foreign mission in Australia concerning the issuing of Apostilles at Australia's missions overseas and issued information by Third Person Note (also through the Permanent Bureau).</p> <p><input type="checkbox"/> No</p> <p>Comments (including views on this practice):</p>
10.2 Foreign Apostilles produced in YOUR STATE	
<p>a) On which of the following grounds has the effect of a foreign Apostille in fact been refused to be given in YOUR STATE?</p> <p>➡ c.f. Q 10.2 a) of the 2012 questionnaire</p> <p>➡ see also paras 293-320 of the Apostille HB</p>	<p><input type="checkbox"/> The Apostille was not square-shaped</p> <p><input type="checkbox"/> The Apostille did not have sides at least nine centimetres long</p> <p><input type="checkbox"/> The Apostille did not have a border</p> <p><input type="checkbox"/> The colour of the ink used to print the Apostille</p> <p><input type="checkbox"/> The Apostille was signed other than by hand ("wet" signature)</p> <p><input type="checkbox"/> The Apostille was not signed at all</p> <p><input type="checkbox"/> the Apostille was issued in electronic form (an e-Apostille)</p> <p><input type="checkbox"/> The Apostille had expired</p> <p><input type="checkbox"/> The manner in which the Apostille was numbered – <i>please specify:</i></p> <p><input type="checkbox"/> The manner in which the Apostille was affixed to the underlying document – <i>please specify:</i></p> <p><input type="checkbox"/> The Apostille was physically detached from the underlying document</p> <p><input type="checkbox"/> The underlying document was not a public document under the law of YOUR STATE</p> <p><input type="checkbox"/> The person that signed the underlying document no longer acts in the capacity certified in the Apostille</p> <p><input type="checkbox"/> The Apostille does not certify the authenticity of the signature or the capacity in which the person signing the underlying document had acted, whether or not the document was signed (<i>i.e.</i>, standard informational items no 2 and 3 are not filled in)</p> <p><input checked="" type="checkbox"/> Other – <i>please specify:</i></p> <p><input checked="" type="checkbox"/> None of the above</p> <p><input checked="" type="checkbox"/> Unknown</p> <p>Comments:</p> <p>Australia's Competent Authority does not receive advice when an Apostille is refused, however,</p>

	<p>through delivery of Consular services, we are aware that some Australian Banks do not understand the effect of an Apostille and we are attempting to educate them so that Apostilles can be relied on where documents have been witnessed by foreign Notary Public (for example, Power of Attorney executed in a a foreign state but issued by an Australian bank, witnessed by a foreign notary public).</p>
<p>b) On which of the following grounds <i>might</i> the effect of a foreign Apostille possibly be refused to be given, in YOUR STATE?</p> <p>➡ c.f. Q 10.2 a) of the 2012 questionnaire ➡ see also paras 293-320 of the Apostille HB</p>	<p><input type="checkbox"/> The Apostille was not square-shaped</p> <p><input type="checkbox"/> The Apostille did not have sides at least nine centimetres long</p> <p><input type="checkbox"/> The Apostille did not have a border</p> <p><input type="checkbox"/> The colour of the ink used to print the Apostille</p> <p><input type="checkbox"/> The Apostille was signed other than by hand ("wet" signature)</p> <p><input type="checkbox"/> The Apostille was not signed at all</p> <p><input type="checkbox"/> The Apostille was issued in electronic form (an e-Apostille)</p> <p><input type="checkbox"/> The Apostille had expired</p> <p><input type="checkbox"/> The manner in which the Apostille was numbered – <i>please specify:</i></p> <p><input type="checkbox"/> The manner in which the Apostille was affixed to the underlying document – <i>please specify:</i></p> <p><input type="checkbox"/> The Apostille was physically detached from the underlying document</p> <p><input type="checkbox"/> The underlying document was not a public document under the law of YOUR STATE</p> <p><input type="checkbox"/> The person that signed the underlying document no longer acts in the capacity certified in the Apostille</p> <p><input type="checkbox"/> The Apostille does not certify the authenticity of the signature or the capacity in which the person signing the underlying document had acted, whether or not the document was signed (<i>i.e.</i>, standard informational items no 2 and 3 are not filled in)</p> <p><input type="checkbox"/> Other – <i>please specify:</i></p> <p><input type="checkbox"/> None of the above</p> <p><input type="checkbox"/> Unknown</p> <p><i>Comments:</i></p>
<p>c) Does YOUR STATE apply any time limit on the effect of foreign Apostilles and/or foreign public documents that are produced in YOUR STATE?</p> <p>➡ c.f. Q 10.2 b) of the 2012 questionnaire ➡ see also paras 28, 174, 186-187 of the Apostille HB</p>	<p><input type="checkbox"/> Yes – <i>please specify:</i></p> <p><input type="checkbox"/> No</p> <p><i>Comments:</i></p>

Section 11 The electronic Apostille Program (e-APP)

11.1 Implementation

<p>a) Has either component of the e-APP been implemented by the Competent Authorities of YOUR STATE?</p> <p>➔ c.f. Q 11.1 a) of the 2012 questionnaire ➔ see also paras 333 et seq. of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> the e-Apostille component</p> <p><input checked="" type="checkbox"/> the e-Register component – <i>please specify the URL(s) for the e-Register(s):</i> https://orao.dfat.gov.au/pages/verifyapostille.aspx</p> <p><input type="checkbox"/> No</p>
<p>Only for States that have not implemented either component of the e-APP</p> <p>b) If neither component of the e-APP has been implemented, has the e-APP been studied by Competent Authorities in YOUR STATE?</p> <p>✍ For information on the e-APP, see paras 321-363 of the Apostille HB ➔ c.f. Q 11.1 b) of the 2012 questionnaire</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> and <i>both components</i> are being considered for implementation – <i>please specify:</i></p> <p><input type="checkbox"/> and only the <i>e-Apostille component</i> is being considered for implementation – <i>please specify:</i></p> <p><input type="checkbox"/> and only the <i>e-Register component</i> is being considered for implementation – <i>please specify:</i></p> <p><input type="checkbox"/> but neither component is being considered for implementation – <i>please explain why not:</i></p> <p><input type="checkbox"/> No – <i>please explain why not:</i></p> <p>Comments:</p>
<p>Only for States that have implemented either component of the e-APP or are actively considering implementing it</p> <p>c) Has YOUR STATE contacted other Competent Authorities that already operate an e-APP component and asked for any relevant information or exchange of experience?</p> <p>➔ see also para 339 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Yes – <i>please specify:</i> New Zealand</p> <p><input type="checkbox"/> No</p> <p>Comments:</p>
<p>Only for States that have implemented the e-Apostille component</p> <p>d) For which of the following documents does YOUR STATE issue e-Apostilles?</p> <p>➔ see also paras 171, 346 et seq. of the Apostille HB</p>	<p><input type="checkbox"/> Electronic public documents. <i>Please specify:</i></p> <p><input type="checkbox"/> Paper public documents that have been subsequently scanned</p> <p><input type="checkbox"/> Both</p> <p>Comments:</p>

<p>e) Are there any issues (legal or otherwise) that may affect the implementation of the e-APP in YOUR STATE?</p> <p>➡ c.f. Q 11.1 c) of the 2012 questionnaire ➡ see also paras 345, 358 of the Apostille HB</p>	<p><input type="checkbox"/> Yes – <i>please specify</i>:</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Unknown</p> <p>Comments:</p>
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Section 12 Other

12.1 Additional comments and information

a) If you need more space for your response to one or more of the questions above, please specify the question number(s) and add your comments below:

b) If you would like to make any additional comment or provide information relating to the practical operation of the Apostille Convention (including the implementation of the e-APP) that has not been reflected in your responses above, please do so below:

<p>c) Are there any specific topics or practical issues that YOUR STATE would like to have discussed at the 2016 Special Commission?</p> <p>➡ c.f. Q 12.1 c) of the 2012 questionnaire ➡ see also paras 38-39 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Yes – <i>please specify</i>:</p> <p>How Competent Authorities educate institutions in their State to accept apostilles issued abroad, eg Banking sector etc</p> <p><input type="checkbox"/> No</p>
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