

## **MORE ON LEGALISATION OF DOCUMENTS FOR USE OVERSEAS**

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Public Notary

**The rising tide of identity fraud throughout the world (including forgery of official identification documents) is not unlike climate change: we know its coming but we don't know how to stop it without huge costs and inconvenience.**

Meanwhile, anyone transacting business across international borders is discovering new barriers. These are built on adverse experience, and suspicion. More and more elaborate process is evolving to defeat the fraudsters and the money-launderers.

*How do documents created in one country gain recognition in another country as being genuine?*

### **Do you need an Apostille or Authentication?**

Governments and institutions overseas increasingly want proof that Australian documents, or the signatures of Australian officials on documents, are genuine before they will accept them.

The Australian Department of Foreign Affairs and Trade (DFAT) will certify that a signature, stamp or seal on an official Australian document is genuine by checking it against a specimen held on file, and then validating the document with either an **apostille** or an **authentication**.

However, a photocopy or transcript of a document for which recognition internationally is sought must often be certified as a true copy by a Public Notary before DFAT will assess and stamp it.

DFAT will only issue its formal stamp of authenticity if it is satisfied that the signature or official seal on a document is not fraudulent.

**DFAT is cautious, because it has come across cases of attempted document fraud in the past.**

That experience has encouraged greater scrutiny of important documents moving between nation states.

### **The Hague Convention**

In 1961, at The Hague in the Netherlands, an international treaty was brought into existence that became known as the Hague Convention. Its purpose was to abolish the requirement for diplomatic or consular legalisation of foreign public documents.

**For the citizens of those countries that have subscribed to the Convention, the benefit has been to streamline the process of getting recognition of the legitimacy of documents across national borders.**

This is accomplished through a prescribed form of stamp called an **apostille** (a French word that means a *certification*). Official documents issued by Australian government departments, with an official signature, seal or stamp, can be endorsed with an apostille by DFAT.

### **Embassies and Consulates**

*But what about countries that are not a party to the Hague Convention? These include China, most middle eastern countries and many others.*

Here, a further layering of legalisation is required. DFAT will issue a stamp called an **authentication** which then has to go to the embassy or consulate in Australia of the country in which the document is to be presented for recognition. The process of analysis and further authentication at diplomatic or consular level is a matter for that country to decide according to its unique requirements (including translation from or to a foreign language).

**If the document is not government issued (such as Power of Attorney) it must first be notarised by a Public Notary. Then DFAT will endorse it with either an apostille (for Hague Convention countries) or an authentication (for other countries not a party to the Convention).**

DFAT will only endorse its validation on the document if every page has been signed by the Public Notary and the document bears the Notary's impressed seal.

Fees for an apostille range from \$60-\$80 and for an authentication from \$20-\$40. The fees vary from time-to-time.

### **Checking on the Notary**

**DFAT holds specimen signatures and seals for Public Notaries practising in Australia and these are carefully compared with what is tendered as genuine before DFAT will issue its apostille or authentication.**

DFAT has its office at Level 7, Henry Deane Square, 26 Lee Street Sydney. Its hours are from 9am to 1pm. The telephone number is 9207 6904, facsimile 9207 6908. No appointments are necessary but if you can't get to the Sydney office, you can send your document(s) to Sydney Passports Office, Authentications Section, GPO Box 9807 Sydney 2001.

The set fee can be paid by credit card or cheque or money order.

**DFAT's website is [www.dfat.gov.au](http://www.dfat.gov.au)**

**Peter Baltins** is a **Public Notary** (appointed in 1994 by the Chief Justice of New South Wales) and his office is at 575 Kingsway Miranda 2228, telephone number 95258100.

Mr Baltins' Notarial seal features the New South Wales Coat of Arms.