



Australian Government

Attorney-General's Department
Deputy Secretary
Civil Justice and Legal Services

Special Commission on the practical operation of the Service, Evidence and Apostille Hague Conventions

“As Australia is not a party to the Service Convention, we have prepared a response to the first two questions of the Service Convention questionnaire only. This response is as follows:

1. Are there any particular reasons why your State has not ratified the 1965 Convention?

As a non-party to the Service Convention, Australia relies on other methods of effecting service. For example, Australia is a party to several bi-lateral treaties on service. In countries where there is no applicable treaty, Australia abides with local law of the country to facilitate service of Australian process abroad. Depending on local requirements, this may involve service by post, process server or via diplomatic or consular officials. Australian law does not prohibit private service of foreign process in Australia. Australia also accepts requests from foreign courts for service via the diplomatic channel.

2. Do you envisage becoming a Party to the 1965 Convention? If yes, why?

Australia does not envisage becoming a party to the 1965 Convention in the immediate future. Australia will examine the outcomes of the 2003 Special Commission with a view to considering adoption of the 1965 Convention.

Australia's response to the questionnaires on the Evidence Convention and the Apostille Convention will be forwarded to you shortly.”

Yours sincerely

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