Passports Amendment Regulations 2004 (No. 2)\footnote{Statutory Rules 2004 No. 2}

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Passports Act 1938.

Dated 8 JUL 2004 2004

PM Jeffery
Governor-General

By His Excellency's Command

ALEXANDER DOWNER
Minister for Foreign Affairs
1 **Name of Regulations**

These Regulations are the *Passports Amendment Regulations 2004 (No. 2)*.

2 **Commencement**

These Regulations commence on the date of their notification in the *Gazette*.

3 **Amendment of Passports Regulations 1939**

Schedule 1 amends the *Passports Regulations 1939*.

**Schedule 1  Amendment**

(regulation 3)

1. **[1] Regulation 12**

   substitute

12 **Disclosure of information to specified persons or organisations**

(1) Subject to subregulation (4), the Minister may disclose to a person or organisation mentioned in subregulation (2) the information mentioned in subregulation (3), for the purposes of:

   (a) informing the person or organisation about the status of an Australian travel document; and

   (b) traveller facilitation.

(2) The persons and organisations are:

   (a) the Secretary of the New Zealand Department of Labour; and

   (b) the United States Department of Homeland Security; and

   (c) the International Criminal Police Organisation (Interpol).
(3) The information is:

(a) information contained on the data page of the Australian travel document including, but not limited to, the following:
   (i) the document number;
   (ii) the document type;
   (iii) the date of issue of the document;
   (iv) the date of expiry of the document;
   (v) the authority of the document;
   (vi) the document holder’s family name, given name and sex;
   (vii) the document holder’s nationality;
   (viii) the document holder’s date of birth;
   (ix) the document holder’s place of birth;
   (x) the document holder’s photograph; and

(b) the status of the Australian travel document, including, but not limited to, the following:
   (i) whether the document has expired;
   (ii) whether the document has been lost or stolen;
   (iii) whether the document has been fraudulently obtained;
   (iv) whether the document is in some way restricted in its use; and

(c) any other information that is necessary to establish the authenticity of a passenger holding an Australian travel document.

(4) The Minister may disclose the information to a person or organisation only if:

(a) that person has entered into a memorandum of understanding with the Minister that has been signed by or for the Minister; and

(b) the memorandum of understanding:
   (i) states that the information must be used only to check travel documents for a purpose mentioned in subregulation (1); and
(ii) explains what information will be disclosed to the person or organisation; and
(iii) deals with the storage and security of information disclosed to the person or organisation; and
(iv) deals with the disclosure of information by the person or organisation.

(5) If a person or organisation other than a person or organisation mentioned in subregulation (2) becomes responsible for checking a type of Australian travel document for a purpose mentioned in subregulation (1), the Minister may give the information about the document to the other person or organisation if:
(a) the other person or organisation has entered into a memorandum of understanding with the Minister that has been signed by or for the Minister; and
(b) the memorandum of understanding complies with the requirements of paragraph (4) (b).

(6) In this regulation:

Australian travel document means any of the following:
(a) an Australian passport;
(b) a convention travel document issued under regulation 8;
(c) a certificate of identity issued under regulation 9;
(d) a document of identity issued under regulation 10.

Notes