The Foreign Passports Amendment Determination 2005 (No. 1) (the Amendment Determination) is a transitional instrument amending the Foreign Passports Determination 2005. The title of the Passports Act 1938 will be changed to the Foreign Passports (Law Enforcement and Security) Act 2005, as a result of an amendment made by the Australian Passports (Transitionals and Consequentials) Act 2005, with effect from the commencement of sections 3 to 58 of the Australian Passports Act 2005.

The Amendment Determination ensures that, once the title of the Passports Act 1938 is changed to the Foreign Passports (Law Enforcement and Security) Act 2005, a reference in the Foreign Passports Determination 2005 to the “Foreign Passports Act” will refer to the Foreign Passports (Law Enforcement and Security) Act 2005, rather than the Passports Act 1938 as is currently the case.

In this way, the Amendment Determination ensures that the Foreign Passports Determination 2005 will at all times refer correctly to its primary instrument.

The change in the title of the Passports Act 1938 to the Foreign Passports (Law Enforcement and Security) Act 2005 will take effect on 1 July 2005.

The Foreign Passports (Law Enforcement and Security) Act 2005 complements national security, border protection and law enforcement measures introduced with the Australian Passports Act 2005. The Foreign Passports Determination 2005 specifies competent authorities which can request an order from the Minister responsible requiring a person to surrender a person's foreign travel documents. The Determination also specifies indictable offences against a law of the Commonwealth which might constitute conduct in relation to which an order requiring a person to surrender a person's foreign travel document may be made.

The Amendment Determination is made under section 24 of the Passports Act 1938. It is a legislative instrument for the purposes of the Legislative Instruments Act 2003.

The Amendment Determination commences on 1 July 2005.

Schedule 1 – Amendment


Schedule 1 inserts a new Note to section 3 of the Foreign Passports Determination 2005 explaining that it was originally made under the Passports Act 1938.