



## **Australian Passports Amendment (2017 Measures No. 1) Determination 2017**

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I, Julie Bishop, Minister for Foreign Affairs, make the following determination.

Dated 28 September 2017

Julie Bishop  
Minister for Foreign Affairs

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## 1 Name

This instrument is the *Australian Passports Amendment (2017 Measures No. 1) Determination 2017*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this instrument	The day after this instrument is registered.	6 October 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Australian Passports Act 2005*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Australian Passports Determination 2015*

#### **1 Section 5 (paragraph (d) of the note)**

Repeal the paragraph, substitute:

- (d) *contactless integrated circuit*;
- (e) *refusal/cancellation request*;
- (f) *travel-related document*.

#### **2 Section 5 (definition of *business day*)**

Repeal the definition.

#### **3 Section 5**

Insert:

*compassionate grounds*, in relation to the waiver or refund of a fee relating to an application, include:

- (a) the need to travel because of the death or serious illness of the applicant's spouse, partner in a de facto relationship, partner in a registered relationship, parent, child, brother, sister, father-in-law or mother-in-law; and
- (b) the need to travel with a person who:
  - (i) needs to travel because of a circumstance mentioned in paragraph (a); and
  - (ii) is the primary carer of the applicant.

#### **4 Section 5 (definition of *contactless integrated circuit*)**

Repeal the definition.

#### **5 Section 5**

Insert:

*Immigration Department* means the Department administered by the Minister administering the *Migration Act 1958*.

#### **6 Paragraph 10(3)(a)**

Omit “if the application is made by or on behalf of the child—neither the applicant nor the Minister has”, substitute “the Minister has not”.

#### **7 Paragraph 12(2)(b)**

After “Trade”, insert “and Investment”.

#### **8 Section 13 (heading)**

Repeal the heading, substitute:

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**13 Minister may refuse to issue an Australian travel document—reasons relating to potential for harmful conduct**

**9 Paragraph 14(1)(a)**

Omit “Department of Immigration and Border Protection”, substitute “Immigration Department”.

**10 Paragraph 14(1)(c)**

After “Trade”, insert “and Investment”.

**11 Subsection 17(2) (cell at table item 3, column 1)**

Repeal the cell, substitute:

The passport is issued to a child who is 16 or 17 and no other later item of this table applies

**12 Subsection 17(2) (cell at table item 4, column 1)**

Repeal the cell, substitute:

The passport is issued to a person who is 75 or over and no other later item of this table applies

**13 Subsection 17(2) (table item 10)**

Repeal the item, substitute:

- |    |  |   |
|----|--|---|
| 10 | <p>The passport is issued to a person whose Australian travel documents have been lost or stolen:</p> <p>(a) 2 times in the 5 years immediately before the date of applying for the passport; or</p> <p>(b) 3 or more times in the 5 years immediately before the date of applying for the passport;</p> | <p>either:</p> <p>(a) if paragraph (a) of column 1 of this item applies—5 years; or</p> <p>(b) if paragraph (b) of column 1 of this item applies—2 years.</p> |
|----|--|---|

**14 Subsection 17(2) (cell at table item 11, column 1)**

Repeal the cell, substitute:

The passport is a replacement passport issued to a person whose Australian travel document has been lost, stolen or damaged and the person’s travel documents (other than the travel document being replaced) have not been lost, stolen or damaged in the 5 years immediately before the date of applying for the passport

**15 Subsection 17(2) (cell at table item 13, column 1)**

Repeal the cell, substitute:

The passport is a replacement passport and both of the following apply:

(a) the passport being replaced has no more blank visa pages;

- (b) the replacement passport is not an Australian frequent traveller passport;

**16 Paragraph 21(2)(a)**

Omit “Department of Immigration and Border Protection”, substitute “Immigration Department”.

**17 Subsection 23(2) (table item 1, column 3, paragraph (d))**

Repeal the paragraph, substitute:

- (d) a person receiving the information for the registry of births, deaths and marriages (however described) of a State or Territory;

**18 Subsection 23(2) (table item 1, column 3, paragraphs (j), (k) and (l))**

Repeal the paragraphs, substitute:

- (j) a person receiving the information for the Immigration Department.

**19 Subsection 23(2) (table item 2, column 3, paragraph (a))**

Repeal the paragraph, substitute:

- (a) a person receiving the information for the registry of births, deaths and marriages (however described) of a State or Territory;

**20 Subsection 23(2) (table item 2, column 3, paragraphs (g), (h) and (i))**

Repeal the paragraphs, substitute:

- (g) a person receiving the information for the Immigration Department;

**21 Subsection 23(2) (table item 3, column 3, paragraphs (a), (b) and (c))**

Repeal the paragraphs, substitute:

- (a) a person receiving the information for the Immigration Department;

**22 Section 27 (after the heading)**

Insert:

*General*

**23 Section 27**

Omit “For paragraph 56(2)(a) of the Act,”, substitute “(1) For the purposes of paragraph 56(2)(a) of the Act, and subject to section 28A,”.

**24 Paragraph 27(b)(iv)**

Omit “de facto partner”, substitute “partner in a de facto relationship”.

**25 Paragraph 27(g)**

Repeal the paragraph.

**26 Paragraph 27(h)**

Omit “passport that is to replace a passport”, substitute “Australian travel document that is to replace an Australian travel document”.

**27 At the end of section 27**

Add:

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*Priority processing fee*

- (2) For the purposes of paragraph 56(2)(a) of the Act, and subject to section 28A, the Minister may waive the additional fee for a matter mentioned in item 2 of the table in subsection 6(3) of the *Australian Passports (Application Fees) Determination 2015* if the Minister is satisfied that there are compassionate grounds for the waiver of the fee.

**28 Subsection 28(1)**

Before “an amount”, insert “and subject to section 28A,”.

**29 Subsections 28(2) and (3)**

Omit “item 1 or 2”, substitute “item 2”.

**30 Subsection 28(4)**

Repeal the subsection.

**31 After section 28**

Insert:

**28A No waivers or refunds for applications refused because of refusal/cancellation requests**

Paragraph 27(1)(1), subsection 27(2) and section 28 do not apply to a fee for an application for an Australian travel document refused because of a refusal/cancellation request.