

Foreign Passports Amendment Determination 2005 (No. 1)

EXPLANATORY STATEMENT

PASSPORTS ACT 1938

**Issued by the authority of the
Parliamentary Secretary (Foreign Affairs and Trade)**

Outline

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 (Transitional and Consequential) 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 amends section 3 of the *Foreign Passports Determination 2005*. Schedule 1 specifies that a reference to “Foreign Passports Act” in the *Foreign Passports Determination 2005* means the *Foreign Passports (Law Enforcement and Security) Act 2005*.

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*.