



**PARLIAMENTARY SECRETARY
(FOREIGN AFFAIRS AND TRADE)**

EXPLANATORY STATEMENT

Select Legislative Instrument 2005 No. 146

Passports Act 1938

Passports Repeal Regulations 2005

Section 11 of the *Australian Passports (Transitionals and Consequential) Act 2005* provides that the Governor-General may make regulations prescribing matters of a transitional nature arising out of the repeal of the *Passports Act 1938* and the commencement of the *Australian Passports Act 2005*.

The Regulations provide for the repeal of the *Passports Regulations 1939*. The *Passports Regulations 1939* prescribe matters required or permitted by the *Passports Act 1938* to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the *Passports Act 1938*. The *Australian Passport Determination 2005*, made under the *Australian Passports Act 2005*, updates and modernises provisions in the *Passports Regulations 1939*, which are now redundant.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Notes on Regulations

Regulation 1 – Short Title

Regulation 1 provides that these are the *Passports Repeal Regulations 2005*.

Regulation 2 - Commencement

Regulation 2 provides that the proposed Regulations will commence at the same time as sections 3 to 58 of the *Australian Passports Act 2005*, which are proclaimed to commence on 1 July 2005.

The *Australian Passports (Transitionals and Consequential) Act 2005*, *Australian Passports (Applications Fees) Act 2005* and the *Australian Passports Determination 2005* will also commence at this time.

Regulation 3 – Repeal of *Passports Regulations 1939*

Regulation 3 provides that the *Passports Regulations 1939* are repealed.