

Australian Passports Amendment Determination 2005 (No. 1)

EXPLANATORY STATEMENT

AUSTRALIAN PASSPORTS ACT 2005

**Issued by the authority of the
Minister for Foreign Affairs**

Subsection 47(1) of the *Australian Passports Act 2005* (the Act) provides that the Minister for Foreign Affairs may determine methods (including technologies) for the purposes of confirming the validity of evidence of the identity of an applicant for an Australian travel document or a person to whom an Australian travel document has been issued, or for performing other functions in connection with the Act.

Subsection 47(3) of the Act provides that if the determination relates to the use of personal information, the determination must specify the nature of the personal information and the purposes for which it may be used.

The *Australian Passports Amendment Determination 2005 (No. 1)* (the Determination) provides for the use of biometrics and ePassports for the purpose of confirming identity, and sets out application fees for Australian travel documents incorporating biometrics. It amends the *Australian Passports Determination 2005*.

Paragraph 7.6(1)(a) sets out a method for using biometrics to confirm the identity of an applicant for an Australian travel document. A photograph of the applicant, provided by the applicant, is digitised and converted to a machine readable form. It can then be compared with other digitised photographs in the Australian passport database to prevent fraudulent applications.

Paragraph 7.6(1)(b) sets out a method for using biometrics to confirm the identity of a holder of an Australian ePassport or other travel document once the document has been issued. It provides that the biometric information obtained from an individual's passport photograph will be stored in a contactless chip embedded in the travel document. The manufacture of the chip and the secure storage of information on it must accord with standards developed by the International Civil Aviation Organisation (ICAO) in the exercise of its functions under the Convention on International Civil Aviation.

A note to paragraph 7.6(1) provides that the methods described in the Determination will be implemented in a manner consistent with the privacy principles and policies embodied in the *Privacy Act 1988*, including the Information Privacy Principles set out in section 14 of that Act.

Paragraph 7.6(2) provides that the personal information contained on the data page of the Australian travel document, set out in item 1 of Schedule 2 of the *Australian Passports Determination 2005*, may be used for the purposes described in paragraphs 7.6(1)(a) and (b). This paragraph ensures that the Determination satisfies the requirements of subsection 47(3) of the Act.

The Determination also inserts a new fee schedule (Schedule 4) for ePassports and Australian travel documents incorporating biometrics into the *Australian Passports Determination 2005*. The schedule will replace the existing schedule upon the introduction of biometrics into Australian travel documents. Government policy is that the application fees for travel documents specified in Schedule 4 are indexed annually by a formula based on the All Groups Consumer Price Index (**CPI**, being the weighted average of the 8 capital cities).

The Determination commences on the day after it is registered.

The Determination is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.