



Foreign Passports (Law Enforcement and Security) Determination 2015

made under section 24 of the

Foreign Passports (Law Enforcement and Security) Act 2005

Compilation No. 1

Compilation date: 8 October 2015

Includes amendments up to: *Passports Legislation Amendment (2015 Measures No. 1) Determination 2015*

Prepared by the Department of Foreign Affairs and Trade

About this compilation

This compilation

This is a compilation of the *Foreign Passports (Law Enforcement and Security) Determination 2015* that shows the text of the law as amended and in force on 08/10/2015 (the *compilation date*).

This compilation was prepared on 15/10/2015.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw (www.comlaw.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name

This is the *Foreign Passports (Law Enforcement and Security) Determination 2015*.

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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 October 2015.	1 October 2015

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 *Foreign Passports (Law Enforcement and Security) 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.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including *ASIO*.

In this instrument:

Act means the *Foreign Passports (Law Enforcement and Security) Act 2005*.

6 Competent authorities—Australian law enforcement matters

For paragraph (b) of the definition of *competent authority* in subsection 13(2) of the Act, the following persons are specified as competent authorities in relation to the circumstances mentioned in paragraphs 13(1)(a) and (b) of the Act:

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- (a) the Attorney-General;
- (b) the Secretary of the Attorney-General's Department;
- (c) SES employees in the Attorney-General's Department.

7 Competent authorities—international law enforcement cooperation

- (1) For paragraph (b) of the definition of *competent authority* in subsection 14(2) of the Act, the following persons are specified as competent authorities in relation to the circumstances mentioned in paragraphs 14(1)(a) and (b) of the Act:
 - (a) the Secretary of the Attorney-General's Department;
 - (b) SES employees in the Attorney-General's Department.
- (2) For paragraph (c) of the definition of *competent authority* in subsection 14(2) of the Act, the Australian Federal Police is specified as a competent authority in relation to the circumstances mentioned in paragraphs 14(1)(a) and (b) of the Act.

8 Reasons relating to potential for harmful conduct

For subparagraph 15(1)(a)(v) of the Act, the offences mentioned in subsections 13(1) and (2) of the *Australian Passports Determination 2015* are specified.

9 Competent authorities—potential for harmful conduct

- (1) For paragraph (d) of the definition of *competent authority* in subsection 15(2) of the Act, the following are specified as competent authorities in relation to the circumstances mentioned in subsection 15(1) of the Act:
 - (a) the Department of Immigration and Border Protection;
 - (b) the Australian Federal Police.
- (2) For paragraph (f) of the definition of *competent authority* in subsection 15(2) of the Act, the following are specified as competent authorities in relation to the circumstances mentioned in subsection 15(1) of the Act:
 - (a) the Secretary of the Attorney-General's Department;
 - (b) SES employees in the Attorney-General's Department;
 - (c) the Director-General of Security (within the meaning of the *Australian Security Intelligence Organisation Act 1979*);
 - (d) a Deputy Director-General of Security (within the meaning of the *Australian Security Intelligence Organisation Act 1979*).

Schedule 1—Repeals

Foreign Passports Determination 2005

1 The whole of the Determination

Repeal the Determination.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the amendment is set out in the endnotes.

Endnote 2—Abbreviation key

A = Act	orig = original
ad = added or inserted	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
am = amended	pres = present
amdt = amendment	prev = previous
c = clause(s)	(prev...) = previously
C[x] = Compilation No. x	Pt = Part(s)
Ch = Chapter(s)	r = regulation(s)/rule(s)
def = definition(s)	Reg = Regulation/Regulations
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislative Instruments	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LI = Legislative Instrument	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md) = misdescribed amendment	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	FRLI registration	Commencement	Application, saving and transitional provisions
Foreign Passports (Law Enforcement and Security) Determination 2015	5 August 2015 (see F2015L01224)	1 October 2015	-
Passports Legislation Amendment (2015 Measures No. 1) Determination 2015	1 October 2015 (see F2015L01630)	S 1-4, Sch 1: 2 Oct 2015 Sch 2: 8 Oct 2015 Sch 3: 1 Jan 2016	-

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
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