



Foreign Passports (Law Enforcement and Security) Determination 2015

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

Dated 22 July 2015

Julie Bishop
Minister for Foreign Affairs

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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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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:

- (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 subparagraph (a)(ii) of the definition of *competent authority* in subsection 15(2) of the Act, the following persons are specified as competent authorities in relation to the circumstances mentioned in subsection 15(1) of the Act that relate to Australia:
 - (a) the Director-General of Security (within the meaning of the *Australian Security Intelligence Organisation Act 1979*);
 - (b) a Deputy Director-General of Security (within the meaning of the *Australian Security Intelligence Organisation Act 1979*).
- (2) For subparagraph (b)(ii) of the definition of *competent authority* in subsection 15(2) of the Act, the following persons are specified as competent authorities in relation to the circumstances mentioned in subsection 15(1) of the Act that relate to foreign countries:
 - (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*).
- (3) For subparagraph (b)(iii) of the definition of *competent authority* in subsection 15(2) of the Act, the following entities are specified as competent authorities in relation to the circumstances mentioned in subsection 15(1) of the Act that relate to foreign countries:
 - (a) the Department of Immigration and Border Protection;
 - (b) the Australian Federal Police;
 - (c) in relation to conduct of the kind mentioned in subparagraph 15(1)(a)(i) of the Act—ASIO.

Schedule 1—Repeals

Foreign Passports Determination 2005

1 The whole of the Determination

Repeal the Determination.