

2013–2014–2015

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**AUSTRALIAN PASSPORTS (APPLICATION FEES)
AMENDMENT DETERMINATION 2015 (No.1)**

EXPLANATORY STATEMENT

(Circulated by authority of the Minister for Foreign Affairs,
the Hon Julie Bishop MP)

AUSTRALIAN PASSPORTS (APPLICATION FEES) AMENDMENT DETERMINATION 2015 (No.1)

Outline

The Australian Passports (Application Fees) Amendment Determination 2015 (No.1) (the Amendment Determination) makes one minor amendment to the *Australian Passports (Application Fees) Determination 2015* (the Application Fees Determination). The amendment provides for an application fee for the issue of a replacement passport in ‘exceptional circumstances’. This follows the new provision in the Passports Legislation Amendment (2015 Measures No.1) Determination 2015 that enables the issue of a replacement passport in ‘exceptional circumstances’.

Regulation Impact

This amendment will impose no regulatory impact on Australian citizens or businesses.

Consultation

Consultation was not considered necessary as the amendment is minor and technical.

Australian Passports (Application Fees) Amendment Determination 2015 (No.1)

Notes on Clauses

Clause 1 – Name

1. This Determination will be named the *Australian Passports (Application Fees) Amendment Determination 2015 (No.1)*.

Clause 2 – Commencement

2. Subsection 2(1) provides that the Amendment Determination will commence on the later of 1 October 2015 or the day after the instrument is registered.
3. Subsection 2(2) provides that any information in column 3 of the table is not part of the Amendment Determination. However, information may be inserted in this column, or information in it may be edited, in any published version of this Determination.

Clause 3 – Authority

4. The *Australian Passports (Application Fees) Act 2005* (the Application Fees Act) empowers the Minister to impose, as taxes, fees in relation to Australian travel documents and for related purposes. Section 8 gives the Minister the authority to specify matters provided in the Application Fees Act in a determination.

Clause 4 – Schedules

5. Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the Schedule concerned, and any other in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Australian Passports (Application Fees) Determination 2015

Part 2 – Fees

Item 1 – Subsection 5(3) (table item 11, column1): Application Fees

6. Section 5 of the Application Fees Determination sets out the application fees for Australian travel documents, including for replacement passports.
7. The Passports Legislation Amendment (2015 Measures No.1) Determination 2015 adds new table item 17 in subsection 17(2) of the Australian Passports Determination 2015 (the Passports Determination) to provide for a replacement passport to be issued in ‘exceptional circumstances’.

8. Table item 11 of subsection 5(3) of the Application Fees Determination provides for an application fee for a replacement passport, including a replacement passport to which table items 11 to 16 in subsection 17(2) of the Passports Determination applies.
9. Item 1 amends table item 11 in subsection 5(3) of the Application Fees Determination to include new table item 17 in subsection 17(2) of the Passports Determination, to provide for an application fee for the issue of a replacement passport in ‘exceptional circumstances’.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Australian Passports (Application Fees) Amendment Determination 2015 (No.1)

This instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the instrument

The principal object of the *Australian Passports (Application Fees) Act 2005* (the Application Fees Act) is to provide for the imposition, as taxes, of fees in relation to Australian travel documents and for related purposes. The Australian Passports (Application Fees) Determination 2015 (the Application Fees Determination) is a critical instrument in supporting the operation of the Application Fees Act.

The Australian Passports (Application Fees) Amendment Determination 2015 (No.1) (the Amendment Determination) makes one minor amendment to the Application Fees Determination to provide for an application fee for a replacement passport issued in ‘exceptional circumstances’.

Human rights implications

This amendment engages the right to freedom of movement in Article 12 of the International Covenant on Civil and Political Rights (ICCPR). Article 12(2) of the ICCPR provides that everyone must be free to leave any country, including their own.

The Application Fees Determination engages the right to freedom of movement as a passport enables people to exercise the right of freedom of movement and the imposition of fees to obtain a passport could affect the ability of an Australian citizen to leave Australia.

The Amendment Determination provides for an application fee for a replacement passport issued in ‘exceptional circumstances’.

A replacement passport provides a cheaper alternative to purchasing a new passport in certain circumstances and therefore promotes the right to freedom of movement.

Conclusion

The amendment to the Application Fees Determination promotes human rights because it provides for a cheaper alternative to purchasing a new Australian passport in certain circumstances to facilitate an individual’s freedom of movement.