

Passports Legislation Amendment (2015 Measures No. 1) Determination 2015

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

Dated 26 September 2015

Julie Bishop

Minister for Foreign Affairs

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1 Name

This is the *Passports Legislation Amendment (2015 Measures No. 1) 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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table | The later of:  (a) the day after this instrument is registered; and  (b) 1 October 2015. |  |
| 2. Schedule 1 | The later of:  (a) the day after this instrument is registered; and  (b) 1 October 2015. |  |
| 3. Schedule 2 | The later of:  (a) the day after this instrument is registered; and  (b) the day Parts 1 and 2 of Schedule 1 to the *Passports Legislation Amendment (Integrity) Act 2015* commence. |  |
| 4. Schedule 3 | 1 January 2016. | 1 January 2016 |

Note: This table relates only to the provisions of this instrument as originally made.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 following Acts:

(a) the *Australian Passports Act 2005*;

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Miscellaneous amendments

Australian Passports Determination 2015

1 Paragraphs 10(3)(h) and (i)

Repeal the paragraphs, substitute:

(h) an order of a court in a convention country (within the meaning of the *Family Law (Child Abduction Convention) Regulations 1986*) permits any of the following:

(i) the issue of a passport to the child;

(ii) the child to travel internationally;

(iii) contact between the child and another person outside the country where the order was made;

(i) if the child is outside Australia—the Minister considers that there is a need for the child to travel internationally or the child requires a passport to continue to legally reside overseas;

2 Subsection 17(2) (at the end of the table)

Add:

|  |  |  |
| --- | --- | --- |
| 17 | The passport is a replacement passport that is issued in exceptional circumstances and none of items 11 to 16 of this table apply | the period ending when the passport being replaced would otherwise have ceased to be valid. |

3 At the end of paragraph 20(3)(d)

Add:

(iii) information relating to an order of a court, or proceedings before a court, that may affect the rights of the child to travel internationally or who has parental responsibility for the child; and

4 Paragraph 29(1)(c)

Repeal the paragraph.

Schedule 2—Amendments relating to amendments of relevant Acts

Australian Passports Determination 2015

1 Section 9A

Repeal the section.

2 Division 2 of Part 2 (heading)

Repeal the heading, substitute:

Division 2—Reasons the Minister may refuse to issue an Australian travel document

3 Section 10 (heading)

Repeal the heading, substitute:

10 Special circumstances in which the Minister may issue an Australian travel document to a child

4 Subsection 10(1)

Omit “passport” (wherever occurring), substitute “travel document”.

5 Before paragraph 10(2)(a)

Insert:

(aa) the issue of an Australian travel document to the child; or

6 Paragraphs 10(3)(e), (h) and (i)

Omit “passport”, substitute “travel document”.

7 Section 14

Repeal the section, substitute:

14 Competent authorities—potential for harmful conduct

(1) For paragraph (c) of the definition of ***competent authority*** in subsection 14(3) of the Act, the following are specified as competent authorities in relation to the circumstances mentioned in subsection 14(1) of the Act:

(a) the Department of Immigration and Border Protection;

(b) the Australian Federal Police;

(c) the Australian Trade Commission, to the extent that it performs consular functions within the consular district of Vancouver, Canada.

(2) For paragraph (e) of the definition of ***competent authority*** in subsection 14(3) of the Act, the following are specified as competent authorities in relation to the circumstances mentioned in subsection 14(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*).

(3) For paragraph (e) of the definition of ***competent authority*** in subsection 14(3) of the Act, the following are specified as competent authorities in relation to the circumstance mentioned in subparagraph 14(1)(a)(iv) of the Act:

(a) the Secretary of the Department;

(b) SES employees in the Department whose duties include the performance of functions under the Act.

8 Section 15 (heading)

Repeal the heading, substitute:

15 Circumstances in which the Minister may issue an Australian travel document—concurrent travel documents

9 Section 15

Omit “passport” (wherever occurring), substitute “travel document”.

10 Section 17(heading)

Repeal the heading, substitute:

17 Period of validity for Australian passports

11 Subsection 17(1)

Repeal the subsection.

12 Subsection 17(2)

Omit “The”, substitute “For subsection 20(2) of the Act, the”.

13 Section 18 (heading)

Repeal the heading, substitute:

18 Circumstances in which Australian travel documents cease to be valid—damage

14 Subsection 18(1)

Omit “passport”, substitute “travel document”.

15 Paragraphs 18(2)(a), (b) and (d)

Omit “passport”, substitute “travel document”.

16 Paragraph 18(2)(e)

Omit “passport’s”, substitute “travel document’s”

17 Paragraph 18(2)(f)

Omit “passport”, substitute “travel document”.

18 Subsection 18(2) (note 1)

Omit “passport”, substitute “travel document”.

19 Section 19 (heading)

Repeal the heading, substitute:

19 Circumstances in which Australian travel documents cease to be valid—other circumstances

20 Subsections 19(1) and (2)

Omit “passport” (wherever occurring), substitute “travel document”.

21 Subsection 25(1)

Repeal the subsection, substitute:

(1) For subsection 53(5) of the Act, this section sets out the circumstances in which the name on a person’s Australian travel document may be a name other than the most recent name mentioned in paragraphs 53(5)(a) to (e) of the Act.

22 After subsection 25(10)

Insert:

(10A) Despite anything else in this section, if the Minister considers it desirable that another name appear on a travel‑related document issued in the circumstances mentioned in paragraph 9(1A)(b) of the Act, that other name may be used.

23 Section 25A

Repeal the section.

24 Section 27

Omit “a fee may be waived”, substitute “the Minister may waive a fee”.

25 Paragraph 29(1)(j)

Repeal the paragraph, substitute:

(j) subsection 25(10A);

26 Section 30

Omit “, 25A(1) or (3)”.

Foreign Passports (Law Enforcement and Security) Determination 2015

27 Section 9

Repeal the section, substitute:

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 3—Other amendments

Australian Passports Determination 2015

1 Subsection 17(2) (table item 15, column 1)

Omit “and the circumstances mentioned in paragraph 27(b) apply”.