Date Introduced: 7 March 1979
House: House of Representatives

Short Digest of Bill

Purpose

To update and clarify the practices associated with the issue and denial of passports under the Passports Act 1938 and to increase the range of offences and the penalties associated with those offences.

Background

Changes to the administration of passports were foreshadowed by the Minister in a statement to the House on Australian Consular Services on 26 May 1978.

Before the introduction of this Bill, there were no legislative guidelines governing the exercise of the Minister's or an authorised officer's discretions regarding passports under the Act. The Bill seeks to establish these guidelines but provides no recourse to the Administrative Appeals Tribunal in relation to the exercise of these discretions.

In addition, the Bill aims to counter the movement of international undesirables eg. terrorists and drug pushers, by enumerating those persons who are to be, at first instance, refused passports and by expanding the offence provisions.

Main Provisions

Clause 6 introduces a new section 6A which declares categorically that a passport always remains the property of the Commonwealth.

Clause 7 amends section 17 to provide that the Minister, as well as an authorised officer may issue a passport; previously only an authorised officer could do so. In addition, the Minister may direct an authorised officer as to the exercise of certain powers relating to the refusal to grant a passport.
Clause 8 introduces new sections 7A, B, C, D, and E which set out the categories of persons who may be refused passports. These categories are:

(a) an unmarried person under 18 except where that person has received a custodian or guardian's consent, a court order or where the authorised officer is satisfied that for medical or family reasons, the person should be issued with a passport (new section 7A);

(b) a person in respect of whom an authorised officer has reason to believe that there is a warrant for the person's arrest or a court order, surety or bail bond prohibiting the person from leaving the country (new section 7B);

(c) a person who owes money to the Commonwealth as a result of circumstances arising from previous overseas travel except where medical or family reasons require the overseas travel (new section 7C);

(d) a person who already has a valid passport except where special reasons require another (new section 7D); and

(e) a person who, in the Minister's opinion would prejudice the security or welfare of another country (new section 7E).

In respect of all these categories the Minister retains an overriding discretion in relation to the issue of a passport.

Clause 9 amends section 8 to increase penalties for certain offences and to provide for the cancellation of passports in circumstances where a passport would not have been issued under new sections 7A to D or where the passport has been lost or stolen. Clause 10 introduces a new section 8A obliging any person to report the loss or theft of a passport, under the pain of a penalty, to the relevant authority.

Clause 11 inserts a new section 9 (1) to provide that an officer may demand the delivering up of a passport that has been obtained by a false or misleading statement or has been used in the commission of an offence against the Act or the Regulations.
Clause 12 creates new offences relating to the improper use or possession of an Australian passport, the forgery and fabrication of passports and the wrongful issue of passports. Clause 13 establishes greater penalties for offences relating to the making of false or misleading statements in relation to passport renewals or endorsements.

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