

AUSTRALIAN
PASSPORT OFFICE

CHILDREN
AND PARENTAL
CONSENT



Australian Government

Department of Foreign Affairs and Trade

Children and parental consent

There are laws governing the issue of passports to children. These laws are designed to protect children from abduction and to safeguard the rights of all people with parental responsibility for children.

Who needs to give consent?

Before a passport may be issued to a child (anyone under 18 years who has never married), the written consent of all people with parental responsibility for the child is needed.

Where persons with parental responsibility are in separate locations, those who are not lodging the passport application may provide consent through their nearest passport office, Australia Post outlet or Australian diplomatic mission or consulate.

In most cases, people with parental responsibility are the parents named on the child's full birth certificate. Their parental responsibility can only be removed by an Australian court.

Where only one person is named on a child's birth certificate but another person has formally acknowledged parental responsibility by signing a document to that effect, that person must also provide consent before a passport may be issued.

As well as the parents named on the child's full birth certificate, other persons may have parental responsibility through Australian court orders covering residence, contact, access rights, guardianship, custody, or other specific issues relating to the child. Institutions such as a government welfare agency may also have parental responsibility under an Australian court order.

Applicants must provide the originals of all court orders relating to parental responsibility together with a completed Form B-7.

What happens if you cannot get consent?

A passport cannot be issued to a child against the wishes of a person who has parental responsibility for that child unless:

- > the circumstances set out in section 11(2) of the *Australian Passport Act 2005* (the Act) have been met
- or**
- > special circumstances as set out in section 2.1 of the *Australian Passport Determination 2005* (the Determination) are established
- or**
- > an Australian court order permits the child to travel internationally.

A written request must be made for consideration under the special circumstances detailed in Section 11(2) of the Act and Section 2.1 of the Determination. In such cases, the passport application must be accompanied by a completed Form B-8 or B-9 in which the applicant states why the necessary consent has not and cannot be obtained.

Forms B-7, B-8 and B-9 are available from passport offices, online at **www.passports.gov.au** or through Australia Post outlets and Australian diplomatic missions or consulates overseas.

Approved Senior Officer's role

When an application without the consent of all persons with parental responsibility is lodged, it will be considered by an Approved Senior Officer — an officer delegated by the Minister for Foreign Affairs, having regard to the Act and the Determination. The Approved Senior Officer will assess the application to determine if a passport may be issued without the consent of all parties with parental responsibility. The Approved Senior Officer may decide that:

- > the matter should be referred to a court for decision; or
- > a passport may not be issued on the basis of special circumstances; or

- > a passport may be issued on the basis of special circumstances.

If an Approved Senior Officer decides that a passport may be issued on the basis of special circumstances but new information becomes available after the issue of the passport, in particular from another person with parental responsibility, the Approved Senior Officer may cancel the passport.

There is no guarantee that an application to the Approved Senior Officer will result in a passport being issued to the child. The application fee is generally not refunded if a passport is not issued to the child.

Right of review

A decision not to refund the application fee for a child passport is a reviewable decision under Section 48 of the Act. A decision not to issue an Australian passport to a child is, in certain circumstances, also reviewable under the Act. The *Australian Passports Act 2005* and the *Australian Passports Determination 2005* are available at www.passports.gov.au.

Foreign court orders

Decisions under the Act are not subject to foreign court orders affecting parental rights and responsibilities unless these orders are registered under the *Australian Family Law Act 1975*. However, foreign court orders, particularly from countries which are party to *The Hague Convention on the Civil Aspects of International Child Abduction*, should be submitted with the application as supporting documentation of the circumstances. They may be taken into account by the Approved Senior Officer in reaching a decision.

Processing times

The normal processing times and an option to select priority processing are only available where full parental consent is confirmed at time of lodgement.

Where a child's application is lodged without the consent of a person with parental responsibility, an additional three to four weeks is generally required to determine whether special circumstances exist.

This time is needed for passport officers to make inquiries, which may include writing to the other person to advise them that an application has been lodged and to seek their consent. If you are able to obtain the other person's consent yourself in the meantime, a passport will be issued within the normal time frame.

Note: It is advisable not to make firm travel plans or pay for tickets until you know whether passport approval has been given.

Child Alert

A person with parental responsibility for a child may raise a Child Alert which warns the Department of Foreign Affairs and Trade (DFAT) there may be circumstances that need to be considered before an Australian passport or other travel document may be issued to a child.

You may raise an alert by submitting a Child Alert Request (Form PC9) to DFAT. Forms are available at passport offices in Australia, from our website **www.passports.gov.au**, by phoning the Australian Passport Information Service on 131 232 or from Australian diplomatic missions or consulates overseas.

Please note that a Child Alert will not stop a child from travelling if she/he already has an Australian passport or travel document issued by another country. However, you may seek a court order to have a child's name placed on the Airport Watch List by the Australian Federal Police. For further information, go to **www.afp.gov.au/policing/family-law/family-law-kit**.

Please safeguard your passport

Your Australian passport is valuable. It proves your identity and shows your Australian citizenship. When travelling overseas, it is often the only proof of identity that will be accepted.

Remember to safeguard your passport at all times. Please store it in the wallet provided to prevent damage. Additional fees apply to replace lost or stolen passports.

Other brochures

- > Australian Passport Information Service
- > Client Service Charter
- > Have you changed your name?
- > Lost or stolen passports
- > Passport fraud
- > Photograph guidelines
- > Processing times and priority service
- > Protecting your privacy
- > Renewing your passport
- > Review of decisions
- > Your ePassport

Further information

For copies of these brochures and the latest information about passports, visit our website, www.passports.gov.au or call **131 232** in Australia. If you are overseas, contact an Australian diplomatic mission or consulate.

For travel advice and practical information to help you prepare for safe overseas travel, go to www.smartraveller.gov.au.

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