

REPUBLIC OF NAURU
PASSPORTS (AMENDMENT) BILL 2016
EXPLANATORY MEMORANDUM

The *Passports (Amendment) Bill 2016* is a Bill for the *Passports (Amendment) Act 2016*.

EXPLANATION OF CLAUSES

Clause 1 provides that, once enacted, the short title of the Bill will be the *Passports (Amendment) Act 2016*.

Clause 2 sets out when the Bill's provisions will commence.

Clause 3 is the enabling provisions for the amendment of the *Passports Act 2011*.

Clause 4 amends section 24 by omitting the current subsection (2)(c) and substituting it with a new subsection (2)(c). The content of the new subsection already exist in the current Passports Act 2011 but have been relocated to a new section for clarity. This new clause clearly sets out the circumstances where a Nauruan travel document may be cancelled where the Minister believes on reasonable grounds that the person to whom the travel document was issued has engaged in or is likely to engage in conduct that might:

- (i) prejudice or affect the national and economic security of Nauru or a foreign country;
- (ii) endanger the health or physical safety of other persons;
- (iii) endanger the safety and welfare of children in Nauru or a foreign country;
- (iv) constitute a serious offence against this Act;
- (v) constitute a serious offence against another Act;
- (vi) constitute a terrorism-related activity or other serious or organised criminal activity;
- (vii) constitute absconding from the payment of a debt owed to the Republic;
- (viii) constitute absconding from the payment of any taxes owed to the Republic;
or
- (ix) constitute a law enforcement matter as prescribed under sections 16 and 17.

Clause 5 amends section 39 by omitting the current paragraph (d) and substituting it with a new paragraph (d). This new paragraph relates to an appeal of a decision of the Minister to cancel a Nauruan travel document. A request to appeal the decision of the Minister is to be made in writing to the President.

Clause 6 repeals the current section 41 of the Act and substitutes it with a new clause. This clause provides for the appeal process that the affected person can follow to appeal the decision of the Minister to the President. The clause reads as follows:

- (1) An affected person for a reviewable decision made by the Minister may appeal the decision to the President.
- (2) An appeal to the President must:
 - (a) be in writing;
 - (b) set out the reasons for the appeal; and
 - (c) be lodged within 28 days of receipt of the notice under section 39.
- (3) The appeal does not affect the operation or implementation of the reviewable decision.
- (4) In considering the appeal, the President may affirm or set aside the decision.
- (5) A decision made by the President under subsection (4) is final and conclusive.
- (6) Any decision made for the reasons prescribed under section 24(2)(c)(i) is non-justiciable on the grounds of public interest.