

Republic of Nauru – 20th Parliament

Immigration (Amendment) Bill 2012

SECOND READING SPEECH

Hon Dominic Tabuna MP

10 October 2012

Mr Deputy Speaker,

It gives me great pleasure to introduce to the House today a Bill for an amendment to the *Immigration Act 1999*.

The objective of the *Immigration (Amendment) Bill 2012* is to simplify and modernise the Immigration Act. In this respect, many of the clauses of the Bill serve only to update the language and style of the Act. However, this Bill proposes some significant changes to the underlying structure of the Act in order to simplify and modernise it.

Firstly, numerous Statute Law Revision type amendments are made designed to make the Act easier to understand and administer. These amendments remove spent provisions such as those currently in Part V (Repeal and saving), introduce gender-neutral language and make numerous other minor style and drafting changes in an effort to improve the clarity of the Act.

Secondly, the Act is restructured in order to present the provisions in a more logical order. For example, the miscellaneous provisions are moved to the end of the Act and the review provisions currently contained in the miscellaneous Part are moved to the Part dealing with the decisions subject to review.

Thirdly, the division of provisions between the Act and the regulations has been revisited with a view to removing unnecessary complexity, such as the lengthy offences contained in section 13 and the detailed and complex concepts of prohibited immigrant and undesirable immigrant in section 10. These are replaced with the simple concept that for a person who is not a Nauruan citizen to enter or remain in Nauru the person must have a visa. A person who does not have a visa is unlawfully in Nauru and may be subject to a removal order. The regulation making power is expanded accordingly to support the new arrangements. Once the Bill is enacted, a new set of regulations will be made that will replace the current regulations.

Fourthly, the concepts of authorised officer and immigration officer are reworked so that provisions relating to such matters as giving directions to persons arriving, departing or transiting Nauru are left to immigration officers and other matters such as those relating to

offences may be dealt with by authorised officers (this concept including immigration officers and police officers).

Fifthly, some of the functions of the Principal Immigration Officer are transferred to the Secretary with a view to more appropriate administrative arrangements. The Secretary is able to delegate functions should that be considered desirable.

Mr Deputy Speaker, the explanatory memorandum describes in detail the substantive amendments contained in the Bill.

I commend the Bill to the House.