

Passports Bill 2010

Second Reading Speech

Hon. Mathew Batsiua MP, Minister for Justice

21 December 2010

Mr Deputy Speaker,

I have introduced to this House today a Bill for an Act to provide for Nauruan passports and travel-related documents.

The *Passports Act 2010* will repeal and replace the *Passports Act 1997*. The current Act suffers from a number of deficiencies. For example, it makes no reference to the issuing of diplomatic passports. The Act also enables the issue of Nauruan passports to public officers and persons on official business of the Republic who are not Nauruan citizens. The practice of issuing Nauruan passports to non-citizens would degrade the integrity of the Nauruan passport, and could result in greater scrutiny of all Nauruan passports by overseas border control authorities.

Further, the current Act gives wide powers to “approved representatives”, such as the power to cancel a passport and direct authorised officers to issue or refuse to issue passports. Under the Act, an approved representative is defined to include a wide range of officials, and there is no discretion for the Minister to include or exclude a person from the definition. As such, the Minister has little control over who is exercising important powers under the Act.

Mr Deputy Speaker, the Bill seeks to address these issues and provide a clear and robust framework for the issuing and control of passports. It strikes a balance between the need to facilitate freedom of movement and the need to ensure Nauruan travel documents are not issued or used inappropriately.

The Bill entrenches the fundamental entitlement of all Nauruans to be issued with a passport unless specified grounds for refusal exist. However, it is unequivocal in imposing Nauruan citizenship as a minimum requirement for the issue of a Nauruan passport.

The Bill also codifies the requirements for the issue of diplomatic and official passports. It provides for the classes of persons to whom a diplomatic or official passport may be issued and gives Cabinet power to make regulations about the issue, use and possession of diplomatic and official passports. To ensure that diplomats and officials are accorded the appropriate level of respect by international border control authorities, it is vital to ensure that the use of these passports is restricted to legitimate purposes.

Another area not dealt with by the current Act is the issue of travel-related documents. Travel-related documents are travel documents other than passports. The Bill facilitates the issue of two types of travel-related documents - refugee travel documents and certificates of identity. The Convention relating to the Status of Refugees requires parties to issue travel documents to refugees unless there are compelling reasons not to do so. This is because many refugees do not have travel documents from their country of citizenship. Nauru is not yet a party to the Convention, but the inclusion of refugee travel documents in the new Act will facilitate future ratification without requiring an amendment to the Act.

Mr Deputy Speaker, in addition to specifying who may be issued with travel documents, the Bill includes the circumstances in which the Minister is permitted or required to refuse to issue a passport or travel-related document. These include circumstances related to national security and law enforcement matters, among others. Provision is also made for the circumstances in which a Nauruan travel document may be cancelled, and for the review of decisions to refuse or cancel a document.

The framework for the issue of travel documents is supported by strong enforcement provisions. Any misuse of a Nauruan travel document is an extremely serious matter, and should be deterred by appropriate penalties. The new Act will include revised offence provisions with increased penalties to reflect the severity of the offences.

In addition to the core provisions of the Bill, a number of important administrative provisions are included. The Minister is given power to delegate certain powers to authorised officers, reserving the most important powers for exercise only by the Minister. One of the most important administrative provisions requires a register of travel documents to be kept by the department responsible for administering the Act. This will be a vital tool in monitoring the issue and use of Nauruan travel documents.

Mr Deputy Speaker, control over Nauruan travel documents is vital to the national security of Nauru and the national interest in ensuring Nauruan travel documents are recognised by overseas authorities as documents of the highest integrity. The Bill I have introduced would bridge the gaps in the current system and correct undesirable anomalies to ensure a world-class travel document regime.

I commend the Bill to the House.

Thank you, Mr Deputy Speaker.