

Asylum Seekers (Regional Processing Centre) Bill 2012

SECOND READING SPEECH

Hon Dominic Tabuna MP

21 December 2012

Mr Speaker,

I am introducing to the House today the *Asylum Seekers (Regional Processing Centre) Bill 2012*.

On 29 August 2012 the Republic of Nauru and the Commonwealth of Australia signed a Memorandum of Understanding relating to the transfer to Nauru from Australia of certain people. These are people who sought to travel to Australia for the purpose of seeking asylum or the spouses or dependent children of such people. Under that Memorandum of Understanding a site, or more than one site, was to be established in Nauru as a regional processing centre (RPC) where transferees would live pending the making of an assessment of their eligibility for refugee status. As members are aware an RPC has already been established at Topside and currently 379 men transferred from Australia are residing there.

The *Asylum Seekers (Regional Processing Centre) Bill 2012* will regulate the operation of an RPC. It sets out protections for transferees living there and imposes obligations on them. It imposes a general duty on the manager of operations at an RPC to treat transferees in a fair and humane manner. The Bill also imposes a series of particular duties on the manager.

The Bill gives the manager power to make rules for the management of the centre and the care and welfare of transferees living there. The rules may specify when transferees can leave the RPC during the day. The capacity of transferees to leave depends on whether they hold a health and security clearance certificate. The Bill

provides for the issue of these certificates and their cancellation. A certificate may be suspended if its holder misbehaves by, for example, not complying with certain obligations imposed by the Bill.

It is necessary in the interests of the security and good order of an RPC for transferees to be prohibited from possessing firearms, knives, explosives and other items capable of causing injury. The Bill does this and also prohibits them from having alcohol or illicit drugs in their possession. Ensuring compliance with these prohibitions involves giving search powers. The Bill gives limited search powers to selected staff members of service providers operating at the RPC and also provides police officers with broader powers to search transferees and RPC premises if they suspect, on reasonable grounds, that they may find a prohibited item during the search.

Finally, the Bill establishes the Minister as guardian of any unaccompanied child who is brought to Nauru under the arrangements with Australia and enables the Minister to delegate to appropriate persons powers and functions that he or she has as guardian.

This Bill gives effect to the commitment made by the Government to ensure that people transferred here under the arrangements with Australia will be treated with dignity and respect and that their human rights will be protected.

Mr Speaker, I have circulated with this Bill an Explanatory Memorandum which describes the provisions of the Bill in detail.

I commend the Bill to the House.