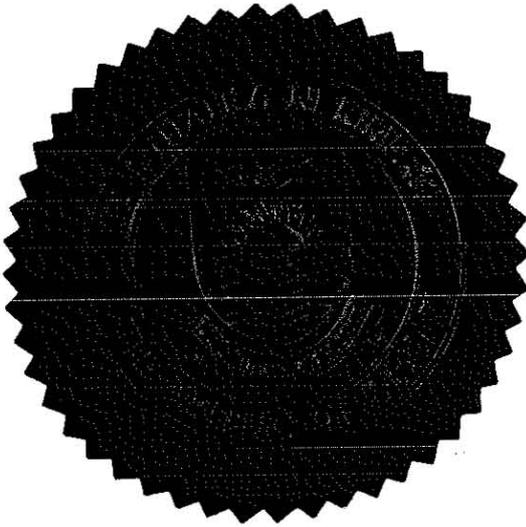


REPUBLIC OF KIRIBATI  
(No. 2 of 1982)



We assent,

*R. G. G. G.* Chairman  
Chairman of the Public  
Service Commission

*J. R. Jones* Member  
Chief Justice

*M. M. M.* Member  
Speaker

The Council of State performing  
in accordance with the Constitution  
the functions of the Beretitenti.  
30<sup>th</sup> December, 1982.

AN ACT TO AMEND THE DEPORTATION ACT  
(Cap. 25)

Commencement: 1982.

MADE by the Maneaba ni Maungatabu and assented to by the Council  
of State.

Short title.

1. This Act may be cited as the Deportation (Amendment) Act,  
1982.

Amends section  
4 of Cap. 25.

2. Section 4 of the Deportation Act (in this Act referred to as  
"the principal Act") is amended -

(a) in subsection (3), by repealing the words "Subject  
to section 6,"; and

(b) in subsection (5), by repealing paragraph (c) and  
substituting the following paragraph -

"(c) If the Minister is satisfied that the  
presence of the alien in Kiribati is contrary to  
the public good"; and

(c) by repealing subsections (7) and (8).

Repeals and  
replaces section  
6 of Cap. 25.

3. Section 6 of the principal Act is repealed and the following  
section is substituted -

"Certain orders  
made by Minister  
not subject to  
appeal.

6. The making of a deportation order by  
the Minister in reliance on the provisions  
of section 4(5)(a), (b) or (c) shall not  
be subject to hearing, review or appeal  
by any person, court or tribunal".

Repeals and replaces Schedule to Cap. 25.

4. The Schedule to the principal Act is repealed and the following Schedule is substituted -

"SCHEDULE"  
(Section 4(1))  
Form 1

REPUBLIC OF KIRIBATI  
Deportation Act (Cap. 25)  
DEPORTATION ORDER

\*WHEREAS \_\_\_\_\_, a person who is not a citizen of Kiribati, was on (date of conviction) convicted by (name of convicting court) of an offence punishable by imprisonment otherwise than only in default of payment of a fine, namely (specify offence of which convicted), and the said court recommended to the Minister that a deportation order be made against the said \_\_\_\_\_ :

or

\*WHEREAS I am satisfied that \_\_\_\_\_, a person who is not a citizen of Kiribati, has insufficient means to support himself and his dependants (if any):

NOW THEREFORE I, \_\_\_\_\_, the Minister of † by virtue of the powers conferred by the Deportation Act order that the said \_\_\_\_\_ leave Kiribati and remain out of it while this Order remains in force:

AND I do further order that the sentence of (period of imprisonment) imprisonment expiring on \_\_\_\_\_ to which the said \_\_\_\_\_ was sentenced on (date of sentence) by (name of sentencing court) (any further details necessary to identify offence and sentence) be completed before this Order is carried into effect.

This Order takes effect on \_\_\_\_\_ 19 .

‡ This Order is subject to the following conditions -

(Specify conditions)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Minister of \_\_\_\_\_ ‡§

\*Delete whichever is inapplicable  
†Title of Minister  
‡Delete if inapplicable  
§Or other title of person signing order."

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the *9<sup>th</sup>* day of *December*, 1982, and is found by me to be a true and correctly printed copy of the said Bill.



Clerk to the Maneaba ni  
Maungatabu.

Published by exhibition -

- (a) at the Public Office of the Beretitenti on  
the *30* day of *December* 1982.



Secretary to the Cabinet.

- (b) at the Maneaba ni Maungatabu on the *30* day  
of *December*, 1982.



Clerk to the Maneaba ni  
Maungatabu.

THE DEPORTATION (AMENDMENT) ACT 1982

EXPLANATORY MEMORANDUM

The Deportation Ordinance Cap. 25 laid down that a Deportation Order may be made:

1. Where a Court recommended deportation.
2. If the alien has insufficient means of support.
3. If the presence of the alien is dangerous e.g. to public safety and public order (inter alia).
4. If the presence of the alien is otherwise contrary to the public good.

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The alien under Cap. 25 was given a right of appeal to the High Court which could be used improperly by the alien to achieve delay. It is felt that the making of a deportation order should be solely a matter in the discretion of the Minister, if he considers (the only ground) that the presence of the alien is contrary to the public good.

The amending Act has been so drafted, and the right of appeal to the Court has been removed. The decision of the Minister will therefore be final.

R.L. Davey  
Attorney General

LEGAL REPORT

I hereby certify my opinion that none of the provisions of the above Act conflict with the provisions of the Constitution and that the Council of State may properly assent to the Act.

R.L. Davey  
Attorney General  
26 May 1982