



REPUBLIC OF NAURU

PASSPORTS (AMENDMENT) ACT 2016

No. 46 of 2016

An Act to amend the *Passports Act 2011*

Certified: 8th September 2016

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Passports (Amendment) Act 2016*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Amendment of Passports Act 2011

The *Passports Act 2011* is amended by the provisions of this Act.

4 Amendment of Section 24

(1) Section 24(2) of the Act is amended by omitting the current subsection (2)(c) and substituting with the following:

(c) 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 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.

(2) Section 24(3) is amended by omitting the current subsection and substituting it with the following:

- (3) The Minister must cancel a Nauruan travel document if the Minister becomes aware of a circumstance that would have prevented the issuance of the travel document under section 7(1), 12 (1), 15 (1), 19, or 21.

5 Amendment of Section 39

Section 39(d) of the Act is amended by omitting the current subparagraph and substituting it with the following:

- (d) if the decision was made by the Minister, the affected person may by written application to the President, request that the decision of the Minister be reviewed.

6 Repeal and substitution of Section 41

Section 41 of the Act is repealed and substituted with the following:

- (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, vary 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.