



REPUBLIC OF NAURU

Asylum Seekers (Regional Processing Centre) Bill 2012

Serial No. 23 of 2012

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**Asylum Seekers (Regional Processing
Centre) Bill 2012**

Serial No. 23 of 2012

A Bill for:

An Act to regulate the operation of centres at which asylum seekers and certain other persons brought to Nauru under the *Migration Act 1958* of the Commonwealth of Australia are required to reside; to establish certain protections for those persons and set out their obligations; to impose duties on the person managing operations at a centre and confer powers on certain persons in relation to a centre or persons residing there; to appoint the Minister as guardian of certain children and for related purposes

Certified on []

Enacted by the Parliament of Nauru as follows:

PART 1 — PRELIMINARY

1 Short title

This Act may be cited as the *Asylum Seekers (Regional Processing Centre) Act 2012*.

2 Commencement

This Act commences on a date to be notified by the Minister in the Gazette.

3 Definitions

(1) In this Act:

'authorised officer' means a person appointed as an authorised officer by the Secretary under section 17(1);

'Australian Act' means the *Migration Act 1958* of the Commonwealth of Australia;

'centre rules' means rules made under section 7(1);

'frisk search' of a person means a search carried out by quickly running hands over the person's outer clothing;

'health and security clearance certificate' means a certificate issued by the Secretary under section 10(3);

'instruments of restraint' means handcuffs, ankle cuffs, batons, strait jackets or chemical substances;

'Joint Advisory Committee' means the Joint Committee established to oversee the practical arrangements required to implement the MOU, as required by clause 17 of the MOU;

'MOU' means the Memorandum of Understanding between the Republic of Nauru and the Commonwealth of Australia relating to the transfer to, and assessment of persons in, Nauru and related issues dated 29 August 2012;

'Operational Manager', in relation to a regional processing centre, means the person (however described) who has been given responsibility by the Commonwealth of Australia or by the Minister for managing operations at the centre and who is declared under subsection (2);

'prohibited item' means:

- (a) a firearm, knife or other article made or adapted for use, or capable of being used, for inflicting bodily injury; or
- (b) an explosive or other lethal device within the meaning of the *Counter Terrorism and Transnational Organised Crime Act 2004*; or
- (c) liquor within the meaning of the *Liquor Act 1967*; or
- (d) illicit drugs within the meaning of the *Illicit Drugs Control Act 2004* or any equipment for administering such drugs; or
- (e) any other article that may reasonably be regarded as posing a risk to the security of a regional processing centre;

'protected person' means:

- (a) an offshore entry person within the meaning of the Australian Act who has been brought to Nauru under section 198AD of that Act;
- (b) a person brought to Nauru under section 199 of the Australian Act;

'refugee' has the same meaning as in the *Refugees Convention Act 2012*;

'Refugee Status Review Tribunal' means the Refugee Status Review Tribunal established under section 11 of the *Refugees Convention Act 2012*;

'regional processing centre' means any land or premises operating wholly or predominantly as a place where protected persons reside;

'scanning search' of a person means a search carried out by using an electronic or mechanical device, whether handheld or otherwise, over or in close proximity to the person's outer clothing;

'Secretary' means the Head of Department;

'service provider' means a body that has been engaged by the Republic of Nauru or the Commonwealth of Australia to provide services of any kind at a regional processing centre or in relation to protected persons;

'staff member', in relation to a regional processing centre, means a person employed or engaged to provide services at the centre or to assist in any way in its management or operation and includes:

- (a) any officer of the Republic of Nauru or the Commonwealth of Australia who has been assigned duties at the centre; and
- (b) any person working as a volunteer at the centre;

'unaccompanied child' means a protected person who is a child and who when brought to Nauru was not accompanied by his or her parent or guardian.