

1995

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

MIGRATION LEGISLATION AMENDMENT BILL (No. 5) 1995

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and New Clauses to be Moved on Behalf of the Government

(Circulated by authority of the Minister
for Immigration and Ethnic Affairs,
Senator the Hon. Nick Bolkus)



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MIGRATION LEGISLATION AMENDMENT BILL (No. 5) 1995**OUTLINE**

1 These technical amendments are consequential on the amendments made to Migration Legislation Amendment Bill (No.3) 1994 ("MLAB (No.3) 1994") in the Senate. Those amendments to MLAB (No.3) 1994 are intended to stop the use of repeat applications for protection visas by non-citizens to delay their removal and to circumvent Australia's immigration requirements. This measure will contribute to increasing the efficiency of Australia's refugee determination system and to minimising ill-founded protection visa applications. Where the Minister thinks it is in the public interest to do so, he or she will have the power to exercise a non-compellable discretion in favour of allowing a particular individual to lodge a repeat application. The Minister must table a statement in Parliament setting out his or her reasons for thinking this decision is in the public interest.

FINANCIAL IMPACT STATEMENT

2 These amendments have no separate financial impact.

MIGRATION LEGISLATION AMENDMENT BILL (No. 5) 1995**NOTES ON INDIVIDUAL CLAUSES****Amendments 1, 2, 3 and 4**

1 These technical amendments are consequential on the amendments made to Migration Legislation Amendment Bill (No.3) 1994 ("MLAB (No.3) 1994") in the Senate.

2 These amendments are necessary because both this Bill and MLAB (No.3) 1994 amend paragraph 475(2)(e) of the *Migration Act 1958*. Paragraph 475(2)(e) lists the Minister's non-compellable powers, which are not judicially reviewable decisions. The amendments ensure that paragraph 475(2)(e) is amended correctly no matter whether this Bill or MLAB (No.3) 1994 receives Royal Assent first.

