



REPUBLIC OF NAURU

REFUGEES CONVENTION (AMENDMENT) ACT 2017

No. 5 of 2017

An Act to amend the *Refugees Convention Act 2012*

Certified: 5th May 2017

Table of Contents

1	SHORT TITLE.....	2
2	COMMENCEMENT.....	2
3	AMENDMENT OF REFUGEES CONVENTION ACT 2012	2
4	RETROSPECTIVE COMMENCEMENT OF THE REPEAL OF SECTION 37.....	2
5	DECLARATION OF RIGHTS, LIABILITIES, OBLIGATIONS AND STATUS.....	2
6	FORCE AND EFFECT OF PROCEEDINGS, MATTERS, DECREES AND ACTS.....	2
7	PRESERVATION OF THE PRINCIPLES OF NATURAL JUSTICE.....	3
8	AMENDMENT OF SECTION 34	3

Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Refugees Convention (Amendment) Act 2017*.

2 Commencement

(1) This Act commences upon certification by the Speaker.

(2) Despite subsection (1), section 34(2)(e) is taken to have commenced on 23 December 2016.

3 Amendment of Refugees Convention Act 2012

The *Refugees Convention Act 2012* is amended by the provisions of this Act.

4 Retrospective commencement of the repeal of section 37

The repeal of section 37 of the principal act, effected by section 24 of the *Refugees Convention (Derivative Status and Other Measures) (Amendment) Act 2016*, is taken to have commenced on 10 October 2012.

5 Declaration of rights, liabilities, obligations and status

(1) For the avoidance of doubt, the rights, liabilities, obligations and status of all persons are, by force of this Act, declared to be the same as if section 37 of the principal act had not been enacted.

(2) For the avoidance of doubt, the rights, liabilities, obligations and status of all persons are, by force of this Act, declared always to have been the same as if section 37 of the principal Act had not been enacted.

6 Force and effect of proceedings, matters, decrees and acts

(1) For the avoidance of doubt, all proceedings, matters, decrees, acts and things taken, made or done, or purporting to have been taken, made or done, under the principal act in relation to an application to the Tribunal under section 31 of the principal Act for merits review of a decision or determination of the Secretary are, by force of this Act, declared to have the same force and effect after the commencement of this Act, as they would have if section 37 of the principal act had not been enacted.

(2) For the avoidance of doubt, all proceedings, matters, decrees, acts and things taken, made or done, or purporting to have been taken, made or done, under the principal Act in relation to an application to the Tribunal under section 31 of the principal Act for

merits review of a decision or determination by the Secretary are, by force of this Act, declared to have had the same force and effect before the commencement of this Act, as they would have had if section 37 of the principal Act had not been enacted.

7 Preservation of the principles of natural justice

For the avoidance of doubt, nothing in this Act displaces any obligation imposed on the Tribunal under the common law of Nauru to act according to the principles of natural justice and to afford procedural fairness with respect to an application to the Tribunal under section 31 of the principal Act for merits review of a decision or determination of the Secretary.

8 Amendment of section 34

Section 34 is amended by:

(a) repealing subsection (4)(e); and

(b) inserting a new subsection (2)(e) as follows:

(2)(e) determine that a dependent, of the person in respect of whom the determination or decision was made, is recognised as a refugee or is owed complementary protection.