

**REPUBLIC OF NAURU**  
**REFUGEES CONVENTION (VALIDATION AND AMENDMENT) BILL 2016**

**EXPLANATORY MEMORANDUM**

The *Refugees Convention (Validation and Amendment) Bill* is a Bill for the *Refugees Convention (Validation and Amendment) Act 2016*.

**EXPLANATION OF CLAUSES**

**Clause 1** provides that, once enacted, the short title of the Bill will be the *Refugees Convention (Validation and Amendment) Act 2016*.

**Clause 2** sets out when the Bill's provisions will commence.

**Clause 3** indicates, for the purposes of s 22 of the *Interpretation Act 2011* that the amendments to the *Refugees Convention Act 2012* commence retrospectively.

**Clause 4** is the enabling provisions for the amendment of the *Refugees Convention Act 2012*.

**Clause 5** provides definitions of two terms used in the Bill.

**Clause 6** makes clear that the Tribunal appointments made pursuant to s 13 of the *Refugees Convention Act 2012* between 9 September 2013 and the date on which the amendments contained in this Bill commence, were not invalid due to non-compliance with the wording of s 13(2) of the *Refugees Convention Act 2012* as enacted, if they were compliant with the amended wording of s 13(2) of the *Refugees Convention Act 2012* proposed in this Bill.

**Clause 7** makes clear that the decisions made by the Tribunal between 9 September 2013 and the date on which the amendments to that Act commence, were not invalid on the basis that they were made by a Tribunal that was not validly constituted because of appointments that did not comply with the wording of s 13(2) of the *Refugees Convention Act 2012* as enacted, if those appointments were compliant with the amended wording of s 13(2) of the *Refugees Convention Act 2012* proposed in this Bill.

**Clause 8** makes clear that any notice of appeal filed pursuant to s 43(1) of the *Refugees Convention Act 2012* between 9 September 2013 and the date on which the amendments contained in this Bill commence, by a person whom the Tribunal has found is not owed complementary protection, is not incompetent on the basis that the current wording of s 43(1) of the Act does not expressly refer to a decision of the Tribunal that a person is not owed complementary protection.

**Clause 9** amends by omitting and substituting section 13 (2) thus clarifying the criteria a person will need to meet to be qualified to be appointed a Principal Member or as a Deputy Principal Member of the Tribunal.

**Clause 10** amends by omitting and substituting section 43 (1) thus providing that a person may appeal to the Supreme Court against a decision by the Tribunal on a point of law with respect to a finding that the person is not owed complementary protection.