

REPUBLIC OF NAURU
NAURU COURT OF APPEAL BILL 2018
EXPLANATORY MEMORANDUM

The *Nauru Court of Appeal Bill 2018* is a Bill for the *Nauru Court of Appeal Act 2018*.

This memorandum provides an explanation of the Bill and is only intended to indicate the general effect.

EXPLANATION OF CLAUSES

PART 1 – PRELIMINARY

Clause 1 provides that once enacted the short title of the Bill will be the *Nauru Court of Appeal Act 2018*.

Clause 2 provides that this Act commences on 15 May 2018.

Clause 3 is the definitional section of the Act.

PART 2 – NAURU COURT OF APPEAL

Clause 4 establishes the name of the Court which is the Nauru Court of Appeal which is the final appellate court of the Republic. The Court is a court of record which means that the proceedings of the Court are to be recorded and maintained as a court record.

Clause 5 sets out the general jurisdiction of the Court by virtue of Article 57 of the Constitution or any other written law.

Clause 6 provides that the sessions of the Court shall be convened at least once a year and such sessions will be notified in the Gazette. Sessions of the Court will be for a specified period of time to allow pending appeals to be dealt with by the Court during the sitting and where possible judgment to be delivered before the end of the session. The Court will only sit in the Republic as no provision is made for it to sit outside the Republic.

The clause also allows for emergency sittings for matters of significant public importance which needs to be determined outside the annual sitting of the Court.

People need to know or be aware of the dates of the scheduled sittings of the Court which is why the Court sittings will be notified in the Gazette.

Clause 7 provides that the Court will have a seal with the inscription of ‘Nauru Court of Appeal’ and the Republic’s emblem. The Registrar of the Courts shall have custody and control and, will be used for all official purposes of the Court where a seal is necessary.

Clause 8 provides for the composition of the Court. The President of the Court will be the Chief Justice which is similar to any other country where the Chief Justice presides over appeal matters of the highest court. The reason for not less than 3 Justices is to allow for a situation where the Chief Justice may be disqualified from sitting by virtue of Article 57(6) of the Constitution, in which case an additional Justice has to be appointed to ensure a 3 member panel is constituted for the court sitting as required under sub clause (2).

The ordinary sessions of the Court should have 3 Justices of Appeal who will form the quorum for the Court. The President of the Court must ensure that this is complied with except for the situation in sub clause (2). If the President is unable to sit due to Article 57(6) of the Constitution, a third Justice must replace him or her to ensure the quorum is fulfilled.

Sub clause (2) apply to situations where there are appeals on sentences and other simple matters or in case of emergencies such as bail applications, injunctions etc.

The ordinary sessions of the Court should have 3 Justices of Appeal who will form the quorum for the Court.

Under sub clause (3), Article 57(6) prevents the Chief Justice from sitting in the Court of Appeal from a judgment, decision or order which he or she made in the Supreme Court. This clause allows other Justices to sit in the Court for the purposes of hearing and determining an appeal where the Chief Justice may not be able to sit for reasons other than Article 57(6) of the Constitution and to further ensure that the quorum of a 3 member Court is complied with unless it is impracticable to do so where 2 Justices would constitute the Court.

PART 3 – APPOINTMENT OF JUSTICES

Clause 9 provides for the appointment of Justices of Appeal.

Sub clause (1) complements the Constitutional requirement whereby the Justices of Appeal are appointed by the President in consultation with the Chief Justice.

Sub clause (2) provides the minimum qualification of a Justice of Appeal. The insertion of 10 years under Article 49 (3) of the Constitution will take it that a person can only be appointed to the Court of Appeal if he or she has at least 15 years of practice as a barrister and solicitor or 10 years as a Supreme Court judge.

Sub clause (3) allows the appointment of Justices of Appeal for a fixed period so that there may be consistency of decisions and precedents. This also allows for situations where Justices could be appointed on an ad hoc basis for specific cases, to fill vacancies or to meet the quorum.

Sub clause (4) is to provide for a situation where a Justice of Appeal may attain the age of 75 years but for one reason or another, he or she may still be hearing an appeal or may not have delivered the judgment. This will avoid de novo hearings and costs to parties.

Clause 10 provides that the Justices are all required to take the oath or affirmation as contained in the Schedule to the Act. The Chief Justice will be required to also take the oath because he will be performing a different duty under the Act as the President of the Court of Appeal.

Clause 11 provides that the Justices may be appointed for a fixed term or for a specific case and the President in consultation with the Chief Justice may fix the remuneration of the Justices.

Clause 12 provides for the seniority of Justices which is important for the purposes of the hierarchy of the court. The manner therefore of determining seniority is provided for in this clause.

The clause also provides for determining seniority where the Justices are appointed in the Republic on the same day. This is important for the purposes of the Justices sitting or acting in place of the President of the Court of Appeal.

PART 4 – REGISTRAR AND OTHER STAFF

Clause 13 provides that the Registrar of the Courts shall be the Registrar of the Nauru Court of Appeal.

Clause 14 provides for the duties, powers and jurisdiction of the Registrar of the Courts which are to:

- (a) take all necessary steps to obtain a hearing date of the appeals or applications;
- (b) obtain and compile a record of the Supreme Court proceedings of all judge's notes, transcripts, exhibits and other matters relating to the appeal; and
- (c) provide necessary forms and instructions in relation to the appeals or applications to any parties to the proceedings, officers of the courts, the Chief Corrections Officer and such other officers as he or she thinks fit; and
- (d) such other powers and jurisdiction under the rules of the Court

Clause 15 provides for the appointment of other officers of the Court. The terms and conditions of employment will be subject to the Public Service Act 2016 as is the current practice. The number of staff will be a matter for the Registrar, Chief Justice and the Chief Secretary.

Interpreters appointed under this clause need to take oath or affirmation before the Chief Justice of any other Justice of Appeal as the oath of interpreters is important as they perform an important duty in interpreting in the Court.

PART 5 – COURT JUDGMENTS

Clause 16 allows for the majority decision of the Justices of Appeal to become the decision of the Court of Appeal. This does not prohibit the minority judgment to be also delivered as part of the decision. This clause applies to a situation where there is an even number of Justices sitting in an appeal. In the event that the Justices are equally

divided then the appeal must be dismissed and the rationale for that is, combined with the decision of the Supreme Court, the majority decision will be in favour of the judgment of the Supreme Court.

This clause allows for the reserve judgments of the Court to be delivered by a single Justice or the Registrar if the Court cannot be constituted to ensure the efficient delivery of judgments.

Clause 17 allows the stay of execution of a judgment, decision or order of the Court. This will allow the Court to temporarily suspend the execution of a judgment, decision or order pending final determination of the appeal.

Clause 18 provides that any judgment, decision or order of the Court may be enforced by the Supreme Court as if it had been given or made by the Supreme Court.

PART 6 –APPEALS IN CIVIL PROCEEDINGS

Clause 19 defines the meaning of ‘civil proceedings’ for the purposes of this Part. Civil proceedings mean any cause or matter when commenced in the District or Supreme Court was not a criminal proceeding. This Part deals with all actions, suits or proceedings except criminal proceeding. This includes the decisions of the Family Court and decisions of the Supreme Court sitting under the Refugees Convention Act 2012 in its appellate jurisdiction, Nauru Lands Committee decisions.

The appeals are from the original jurisdiction of the Supreme Court, decisions of the Supreme Court on an appeal from the District Court, Family Court, statutory authorities, tribunals, Refugee Status Determination Appeal Tribunal, committees or boards.

This clause set out appeals from the original jurisdiction of the Supreme Court, decisions of the Supreme Court on an appeal from the District Court, Family Court, statutory authorities, tribunals, committees or boards.

Sub clause (2)(a) now allows appeals to the Court of Appeal of all the final judgments, decisions or orders of the Supreme Court which is subject to other clauses in the Bill.

Sub clause (2)(b) allows appeals from the final judgments, decisions or orders of the Supreme Court sitting in its appellate jurisdiction.

Sub clause (2)(c) ensures that only questions of law arising out of a decision of the Nauru Lands Committee can be appealed;

Sub clause (2)(d) ensures that only questions of law arising out of a decision of the Supreme Court sitting under the Refugees Convention Act 2012 in its appellate jurisdiction can be appealed;

Sub clause (2)(e) ensures that any final judgment, decision or order of the Supreme Court in relation to proceedings on appeal from the Family Court can be appealed;

Sub clause (2)(f) ensures that any final judgment, decision or order of the Supreme Court involving the interpretation or effect of the Constitution is appealed;

Sub clause (2)(g) ensures an appeal as may from time to time be provided under this Act, other written law or rules of the Court.

This clause sets out the jurisdiction of the Court in civil matters. The appeals are from the original jurisdiction of the Supreme Court, decisions of the Supreme Court on an appeal from the District Court, Family Court, statutory authorities, tribunals, Supreme Court sitting under the Refugees Convention Act 2012 in its appellate jurisdiction, committees or boards.

Sub clause (3)(a) provides that appeals should only be allowed if an extension of time is refused and not where it is allowed. This is to allow expeditious hearing and disposal of proceedings.

Sub clause (3)(b) is a Constitutional requirement.

Sub clause (3)(c) provides that appeals should only be allowed if leave to defend is refused and not where it is allowed. This is to allow expeditious hearing and disposal of proceedings.

Sub clause (3)(d) this is to ensure that the legislative intent is strictly complied with when appeals are lodged. The law is made by the Parliament and it is the duty of the Court to interpret and to apply the law.

Sub clause (3)(e) addresses situations where there is a consent order, the general rule is that any party may file a new action to set aside the consent order and not appeal the order as the consent orders are not judicial determinations rather they are agreements amongst the litigants.

Sub clause (3)(f)(i) is to avoid trafficking of children or removing children from the jurisdiction of the court in the case of domestic disputes.

Sub clause (3)(f)(iv) is specifically included to allow for the final disposition of an admiralty action. In an admiralty action a vessel is likely to be arrested as such the matter needs to be finalised determining the fate of the vessel before any provision for appeal is made. The damages need to be assessed.

Sub clause (4) provides for the order of making an application for leave to appeal. The first application must be made in the Supreme Court and since the judge handling the matter has the knowledge of the facts or the law as such would be in a position to make a decision whether leave should be granted or not. A judge may decline to grant leave on the basis that the judgment is his or hers, therefore there needs to be in the interest of justice a fresh application needs to be made before a Justice of appeal sitting alone to determine the application. Where the Justice declines leave, it brings an end to the matter.

Clause 20 provides that the effect of the Interlocutory Orders refusing unconditional leave to defend or dismissing or finally determining an action will result in the end of the substantive litigation quite often the merits of the case is not determined if leave is not granted by the Supreme Court or the Court of Appeal. This clause also overcomes the often contested issue of ‘application approach’ or ‘order approach’ to rest. The final orders will determine whether the decision is final or interlocutory in nature.

Clause 21 provides the procedure for commencing civil appeals which is by way of notice of appeal. Where leave to appeal is required, the person shall file a summons for leave to appeal.

Clause 22 provides the timeline for appealing. Where the person is appealing as of right the appeal period is 30 days. Where leave of the Court is required to appeal, the application must be filed within 21 days.

Sub clause (1) provides that the time for filing an appeal is 30 days which will commence from the delivery of a judgment, decision or order and not from the time of the sealing of the judgment, decision or order.

Sub clause (2) provides that where leave of the Court is required to appeal, the application must be filed within 21 days of the delivery of the judgment, decision or order. There is no need for the judgment, decision or order to be sealed.

Sub clause (3) allows for extension of time to appeal a judgment, decision or order of the Supreme Court.

Sub clause (4) allows for extension of time for filing an application for leave to appeal under sub clause (2). The provision allows for the interlocutory application for leave to appeal and leave to appeal out of time to be heard concurrently to avoid duplication of applications.

Clause 23 vests the jurisdiction to the Court to either affirm, vary or reverse (dismiss) the judgment, decision or order of the Supreme Court.

Sub clause (1) gives the Court of Appeal full powers to reconsider the decision of the Supreme Court and to either affirm, vary or reverse the decision

Sub clause (2) allows the Court of Appeal to substitute its judgment when it varies or reverses the judgment of the Supreme Court.

Sub clause (3) requires the Court of Appeal to make specific orders as to who should re-hear a cause or matter where the Court of Appeal orders a retrial.

Sub clause (4) provides that the Court of Appeal is effectively reviewing the decisions of the Supreme Court. In doing so, it will have the power to allow, vary or dismiss an appeal. This necessarily requires the Court of Appeal to have the power and jurisdiction of the Supreme Court to determine the case especially when the Supreme Court is the court of the first instance.

Clause 24 in subclause (1) prohibits the allowing of any fresh evidence for the purposes of the appeal which accords with the principle that matters raised in the Supreme Court should only be the subject of an appeal to the Court.

Sub clause (2) allows the Court to overcome any prejudice where material evidence is made available after the judgment. This clause codifies the well-known principles in the case of *Ladd v Marshall [1954] 1WLR 1489* (25th November 1954).

Clause 25 provides for security for costs. The security for costs will ensure justice between the parties and ensure that unsuccessful proceedings do not disadvantage defendants.

Clause 26 provides that the Court must not hear or determine any appeal which does not meet the requirements under this Act or the rules of the Court.

Clause 27 provides for circumstances in which the Court of Appeal alone has the jurisdiction to grant leave.

Paragraph (b) is distinct from paragraph (a) in that the Supreme Court has already refused leave to appeal and a fresh application (not appeal) is made to the Court of Appeal to reconsider the application.

This clause allows certain matters for the appeal to proceed by the single Justice alone. This is consistent with the practice of the courts of England. These generally are interlocutory matters leading to the hearing of the substantive appeal which do not require the full court to be constituted. Also, the single Justice is given power to ensure that the relevant appeal processes and documents are prepared so that the substantive appeal can be heard by the Court.

Clause 28 allows an appellant or a respondent to either be represented in an appeal by a legal representative or may appear in person.

PART 7 –APPEALS IN CRIMINAL PROCEEDINGS

This Part sets out appeals from criminal jurisdiction of the Supreme Court to the Court which will be as follows:

- (i) appeals from first instance hearing or trial in the Supreme Court;
- (ii) Supreme Court exercising its appellate jurisdiction i.e. appeals from the District Court to the Supreme Court and then to the Court of Appeal;
- (iii) From the revisionary jurisdiction of the Supreme Court.

Clause 29 in sub clause (1)(c) means that appeal against sentence is not as of right but only if the Court grants leave to appeal the sentence. The exception is only where the sentence is one that is fixed by law for example, murder which is fixed for.

Sub clause (2) is to avoid duplication of the process for leave in the Court of Appeal. The trial judge normally would have a better understanding of the facts and the laws

applicable to the case and in cases of importance, the Supreme Court should grant leave to appeal to ensure a speedy disposal of the appeal.

Clause 30 in subclause (1) limits appeals on facts or mixed fact and law from the appellate jurisdiction of the Supreme Court. The Supreme Court in exercising its appellate jurisdiction is deemed to have dealt with the issue of any appeal on a question of fact. Also it would be difficult for the Court to consider the question of fact where the demeanour of witnesses becomes an issue. This provision is similar to Article 1B of the appeal provisions which formerly was under the High Court of Australia.

Sub clause (2) allows appeals from the decision of the Supreme Court exercising its appellate jurisdiction. This will be a second appeal as such appeal is allowed only as question of law. It also prohibits appeals where the Supreme Court has confirmed the sentence. It restricts the prosecution or the accused from appealing to the Supreme Court for the second time on the severity of the sentence. Also, appeals are not allowed where both the District Court and Supreme Court concur on acquittal.

Sub clause 3 allows the Court to correct any errors it may find in the decision of the District Court or the Supreme Court and impose the respective sentence it deems proper without the need for remitting the matter back to the Supreme Court or District Court for the hearing

Sub clause (4) gives the Court power to consider the totality of the evidence before it and if it comes to a conclusion that based on the findings of the District Court or Supreme Court that it can safely find a person guilty of another offence, the Court may proceed to convict the person and pass an appropriate sentence.

Sub clause (5) allows the Court discretion to ensure that justice is done fairly. The grounds of appeal can be many and varied but the overall judgment, decision or order of the Supreme Court may not cause any miscarriage of justice. In that case the Court can dismiss the appeal.

Sub clause (6) allows the Court to consider appeal on conviction on 2 or more counts and where only an appeal has been partially successful. This would require adjustment to the sentence which the Court under this clause can pass.

Sub clause (7) relates to the Court's powers of sentencing under sub clause (6). This provides safeguards against reducing the number of counts but increasing the severity of the penalty.

Clause 31 ensures that the revisional jurisdiction of the Supreme Court or a case stated by the District Court to the Supreme Court is retained. The decision of the Supreme Court in its revisional jurisdiction is treated in same way for the purposes of an appeal to the Court.

Clause 32 in sub clause (1) limits the grounds of appeal on convictions as leave to appeal on conviction are subject to leave of the court. The appellant will have to meet the test before leave can be granted.

Where the Court determines on an appeal against a sentence that a different ought to have been passed, the Court shall quash the sentence passed at trial and pass such other sentence it deems fit under the respective law in substitution.

Clause 33 in sub clause (1) allows the Court to correct any errors it may find in the decision of the Supreme Court and impose the respective sentence it deems fit without the need for remitting the matter back to the Supreme Court or District Court for the hearing.

Sub clause (2) gives the Court power to consider the totality of the evidence before it and if it comes to a conclusion that based on the findings of the Supreme Court that it can safely find a person guilty of another offence, the Court may proceed to convict the person and impose an appropriate sentence.

Sub clause (3) allows the Court discretion to ensure that justice is done fairly. The grounds of appeal can be many and varied but the overall judgment, decision or order of the Supreme Court may not cause any miscarriage of justice. In that case the Court can dismiss the appeal.

Clause 34 in sub clause (1) allows for the maintaining of the status quo as to any properties being passed allowing the appeal to be heard. The maintaining of status quo is relevant for the purposes of the outcome of the Court and more so if a re-trial is ordered the exhibits may be needed for the re-trial.

Sub clause (2) ensures that the judgment, decision or order of the Supreme Court becomes effective immediately where the Court affirms the Supreme Court's judgment, decision or order.

Sub clause (3) allows the Court to make appropriate orders for the compensation, restoration of property and re-vesting of property to the original owner where the judgment, decision or order of the Supreme Court is reversed or varied by the Court.

Clause 35 is for the purposes of administering justice so that a successful appellant is not being prosecuted for any other offence apart from the offences for which he or she was charged and either convicted or not in the first instance. The re-trial is limited to:

- (i) on the count for which the Court has reversed the verdict of conviction;
- (ii) on the count for which he or she may have been acquitted;
- (iii) on the alternative count.

Clause 36 provides the timeline for appealing.

Sub clause (1) provides for the timeframe within which appeals as of right (for example: convictions on questions of law) from final judgments, decisions or orders of the Supreme Court. The timeframe is 30 days.

Sub clause (2) provides the timeline for seeking leave to appeal where leave is required. The application for leave must be filed within 14 days.

Extension of the time for filing will be at the discretion of the Supreme Court before it expires or the Court, after it expires.

Clause 37 provides the procedure for the commencement of appeals which may be by notice of appeal or application for leave to appeal. The manner in which a notice is filed shall be prescribed by the rules of the Court.

Clause 38 allows for the presence of the person convicted and remanded or imprisoned being present for the purposes of hearing an appeal. This clause does not require the presence of the person confined by virtue of imprisonment or remand unless the Court grants such authority on the application of such person.

Clause 39 allows for the circumstances and manner in which fresh evidence may be adduced for the purposes of the appeal. This clause relates to fresh evidence that has emerged that was unavailable at the time of the initial trial that is necessary for the determination of an application or the appeal.

Clause 40 provides that the Director of Public Prosecutions is deemed to be a party to any criminal cause or matter where such cause or matter were instituted and carried on by a public prosecutor.

Clause 41 requires the Court to not make any order as to costs on the hearing and determination of an appeal under this Part.

Clause 42 allows the Court to grant bail to the appellant whilst awaiting the determination of the appeal. The appellant in this situation may be treated in a manner similar to that of a prisoner awaiting trial.

Clause 43 provides for the powers which may be exercised by a Justice of Appeal under this Part.

Sub clause (2) allows a Justice of Appeal to dismiss appeals based on frivolous or vexatious grounds.

Sub clause (3) allows a potential appellant whose appeal has been struck out under subsection (2) by a single Justice to be reviewed by the full Court. This ensures the balancing of the appellant's right to appeal is properly dealt with and not summarily dismissed with the Court's time in hearing and determining appeals which have not merits at all.

Sub clause (4) allows a decision of a Justice of Appeal to cancel bail under sub clause (1)(e) to be reviewed by the Court at the appellant's application.

Sub clause (5) enables the Court's business to be carried out where the full Court cannot be conveniently constituted due to administrative reasons.

Clause 44 requires the Courts to provide written judgments to the parties. This clause requires that where the Court is unanimous in its opinion, only 1 judgment be delivered. However, it does not stop the Justices of Appeal giving separate judgments. To the contrary, where there is a dissenting judgment, the Justices of Appeal shall write

different judgments. This does not stop the majority judgment to be compiled as one single judgment and delivered by a concurring single Justice of Appeal.

Sub clause (3) requires judgments to be delivered in open court.

Sub clause (4) allows the delivery of judgment by a Justice of Appeal who was not sitting as part of the quorum for hearing of the appeal and if none is available, the Registrar may deliver the judgment.

PART 8 – RESPONDENT’S NOTICE

Clause 45 provides that a respondent served with a notice of appeal by an appellant may desire to contend on the appeal that the decision of the court be varied, then he or she must give a notice to that effect specifying the grounds of that contention and the precise form of the order proposed to be made.

Such notice is required to be filed within 21 days of service of the notice of appeal to the respondent.

Clause 46 allows the application of the provisions relating to a notice of appeal to apply to the respondent’s notice with such modification as necessary.

PART 9 – REVIEW OF OPINION UNDER ARTICLE 55

Clause 47 empowers the Court of Appeal to have the power and jurisdiction to review the opinion of the Supreme Court pronounced under Article 55 of the Constitution.

PART 10 – MISCELLANEOUS

Clause 48 allows a notice of appeal or respondent’s notice to be amended and served:

- Sub clause (a) – without the leave of the Court at any time before 14 days of the date fixed for hearing of the appeal; or
- Sub clause (b) – with the leave of the Court at any time less than 14 days of the date fixed for hearing of the appeal.

The amended appeal or amended respondent’s notice shall be by way of a Supplementary notice of appeal or respondent’s notice.

Clause 49 allows for adjournments of the hearing of the appeal. The adjournment may be for any reason that the Court may deem fit or also could be due to non-availability of Justices of Appeal to form the quorum for sitting. The Registrar has the powers to ensure the hearing date is vacated and other directions are given.

Clause 50 provides for the power of the Court in both civil and criminal appeals to remit proceedings to either the Supreme Court or to the District Court or to order a new trial in either court.

Clause 51 ensures that the Supreme Court as a court of record, it must record its proceedings which shall become the basis of any appeal to the Court. Where a notice of

appeal is filed, the Supreme Court must compile the records of the proceedings for the purposes of the appeal.

Clause 52 provides that the Court shall have the same powers as the Supreme Court to hear and determine any contempt proceedings under section 14 of the Administration of Justice Act 2018.

Clause 53 provides for judicial immunity of judicial officers for carrying out judicial duties. Historically, this protection continues from the Judicial Officers Protection Act 1850 of the UK and in the decision of *Sirros v Moore* [1975] QB 118.

This clause provides immunity for any person executing a judgment, decision or order of the Court which is in the same terms as judicial officers.

Clause 54 gives the Court jurisdiction and discretion to award costs to one or more parties to the appeal. This is subject to clause 41.

Clause 55 empowers the Chief Justice to prescribe by notice in the Gazette filing and hearing fees to be paid to the Court for the lodgement and hearing of an appeal.

PART 11 – TRANSITIONAL PROVISIONS

Clause 56 provides that any appeals or applications for leave to appeal filed in the High Court of Australia on or before 13th March 2018 shall continue to be heard and determined by the High Court of Australia.

For an appeal filed in the High Court of Australia after 13th March, 2018, it shall be transferred to the Nauru Court of Appeal.

Clause 57 provides in sub clause (1) for the power and jurisdiction of the Court to hear and determine any appeal:

- (a) from any judgment, decision or order of the Refugee Status Review Tribunal delivered after the 13th March 2018;
- (b) on other matters pending appeal to the High Court of Australia against any judgment, decision or order delivered by the Supreme Court after the 13th March 2018; and
- (c) on all other matters on appeal after the certification of the Act by the Speaker.

Sub clause (2) provide that any intended appeal under sub clause (1) (a) and (b) shall be filed within 21 days of the certification of the Act by the Speaker unless leave to extend time is granted by the Supreme Court or Court of Appeal under clause 19(3).

For all purposes of and incidental to the hearing and determination of any such appeal and the amendment, execution and enforcement of any judgment, decision or order made thereon, the Court shall have all the powers, authority and jurisdiction which it has in respect of an appeal brought under this Act.

Clause 58 repeals the Appeals Act 1972.

PART 12 -RULES

Clause 59 empowers the Chief Justice to make rules of the Court to carry the Act into effect as well as for the practice and procedure of the Court.