

REPUBLIC OF NAURU

REFUGEE CONVENTION (AMENDMENT) BILL 2024

EXPLANATORY MEMORANDUM

The *Refugee Convention (Amendment) Bill 2024* is a Bill for the *Refugee Convention (Amendment) Act 2024*.

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

EXPLANATION OF CLAUSES

Clause 1 provides that, once enacted, the short title of the Bill will be the *Refugee Convention (Amendment) Act 2024*.

Clause 2 sets out that the commencement of the Bill once passed will be on the date it is certified by the Speaker.

Clause 3 is the enabling provision for the amendment of the *Refugee Convention Act 2012* ('Act').

Clause 4 amends Section 31. Section 31 provides for the application for merits review by Tribunal. The time given for '28' days is changed to '21' days for consistency with other periods within which an application for review or appeal is to be made under other written laws. For example, an application for review of a decision in the Supreme Court whether it be from the District Court or the Nauru Lands Committee is 21 days after the decision is made.

Clause 5 amends Section 33. Section 33 provides for the period within which the Tribunal must conduct its merit review. The time is reduced from '90' days to '60' days.

Clause 6 amends Section 43. Section 43 provides for the time for filing the appeal, decision of a Tribunal to the Supreme Court. The criminal and civil cases under the *Supreme Court Act 2018* only allows for 21 days to file an appeal. The time given for '42' days under this Act was consistent with the *Courts Act 1972*. However, the *Courts Act 1972* has been repealed and replaced with the *District Court Act 2018*, *Supreme Court Act 2018* and the *Nauru Court of Appeal Act 2018*. The time for filing an appeal under the *Supreme Court Act 2018* is 21 days. This amendment is to make it consistent with '21' days. The reason for the reduction of time is that the decision of the Tribunal is still subject to an appeal to the Supreme Court and again to the Nauru Court of Appeal. It is therefore important that the review process by the Tribunal is expedited.

Clause 7 amends Section 46. Section 46 provides for the time for re-consideration of any matters which are referred back to the Tribunal. The time is reduced from '90' days to '60' days. The

reason for the reduction of time is that the matters on appeal do take a substantive period of time and it is important that the review process by a Tribunal is expedited. After the review, the decision of the Tribunal is still subject to appeal to the Supreme Court and Nauru Court of Appeal.

Clause 8 provides for the transitional provision. A new Section 56 is proposed to be inserted to provide for the transitional provision relating specifically to the *Refugee Convention (Amendment) Bill 2024*, once it is enacted.

Subclauses (1) and (2) provides that if no review or appeal is filed for a matter determined before the commencement of the *Refugee Convention (Amendment) Act 2024*, and a review or appeal for that matter is filed after the commencement of that Act, the period that the review or appeal is subject to, is that which is existed before the commencement of the *Refugee Convention (Amendment) Act 2024*.

Subclause (3) provides that where the Supreme Court or Nauru Court of Appeal makes a direction for the re-consideration of a matter that was filed before the commencement of the *Refugee Convention (Amendment) Act 2024*, the matter will be subject to the provisions of the Act before it was amended, even if the re-consideration is ordered after the commencement of the *Refugee Convention (Amendment) Act 2024*.