

**REPUBLIC OF NAURU**  
**REFUGEES CONVENTION (AMENDMENT) BILL 2018**

**EXPLANATORY MEMORANDUM**

The *Refugees Convention (Amendment) Bill* is a Bill for the *Refugees Convention (Amendment) Act 2018*.

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 *Refugees Convention (Amendment) Act 2018*.

**Clause 2** sets out when the Bill's provisions will commence. The commencement date is on certification by the Speaker.

**Clause 3** is the enabling provision for the amendment of the *Refugees Convention Act 2012*.

**Clause 4** omits and substitutes Part 7. This Part now contains a new clause 52 which allows the Secretary for Multicultural Affairs after carrying out his or her own investigation or inquiries to recognise any declaration, decision or record determining an asylum seeker under the laws of a foreign country to be: recognised as a refugee; given derivative status; or owed complementary protection.

The Secretary may make a recommendation in writing to the Secretary for Justice and Border Control for the granting of temporary settlement visas similar to the visas granted to persons whom are determined by the Secretary under this Act. The Secretary for Justice and Border Control will be able to grant temporary settlement visas under the Immigration Act 2014 for such persons.

The temporary settlement visas shall be granted on the same terms and conditions that the visas were granted to persons determined under the Act which includes: the duration or renewal of visas and temporary settlement until the Commonwealth of Australia resettles such persons in another country. Any person permitted to enter the Republic under this clause shall not have extra rights or entitlements to that of persons determined under the Act.

Any decision of the Secretary made under this Act shall not be reviewed or appealed against.

**Clause 5** inserts new Part 8 which provides for:

- the Secretary not being liable in any suit, action or proceeding including constitutional redress in any court of the Republic or any quasi-judicial or administrative body for anything done in the bona fide in the exercise or purported exercise of a power of a power or function under this Act or any other written law;
- regulation making power which allows for the making of regulations to prescribed all matters necessary or expedient to give full effect to the Bill;
- delegation of the Secretary's powers.