

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

SECOND READING SPEECH

Honorable David Adeang MP

28 January 2016

Mr. Speaker Sir,

I have the pleasure of introducing to the House today a Bill for the amendment of the *Refugees Convention Act 2012*. That Act established the Refugee Status Review Tribunal, and permitted asylum seekers to apply to the Tribunal for merits review of determinations made by the Secretary. The Tribunal can review determinations relating to refugee status, or whether a person is owed complementary protection.

Since the commencement of that Act, the Tribunal has accepted a significant number of applications for merits review of determinations made by the Secretary. The Tribunal has completed its review of over 150 determinations, and decisions made by the Tribunal have been handed down to over 150 applicants.

The Bill I introduce to the House today contains two amendments to the *Refugees Convention Act 2012*. The first amendment aims to further ensure that the Tribunal merits review process functions smoothly and efficiently, and that the process is not hindered by technical challenges to the Tribunal's operation or to the appointment of Tribunal members.

The second amendment follows the passage of the *Refugees Convention (Amendment) Act 2014*, which introduced the complementary protection regime. In 2014, we amended the Act to ensure that complementary protection under human rights instruments was properly considered at the primary determination stage and could be reviewed by the Tribunal. The further amendment contained in this Bill ensures that a person who is found not to be owed complementary protection by the Tribunal, can appeal to the Supreme Court against that decision on a point of law. This will ensure that Nauru's complementary protection regime is given effect throughout the entirety of the refugee status determination system – that is, at the Secretary level, at merits review, and on appeal to the Supreme Court.

These amendments are made with retrospective effect, to ensure that possible technical challenges or objections do not hinder or cast doubt upon the work performed and decisions made by the Tribunal to date. It also ensures that applications already before the Supreme Court which appeal against a complementary protection determination are not incompetent due to the absence of express provision for such appeals.

Finally, the Bill also contains several validating clauses that make clear that by giving retrospective effect to the amendments, the House intends to put beyond doubt the validity of the matters dealt with therein.

Mr. Speaker, the explanatory memorandum explains this Bill in more detail.

Mr. Speaker, I commend the Bill to the House.