



REPUBLIC OF NAURU

**REFUGEES CONVENTION (DERIVATIVE
STATUS & OTHER MEASURES) (AMENDMENT)
BILL 2016**

No. 56 of 2016

A Bill for an Act to amend the Refugees Convention Act 2012

Certified: []

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Refugees Convention (Derivative Status & Other Measures) (Amendment) Act 2016*.

2 Commencement

(1) Sections 10, 16 and 22 of this Act are deemed to have commenced on 21 May 2014.

(2) Section 23 of this Act is deemed to have commenced on 10 October 2012.

(3) All other provisions in this Act commence upon certification by the Speaker.

3 Amendment of Refugees Convention Act 2012

The *Refugees Convention Act 2012* is amended by the provisions of this Act.

4 Definitions

In this Act:

'commencement day' means the day on which the provisions of this Act, other than sections 15 and 16, commences;

'principal act' means the *Refugees Convention Act 2012*.

5 Validation of Tribunal decisions

For the avoidance of doubt, any decision or purported decision of the Tribunal made with respect to an application to the Tribunal under section 31 of the principal act for merits review of a decision or determination of the Secretary, between 10 October 2012 and the commencement day, which would have been validly made if at the time of the application, section 37 of the principal act had not been enacted, is taken to have been validly made on the day it was in fact made.

6 Preservation of the principles of natural justice

For the avoidance of doubt, nothing in this Act displaces any obligation imposed on the Tribunal under the common law of Nauru to act according to the principles of natural justice and to afford procedural fairness with respect to an application to the Tribunal under section 31 of the principal act for merits review of a decision or determination of the Secretary.

7 Amendment of section 3

Omit

Definition of 'derivative status'

Substitute

'derivative status' means the status given to a person, who is a dependent of a person who has been recognised as a refugee, given derivative status, or found to be owed complementary protection;

Insert

after the definition of '**refugee**'

'Refugee Determination Record' means the certificate issued to a person who is owed international protection by Nauru under section 6(2A);

8 Insert new section 5(1AA)

(1AA) A person may apply to the Secretary to be given derivative status.

9 Amendment of section 5(1A)

Omit

Section 5(1A)

Substitute

(1A) A person may include one or more dependents in an application made under section 5(1).

10 Insert new section 5(1B)

(1B) A person included in an application for refugee status under section 5(1A) is taken to have applied to be given derivative status.

11 Amendment of section 5(2)

Omit

Section 5(2)