



REPUBLIC OF NAURU

Refugees Convention Bill 2012

Serial No. 16 of 2012

Table of Provisions

PART 1 – PRELIMINARY	1
1 Short title	1
2 Commencement	1
3 Interpretation	1
4 Protection of refugees—principle of non-refoulment	3
PART 2 – DETERMINATION OF REFUGEE STATUS	3
5 Application for refugee status	3
6 Determination of refugee status	3
7 Powers of Secretary in determining refugee status	3
8 Subsequent asylum claim	5
9 Notice of determination on refugee status	5
10 Cancellation of refugee status	5
PART 3 – REFUGEE STATUS REVIEW TRIBUNAL	6
Division 1 – Establishment and membership of Tribunal	6
11 Establishment	6
12 Membership	6
13 Appointment of members	6
14 Principal Member	7
15 Resignation	7
16 Disclosure of interests	7
17 Removal from office	8
18 Registrar and officers	8

Division 2 – Constitution, sittings and powers	9
19 Constitution for merits review	9
20 Reconstitution if necessary	9
21 Sittings	9
22 Way of operating	10
23 Review to be in private	10
24 Evidence and procedure	10
25 Authorisation of person to take evidence	11
26 Oral evidence by telephone etc.	12
27 Certain Tribunal decisions to be published.....	12
Division 3 – Offences	12
28 Failure of witness to attend	12
29 Refusal to be sworn or to answer questions etc.	13
30 Contempt.....	13
PART 4 – MERITS REVIEW BY TRIBUNAL.....	14
Division 1 – Application	14
31 Application for merits review by Tribunal.....	14
32 Secretary to be notified of application and to provide information	14
33 Period within which Tribunal must conduct merits review	15
34 Decision of Tribunal on application for merits review	15
Division 2 – Review procedures	16
35 Parties may give information or written arguments to Tribunal.....	16
36 Tribunal may seek information	16
37 Invitation to applicant to comment or respond.....	17
38 Requirements for invitation.....	17
39 Failure of applicant to respond	17
40 Tribunal must invite applicant to appear.....	18
41 Failure of applicant to appear before Tribunal.....	18
Division 3 – Miscellaneous	19
42 Rights conferred by this Part additional to other rights.....	19
PART 5 – APPEAL.....	19
43 Jurisdiction of Supreme Court	19
44 Decision by Supreme Court on appeal.....	20
45 Costs	20
46 Period within which Tribunal must reconsider matter remitted	20
47 Rights conferred by this Part additional to other rights.....	20
PART 6 – CONFIDENTIALITY	21
48 Confidentiality.....	21
49 Disclosure of certain information	21

50	Disclosure of confidential information.....	22
PART 7 – MISCELLANEOUS		24
51	Principal Member’s obligation to report to Minister.....	24
52	Regulations	25

REPUBLIC OF NAURU

Refugees Convention Bill 2012

Serial No. 16 of 2012

A Bill for:

An Act to give effect to the Refugees Convention; and for other purposes

Certified on []

Enacted by the Parliament of Nauru as follows:

PART 1 – PRELIMINARY

1 Short title

This Act may be cited as the *Refugees Convention Act 2012*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day it receives the certificate of the Speaker under Article 47.
- (2) Parts 3, 4 and 5 of this Act commence on a date to be fixed by the Minister by Gazette notice.

3 Interpretation

In this Act, unless the contrary intention appears:

‘asylum seeker’ means:

- (a) a person who applies to be recognised as a refugee under section 5; or
- (b) a person, or persons of a class, prescribed by the Regulations;

‘corresponding law’ means a law of another jurisdiction that provides for a person to apply for recognition as a refugee under the Refugees Convention as modified by the Refugees Protocol;

‘Deputy Principal Member’ means a Deputy Principal Member of the Tribunal;

‘member’ means the Principal Member, a Deputy Principal Member or any other member of the Tribunal;

‘personal identifier’ means any of the following (including any of the following in digital form):

- (a) fingerprints or handprints of a person, including those taken using paper and ink or digital technologies;
- (b) a measurement of a person’s height and weight;
- (c) a photograph or other image of a person or of the face and shoulders or other part of a person;
- (d) an audio or video recording of a person;
- (e) an iris scan;
- (f) a person’s signature;
- (g) any other identifier prescribed by the Regulations;

‘Principal Member’ means the Principal Member of the Tribunal;

‘refugee’ means a person who is a refugee under the Refugees Convention as modified by the Refugees Protocol;

‘Refugees Convention’ means the Convention Relating to the Status of Refugees done at Geneva on 28 July 1951;

‘Refugees Protocol’ means the Protocol Relating to the Status of Refugees done at New York on 31 January 1967;

‘Secretary’ means the Head of Department;

‘Tribunal’ means the Refugee Status Review Tribunal established under section 11.