



ANNUAL REPORT 2015

DEPARTMENT OF JUSTICE AND BORDER CONTROL

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MESSAGE FROM THE SECRETARY FOR JUSTICE AND BORDER CONTROL

The last 18 months has been a period of rapid change and expansion in the Department of Justice and Border Control (DJBC).

Human resource and capacity development, as well as institutional strengthening have been major priorities for the department during the reporting period.

A renewed commitment to staff training, coaching and mentoring has been evident.

Three Nauruan staff members, including 2 females, Patricia Grundler (Waikato), Surely Kamtaura (Waikato) and Wylie Detanamo (USP) are currently studying law at universities abroad. Grace Garabwan is enrolled at USP's Laucala campus (environment science).

In addition, DJBC has completed a visionary, ambitious and forward looking ten year Strategic Plan for 2015 – 2025.

The vision of DJBC is to develop and strengthen a modern, well integrated and transparent domestic legal system. Performance development systems and a merit based approach to staff progression and promotions is a key feature of the new strategic plans for DJBC.

Staff recruitment included the commencement of work in September 2014 of a new Solicitor General, Graham Leung, replacing Stephen Blim who returned to Australia.

The levels of productivity and energy in the department are beginning to manifest themselves in different ways and sections.

DJBC's commitment to human rights has seen the appointment of a new desk officer Filippo Masaurua in January 2015. His primary focus is human rights compliance and reporting, in anticipation of Nauru's appearance before the Human Rights Council in Geneva later in the year. It is expected that one of the key outcomes of his work will be the submission of overdue country reports under various international conventions to which Nauru is a party, including the Convention on the Rights of the Child, CEDAW and the Convention on the Rights of Persons with Disabilities.

Underscoring the seriousness with which GON and DJBC regards border protection, a new Director of Quarantine, Asterio Appi (with postgraduate qualifications in environmental science) has been appointed. Changes are already evident within the Quarantine Section with increased vigilance and supervision of both incoming passengers and freight at the country's land and maritime borders.

A key aspect of DJBC work is focus on providing support for the Regional Processing Centre at Topside.

The department provides management, supervisory, legal and operational support, working alongside DIBP, to enable the centre to maintain the infrastructure and operations allowing the RPC to function to optimum levels according to best international practices and standards.

DJBC devotes significant time, resources and person hours to providing the support and services to the RPC. This is consistent with GON policy which is committed to ensuring that the RPC is successfully managed. In this regard the department wishes to place on record its profound appreciation to the Government of the Commonwealth of Australia for the collaborative support and partnership which has led to the success of the RPC.

Refugee Status Determinations (RSD) are an integral part of the work of DJBC. The *Refugee Convention Act 2012* (and subsequent amendments) is the principal legislation which guides work in the area of refugee status determinations.

A new RSD lawyer Ashleigh Whittaker was appointed in May 2015, bringing to 3 the number of lawyers working in this area. A number of appeals from negative determinations of the Refugee Tribunal are currently pending hearing before the Supreme Court of Nauru.

Housing and accommodation for newly determined refugees have presented challenges for the GON and the department. However, continuing efforts are being made to address these concerns with due regard to social as well as geographic constraints and limitations.

In May 2015, GON welcomed a fact finding mission of the UN Sub-Committee on the Prevention of Torture to Nauru, consistent with its obligations as a party to the *Convention against Torture* (CAT). The delegation comprised Mr Malcolm Evans (UK), Ms June Lopez (Philippines) and Ms Nora Sveaass (Norway). The UN team visited the RPC and also had constructive discussions with the Secretary for Justice and Solicitor General.

Periodic visits by the International Committee of the Red Cross also take place from time to time, providing an opportunity for frank exchanges on operations at the RPC.

The Judiciary of the RON is now fully staffed at both the superior and district court levels.

In September 2014 a new non-resident Chief Justice Joni Madraiwiwi and two other Justices (Shafi Khan and Jane Crulci (*nee* Hamilton-White) were sworn into office by H.E the President Hon. Baron Waqa, MP. One of the Justices and the Resident Magistrate, Ms Emma Garo, are both females, which is a historic first for the country.

Major renovations have been undertaken at the Courthouse and for the first time, Judiciary Staff now have uniforms. The Australian government is in the process of building a temporary court house on land beside the existing Court house. It is expected to be completed and in use by the third quarter of this year.

It has been a challenging time for DJBC, but with strong ministerial support and leadership, the department continues to make incremental and positive changes aimed at the better delivery of legal and related services to the Government and people of Nauru.

I would like to thank the Minister for Justice Hon. David Adeang M.P. for his unfailing and unqualified support to me personally and to the Department. That support has been instrumental in DJBC meeting and in some cases exceeding key targets and objectives.

I would also like to thank all Section Heads and Staff in the Department. They are our biggest assets and have inspired me to work harder for the betterment of the nation.

Lionel Aingimea

Secretary for Justice & Border Control
June 2015

SUMMARY OF ACHIEVEMENTS

1. Growth in the delivery and quality of legal services to Government and people of Nauru
2. Major improvements in access to law and justice for the community
3. Significant improvements in the efficiency of operations of the District and Supreme Courts – including renovations to the existing Court House
4. Supporting and financing graduate studies in law and the environment for 3 Nauruan staff members at overseas universities
5. The establishment and expansion of the Public Defenders office
6. The appointment of a new Director of Quarantine
7. The development of a 10 year Strategic Plan for DJBC
8. The recruitment of a dedicated desk officer to deal with human rights compliance
9. Providing technical legal support to the Minister for Home Affairs, the Ministry responsible for Womens Affairs who attended for the first time the meeting of the 59th Session of the Commission on the Status of Women in New York
10. The development of systems, policies and processes at Nauru Correctional Services
11. The establishment of a data base for litigation files
12. The re-introduction and commencement of the Nauru Pleaders Course
13. Establishment of Continuing Legal Education (CLE) seminars for lawyers and Pleaders
14. Ongoing support and the provision of legal and advisory services to the Regional Processing Centre
15. Improved working conditions and environment in DJBC with a corresponding increase in staff professionalism and productivity

1. SECRETARIAT

1.1 Overview

The DJBC human resource development plan is underpinned by key elements from the People Development themes in the 2015 – 2025 Strategic Plan. These include

“..the development of a gender unbiased workforce with a Nauruan focus....clear Position Descriptions and Performance agreements...all staff have the resources required to carry out their jobs effectively and efficiently.”

Underlying these elements are the following key objectives

- Improving employee satisfaction and commitment to their work.
- Balancing the provision of a family friendly and compassionate workplace with effective accountability and feedback mechanisms for all staff.

1.2 Strategic Planning

The DJBC has developed its first Strategic Plan covering the period 2015 to 2025

The Benefits

- Everybody 'sings' from the same song sheet (from the bottom of the organization to the top).
- Management are agreed (and are accountable) on; what has to be done, how it will be measured, monitored and tracked.
- Community/Customers have a reference point to turn to.
- Used as a part of submissions to apply for and seek funding for grants etc.

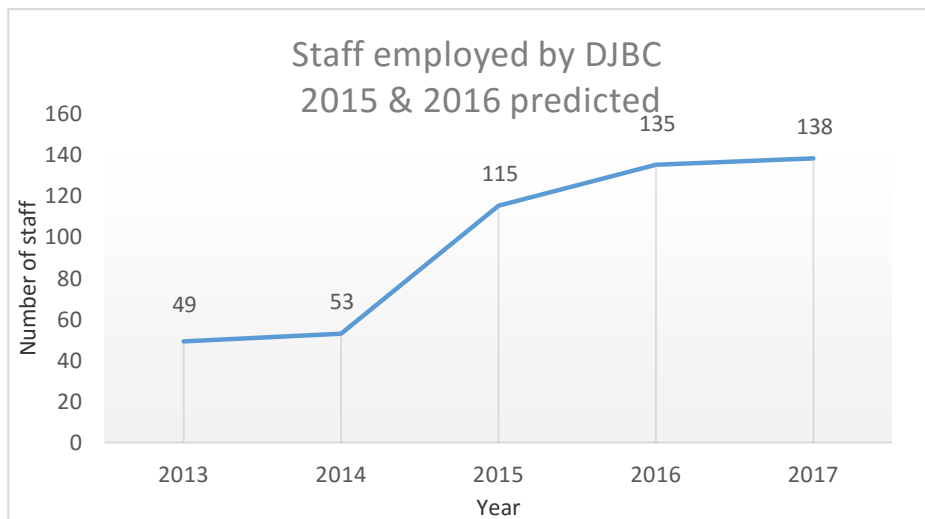
The Process

The Destination...

1.3 Growth

The Department of Justice and Border Control more than doubled during 2014. Staff increased from 53 to 115.

A further eighteen positions will be filled in 2015 and three during 2016. By January 2017 the Department is expected to employ approximately 136 staff.



Persons Employed DJBC				
Year	2013/14	2014/15	2015/16	2016/17
Number of Staff	53	115	133	137
Growth rate/%		+2.17/ 117%	+1.15/ 16%	+1.02/ 2%
% Nauruan	83%	85%	84%	85%

Number Nauruan	44	98	112	115
Number Expat	9	17	21	21

Department of Justice & Border Control	Number of staff at 1 st Jan		Planned Add staff	Total Jan	Add	Total Jan
	2014	2015				
Section						
Senior Staff	7	13	1	13		13
Office of Solicitor General	1	6		6		
Office of the Secretariat	6	11	3	14	1	15
Office of the Director of Public Prosecutions	1	3	3	6		6
Office of the Director of Public Defence	0	3	2	5		5
Office of Legislative Drafting	0	1	2	3		3
Immigration	7	11		11	1	12
Passports	2	3		3		3
Quarantine	4	7	7	14		14
Nauru Corrections Service	21	39	2	41		41
Refugee Status Determination Section	0	10		10		10
Regional Processing centre	0	8		8		8
Judiciary	11	13	1	13	1	14
Total	53	115	19	134	3	137
NLJS Improvement Initiative Support	4	8		8		8

Actual and Planned growth in staff DJBC 2013 to 2017

1.3 Structure of the Department

The Secretary of Justice & Border Control oversees and manages 115 staff. There are 13 senior staff. They are outlined below:

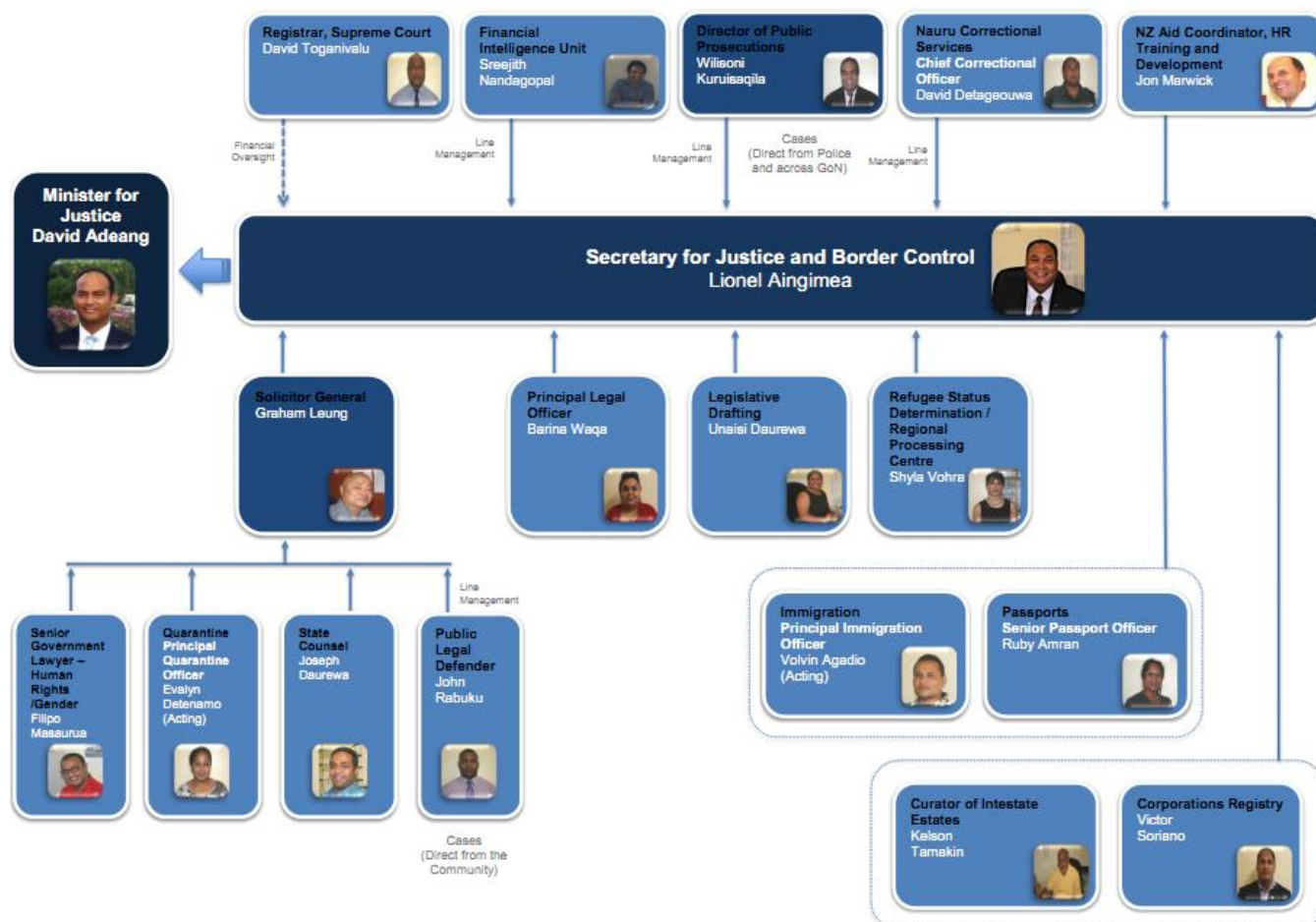
Management positions

- Judiciary – Head of Section: Registrar;
- Nauru Correctional Services - Managed by the Chief Correctional Officer;
- The Solicitor General has a supervisory role in relation to lawyers in the JBC Secretariat including the Public Legal Defender and the Quarantine section which has a new section head. The Solicitor General functions as the *de facto* Deputy Secretary for Justice and Border Control. He stands in for the substantive Secretary for Justice and Border Control during the latter's absence.
- There are 15 Heads of section (omitted from the table below are independent sections with 1 staff).

Department of Justice & Border Control	Number of staff in each Section
Section	Total
Senior Staff	13
Office of Solicitor General	6
Office of the Secretariat	11
Office of the Director of Public Prosecutions	3
Office of the Public Legal Defender	3
Office of Legislative Drafting	1
Immigration	11
Passports	3

Quarantine	7
Nauru Correctional Service	39
Refugee Status Determination	10
Regional Processing centre	8
Judiciary	13
Total	115
NLJS Improvement Initiative Support	8

DJBC ORGANISATIONAL CHART



(There has been a new Director of Quarantine appointed since this organization chart was assembled)

1.4 Policy and Related Issues

This Plan is underpinned by key elements from the People Development themes in the 2015 – 2025 Strategic plans. These include

“..the development of a gender unbiased workforce with a Nauruan focus....clear Position Descriptions and Performance agreements....all staff have the resources required to carry out their jobs effectively and efficiently.”

Underlying these elements are the key objectives

- Improving employee satisfaction and commitment to their work.
- Balancing the provision of a family friendly and compassionate workplace with effective accountability and feedback mechanisms for all staff.

The major issues or concerns reported include

- Punctuality
- Absenteeism

- Low productivity
- Lack of instruction and clarity
- Lack of training
- Low motivation
- Poor attitude to work.

Strategies to improve staff performance have been incorporated into the Strategic Plan 2015 to 2025. These include for example

- Providing staff with the tools they need. These include a clean and tidy workspace, materials, equipment and training
- Providing effective supervision
- Providing effective feedback
- Clear position descriptions and performance agreements
- Regular staff performance reviews
- Regular staff meetings
- Mentoring and on the job training
- Targeted training
- Overseas work placements& attachments

1.5 Growth Management

The responsibilities of the Secretary for Justice & Border Control has expanded to include the management of the Regional Processing Centre and associated issues. This has significantly widened the scope and complexity of his operational and day to day duties.

It has also necessitated changes to the structure of the department and the devolution of responsibility and administrative functions. As a result of these changes and delegations, both the Solicitor General and the NLJS Coordinator roles have assumed greater administrative functions and responsibilities.

Staffing

It is anticipated that staffing will slow off on staff increases anticipated. One additional support staff in the secretariat, one in possibly management position and a fulltime probationary officer in the Judiciary.

Mid term

- Consolidation of staffing is anticipated as the economy stabilizes at the current level.
- Concentrate on development and employment of locals.
- Increase emphasis on multi skilling, management training and development.
- A restructure of the Department to include management teams, with greater delegation and accountability.

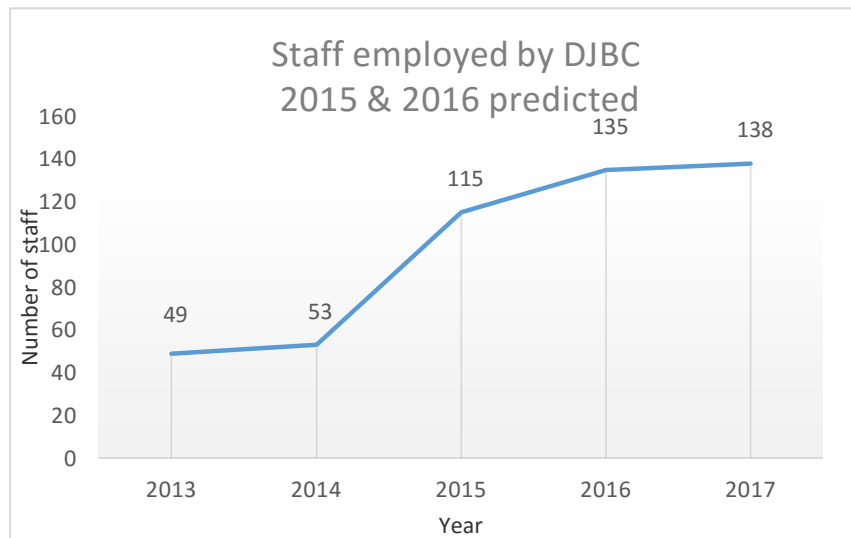
Mid and longer term

- Additional support staff for all sectors
- Dedicated training officer
- Dedicated office administrator
- Support officer for records and data management
- Asset management officer
- Additional support for legislative drafting

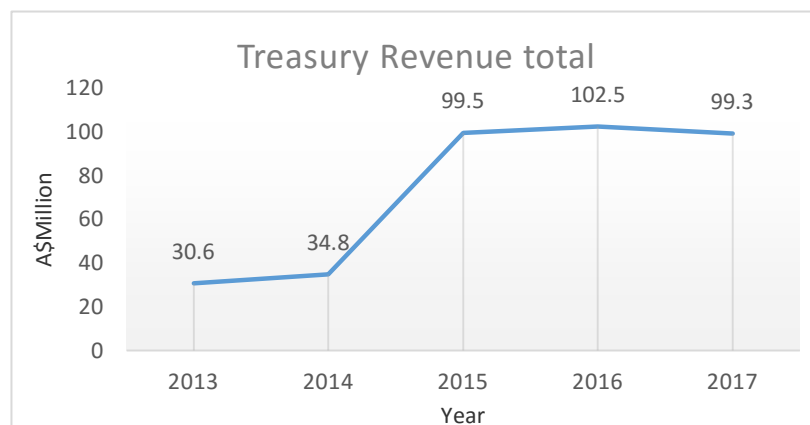
Department of Justice & Border Control	Number of staff at the 1 st Jan		Planned + staff			
	2014	2015	2015	2016	2016	2017
Senior Staff	7	13	1	13		13
Office of Solicitor General	1	6		6		
Office of the Secretariat	6	11	3	14	1	15
Office of the Director of Public Prosecutions	1	3	3	6		6
Office of the Director of Public Defence	0	3	2	5		5

Office of Legislative Drafting	0	1	2	3		3
Immigration	7	11		11	1	12
Passports	2	3		3		3
Quarantine	4	7	7	14		14
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Total	53	115	19	134	3	137
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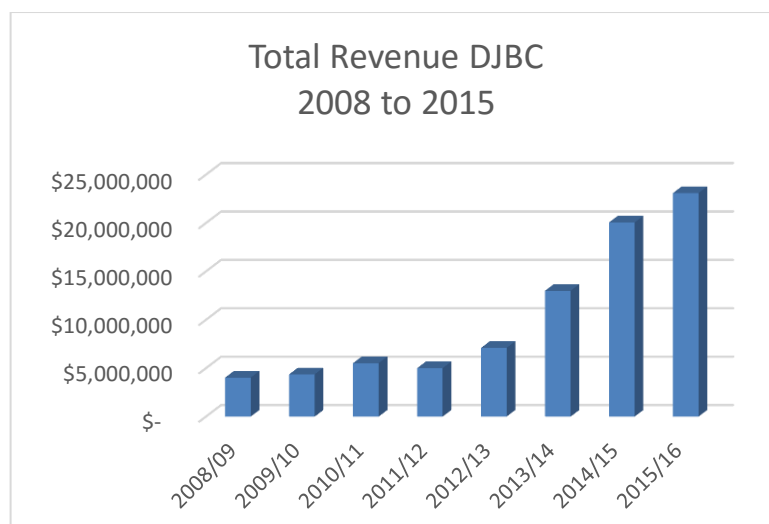
Actual and Planned growth in staff DJBC 2013 to 2017



Treasury revenue actual and predicted for the same period



Total Revenue 2008 to 2015



Nauruan focus

The Department has continued the theme of supporting staff training and development using external resources and expertise on a case by case basis when not available locally.

NLJS Improvement Initiative Phase II.

The key to developing and improving management systems and processes have been the team of administrators the Secretary of JBC, the NLJS Coordinator, the Solicitor General and the Registrar. Jon Marwick manages the NZ aid budget and is the NLJS Coordinator.

The recent mid and long term planning has placed the department on a position to manage future growth or contraction of the Nauruan economy.

The growth response has been from the bottom up. To increase the number of operatives and service staff rather than fund salary increases for expats in the NLJS Improvement Initiative Phase II.

Key among the strategies in the Strategic Plan 2015 to 2025 is the focus on performance management based on clear position descriptions.

Impact of the Regional Processing Centre (RPC)

- Increase in Staff
- Increase in administration
- Increase in the complexity and volume of legal services required.

New DJBC staff are employed in the determination of asylum seekers and the resettlement of refugee. There are eighteen staff connected to the Regional Processing Centre.

Funding and the support from the NLJS Improvement Initiative Phase II

Seven of these eight NLJS supported positions are expatriates. Their home countries are: Solomon Islands (1), Fiji (5) and Australia (1)

Expatriate / local ratio and Male /Female balance

In terms of gender balance workforce, the Department is on target. Overall, 14% of the staff are expatriates comprising 56% are male and 44% female.

In terms of number of expatriates, a target figure of 10% has been suggested. At this stage the 14% is acceptable and required to cope with the rapid growth in staff numbers and breadth of services supported by the DJBC.

The following table summarises the numbers of expatriate versus local staff, as well as gender breakdown.

Department of Justice & Border Control	Number of staff					
	Total	Nauruan	Expat	% expat	Male	Female
Senior Staff	13	5	8	62%	9	4
Office of Solicitor General	5	1	4	80%	4	1
Office of the Secretariat	10	10	0	0%	4	6
Office of the Director of Public Prosecutions	2	0	2	100%	2	0
Office of the Director of Public Defence	3	2	1	33%	3	0
Office of Legislative Drafting	1		1	1%	0	1
Immigration	11	11	0	0%	5	6
Passports	3	3	0	0%	0	3
Quarantine	7	7	0	0%	6	1
Nauru Correctional Service	39	39	0	0%	30	9
Refugee Status Determination Section	10	10	3	0%	1	9

Regional Processing Centre	8	7	1	13%	2	6
Judiciary	13	11	2	15%	4	9
Total	115	98	17	14%	70	55
NLJS Improvement Initiative Support	8	1	7			

Note: Senior staff are double counted with the exception of Secretary of Justice, NLJS Coordinator and PLO.

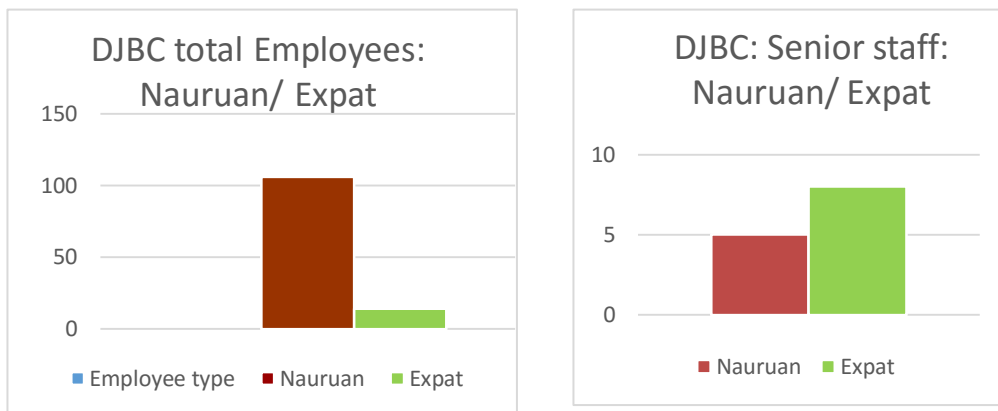
Appendix 1

Other Notes:

The organisational structure continues to change with the need to develop the middle management level. The Immigration Section has grown rapidly. The Principal Immigration Officer may require an administration officer.

The Solicitor General’s position developed in 2014 by increase its administrative functions. The responsibility of the Solicitor General now includes Quarantine (January 2015), increasing the administrative load to 16 secretariat staff.

Figure 3: DJBC number of staff per section.



2. LITIGATION

Pursuant to section 11 of the *Republic Proceedings Act 1972*, all civil proceedings instituted against the GON must be filed against the Secretary for Justice.

The Solicitor General heads the litigation section of DJBC and is responsible for the carriage of litigation against the Secretary. He is assisted by one lawyer Joseph Daurewa. It is expected that a third lawyer will join the litigation section towards the end of June 2015.

Appeals to the Supreme Court against determinations by the Nauru Lands Committee comprise a significant portion of the workload of the litigation section. The NLC does not have an in-house legal counsel and it falls to the Litigation Section of DJBC to provide them with advice on request.

With a fully functioning Supreme Court, coupled with a greater awareness by the local residents of their legal rights, it is expected that law suits against the Republic will continue to increase.

Other work carried out by the section includes drafting legal opinions and memoranda, preparing disciplinary charges against public servants, drafting and clearing legal agreements licenses, legal research, drafting Cabinet submissions and ad hoc advice to HODs and government departments.

The section is expected to soon recruit 2 ‘paralegals’ or law clerks who will support the work of the litigation lawyers.

2.1 Functions

The Litigation Section is tasked with the responsibility of representing Government in all civil matters in all courts of law.

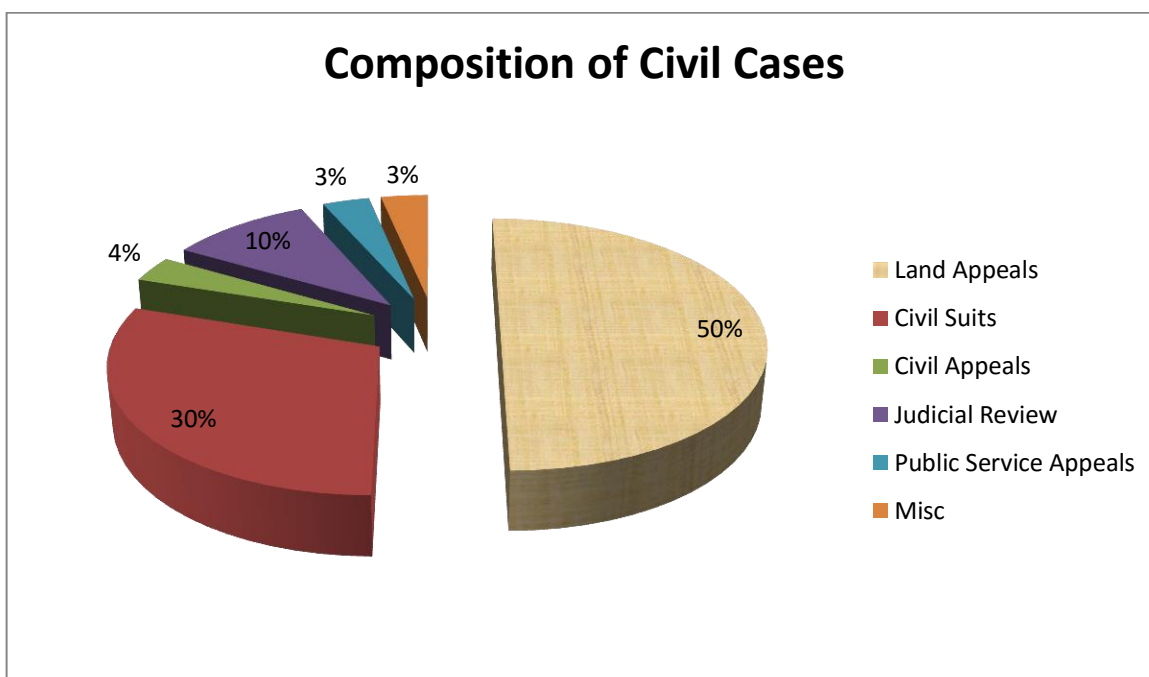
These civil matters include the following:

- a. Civil suits instituted by Government against persons and/or entities;
- b. Civil suits against Government including Constitutional redress, torts, contracts, etc.;
- c. Land Appeals, that is, representing Nauru Lands Committee;
- d. Judicial review matters that is, representing Government officials, tribunals, Departments and Instrumentalities; and
- e. Public Service Appeals Board.

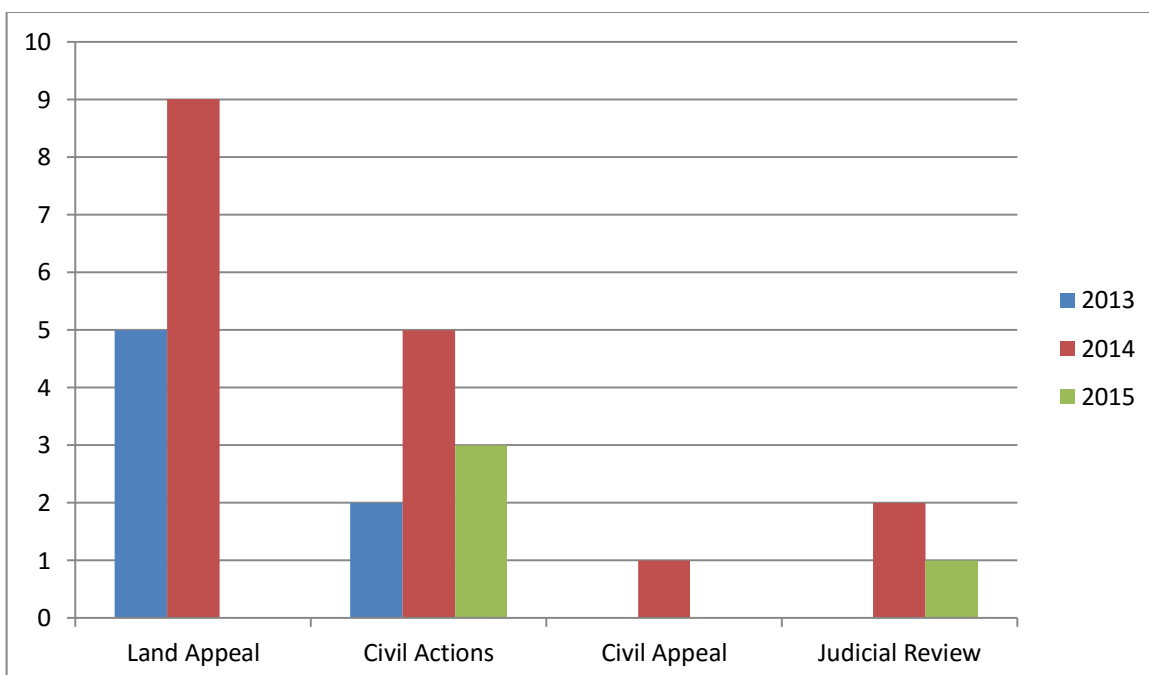
The Litigation Section is also mandated to represent Government in court matters instituted in other countries involving the Republic.

2.2 Court Matters

The following shows the categories that may be useful to illustrate the composition and other relevant details of the civil matters, which are handled by the Litigation Section:



The above pie chart illustrates an estimation of the composition of pending civil cases.



The above table shows comparative trends in civil matters between 2013 and 2015.

There are a significant number of matters not reflected in the above records as they have been adjourned sine *die* before the Supreme Court. There are also disputes, which have yet to be formally

instituted before the Supreme Court as the parties attempt extra-judicial negotiations and in some cases mediation.

2.3 Conclusion

There have been several recommendations that have been put forward to improve and strengthen the Section so that civil matters are dealt with appropriately.

With the view to providing services to the Government and its stakeholders, the Litigation Section is confident that moving into the future, it will better serve the needs and interests of the public service and the Republic of Nauru as a whole.

3. OFFICE OF the DIRECTOR OF PUBLIC PROSECUTIONS (ODPP)

The maintenance of Law and Order and respect for the rule of law under pins the Government strategic design of **“effective law and Order with adequate workforce and responsive systems in place”** This will also contribute greatly to rebuilding confidence in the legal system and encourage stability and growth for a peaceful and prosperous Nauru.

3.1 STATEMENT OF PURPOSE AND VALUES

The ODPP reviews and, where appropriate prosecutes criminal cases following investigation by the Nauru Police Force (NPF). The ODPP also advises the NPF and other organizations on matters relating to criminal offences. In each case which the ODPP reviews it considers whether there is sufficient evidence and if so whether the public interest requires a prosecution.

ODPP is committed to providing a high quality prosecution service which works in the interests of Justice and applies common standards, policy and operational practices ensuring a consistent approach.

It is imperative that decisions will be independent of bias or discrimination, and that the interests of others should be considered. ODPP should act with integrity and objectivity and exercise sound judgment with confidence. In dealings with the public and other stake holders ODPP should be open and honest. ODPP should show sensitivity and understanding to victims and witnesses; and treat all defendants fairly to maintain public trust.

ODPP is accountable to Parliament and the public and must strive together with the NPF and Judiciary to provide an effective criminal justice system.

3.2 ROLE OF THE OFFICE

The role of the independent Office of the Director of Public Prosecution is to discharge the functions assigned to it by the *Criminal Procedure Act 1972* together with the traditional and professional functions attaching to that office.

3.3 RESPONSIBILITES OF THE OFFICE

The responsibilities are both legal and administrative. The legal responsibilities are discharged independently in accordance with the Law. The administrative responsibility is concerned with the prudent use and management of public funds and resources within the framework of Government.

3.4 CAPACITY BUILDING AND STAFFING

The ODPP has, as a priority been trying to build capacity of the office for some years now. The focus was initially on local law graduates coming through and getting a high level exposure to the Courts to enable them to hone their advocacy and litigation skills. Since the arrival of the incumbent DPP to Nauru there have been two graduates Barina Waqa and Gabrissa Hartman. Barina worked in the ODPP until June 2010 and she was then transferred to the Justice Department where she is a Principle Legal Officer. Gabrissa was attached to the office from when she graduated in December 2011 and she was seconded to Parliament on the 23rd of February 2012. Local Law graduates are predictably in demand from other departments as there is an acute shortage which has made it difficult to keep local staff. From January 2012 to January 2013 ODPP staff consisted of

DPP and 2 police prosecutors who were seconded on a rotational basis so all the prosecutions were handled by the DPP. From late 2013 Lisepa Paeniu a recent graduate of the University of the South Pacific was attached to the Office and from early February 2014 Livai Sovau became the first Public Prosecutor in the ODPP since 2009. Lisepa has since left ODPP to pursue postgraduate studies in United States of America.

Livai Sovau's position became necessary because of the sudden increase in the volume of Criminal cases stemming from the Regional Processing Centre particularly the Riot which took place on the 19th of July 2013. This put an enormous strain on the ODPP already depleted resources. A submission was then put to NZ Aid who agreed to fund the post. In March of this year we took on a Paralegal to assist the Public Prosecutor. ODPP now has 4 staff a Public Prosecutor, a paralegal and 2 police prosecutors. This has seen a marked improvement in the scrutiny and analysis of the cases and considerable shortening of turnaround times between the review of cases and the decision to prosecute.

Capacity building of the police prosecutors continues but is now currently being supervised by Livai who is mentoring the Police officers and the paralegal. Prior to the inclusion of Lisepa and Livai to the ODPP, the focus of capacity building was on the police prosecutors as we had no graduates coming through at the time. There is less pressure on the police prosecutors now but ODPP still intendeds to up skill these officers and ensure that they have a career path should they chose to pursue further legal studies. ODPP is also now involved in delivering training modules to police recruits and has scheduled training for regular officers both in the Criminal Investigation Unit and Patrol to improve the quality of investigations.

A Prosecution Manual is being put together as a quick reference for police prosecutors in particular but all in general to assist prosecutors in court. Similarly a Prosecution Guideline is being compiled that will include public interest factors for and against prosecution as well as the aims objectives and functions of the ODPP. It is anticipated that both the Manual and the Policy will be instrumental in capacity building and add to the institutional knowledge of the office.

3.5 REGISTRY AND CASE MANAGEMENT

The Registry has been set up and is functioning and cases can be tracked through the system. A computer database has been set up so that records can be kept of cases and the outcomes. Registers for all incoming and outgoing dockets have been opened to also assist in the tracking of cases and of monitoring turnaround times. ODPP Dockets have been created where all police dockets go before the cases are registered. These dockets will contain all internal notations such as appearance returns, advices as well as all internal correspondence relating to the particular file.

There is considerable Nauru Police Force engagement through a newly established working group which convenes fortnightly meetings. This is to ensure amongst other things that any issues that arise in the investigation of criminal cases can be dealt with quickly and efficiently. Office space has also been approved by the Commissioner for a public prosecutor at the CPS to ensure that files and briefs of evidence can be reviewed prior to being sent to ODPP to vett that they comply with the agreed standard of brief required by ODPP.

3.6 STATISTICS

The ODPP as the prosecuting arm of the government has under its portfolio a number of prosecutions under the *Criminal Code* 1899. The charges in relation to offences are all charges that are currently pending before the courts and are as listed as follows:-

Live cases – 113 in total

Breakdown by offences:-

Offences	Number
Abduction	3
Assault	1

AOABH	5
Attempted Rape	1
Bodily Harm	6
Breaking into building	2
Breaking into building to commit offence	3
Burglary	2
Challenge to fight a dual	3
Common Assault	16
Consumption of Alcohol	3
Cultivating Illicit Drug	2
Damaging Property	3
Entering a house to commit an offence	1
Going Armed as to cause fear	4
Grievous Bodily Harm	2
Improper use of services	1
Indecent Act	1
Indecent Assault	12
Indecent Treatment of boys	1
Indecent Treatment of girls	1
Malicious Injury in general	1
Negligent act causing harm	1
Offences by license	2
Offensive behaviour	1
Overloading -	1
Stealing	3
Rape	2
Resist Arrest	1
Serious Assault	5
Supplying Liquor After hours	2
Unauthorized selling	2
Underage consumption of alcohol	3
Unfit to drive	1
Unlawful Assembly	1
Unlawful Assembly appeal	1
Unlawful Publication	1
Unlawful Wounding	3
Unlicensed driving	6
Using obscene language	1

3.7 Refugee Cases and Asylum Seekers Prosecution

With the introduction of the refugees in the community and the RPC setup in Nauru there have inevitably been cases involving both asylum seekers and refugee accused persons. This has in turn made the ODPP evolve the approach to meet the dynamic approach to refugee law and prosecution of these types of cases. In relation to these cases, the main offense involves Common Assault and 3 cases thus far of Indecent Assault. The main case of Unlawful Assembly and Riot which was prosecuted last year made for learning points for both prosecution and the police and this has in turn made the police take proactive measures for the current Unlawful Assembly charge that's currently before the District Court.

3.8 International Conventions and Treaties

In line with our long term and short term goals in evolving cases that are before the courts, the prosecution has tried to apply International conventions that will assist the court and ultimately change laws that will benefit all Nauruans. The conventions include CEDAW, CRC, ICCPR, and the UDHR.

3.9 Potential Revenue Streams

3.9.1 Traffic Cases

The new *Motor Traffic Act* has come into force and as soon as the documentation such as Traffic Infringement Notices are finalized traffic cases can resume being prosecuted and fines imposed. The NPF have obtained breathalysers and officers have received training and have started using them to try and curb the prevalence of drunk driving on the Island. This is another potentially revenue stream as the fines are deliberately set quite high to be a deterrent to motorists driving while being under the influence of alcohol.

3.9.2 Fisheries Cases

Nauru has had considerable difficulty in monitoring illegal fishing activity by foreign ships within its EEZ because it doesn't have a Navy. Due to a Ship Rider arrangement with the Nauru Police Force an officer is periodically put on an American Coastguard Vessel based in Hawaii to patrol Nauru's EEZ. The officer is able to report on ships that are conducting illegal fishing activity and ship owners and masters can be prosecuted. The threat of black listing ships is an effective way for getting ship owners to submit to the Jurisdiction and appear.

The last case that was successfully prosecuted was that of the Albacora S.A a Spanish vessel which was found conducting illegal fisheries activities and failing to store or secured all fishing equipment on board the vessel while it was within the EEZ of Nauru. The Shipping Company Alabcora Uno, together with Master of the vessel and Fishing Master, each pleaded guilty on 24th September 2013 to 2 counts each of the above offences and were fined a total of (AUD) \$1,000,000.00 which was paid to treasury. Department of Justice is in the process recruiting a legal officer who will specialize in investigating and preparing fisheries cases for prosecution. The officer will work closely with NFMRA, ODPP and NPF as well as Regional and international Fisheries Agencies in monitoring and prosecuting illegal fishing in our EEZ.

3.9.3 Customs Cases

With the improved staffing and training of Customs officer's the level of scrutiny and monitoring of goods being imported into the Country has increased dramatically. The new *Customs Act* 2014 gives increased powers of search and seizure for customs officers and has enabled them to detect more breaches. This has led to more cases being referred to ODPP for advice and prosecution. The most common offences include the import of undeclared items with the intention of evading confiscation or the duty payable on such items such as contraband cigarettes and food items. In terms of exports there have been cases of Chinese businesses attempting to take large sums of cash out of the country given the unavailability of banking facilities having not declared such amounts. In instances where these sums are detected being attempted to be taken out of the country the perpetrators are usually liable to prosecution and the money subject to forfeiture. Because of the high fines prescribed under the new *Customs Act* successful prosecution of Customs cases would be another revenue stream

3.10 Working Groups

In line with the ODPP vision we have set up working groups to ensure that all stakeholders and ODPP can work together for the betterment of prosecuting cases before the courts. These working groups include:-

- i. Working Group with Health Department for the inclusion of a new medical form which allows maximum detail in the recording of information from victims of serious assaults and sexual offences.
- ii. Working Group with the Ministry of Women and Child Services in relation to vulnerable victims and witnesses such as women and children and people living with disabilities.
- iii. Working Group with Commissioner of Police and the taskforce within the Police for the interaction in terms of police investigations, bench warrant executions and summons service.
- iv. Working Group with DV Unit and the Police Prosecution for the setting up of a checklist for guideline investigations and also investigations in relation to women and child victims of sexual offences.

3.11 Conclusion

The inclusion of another prosecutor to the ODPP and our increased interaction with the police working group and other working groups bodes well for the ODPP in that we will be anticipating a better quality of brief from police investigators and better cooperation from NPF generally. This will lead to quicker turnaround times between investigation and the decision to prosecute in keeping with our aim to accomplish fair and effective prosecution of criminal cases. Although generation of revenue is not our primary concern a corollary of more efficient and effective prosecution will be an increased ability to tap into the revenue streams that are outlined above.

4. PUBLIC LEGAL DEFENDER

Government's response to the notion of equal access to justice was the creation of the Public Legal Defender's Office. While it is the responsibility of the Government to ensure that people who break the law are duly prosecuted, it also recognizes that accused persons have a right to adequate legal representation. In the past the Office of the Legal Public Defender was manned by a lone pleader or lawyer who came directly under the supervision of the Secretary for Justice and Border Control.

In January 2014 a new full time position to head the Public Legal Defender's Office was established and John Rabuku appointed as the head of the Office.

4.1 THE STAFF

Public Legal Defender	:	John Rabuku
Legal Officer	:	Ravuanimasei Tagivakatini
Pleader	:	Knox Talenoa
Paralegal	:	Roqous Aingimea

The growth of the office from a lone staff member to four within a span of one and half years is a testament to the growing legal needs of the people and the need for more legal literacy in the community as a means to equip the people of Nauru and foreigners alike on knowing their rights and how to access them.

4.2 DUTIES

The Public Legal Defender, Legal Officer and Pleader all share the work of taking instructions from clients, providing advice and appearing in court. The Paralegal is tasked with office administration, preparation of files for the lawyers and pleader, liaising with the court and the Secretariat of the Department.

The Public Legal Defender being the head of the Office is responsible for the overall supervision of the Office and the staff. He is therefore responsible for the allocation of case and court work to both the legal officer and pleader and the allocation of administrative work to the paralegal. His supervisory role ensures that he keeps a constant check on the work allocated and attended to by each of his staff member.

4.3 REPORTING LINES

The Public Legal Defender reports directly to the Solicitor General who supervises the work of the office on an administrative basis. The Solicitor General in turn reports directly to the Secretary for Justice and Border Control on the work of the Public Legal Defender's Office.

The Public Legal Defender's Office has the discretion to decide whom it will represent, how the representation will be handled and how the cases will be dealt with before the courts.

4.4 MEANS AND MERIT TEST REPRESENTATION

The work of the Public Legal Defender's Office is simply the work of providing legal aid to the people. In most countries the Legal Aid system employs a means and merit test. That is whether the person applying for legal aid has the means to pay for his own lawyer or not and whether his or her case has a meritorious defence.

The Office of the Public Legal Defender here in Nauru does not apply either the means or the merit test. It represents anyone and everyone who requires representation when charged with a criminal offence and this includes Nauruans, Non Nauruans, Asylum Seekers and Refugees.

4.5 DATABASE SYSTEM

The Public Legal Defender's Office launched a data base system in early 2014 to keep proper records of all its clients and the progress of their cases. When the database was launched the office inputted all existing files into the database. Client files that were closed were automatically closed off and other pending ones were dealt with in court and then closed off. On a day to day basis the office closes off client files as work on them are concluded and open new files as it takes on new clients and receive new instructions.

4.6 STATUS OF FILES

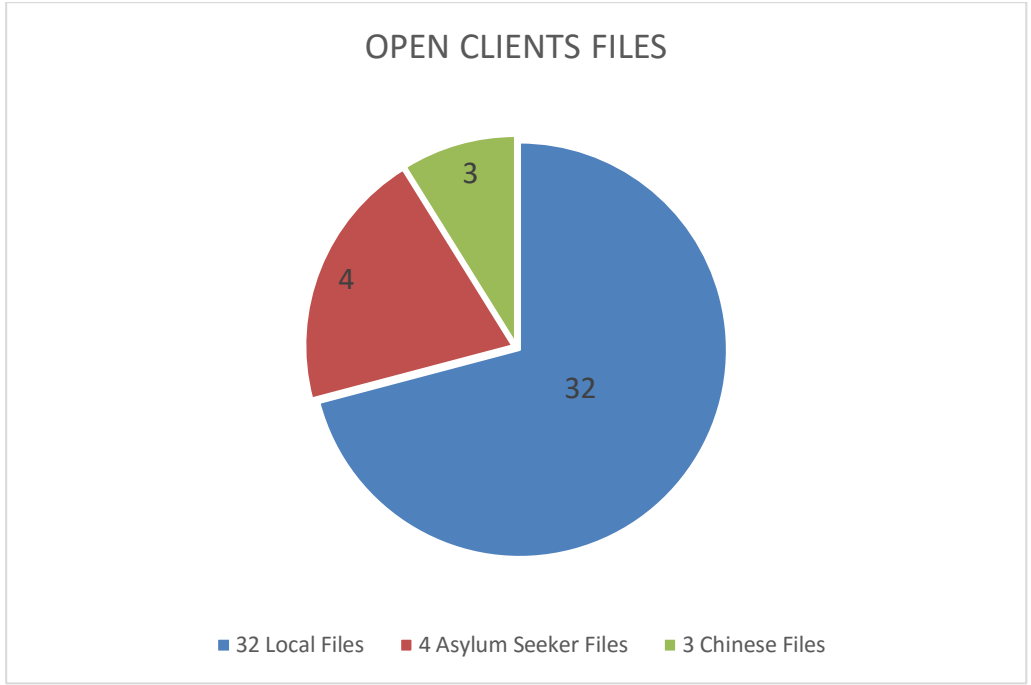
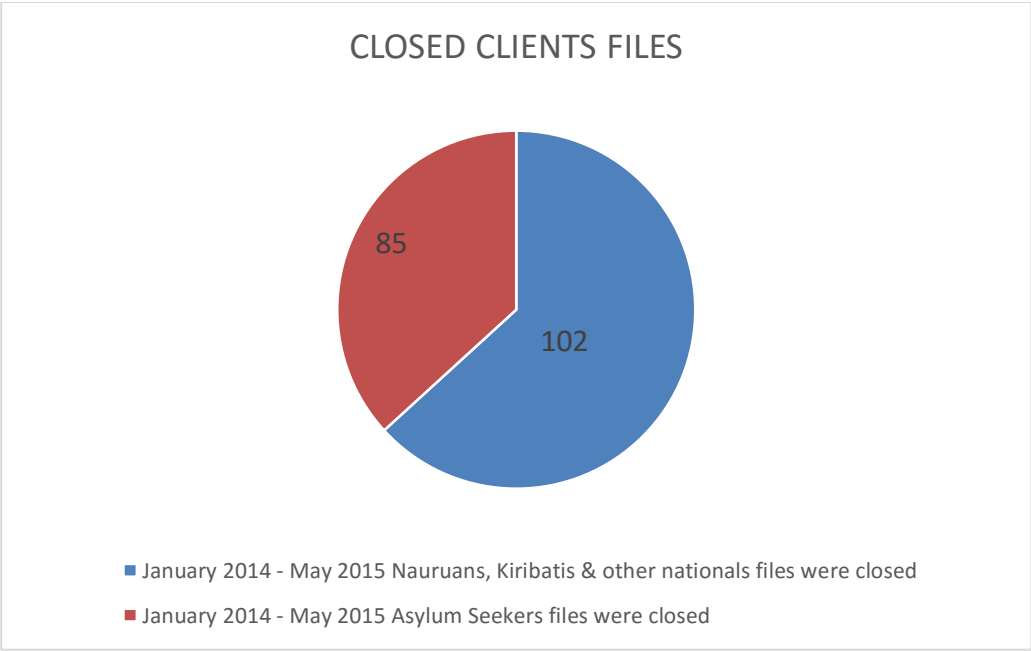
From January 2014 to date the Office closed off a total of 187 clients files.

From January 2014 to date the office has dealt with 85 Asylum Seeker and Refugee Clients to completion. Some assistance was rendered by Australian lawyers to clients who were accused of rioting and burning RPC1 in July 2013. All of those cases are completed with the exception of one which is on appeal in the Supreme Court.

From January 2014 until to date the office has dealt with 102 Nauruan clients including a minute number of Kiribati and Chinese clients to completion.

From January 2014 to date only 2 clients have served imprisonment sentences.

To date we have a total of thirty nine (39) clients registered on our data base system as current clients. These are clients with live cases that are pending before the Courts.



4.7 CURRENT DEVELOPMENTS

The Public Legal Defender’s Office has now been allocated a new office space by the Secretary for Justice and Border Control. That will allow the Office to maximise its potential in confidently dealing with their clients in the office, in preparing for their cases before the Courts, and allows the Office to properly and sufficiently house its staff with ample space for a reception area for clients and members of the public.

The Office is also in the process of launching pamphlets for community legal literacy with the view of continuing to educate the public on their rights and the avenues that they can access when it comes to their daily legal problems.

4.8 CONCLUSION

The Public Legal Defender’s Office is one of the proud achievements of the Department of Justice and Border Control in the past year and a half. This is because it is a reflection of Government’s commitment that all Nauruans and foreigners who are within the jurisdiction have adequate and quality representation before the Courts.

This Office can only become stronger and more efficient moving forward.

5. JUDICIARY DEPARTMENT

The Judiciary Department plays an important constitutional role in the nation. The Department consists of the Supreme Court, District Court and the Family Court. Each Court has a constitutional responsibility to deliver justice according to law, without fear or favour, affection or ill will. It carries out these responsibilities by adjudication through the provision of judgments, rulings and orders.

The department is headed by the Chief Justice, Joni Madraiwiwi who is assisted by two Judges, Justice Mohammed Khan and Justice Jane Crulci who preside over matters in the Supreme Court. All three reside off island and come on a monthly basis to preside over matters before the Supreme Court.

Magistrate Emma Garo is the Resident Magistrate and she hears matters in the District Court. By law, the Resident Magistrate Chairs the Family Court with two Lay Magistrates.

The Registrar, David Toganivalu is the administrative Head of Department and has the powers of a Judge of the Supreme Court to hear matters when the Judges are off island. The Acting Deputy Registrar is Irene Waidabu and she plays a supportive role to the Registrar.

The other Judiciary staff are:

- Administration Officer Merhonda Tannang
- Chief Probation Officer Lena Porte
- Executive Secretary Liz Kaloudau
- Family Liaison Officer Jezza Agadio
- Librarian Rylaetta Daoc
- Court Clerk Laurie Tebouwa
- Court Clerk Babrishka Adam
- Court Clerk Siro Temaki
- Court Clerk Charm

5.1 Supreme Court

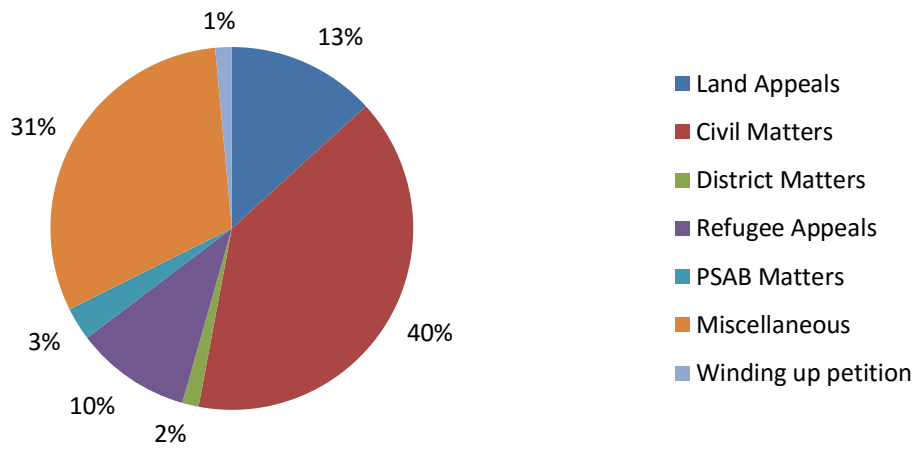
The Supreme Court is headed by the Chief Justice who hears cases, deals with administrative matters and attends official government functions. Justices Khan and Crulci come on every alternative month to preside over matters in the Supreme Court.

The High Court of Australia is the final Court of Appeal for certain matters. The Supreme Court hears civil matters with claims amounting to more than three thousand dollars, land appeals, serious criminal matters and appeals, application for injunctions and recently refugee appeals.

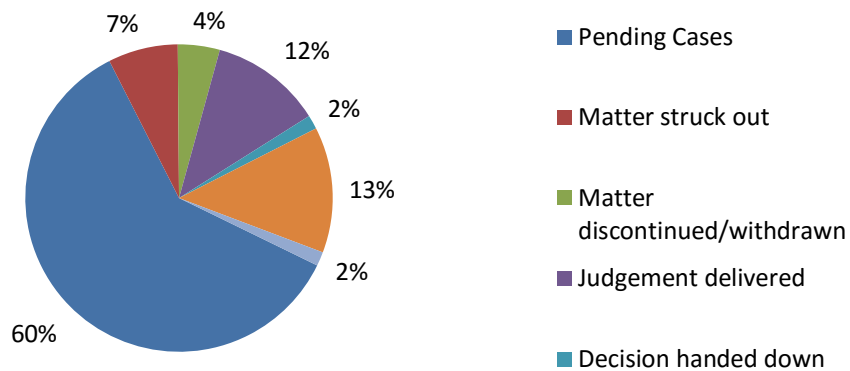
In 2014, the Supreme Court Registry received 70 cases/matters in the Supreme Court Registry. Out of the 70 cases, 27 are Civil Matters, 9 Land Appeals, 7 Refugee Appeals and 21 Miscellaneous Applications. The miscellaneous matters refer to barristers and solicitors applications for admission and a few preliminary applications before the Registrar or Judge.

Total numbers of pending cases are 41, 7 cases have received judgments; while some matters have either been struck off or dismissed.

2014 Supreme Court



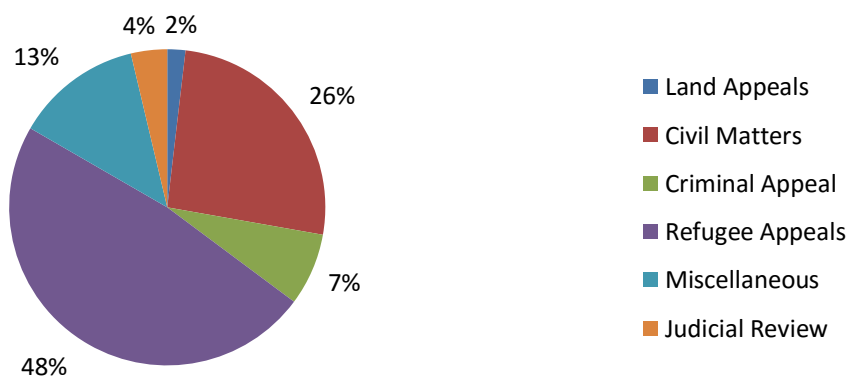
2014 Matters before the Supreme Court



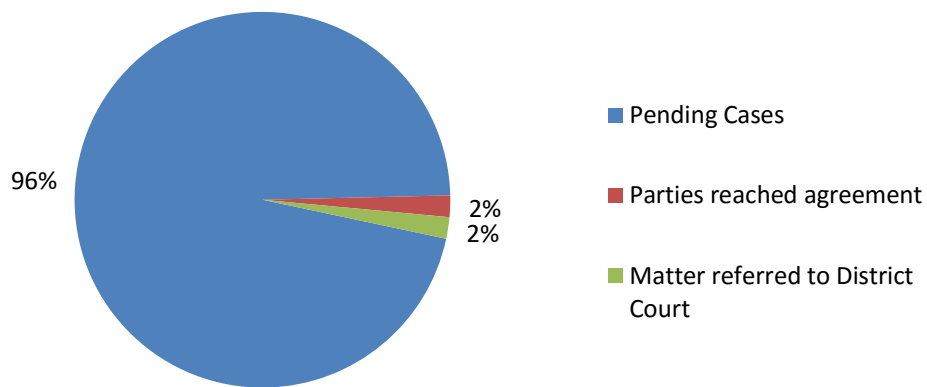
Supreme Court – 2015

To date there has been a total number of 54 cases filed in the Supreme Court. Majority of the cases filed are refugee appeals, 1 case is a land appeal, 14 cases are civil matters, 4 criminal appeals, 2 for judicial review and 7 miscellaneous cause. 52 matters are still pending in court while 1 case has been referred to the District court and 1 matter has been settled by both parties reaching an agreement.

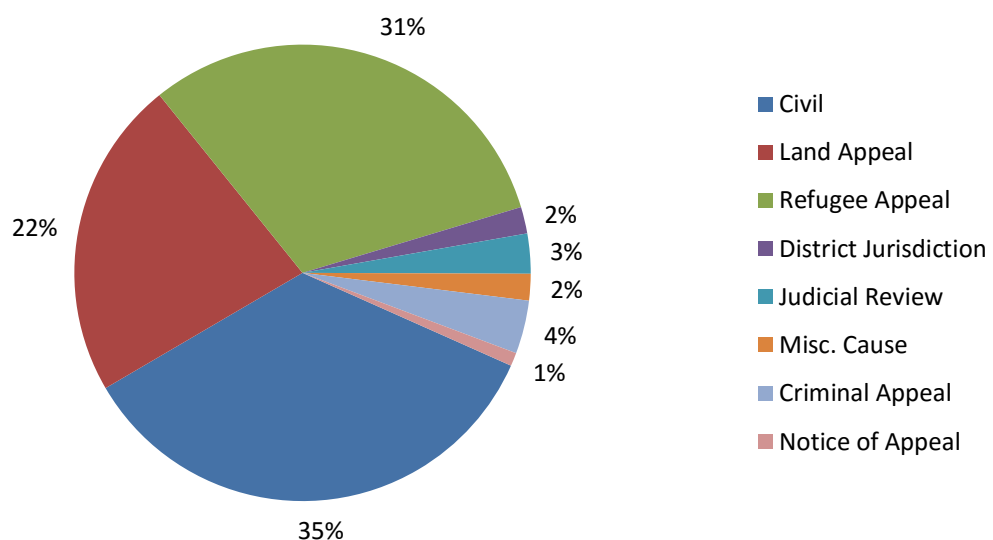
2015 Supreme Court



2015 Matters before the Supreme Court



Pending cases in the Supreme Court



Reasons for delay and backlog of cases

The reasons for the delay or backlog of the 106 cases can be summarized as follows:

1. The Refugee Appeals have been filed but no date has been assigned to these cases as the Department of Immigration & Border Protection, Australia are still trying to organize lawyers in Sydney to do a merits review on each application. Once the reviews are done and lawyers are identified to argue these matters then the Supreme Court will be able to list these matters down for Hearing.
2. Many of the civil matters and land appeals have been listed for Hearings but the parties (and sometimes their counsel or pleaders) have not been ready so cases have been adjourned continuously.
3. Some of the lawyers and pleaders have not been on island when their cases are called so cases get adjourned continuously which contributes to the back log.
4. Lawyers and pleaders sometimes do not comply with directions from the Court with regard to submissions and/or filing of documents and extensions of time for filing or responding to submissions which further adds to the delay of cases to be heard and dealt with.

Highlights for 2015

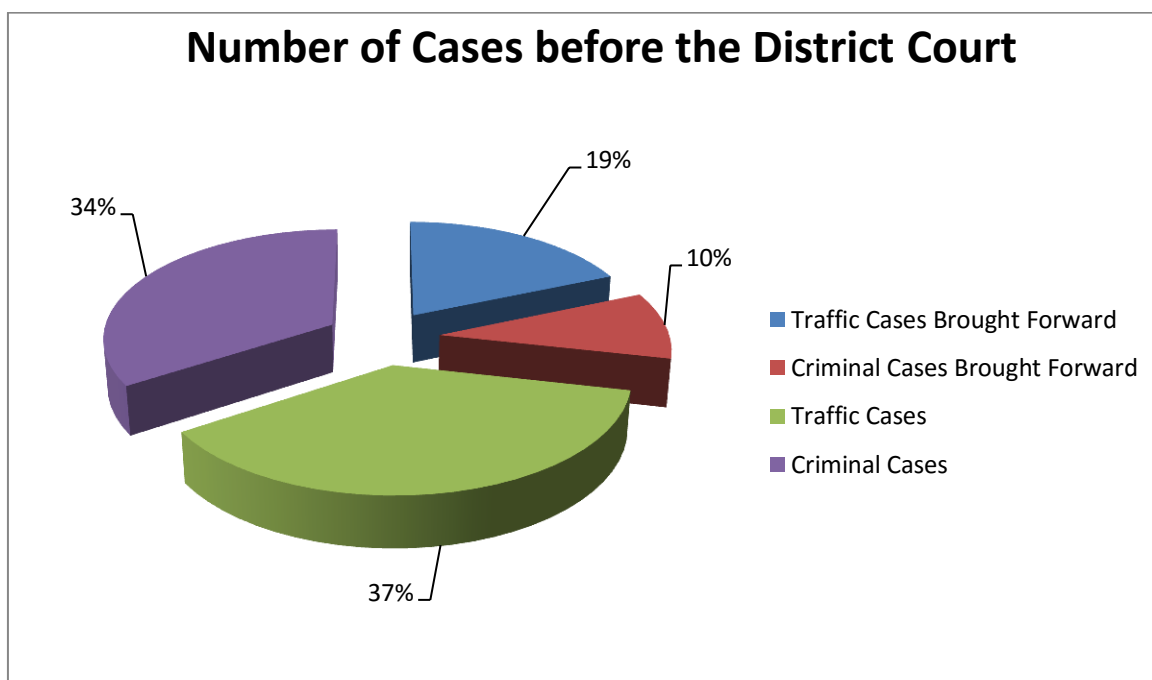
1. The renovations of the Court House was awarded to Eigigu Enterprises at a cost of \$112,000.00. This will see an improved look of both the outside and inside of the Court House building.
2. The Department sent two staff for work attachments in the Fiji Courts (Jezza Agadio and Babriska Adam) in April 2015. Irene Waidabu and Raeyletta Daoe attended a Workshop on Court Room Technology in Brisbane in May 2015 on.
3. A week long workshop for the Probation Officers with the valuable support of New Zealand Aid.

4. The Chief Justice attended the Pacific Annual Chief Justice Meeting in Samoa in April 2015 and has renewed ties with the Pacific Judicial Development Program (PJDP). PJDP have now re-engaged with Nauru and are currently assisting with training and work attachment for departmental staff. They are also funding Nauru Judicial Officers to attend the annual Commonwealth Judges and Magistrate Conference which will be held in Wellington New Zealand in September 2015.
5. With the valuable support of Secretary for Justice and his team the department is on the verge of acquiring a second Court House which is expected to be completed soon. The purchase of new official vehicles for the Chief Justice and the Magistrate is expected to result in substantial savings with the return of vehicles leased.

DISTRICT COURT REPORT FOR 2014

NUMBER OF CASES BEFORE THE DISTRICT COURT

The number of cases in the District Court from the previous years to be dealt with in 2014 is 139. There is 48 of these brought forward cases are criminal matters and 91 of these cases are Traffic Matters. The total numbers of criminal cases registered in 2014 are 167 cases. The total numbers of Traffic matters registered in 2014 are 183 cases. This brings the total number of cases to be dealt with in 2014 to 489.



DISPOSAL OF TRAFFIC MATTERS

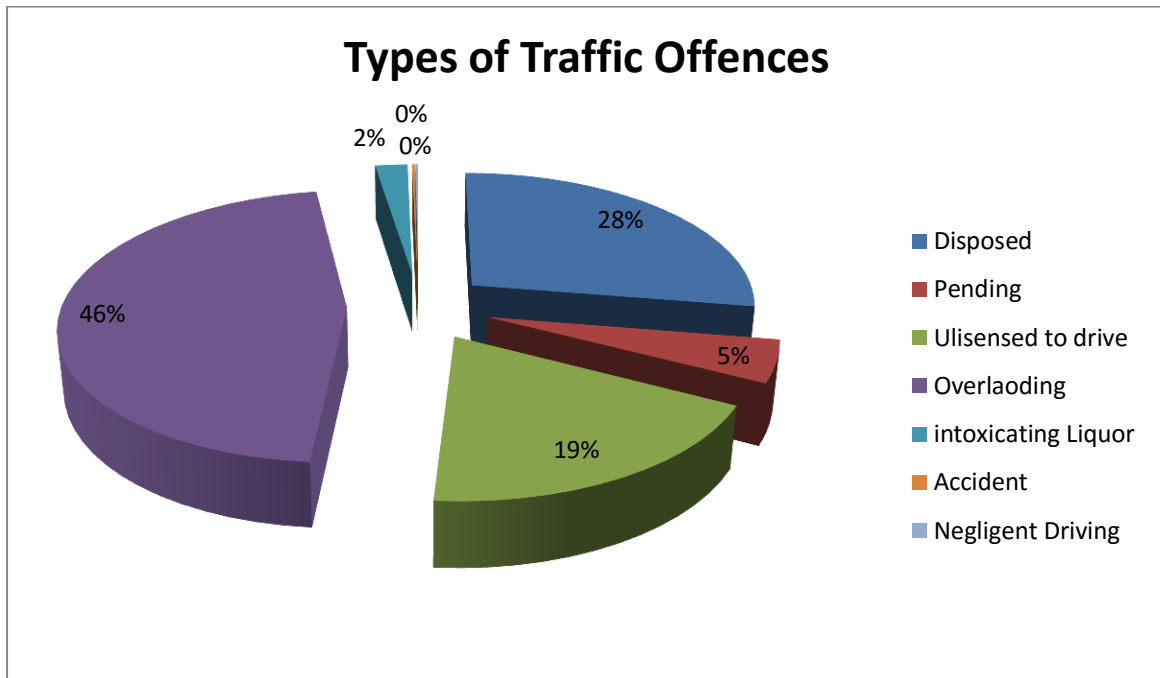
148 cases which represents 67% of all the traffic matters that were pending before the District Court in 2014 have been dealt with by way of withdrawal upon application by the Office of the Director of Public Prosecutions under section 153 (2)(b)(11) of the *Criminal Procedure Act 1972*. The reason given is that of non-compliance with section 50 (3) of the *Criminal Procedure Code Act 1972* at the time that the matters were registered with the court. By the time a file audit of all the traffic matters revealed this, any attempt to rectify the situation would have been time barred under section 159 of the *Criminal Procedure Act 1972*.

32 traffic cases were dealt with by way of convictions being entered and the defendants were ordered to pay a fine. Fines in respect of 18 traffic matters have been collected and the total fine collected is \$1090.00. This represents 18 % of the traffic cases dealt with by the court. Fines in respect of 14 traffic matters are yet to be collected and the amount due for collection is \$900.00. This represents 15% of the traffic matters for which committal warrant have been issued by the court in default of payment of fines imposed but are yet to be executed. Two cases had 14 hours of community service being ordered for each defendant and this represents 2% of the traffic cases dealt with by the court. 1 traffic matter was acquitted. This represents 1 % of the traffic cases dealt with by the court.

As at the 31 December 2014, there were 12 Traffic Cases pending before the District Court. The status of the 11 Traffic Cases is that the defendants are yet to be summonsed to appear before the court to take their pleas. Summonses have not been served.

TYPES OF TRAFFIC OFFENCES REGISTERED WITH THE COURT IN 2014

104 charges relate to that of driving without a licence, 71 Charges related to overloading, 2 charges involve driving whilst under the influence of liquor, 2 charges relate to driving whilst unfit to drive and 2 charges involve negligent driving.



TYPE OF OFFENCE	NUMBER CHARGES FILED	OF	%
Common Assault	47		24%
Disobedient to statute law	2		
Threats to kill or injure	2		
Use of obscene Language	4		
Going Armed in a Public Place	5		
Serious Assaults, Aggravated assaults, grievous bodily harm	27		
Threatening Violence	4		
Affray	2		
Challenge to fight a dual	2		
Apprehended Violence Orders	7		
Right of access to restricted Area	2		
Offensive Behaviour	2		
Persons found in a dwelling house	3		
Offences under the Electoral Act	19		
Supply of Liquor upon licence premises during prohibited hours	7		
Drunk & Disorderly in a public place	1		
Leaving the RPC without permission	1		

Arson	1	
Unlawful Assembly & Riot	1	Before Meneng Court
Unlawful possession of illicit drugs	1	
Resisting Arrest	7	
Damaging property	3	
Abduction	2	
Obscene Publication	2	
Rape	2	
Negligent Act Causing Harm	1	
Burglary	1	
Break out	1	
Attempted Rape	1	
Consumption of Liquor by a person under 21	2	
Manslaughter	1	
Unlawful Publication of defamatory matter	1	



CASES WHERE WOMEN AND CHILDREN ARE THE COMPLAINANTS

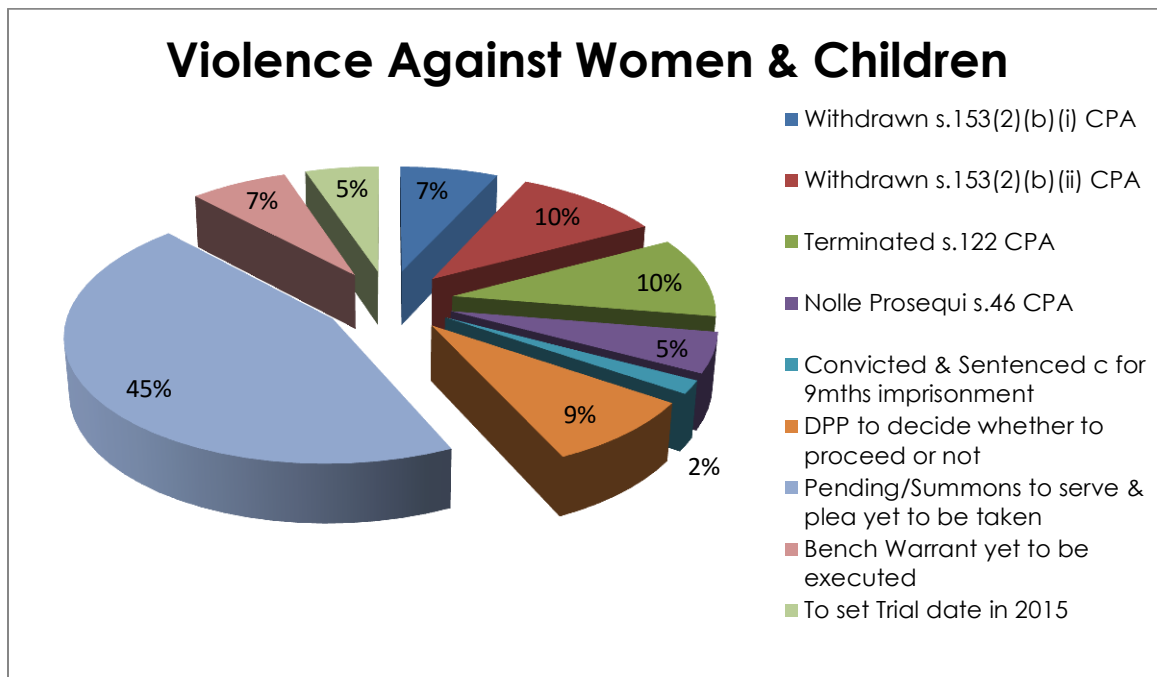
Of the 167 cases registered in 2014, 58 cases involve complainants who are women and children. This represents 35 % of criminal cases registered in 2014. The offences ranged from common assault, indecent assault, persons who are found in a dwelling house, bodily harm, apprehended violence, use of obscene language, offensive behaviour, acts intended to cause grievous bodily harm, grievous bodily harm, aggravated assaults, indecent treatment of girls, attempted rape, rape, abduction, and improper use of telecommunication services.

DISPOSAL OF CASES THAT INVOLVE WOMEN AND CHILDREN AS COMPLAINANTS COMING BEFORE THE DISTRICT COURT

Of the 58 cases:

- 4 cases were withdrawn under section 153(2) (b) (1) of the Criminal Procedure Act 1972.

- 6 cases were withdrawn under section 153 (2) (b) (i) of the Criminal Procedure Act 1972.
- 6 cases have been terminated under section 122 of the Criminal Procedure Act 1972.
- 3 cases were the subject of *nolle prosequi* under section 46 of the Criminal Procedure Act.
- In 1 case, the defendant was convicted and sentenced to 9 months imprisonment.
- 5 cases are awaiting determinations by the ODPP on whether to proceed with prosecutions.
- 26 cases are still pending before the court and pleas yet to be taken. Summonses are yet to be served on the defendants to appear before the court.
- 4 cases are pending due to bench warrants that are yet to be executed.
- 3 cases are awaiting trial dates to be set in 2015

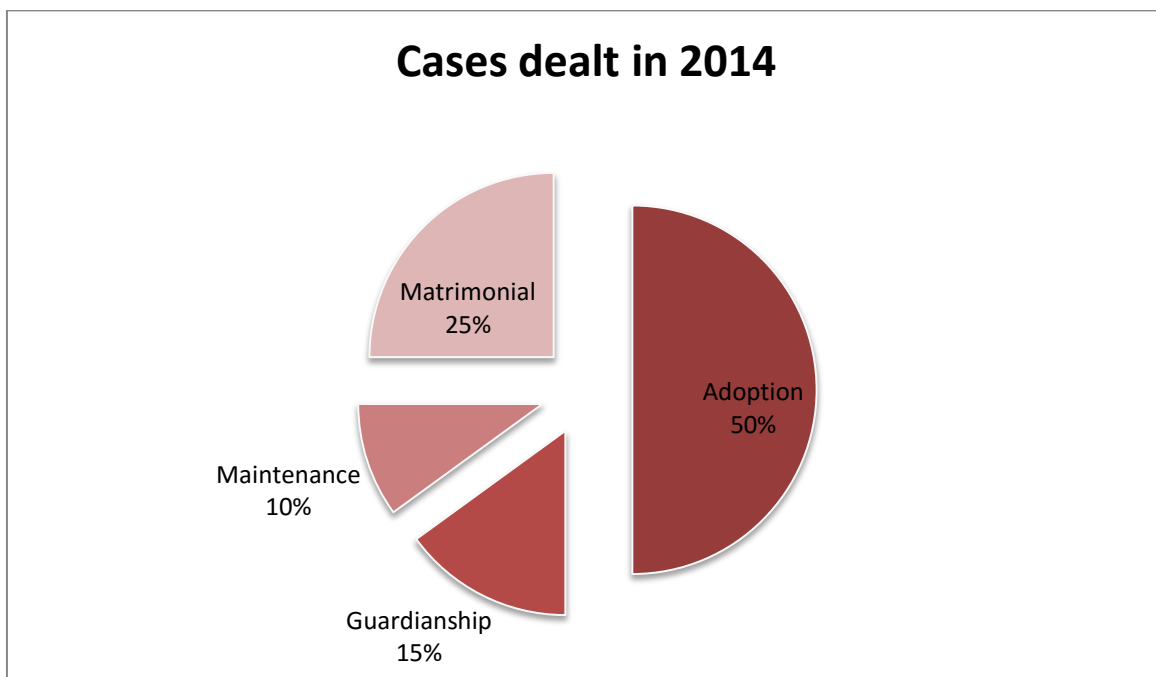


Revenue income (Court Fines) in District Court

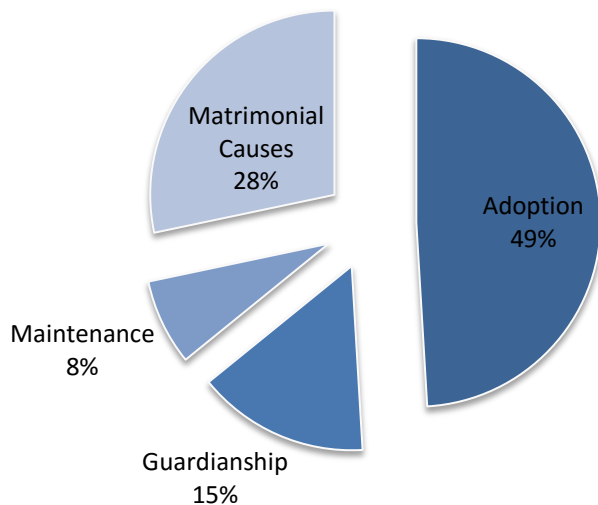
Receipt Payments in 2014: \$2500.00

Family Court

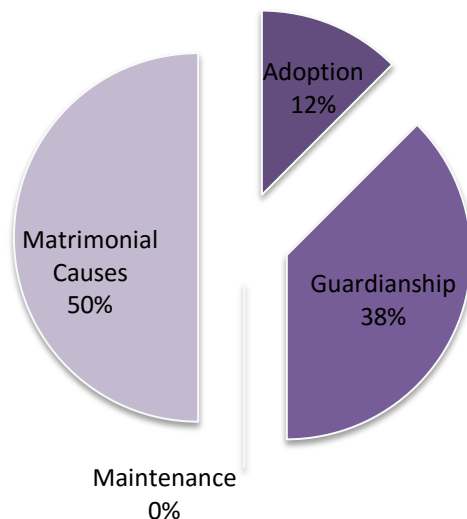
A total of 53 cases were registered in 2014. 49 cases have been dealt with. There are 8 matters pending before the court to be dealt with in 2015.



Registered Cases in 2014



Pending Cases yet to be dealt with in 2015



Conclusion

The Judiciary Department is looking at the challenging months ahead as we try and case manage the cases to reduce the backlog and delay.

We will continue to strive to deliver an efficient and effective judicial service to Nauru.

6. CORRECTIONAL SERVICES

The Department of Justice which the Nauru Correctional Services is established under is responsible to providing safe, secure, and humane custodial services, consistence with the culture and values of Nauru, towards sentenced offenders and those remanded in custody of the Department by Court order.

At Nauru Correctional Service the integration of systems and processes developed by and for the senior officers and linking this to staff training has resulted in improved operational functioning.

The following systems were put in place during 2014.

- Operational Policy and Procedures manual
- Code of Conduct manual
- Job descriptions for all staff
- Conduct a training needs assessment
- Twelve registers including a complaints register, a discipline register, an incident report form, a prisoner property register, a prisoner work scheme register.

Nauru Correctional Services accommodates prisoners in separate facilities high, medium and low security prisoners including male adults, women and Juveniles.

Prisoners are provided with development programs to address their behavioural and other needs. We hope and intend to give them the life skills they will need to successfully re-join the wider community upon their release.

This report has been filed not only to meet the *Nauru Correctional Services Act 2009*, but also to provide an overview of the role and activities of the Department of Nauru Correctional Services.

As at 30 May 2015, there were 1 Chief Correctional Officer, 2 Superintendents, 6 male senior officers, 1 woman senior officer, 12 male correctional officers, 5 women officers and an administrative officer servicing the Centre. Mr Chris King an advisor to the Nauru Correctional Service commenced his role in April 2015. He is funded by New Zealand aid program.

Nauru Correctional Service has made progress toward compliance with international conventions relating to human rights, rights of prisoners, protection for staff; alignment with international best practice and recognition of Nauru custom and social norms.

During 2014 the Red Cross inspected the facility and reported improvements in the management of prisoners.

While our achievements position the Department well for the future, there are areas requiring operational improvement. The Department's strategy is to deal with difficult issues and situations, learn from them and plan improved practices and processes.

Our dedication to excellence will continue. Nauru Correctional Service's key future developments include:

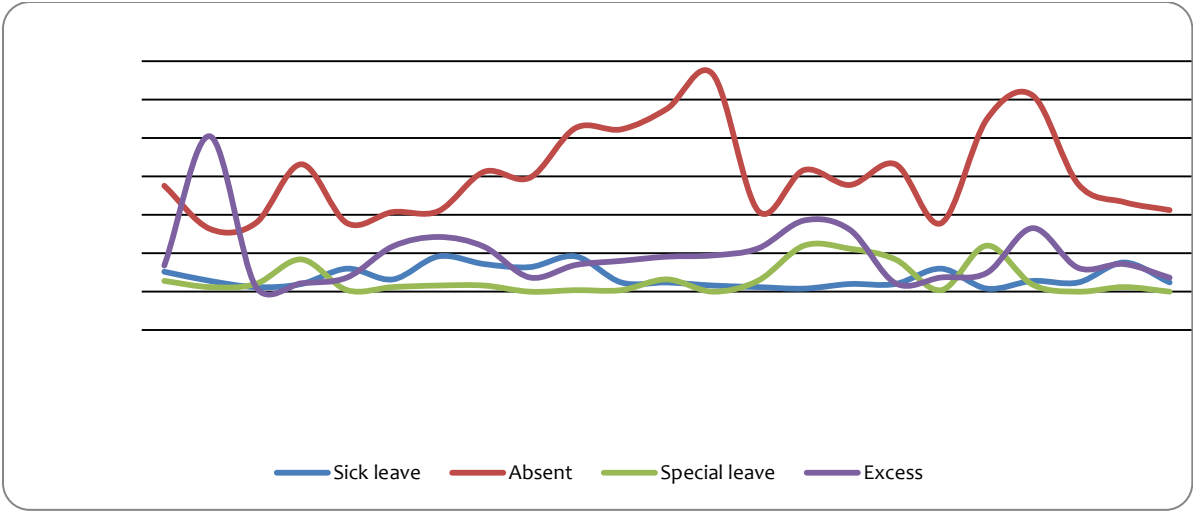
1. Training and Capacity building for our Officers.
2. To securely and humanely manage people ordered by the Court to serve a community based or prison sanction and to provide them with opportunities to lead law-abiding and productive lives.
3. Better manage individual case files.
4. Provide basic skills to inmates in plumbing, carpentry, electricity and mechanic
5. Provide a better Correctional facility.

The following reports and data will highlight the yearly activities and the charts show the increase in population, escape by inmates and other matters happening within the Department.

6.1 STAFF ACTIVITY

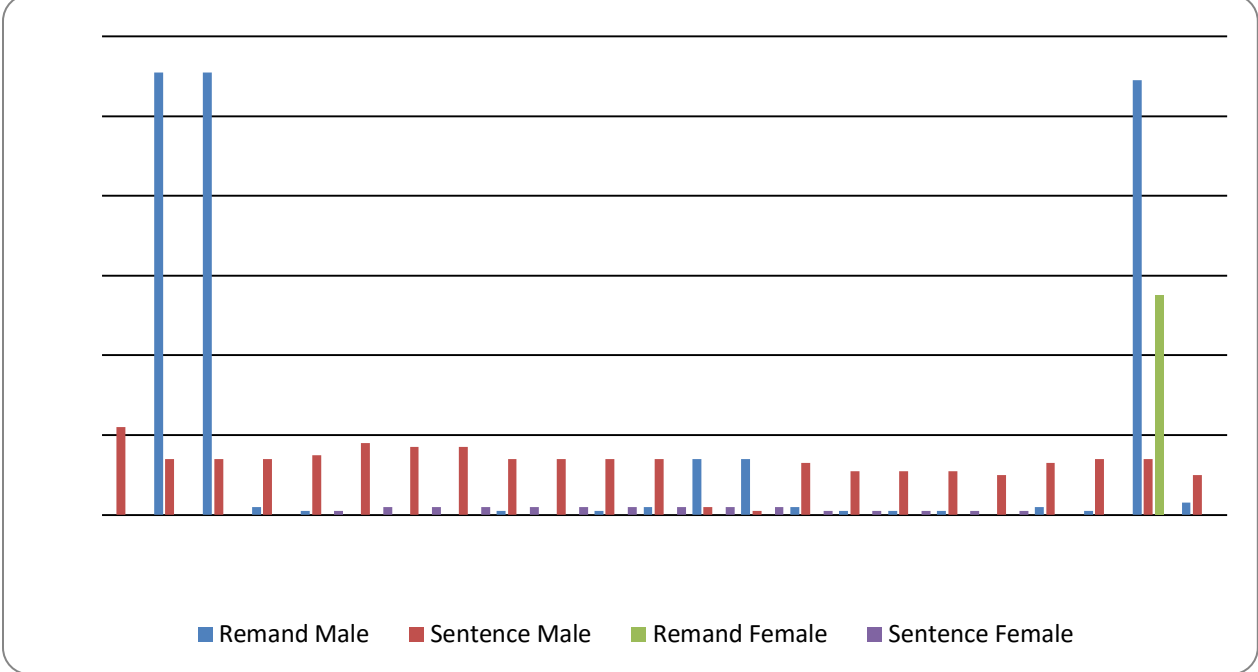
Attendance & performance

Data recorded – *[eight hours per head daily formula]*

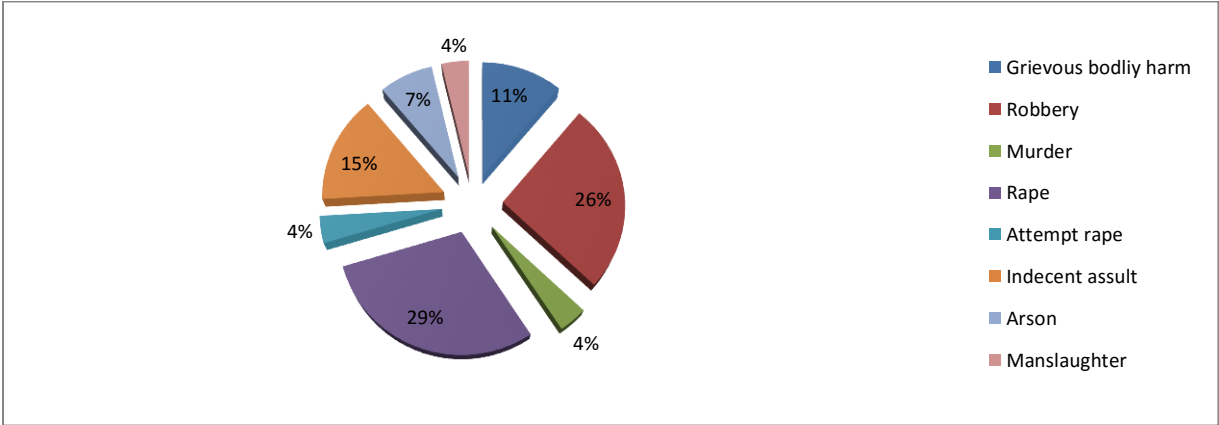


Inmate activity [2013/2014 – May 2015]

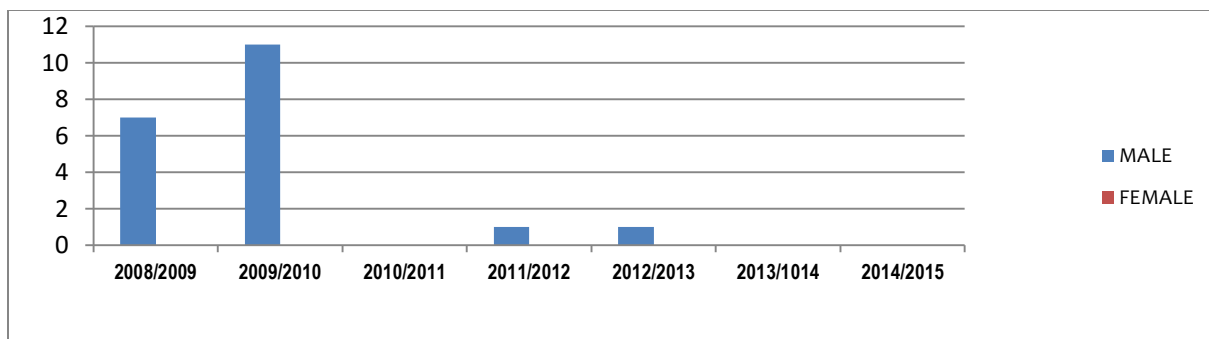
Incarceration records [Sentence/Remandee]



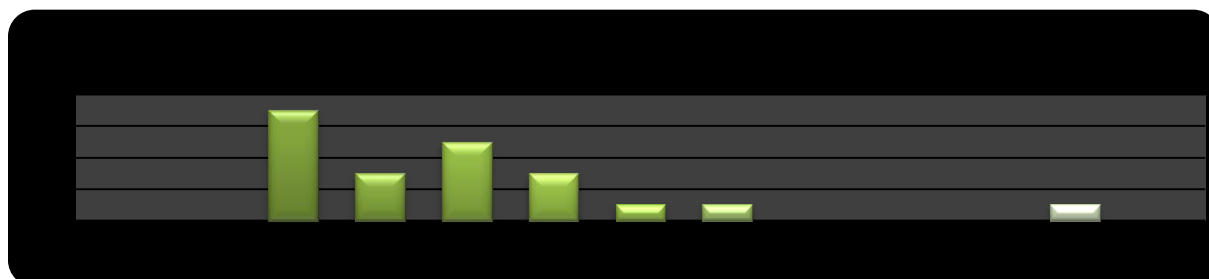
Type of offence committed [sentence] – NCS DATA



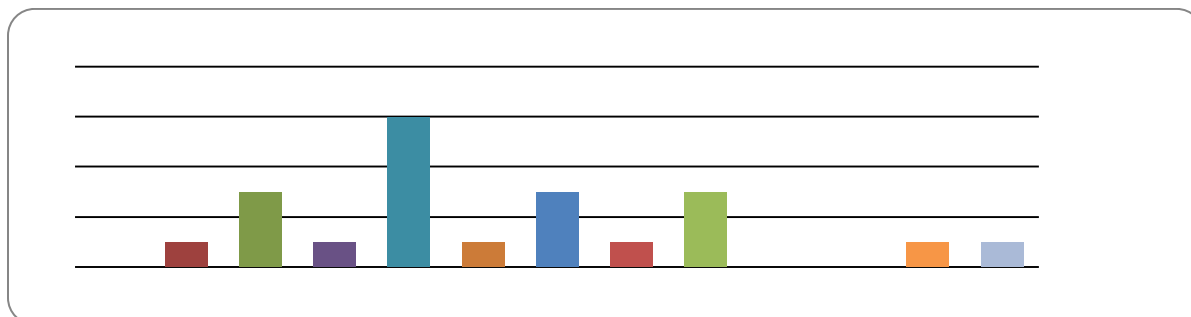
Escape record to date



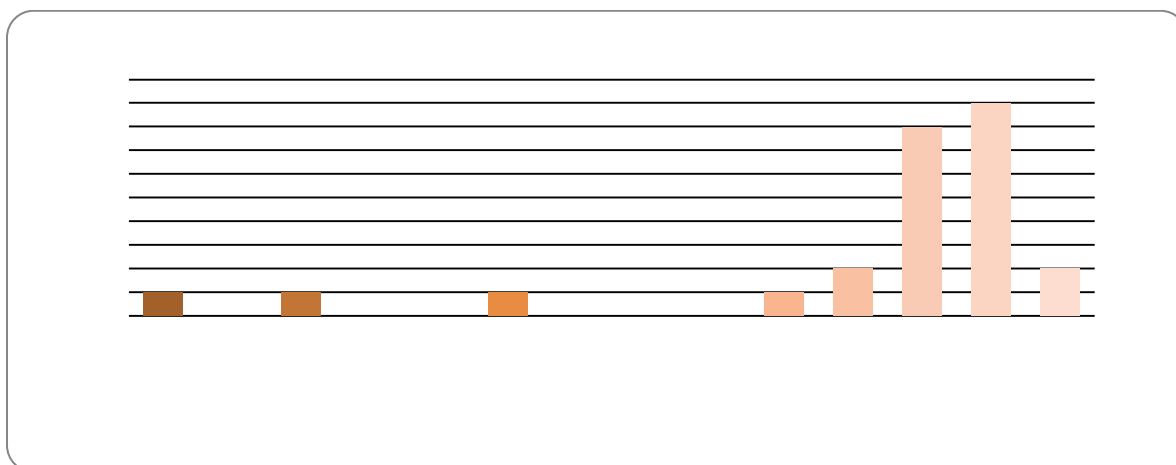
Inmates age rate record



Length of sentence



Crime scene [occurrence of the offence]



In conclusion, the Department, despite working with limited resources, remains committed to working in partnership with Refugee Processing Centre agencies, UN agencies and community groups, to ensure a safe and secure correctional system and so that offender programs reflect the principles of community safety and rehabilitation.

7.PLEADERS COURSE

The Chief Justice pursuant to section 10 of the Legal Practitioners Act may admit Pleaders to legal practice with or without prescribed conditions.

Thirty three students comprising public servants and others enrolled in the Pleaders course when it commenced in March this year after a lapse of more than 15 years.

It is a demanding programme with several lecture contact hours a week over a period of approximately 6 months. The course co-ordinator is Jonathan Marwick.

Pleaders are able to represent clients in the District Court. Eventually, after successful accreditation, Pleaders will also have right of audience before the Supreme Court of Nauru.

The course is being taught by lawyers in the DJBC and is expected to conclude around September this year.

Chief Justice Madraiwiwi and Justice Shafi Khan have delivered lectures on Legal Ethics to the students. Resident Magistrate Emma Garo has also made presentations on Family Law.

The modules already taught include: Introduction to Law, Criminal Law & Procedure, Family Law, Torts, Legal Ethics and Contracts. Land Law, Constitutional Law and Pleadings are some of the subjects that are yet to be taught.

The emergence of a new cohort of Pleaders will further improve access to legal services by Nauruans. Pleaders will work in many areas of the law including offering legal services to the general public.

Under section 17 of the *Legal Practitioners' Act*, pleaders will be allowed to:-

- prepare writs, pleadings, applications, notices, summonses and petitions in, or for the purpose of originating, any cause, matter or appeal in any Court on behalf of any party;
- attend at the office of any Court to file or issue documents in any cause, matter or appeal therein on behalf of any party to that cause, matter or appeal;
- attend upon any party to any cause, matter or appeal and upon any witnesses therein for the purpose of taking instructions and proofs of evidence; and
- attend in any Court, or in the chambers thereof, upon the hearing of any cause, matter or appeal, or of any interlocutory application therein, to represent any party thereto at the hearing and to argue before that Court, or before the judge or magistrate in Chambers, the case of that party.

Funding by the Government of New Zealand has made the hosting and running of the Pleaders course possible. GON acknowledges with gratitude the support of New Zealand for the programme.

Our people our future



8. LEGISLATIVE DRAFTING SECTION

This report from the Legislative Drafting Section of the Department of Justice and Border Control (DJBC) provides information relating to:

- A brief summary of the Section and the work that we do;
- Discussion on progress of work from 2014 to the present (May, 2015). This will include laws passed and significance of certain laws;
- Discussion on the current work undertaken;
- Report from conferences/workshops attended;
- An outlook on the future of the section.

The drafting section of the DJBC was established in late 2013 but only began proper in 2014, so this report shall only provide information from that date.

8.1 The Legislation Drafting Section – Staff

The Legislative Drafting Section (Section) is currently staffed by a senior government lawyer Mrs Unaisi Daurewa and one temporary legal assistant Kahiko Harris. It is anticipated that 2015 will see this increase to a junior lawyer to assist in drafting and a paralegal who will in addition to assisting the lawyers, take over the administration of RONLAW.

The Section reports directly to the Secretary for Justice and Border Control (SJBC).

8.2 Duties and Responsibilities of the Section

The Section is tasked with the following duties and responsibilities:

- Drafting of legislation and other statutory instruments;
- Drafting of all other documents connected to legislation including cabinet submissions, explanatory memorandum and second reading speeches;
- The administration of the electronic legislation archive of Nauru or RONLAW;
- Attendance of meetings, workshops and conferences on behalf of the SJBC;
- Membership on committees on behalf of the SJBC;
- Writing of legal opinions for the SJBC, other lawyers within the DJBC and for Agencies of government;
- Any other work delegated to the Section by the SJBC.

8.3 Summary of Laws Drafted and Passed

This part of the report contains a summary of the laws that were drafted by the Section and currently in force. The 2015 laws are those that have been passed to date.

2015

[1] Primary Legislation

SITTING	ACTS	ACT NO.	CERTIFIED
26 TH January	<i>Supplementary Appropriation Act 2014-2015 No.5</i>	1	26 th January 2015
	<i>Supplementary Appropriation Act 2014-</i>		

24 th February	2015, No. 6	2	24 th February 2015
24 th March	<i>Supplementary Appropriation Act 2014-2015 No. 7</i>	3	24 th March 2015
	<i>Adoption of Children (Amendment) Act 2015</i>	4	24 th March 2015
	<i>Naoero Citizenship (Amendment) Act 2015</i>	5	24 th March 2015
	<i>Motor Traffic (Amendment) Act 2015</i>	6	24 th March 2015
	<i>Nauru Police Force (Amendment) Act 2015</i>	7	24 th March 2015
12 th May	<i>Supplementary Appropriation Act 2014 – 2015 No. 8</i>	8	12 th May 2015
	<i>Port Authority Act 2015</i>	9	12 th May 2015
	<i>Audit (Amendment) Act 2015</i>	10	12 th May 2015
	<i>Education (Amendment) Act 2015</i>	11	12 th May 2015
	<i>Criminal Procedure (Amendment) Act 2015</i>	12	12 th May 2015
	<i>Criminal Code (Amendment) Act 2015</i>	13	12 th May 2015
	<i>Cybercrime Act 2015</i>	14	12 th May 2015

[2] Subsidiary/Subordinate Legislation

Subsidiary Legislation	S.L No.	Notified	Commenced	Parent Legislation	Enabling Section	Gazette No.	Gazette Notice No.
<i>RONWAN Consolidation Date Extension Regulations 2015</i>	1	30 January 2015	30 January 2015	<i>RONWAN Consolidation Act 2014</i>	Section 46	41/2015	12
Price Control Order No. 1 2015	2	6 February 2015	6 February 2015	Prices Regulation Act 2008	Section 5(3) and section 6(1)	44/2015	14

Rules for Empanelment of a Full Bench 2015	3	25 February 2015	25 February 2015	Civil Procedure Act 1972	Section 76(1)	71/2015	23
Immigration (Amendment) Regulations 2015	4	25 February 2015	25 February 2015	Immigration Act 2014	Section 33	72/2015	23
Practice Note No.1 of 2015 (Land Appeals)	5	18 February 2015	18 February 2015	Civil Procedure Act 1972	Section 76(2)	57/2015	20
Tobacco Control (Authorised Officer) Notice 2015	6	1 April 2015	1 April 2015	Tobacco Control Act 2009	Section 19(1)	157/2015	41
Motor Traffic (Breath Analysis Machine) Notice 2015	7	22 April 2015	22 April 2015	Motor Traffic Act 2014	Section 70 and section 71	199/2015	52

2014

[1] Primary Legislation

SITTING	ACTS	ACT NO.	CERTIFIED
28 th January	<i>Immigration Act</i> 2014	1	28 th January 2014
21 st May	<i>Supplementary Appropriation</i> No.2 2013-2014	2	21 st May 2014
	<i>Asylum Seekers (Regional Processing Centre) (Amendment) Act</i> 2014	3	21 st May 2014
	<i>Refugees Convention (Amendment) Act</i> 2014	4	21 st May 2014
	<i>Motor Traffic (Amendment) Act</i> 2014	5	21 st May 2014

	<i>Port Authority (Amendment) Act 2014</i>	6	21 st May 2014
9 th June	<i>Appropriation Act 2014 – 2015</i>	7	9 th June 2014
	<i>Supplementary Appropriation Act No. 3 2013 - 2014</i>	8	9 th June 2014
	<i>Legal Practitioners (Amendment) Act 2014</i>	9	9 th June 2014
20 th August	<i>Supplementary Appropriation Act 2014 – 2015 No. 2</i>	10	20 th August 2014
	<i>Litter Prohibition (Amendment) Act 2014</i>	11	20 th August
9 th September	<i>Supplementary Appropriation Act 2014 – 2015 No. 2</i>	12	10 th September 2014
	<i>Parliamentary Salaries and Allowances (Amendment) Act 2014</i>	13	10 th September 2014
	<i>Employment and Services Tax Act 2014</i>	14	10 th September 2014
	<i>Revenue Administration Act 2014</i>	15	10 th September 2014
	<i>Customs Act 2014</i>	16	10 th September 2014
	<i>Customs Tariff Act 2014</i>	17	10 th September 2014
	<i>Motor Traffic Act 2014</i>	18	10 th September 2014
	<i>RONWAN Finalisation Act 2014</i>	19	10 th September 2014
28 th October	<i>Supplementary Appropriation Act 2014 – 2015 No. 3</i>	20	29 th October 2014
	<i>Parliamentary Pension (Amendment) Act 2014</i>	21	29 th October 2014
	<i>Parliamentary Salaries and Allowances (Amendment) Act 2014</i>	22	29 th October 2014

	<i>RONWAN Consolidation Act</i> 2014	23	29 th October 2014
23 rd December 2014	<i>Supplementary Appropriation Act</i> 2014 – 2015 No. 4	24	23 rd December 2014
	<i>Asylum Seekers (Regional Processing Centre) Act</i> 2014	25	23 rd December 2014
	<i>Liquor (Amendment) Act</i> 2014	26	23 rd December 2014

[2] Subordinate/Subsidiary Legislation

Subsidiary Legislation	S.L No.	Notified	Commenced	Parent Legislation	Enabling Section	Gazette No.	Gazette Notice No.
<i>RONWAN Regulations</i>	01	30.06.2014	30.06.2014	<i>RONWAN Act</i> 2013	Section 6	13	65/2014
<i>Immigration Regulations</i>	02	30.01.2014	30.01.2014	<i>Immigration Act</i> 2014	Section 33	14	66/2014
<i>Immigration (Amendment) Regulations</i>	03	28.02.2014	28.02.2014	<i>Immigration Act</i> 2014	Section 33	31	160/2014
<i>Immigration (Amendment) Regulations</i>	04	21.05.2014	21.05.2014	<i>Immigration Act</i> 2014	Section 33	72	351/2014
<i>Motor Traffic (Fees) (Amendment) Regulations</i>	05	12.06.2014	12.06.2014 (repealed)	<i>Motor Traffic Act</i> 1937 (repealed)	Section 43	80	372/2014
<i>Land (Review of Land Rental Rates) Order</i>	06	12.06.2014	01.07.2014	<i>Lands Act</i> 1976	Section 16	79	371/2014
<i>RONWAN Date Regulations</i>	07	30.06.2014	30.06.2014	<i>RONWAN Distribution Act</i> 2013	Section 6	90	425/2014
<i>Customs (Prohibition of Imports) Proclamation No. 1</i>	08	11.08.2014	11.08.2014	<i>Customs Act</i> 1921 ¹	Section 46(g) and 49	107	504/2014
<i>Airport Runway (Security Restricted Area) Notice</i> 2014	09	15.09.2014	01.08.2014	<i>Civil Aviation Act</i> 2011	Section 106 (1) and (2)	121	579/2014
<i>Motor Traffic Regulations</i>	10	15.09.2014	15.09.2014	<i>Motor Traffic Act</i> 2014	Section 132	122	580/2014
<i>RONWAN Date (Extension) Regulations</i>	11	26.09.2014	26.09.2014	<i>RONWAN Distribution Act</i> 2013	Section 6	129	605/2014
<i>Motor Traffic (Approved Garage) Notice</i>	12	06.10.2014	11.09.2014	<i>Motor Traffic Act</i> 2014	Section 5	134	633/2014

¹The *Customs Act* 2014 repealed the *Customs Act* 1921, however, Section 323 provides for the continuation of Subsidiary Legislation made under the repealed Act until they are replaced or repealed under the new Act.

Motor Traffic (Approved Insurance Company) Notice	13	06.10.2014	11.09.2014	<i>Motor Traffic Act 2014</i>	Section 5	134	634/2014
Employment and Services Tax (Amendment to Schedule) Regulations 2014	14	08.10.2014	01.10.2014	<i>Employment and Services Tax Act 2014</i>	Section 29	136	652/2014
Motor Traffic (Amendment) Regulations No.1	15	16.10.2014	16.10.2014	<i>Motor Traffic Act 2014</i>	Section 132	143	702/2014
Customs (Extension Of Import Licence Due Date) Order No. 1	16	16.10.2014	16.10.2014	<i>Customs Act 2014</i>	Section 91 (3)	143	701/2014
Pleaders (Training and Examinations) Rules 2014	17	10.12.2014	10.12.2014	<i>Legal Practitioners Act 1973</i>	Section 57	793	171/2014

8.4 Major Projects for 2015

8.4.1 Reform of existing laws

2015 has seen the initiation of the review of several laws of Nauru listed below:

1. *Electoral Act*
2. *Public Service Act*
3. *National Disaster Risk and Management Act*
4. *Nauru Police Force Act*

The laws are being reviewed as part of DJBC's commitment to ensure that Nauru's laws are reflective of the values of the Nauruan people and are comparable to our neighbours in the Pacific and internationally. This is only the first step and there are other laws that have been identified as well as new laws that would be beneficial to Nauru.

8.4.2 Second Stage of Review of Criminal Code

The *Criminal Code 1899* was first considered for review in 2012 when the OPC was still functioning. Assistance was sought from the Attorney General's Department in Canberra, Australia and this was granted, beginning the long process of review. A policy paper and a first draft of Part 1 of the Code was provided to the OPC in 2012 and this was reviewed again in 2014 by the DJBC. It is expected that in July or August there will be another discussion on Part 1 and a first look at Parts 2 and 3. Once all the Parts of the Code are ready they will be distributed to relevant stakeholders for discussion and consultation.

8.4.3 First Stage of Review of *Nauru Police Force Act*

The assistance provided by the AGD for review of the *Criminal Code* also included a review of the *Nauru Police Force Act*. In a meeting held between the DJBC and AGD in 2014, it was decided that the *Criminal Code* would be reviewed first and once that is complete the *Nauru Police Force Act* will be reviewed.

8.4.4 Legislative Drafting Manual

Since the establishment of the legislative drafting section of the DJBC there has been noticed a need for a drafting manual that will act as the ultimate guide to drafting in Nauru. This will minimise problems associated with foreign drafters doing consultancy work for Government, archaic language being used in drafting and ensure consistency in drafting.

8.4.5 Consolidation of all Nauru laws

There is always a need to ensure that laws are up to date and easily accessible. Consolidation addresses that by incorporating all amendments (if any) to a law so that users of the law are able to identify immediately the most

up to date version of that law. It is hoped that with the increase in staffing of the section, there will be a full consolidation of Nauru's legislation.

8.5 Outlook for the Section

The section is hopeful that by the end of 2015 staff numbers would have increased to include a junior legislative drafter and a paralegal. This will greatly assist the turnaround time for drafting and increase output.

9. IMMIGRATION & BORDER CONTROL

Nauru Immigration has the responsibility for protecting the country's sovereign borders and, together with the NPF help strengthens national security. The *Immigration Act 2014* and the *Passports Act 2011* guide the work of the section.

The section reports to and works in collaboration with the Secretary for Justice. It currently has a total of thirteen staff including the Principal Immigration Officer.

A web site and email address have been developed so that visitors can access information on visas. It encourages online inquiries to minimise the inconvenience caused by physical visits to the government offices in Yaren.

All Regional Processing Centre service providers are now required to obtain appropriate visas to enter and work in Nauru. Immigration is in the process of making immigration movement and data accessible to relevant government agencies such as the NPF on a need to know basis as part of a co-ordinated approach to border security. Steps are also underway to improve the integrity of immigration data and records.

By working with ICT, the Immigration section aims to improve record and data storage and archiving. Having access to a reliable system is a fundamental necessity as earlier efforts to store such information has not met the standards acceptable by the Department.

One of the principal goals is to effectively enforce Nauru's immigration laws so that individuals who are unlawfully in Nauru or enter Nauru illegally are identified and prosecuted in accordance with the laws.

Through the use of technology, it is hoped that in the near future, operational and policy changes will see the abandoning of the current practice which necessitates the physical processing of passports of visitors upon arrival at the international airport which need to be obtained from the individual and later returned upon completion of process.

The section's overall functions have improved in the past year but there is room for improvement in order to meet and exceed the expectations of the public and users of our services.

Type of Visas Issued - 2013

BUSINESS	: 3,102
RESIDENT	: 115
VISITOR	: 257
SPV	: 16
EMPLOYMENT	: 1,526

Types of Visas issued - 2014

EMPLOYMENT	: 1,709.00	Government Employees and Consultants
BUSINESS RPC	: 1,308	Regional Processing Centre
BUSINESS BV	: 37	
VISITOR	: 556	
RESIDENT	: 147	
SPV	: 17	Special Purpose Visa

Types of Visas Issued – 2015

EMPLOYMENT	: 586	Government Employees and Consultants
VISITOR	: 188	
BUSINESS RPC	: 879	Regional Processing Centre

BUSINESS BV : 51
 BUSINESS PROC : 69
 RESIDENT : 40
 SPV : 8

REVENUE TOTAL FROM 2013-2015: \$4,956,826.8*

** This total does not include revenue payed directly to Governments Treasury account.*

9.1 PASSPORT DIVISION

The Division exists to provide travel documents to the public which comply with the standards required by ICAO.

9.1.1 STAFF MEMBERS

- 1) Ruby Amram - Senior Passport Officer (SPO)
- 2) Kerry Deije - Passport Officer (P.O 1)
- 3) Zita Itsimaera - Passport Officer (P.O 2) is now Acting P.O 1 – No leave taken
- 4) Josita Kamoriki - Reliever: commenced relieving duty 26th Feb 2014 to date, Acting as P.O 2.

PASSPORT SUMMARY REPORT: Shown below are quarterly reports on the number of passport issued as from Jul 2014 – Jun 2015.

Ordinary Passport	Emer-gency	Loca 1 L/D	NCP	NCP L/D	Replaced free	Canx	Not Readable	Health	Sample	Total
Jul-Sep'14	1015	37	18	-		38	23			
Oct-Dec'14	352	12	5	1*		32				
Jan-Mar'15	195		13	1		19		2		
Apr-Jun'15	157			1		6	1		3	
	1718	49	36	2		95	24	2	3	

No rpt record for 1* Tessie Hu issued 27th Nov 2014.

PASSPORT SUMMARY REPORT: Shown below are quarterly reports on the number of passport issued as from Jul 2014 – Jun 2015.

Ordinary Passport	Emer-gency	Loca 1 L/D	NCP	NCP L/D	Replaced free	Canx	Not Readable	Health	Sample	Total
Jul-Sep'14	1015	37	18	-		38	23			
Oct-Dec'14	352	12	5	1*		32				
Jan-Mar'15	195		13	1		19		2		
Apr-Jun'15	157			1		6	1		3	
	1718	49	36	2		95	24	2	3	

No rpt record for 1* Tessie Hu issued 27th Nov 2014.

REVENUE

Ordinary passports	1718	X	\$40.00	=	68,720.00
Lost & Damaged passports	36	X	1 st \$100 2 nd \$500		3,600.00
N/Citizen Investors	2	X	\$10,000.00		20,000.00
NCI Lost & Damaged	-	X	\$3,000.00		-
Emergency Passport fees	49	X	\$20.00		980.00
					\$ 93,300.00

From \$93,300.00 estimate revenue less \$10,000.00 that was stolen from the office in Jan 2015.

Note : Actual revenue can be obtained from Finance Dept

Official Passport				Diplomatic Passports				
	Issued	Canx	Sample		Issued	Canx	Sample	
Jul –Sep '14	43	7		Jul-Sep'14	4	2	-	
Oct – Dec'14	19	6		Oct-Dec'14	7	2	-	
Jan – Mar'15	19	1		Jan-Mar'15	3	-	-	
Apr – Jun'15	17	1	3	Apr-Jun'15	-	-	3	
TOTAL	98	15	3	TOTAL	14	4	3	

6 Refugee passports (color orange) plus 30 specimens arrived from Chan Wannich Printing Company in January this year. The 6 passports are with Joseph and the specimens are kept in the office locker.

ATTENDANCE, LEAVE & TRAINING

*The staff attendance is satisfactory according to the attendance record.

Passport Officer 1 (Kerryn Notte) Still on long leave without pay but according to HR, the position should now be advertised because there's no formal explanation of her long absence.

Passport Officer 2 (Zita Itsimaera) - who is now Acting PO1 took 3 months leave in Aug 2014. Resumed work in Nov 2014.

Senior Passport Officer (Ruby Amram) - Took 3 wks leave in Dec 27th to Bris to attend the Pathfinder Camporee and 1 weeks to Fiji to enrol her kids at sch. Resume duty Feb 2015.

Reliever – Josita Kamoriki took her maternity leave 14th of April 2015 prior to that, a request from this section to make Ms. Kamoriki a permanent employee was not approved by HR instead they decided to advertise the position of Kerryn Notte who is the PO1 & assistant to SPO because there was no formal notification from her to explain the reason of her long absence to them. According to Kerryn, she made the arrangement thru the Secretary for Justice office as an internal dept matter.

***Senior Passport Office attended ICAO meeting in Samoa 4– 8 May 2015. Invitation from NZ Dept of Internal Affairs. Its the first meeting of such importance that has sought the Pacific nations contribution towards assisting the ICAO Implementation and Capacity Building Work Group (ICBWG) in implementing the ICAO policies and guidelines on the Concept of Doc 9303, Guidelines on MRCTD, MRP, ePassports & physical security policies and practices. Had a change to meet Tony Dean from Delarue Security Printing who prints Nauru passports before Chan Wannich.

***Appreciation to Graham Leung for initiating a small safe to be installed in the office after the break in earlier this year which resulted in losing AUD\$10,000.00.

OFFICE NEEDS

- **Ordering more passports** - Remaining passports with NRO safe is 400 and 170 in the Passport Office. Since the issue with Chan Wannich as been solved regarding the Refugee passports and are going to be delivered to the Nauru Consulate in less than 30 days time. Arrangement for printing of more ordinary passport should be underway. As I gather from the ICAO meeting in Samoa, there are small changes and additional features of the passports to be considered which I will discuss with Joseph and Sec for Justice in the very near future.
- **The digital camera** used with the Passport system is broken and request if the remaining fund that was over paid to Chan Wannich Company could be used to purchase the camera to be shipped in with the Refugee passports.
- **Polaroid Camera** - To resume the use of the Polaroid camera that has been sitting in the office for more than 2 years. The purpose of this camera is to take photo for those who need foreign visas, patients and to be a backup for the digital camera. The photo produced by the Polaroid camera in this office is better than that of Capelle & Partners. To do this we request the purchase of Polaroid film from Brisbane.
- **Printer/Scanner/Copier (3in1)** is very much needed for this office ease the storage of files since the passport office is too small and the files & cabinet are increasing taking up space in the office.
- **Maintenance** - More work to be done to the filing cabinets at the front office. To add more shelves beneath the counter for storing files and other things so to give more space in the office. Require linesmen to run electrical wires in a way that is safe for the workers and cleaners. At this point janitors can't really mop and broom where the machines are afraid of the many wires under tables. Because cleaning not done properly it became the place of rats to play hide and seek and relieving themselves which is very unhealthy environments for the staff.
- **UPS** (power surge) for passport machines to avoid damages from power fluctuations.
- **External Drive** – To store all scanned files and applications from passport system.
- **Proper working chairs** are needed instead of outdoor plastic and half broken chairs that crowd the office. (repeated request) Graham Leung assured this office that the chairs already ordered.
- **Transport for Passport Officers** – This office needs own transport for the following reasons: 1. Pickup & drop off staff from work to avoid late excuses when the bus fail to come on time. 2. Doing office errands such as mailing, going to hospitals to assist referral patients to complete their passport application forms and taking their photos for the issuance of their passports.. Visit homes of old people at the request of their families due to their disability to walk to our office to complete the requirements of application to acquire their passports for the purpose of travelling or use as ID.
- **Uniform** for the staff – staff will be easily recognised from what department she/he belongs and also help the staff restrain from leaving their offices wondering about during working hours.

10.REFUGEE STATUS DETERMINATION

The establishment in 2012 of the Regional Processing Centre (RPC) has had a significant effect on Nauru in nearly every sector. The workload of the Department of Justice has increased monumentally with all the legal issues arising out of the operation and administration of the RPC, including visas, contracts, licenses, leases, court cases, shipping and procurement matters. Non-legal positions in the Department have also been created to manage the more administrative matters such as visa invoicing.

A new area that was created since the establishment of the RPC is the Refugee Status Determination (RSD) Section of the DJBC. This Section is responsible for the processing of asylum seeker claims on behalf of the Government of Nauru. The legislation which governs the processing is the *Refugees Convention Act 2012*. This Act which gives effect to the Refugees Convention in Nauru by incorporating the principles and obligations under the Convention into the laws of Nauru. This ensures that Nauru is satisfying its international obligations while at the same time giving effect to the rights of asylum seekers and refugees. The Act provides that a person may apply to the Secretary for Justice to be recognized as a refugee. The Application Form forms a schedule to the Regulations under the Act. The Secretary must make a determination on refugee status. The Act also established the Nauru Refugee Review Status Tribunal which can review negative determinations. The Tribunal sits as a three member panel and must act according to the principles of natural justice.

The Section is staffed by one Senior Government Lawyer, two RSD lawyers, 6 Nauruan RSD Officers and a Registrar. It also provides support to the work of the Nauru Refugee Status Review Tribunal which is composed of a Principal Member, two Deputy Principal Members and six Ordinary Members. The Tribunal sits approximately every six weeks to conduct merits review of primary decisions.

Since 2012, the Nauruan officers have undertaken various trainings, including a 3 week intensive training course in Australia and an age determination training course. They have been provided on-going mentoring by a series of protection officers from the Australian Department of Immigration.

Since 2012, the Section has produced the following RSD related documentation, updating them as required:

1. Nauru Refugee Law Handbook;
2. Application Form for seeking asylum;
3. Consent Form for sharing information;
4. A series of Templates for RSD, including an Assessment Form, a Quality Control checklist, decision records for positive and negative decisions, and refugee certificates;
5. A series of Fact Sheets for asylum seekers, including Fact Sheets on RSD, on return, on settlement, on merits review and on judicial review;
6. Policy Guidance Note on Relocation of Shias from Pakistan;
7. Policy Guidance Note on Derivative Status; and
8. Policy Guidance Note on Complementary Protection (still in draft).

It has established a section on the Naurugov website with the main documents publicly available. Additionally, the Section does other policy related work for the RPCs and has been involved in the development of:

- Centre Rules;
- Administrative Arrangements between the Governments of Australia and Nauru;
- Visa conditions for refugees being settled temporarily on Nauru;
- Guardianship arrangements for UAMs;
- Funding proposals for various costs under the MOU with Australia.

As of 15 May 2015, the Section has completed a total of 582 refugee determinations. Another 851 people have been interviewed and their claims are in varying stages of completion.

The following statistics show the output of the Section since May 2014.

1. Completed RSD determinations:

Nationality	POSITIVE						NEGATIVE						TOTAL
	SAM	SAI	UAM	FAMILY		Total Positive	SAM	SAF	UAM	FAMILY		Total Negative	
				Adult	Minor					Adult	Minor		
Afghan	18	0	15	2	2	37	5	0	0	0	0	5	42
Bangladeshi	2	0	0	0	0	2	28	0	0	0	0	28	30
Burmese	0	0	0	3	1	4	0	0	0	0	0	0	4
Cameroonian	0	0	0	0	0	0	1	0	0	0	0	1	1
Egyptian	0	0	0	0	0	0	1	0	0	0	0	1	1
Ethiopian	0	1	0	0	0	1	0	0	0	0	0	0	1
Indian	0	0	0	0	0	0	1	0	0	0	0	1	1

Indonesian	0	0	0	3	0	3	0	0	0	0	0	0	3
Iranian	5	6	2	11	36	16	2	3	0	28	11	44	209
Iraqi	0	0	1	7	3	11	0	0	1	3	2	6	17
Lebanese	0	0	0	6	4	10	0	0	0	0	0	0	10
Nepalese	2	1	0	0	0	3	4	0	0	2	0	6	9
Pakistani	61	0	6	0	0	67	28	0	0	0	0	28	95
Somali	16	2	0	7	4	56	3	1	0	0	0	4	60
Sri Lankan	0	0	0	1	1	2	0	0	1	3	0	4	6
Stateless	22	1	3	34	15	75	1	0	0	0	0	1	76
Sudanese	10	0	0	2	0	12	1	0	0	0	0	1	13
Syrian	0	0	0	1	1	2	0	0	0	0	0	0	2
Undetermined	0	0	0	0	0	0	1	0	0	1	0	2	2
TOTAL	136	3	2	182	67	45	76	4	2	37	13	132	582
		8	7			0						*	

1. Refugee Status Review Tribunal Decisions Handed Down:

Nationality	SAM	SAF	FAMILY Adult	Min or	Total Positive	SA M	SA F	FAMILY Adult	Mi nor	Total Negative	TOTAL
Afghan	1	0	0	0	1	0	0	0	0	0	1
Bangladeshi	0	0	0	0	0	4	0	0	0	4	4
Cameroonian	0	0	0	0	0	1	0	0	0	1	1
Egyptian	1	0	0	0	1	0	0	0	0	0	1
Iranian	1	1	17	9	28	1	0	7	1	9	37
Nepalese	0	0	0	0	0	2	0	0	0	2	2
Pakistani	3	0	0	0	3	17	0	0	0	17	20
Somali	1	0	0	0	1	1	0	0	0	1	2
Sri Lankan	0	0	3	0	3	0	0	0	0	0	3
Sudanese	0	0	0	0	0	1	0	0	0	1	1
Undetermined	1	0	0	0	1	0	0	1	0	1	2
TOTAL	8	1	20	9	38	27	0	8	1	36	74

11. BUSINESS LICENCES/ CORPORATIONS

The Secretary for Justice pursuant to the *Business Licences Act 2011* is responsible for ensuring that businesses are in compliance with the provisions of the Act as well as the conditions of their licences.

The Secretary is empowered to make determinations as to whether any applicant for a business licence has satisfied the requirements of the Act. Applications that do not meet the legal requirements are rejected.

The Secretary may also order closure of a business on receipt of a report from an authorised officer that a business is operating either without a business licence or in contravention of the conditions of their licence. Additionally, should a person no longer wish to continue their business with the conditions specified, the Secretary must cancel the licence. In appropriate cases, reimbursement of the licence fee may be applicable.

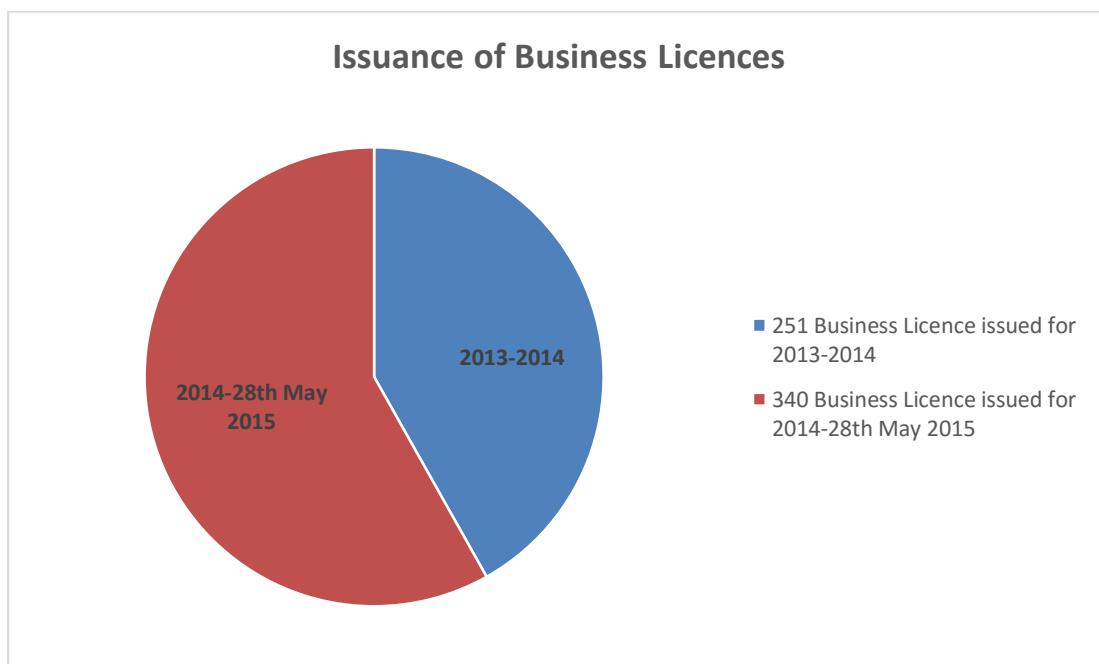
11.1 Duties of Authorised Officers

Authorised Officers are to inspect all businesses at any reasonable time to ensure that the person operating the business is complying not only with the Act but the conditions specified in the licence as well.

Any person who obstructs an authorised officer in the execution of his or her duties under the Act will be liable to a penalty of \$1,000 or 1 month imprisonment.

11.2 Business Licences Issued for 2013-2014

The following chart indicates the number of business licences that have been issued for the periods: 2013-2014, and 2014 up to 28May 2015.

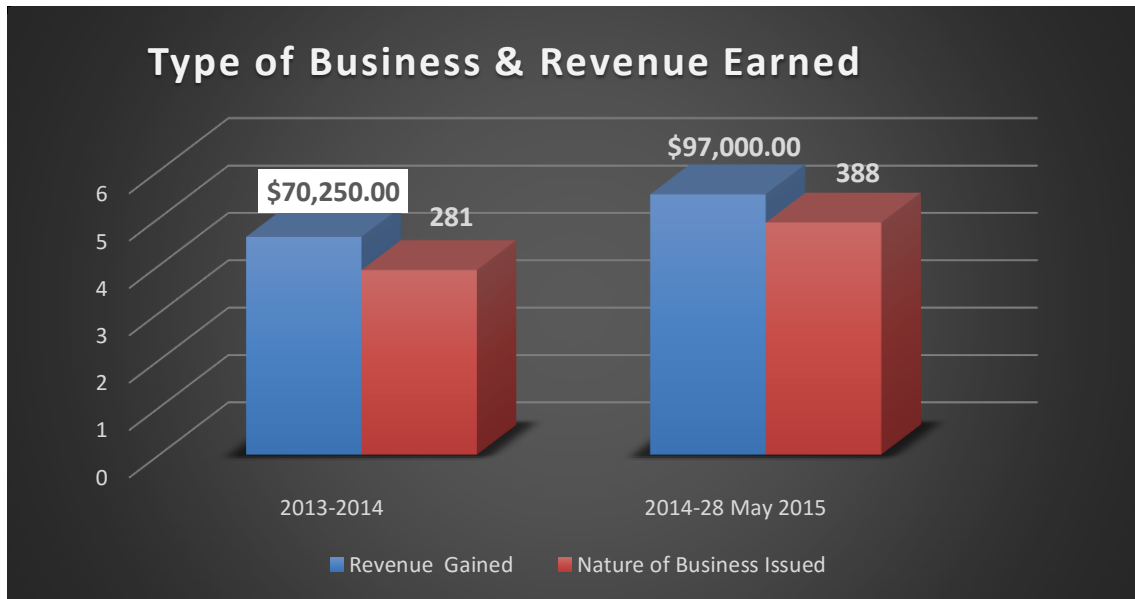


The above chart shows that in the year of 2013-2014, there have been a number of businesses that have been issued with a either a first business licence or a renewed business licence.

11.3 Nature of Businesses

There are a number of different categories of businesses for which business licences may be issued. They vary from general retailing, car rentals, construction services, restaurant etc. The statutory fee for licences is \$250.00. Should a proprietor wish to operate two types of businesses under the same business name, it will cost a total of \$500.00. It is not unusual for some entrepreneurs to operate more than one type of business.

Below is a chart that provides the number of the types of businesses operating in Nauru and the associated revenue gained from each type.



Following Nauru's recovery after the financial crisis in 2004, a number of entrepreneurs, including locals and Chinese nationals have started new business ventures.

Since the re-opening of the Regional Processing Centre, and the consequent influx of asylum seekers into the country, confidence in the economy has been manifested in a modest but significant expansion of the private sector through new businesses.

11.4 Penalties and Offences

Under sections 5, 11 and 13 of the Act, any business that operates without a business licence or has failed to ensure that the business operates in compliance with the conditions of the business licence will be liable to a fine of up to \$10,000. If the Secretary has ordered the closure of a business and the proprietor continues to operate, the operator of such business will be liable to a penalty of \$1,000.00 for each day the person fails to comply with the order.

There have been a number of businesses that have conducted business without a valid licence. These businesses have been fined under the Act with the maximum amount payable.

It is important to note that the Registrar and his staff have continued public awareness and information sharing regarding business operator obligations under the Act.

11.5 Conclusion

The financial data available shows that the licensing section of DJBC quite the 'quiet achiever' in the Department and is an important contributor to the revenue stream of DJBC and the GON.

A shift to electronic and data management capability will contribute to greater efficiency by the section and enhanced revenue collection.

12. CURATOR

12.1 Duties and Functions of the Curator of Intestate Estate

The office of the Curator of Intestate Estate is a statutory position created by virtue of the *Succession, Probate and Administration Act 1976*. There are 2 staff currently employed under the Office of the Curator of Intestate.

Amongst the duties and functions of the Curator of Intestate Estate, is to obtain administration of the estate of a person who had died intestate leaving real or personal property in Nauru. The functions and duties of the Curator are set out in Section 7 of the *Succession, Probate and Administration Act 1976*.

The total amount of deposits made to the bank for the financial year of 2014 to present is **\$ 149,305.94.**

The total amount of payments made to concerned beneficiaries is **\$ 163,105.78**.

Note: Some payments were deposited for the Financial Year of 2013-FY2014, but were paid out after gazettal for this the financial year JULY 2014-28 MAY 2015.

Accordingly, payments for most estates have been settled. A few estates which have not been gazetted remain with the Curator. To date, there have not been many determinations made by the Curator due to the fact that the NLC is deliberating over the estate of deceased (personalty) estate.

13.Nauru Quarantine Division

13.1 Introduction

Nauru is free from many of the world's dangerous agricultural and environment changing pests and diseases. In the past being surrounded by the ocean, and a long way by ship from the rest of the world, we were relatively safe.

Today however the speed and popularity of air travel has dramatically increased the chances of spreading pests and diseases from other countries to our shores, particularly plant and animal pests and diseases, and weed species, which could devastate our economy, unique environment, and our way of life.

Nauru Quarantine is part of the Ministry of Justice & Border Control, and its main job is to protect Nauru against incursions of unwanted organisms such as animal and plant pests and diseases, weed species, or anything else that could alter our environment.

The Nauru Quarantine Service operates a twenty-four-hour, seven days a week operation, maintaining a presence at key points for entry of biosecurity risk goods - airports, seaports and cargo depots. Currently there are thirteen (13) Quarantine Officers, staffs and astonishingly the division will be employing its first gender equality member of staff.

The Nauru Quarantine Service works in tandem with other inspection agencies at the border (Immigration, Customs and Health) for a whole-of-government approach to border protection.

13.2 Human Resource

Quarantine Division consist of thirteen (13) fully-employed officers

Mr. Asterio Appi	Director of Quarantine
Ms. Evalyne Detenamo	A/Principal Quarantine Officer
Mr. Tremaine Dick	Senior Quarantine Officer
Mr. Bremner Adumur	Senior Quarantine Officer
Mr. Pat Cook	Quarantine Officer
Mr. Kane Akubor	Quarantine Officer
Mr. Zacherias Detenamo	Quarantine Officer
Mr. Kyle Brechtefeld	Quarantine Officer
Mr. Bren Heinrich	Quarantine Officer
Mr. Taine Finch	Quarantine Officer
Ms. Amy Tsitsi	Quarantine Officer
Mrs. Sheba Hubert	Quarantine Officer
Mr. Link Uera	Quarantine Officer

13.3 Staff movement

Four Quarantine staff was suspended for a week for not attending to their weekend roster; namely, Mr. Tremaine Dick, Mr. Pat Cook, Mrs. Elda Aingimea and Mr. Royce Dick

Early February, Mr. Royce Dick who has been working as a temporary Quarantine Officer was dismissed.

April 2015, six positions for Quarantine Officer were advertised through the Gazette. The successful six applicants were recruited in May;

1. Ms. Amy Tsitsi
2. Mr. Zacherias Detenamo
3. Mrs. Sheba Hubert
4. Mr. Kyle Brechtefeld
5. Mr. Taine Finch

6. Mr. Bren Heinrich

During the same month the division gained another staff member who had transferred from the Fire and Rescue Department to the Quarantine Division, Mr. Link Uera

13.4 Training and Development

- No training for Quarantine for the annual year

13.5 Meetings and Workshops

13.5.1 Overseas

- Senior Quarantine Officer, Tremaine Dick attended to the *CODEX* meeting in Goroka, Papua New Guinea 2014.

13.6 Operational duties

13.6.1 Airport Operation

- The officers have started to cut off the dirt on the roots of the Eigigu's cabbage.
- 3rd of November, Quarantine Officer Pat Cook seized commodities that belonged to Moonriver. From their previous importation Quarantine officials have explained to the consignee that they need to have an import permit when importing perishable items or frozen goods. Pat Cook seized their goods and destroyed them at the dumpsite.
- 26th November, Quarantine Officer, Elda Aingimea and A/Principal Quarantine Officer, Evalyne Detenamo seized a pallet that belongs to Transfield Services. They had found the commodities to be infested with unknown species they seized and destroyed off the goods.
- March, Quarantine seized and destroyed Eigigu Supermarket's incoming cargoes from the incoming air freighter.
- 21st of March, Quarantine Officials confiscated and destroyed a box of round cabbage that belongs to Transfield Services, these items were found to be infested by caterpillars and other unknown species.
- Major seizure for airport operation was in May 2015, the seizure of Mr. Paner Baguga's Yellow fin tuna; these were found by Senior Quarantine Officer, Mr. Dick and have reported the matter. The officers have disposed the tunas into the deep blue sea, as the weather during the time of seizure was wet, and also to avoid mongrels feeding from the disposed tuna.

13.6.2 Seaport Operation

- Early December, 2014. Quarantine Officials seized a container full of Milk which belonged to Capelle & Partner. This container was seized because of the maggots and other live animals which were found within the container. The destruction took place on 12th of December, due to the unavailability of the heavy machineries.
- March, 2015 Quarantine condemned Eigigu's Metcash container, which was found to be infested and rusty. The container was seized and destroyed by Quarantine Officials.
- April, 2015 Quarantine again have opened and inspected a container which belongs to JKL Store, the officers had closed the container because they had found bite marks on the goods. They re-opened the container and searched for the animal that caused the marks, they managed to the find and exterminate a rat that was living within JKL Stores' goods.

13.7 NSDS & Budget Priorities

NSDS Priorities for Quarantine Division are the implementation of Quarantine revenue. Prescribed fees were governed under the Plant & Animal Regulation 2008.

Head 45/Sub-head 105	Proposed Budget
Inspection & Documentation issuing of certificates	\$100.00
Aircraft clearance of light aircraft	\$200.00
Narrow bodied aircraft (Treated)	\$1300.00
Import Permit for chicks & species (\$20.00 per hundred or part of hundred)	\$100.00
Examination of Container system	\$12,000.00
Disposal/incineration of Quarantine materials	\$1000.00
Import permit for live animals other than bird (single & multiple license)	\$100.00
Import permit for any bird other than chick	\$100.00
Issuing of import/export permit for Plant & Meat products	\$9,000.00

(single & multiple license)	
Examination of motor vehicle (\$20.00 per vehicle)	1800.00
Ship clearance of Vessel of 25 metres or less in length (\$50.00 per inspection)	\$600.00
Ship clearance of Vessel of more than 25 metres in length (\$100.00 per inspection)	\$2200.00

Total Proposed Revenue: \$28,500.00

13.8 Projects/Activities

- Between March and May, Quarantine Officers underwent a refresher Quarantine Act Seminar with the Solicitor General and a mini refresher Quarantine Operations workshop for the old staff and a welcoming workshop for the new recruits.
- A public announcement was distributed to all importers and businesses on island in regards to labeling of imported goods how to import goods into the country and what are the goods that can be imported into the country. (Refer to Annex 9)
- The division is expecting an entomologist and a biosecurity technical officer from the Secretariat of the Pacific Community (SPC) to visit the division in late June to train and update staff skills and implement the eradication and management plan of the Yellow Crazy Ant infestation.

13.9 Conclusion

The Division is currently experiencing rapid development and positive changes. Human resource recruitment, sea port operations boosted with four more staffs with airport operations consistent. A new office space has been secured and currently half way through completion. The current office space is under renovation and will be occupied soon. A reformatory change is the approach the division is taking upon itself, in the hopes to better equip staff be more vigilant and skilled at carrying out duties to continue to keep Nauru pest and disease free.

ABBREVIATIONS

AGD	Attorney General's Department
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
DIBP	Department of Immigration & Border Protection
DJBC	Department of Justice & Border Control
GON	Government of Nauru
HOD	Head of Department(s)
ICAO	International Civil Aviation Organisation
ODPP	Office of the Director of Public Prosecutions
NLJS	Nauru Law & Justice Sector
RPC	Regional Processing Centre
RSD	Refugee Status Determination
SPV	Special Purpose Visa