



REPUBLIC OF NAURU



Celebrating 50th Year of Independence

DEPARTMENT OF JUSTICE AND BORDER CONTROL

ANNUAL REPORT 1ST JULY 2016 – 30TH JULY 2017

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PREFACE

The annual report for 2016 -2017 Financial Year is prepared in considering a number of issues. For this reason in compiling the report, it was felt that a preface is important to assist those reading the report to appreciate the contents of the report.

To begin with, although the report is for 2016 to 2017 it is presented in May 2018. The year 2018 marks a significant event in the Republic's existence. In January, 2018 the Republic celebrated its 50th year of independence. The Department of Justice and Border Control has been there for all these years.

In compiling the report, effort was made to trace and record the history of the various sections of the Department. That is an illustrative feature of this report and the Department's commitment to join the Government with the celebrations on this auspicious occasion. The team compiling the report felt that historic events when they are apt to be reported should significantly be displayed and the annual reporting presented such a great opportunity.

However, the reporting requirement and the guidelines specified by the Public Service has been strictly compiled with in reporting the activities of the reporting year.

The Department of Justice congratulates the Republic and it's People a memorable 50th year of independence. It is been a proud moment for our team in Justice to partake in such a historic event. This is certainly important for the Department which has one of the highest numbers of expatriate staff.



NAOERO EKO DOKIN

MESSAGE FROM THE MINISTER FOR JUSTICE AND BORDER CONTROL



Honourable David Adeang, M.P.

(Minister for Justice & Border Control)

I am pleased to be able to be given an opportunity to contribute a message to this annual report of the Department of Justice and Border Control for the year 2016-2017.

It has been a challenging and exciting period.

The jurisdiction of the Department is wide and covers everything from Passports to Quarantine, Human Rights to Legislative Drafting. The Government's legislative agenda has been ambitious and key reforms dealing with changes to the laws relating to traffic, taxes and corporations were passed. Major new laws that were approved by Parliament in the reporting year included the National Disaster Risk Management Act and the Domestic Violence and Family Protection Act. Ultimately all these laws are intended for the good governance, peace and security of Nauru and its people.

I acknowledge the role of the hardworking staff in every section of the Department. They have all contributed to the success of the Department which has been reflected in it receiving the President's award for excellence during the annual Public Service Day on successive occasions. I hope this award is an incentive for the staff to rise to even greater heights and improve further in their service delivery to the government and people of the Republic.

I wish to encourage in particular, the Nauruan members of staff of the department to aspire to acquiring the necessary skills, knowledge and experience that will equip them to one day assume greater leadership roles in the department.

MESSAGE FROM THE SECRETARY FOR JUSTICE AND BORDER CONTROL



Graham Leung
(Secretary for Justice and Border Control)

The year under review has not been without its challenges especially with staff resignations and changes in personnel. It would be remiss of me not to thank my predecessor Lionel Aingimea whose vision, leadership and achievements made it easier for me to build on where he left off.

I would also like to record my sincere appreciation to the hardworking staff that makes up the Department. They often work long hours beyond the call of duty.

Our success in winning the coveted President's award several times is a reflection of staff determination, resilience and industry, even in the face of resource constraints and other challenges. That success was by no means fortuitous but earned through their grit and diligence.

We will continue to invest in our people and staff through enlarged and more training opportunities as they become available. I am committed to ensuring that staffs are provided an environment which is empowering and where their skills and experience are harnessed for the good of the Republic and its people.

I wish to place on record my gratitude to the Minister for Justice whose support and encouragement has been a key factor in the Department achieving its strategic objective of providing service and exceeding the expectations of the people of Nauru.

OVERVIEW OF SECTIONS

DEPARTMENT OF JUSTICE AND BORDER CONTROL

The Department of Justice and Border Control which is commonly abbreviated as “JBC” or “Justice” comprises of some very integral sections of the Government. Its role and function vary from many sectors of Advisory to Border Control. Over the years it has retained the various sections except for Customs, which was reassigned to Department of Finance.

In this annual report, it was felt important to articulate a summary of the functions and roles of every section of the Department for public awareness and the Department’s contribution to nation building and Governments Development Plan. Currently responsibilities of the various sections are:

(a) The Secretary for Justice and Border Control

The Secretary is the Head of the Department, as such all the duties and responsibilities of the office are performed under his authority, leadership and guidance. All the various sections which comprise the Department report to the Secretary. The Secretary provides the administrative support to all the sections which includes execution of day to day activities, staff training and human resources capacity development, office development and technological support to meet the ever growing challenges of a growing nation and meeting its international obligations.

Apart from the aforementioned routine administrative duties, the Secretary’s other critical responsibilities includes:-

- advising the Cabinet on legal matters;
- advising the Minister for Justice and Border Control legal and policy matters;
- providing, upon request, legal advice to the Speaker of the Parliament;
- serving and supporting Boards, Committees (*ad hoc or permanent*) and other statutory entities on has other such as the Nauru Seabed Authority;
- advising Government on international relations, treaties, conventions and other agreements;
- being the Registrar of Corporations, Business Licensing, Business Names, Patents, Trademarks and Motor Vehicles (for the reporting period);
- the Secretary also has a special statutory role under the *Republic Proceeding Act 1972*. All legal suits by or against Government must be in the title and name of the “*Secretary for Justice*”;
- as *amicus curiae* in a various proceedings for example under the Electoral Act and Nauru Lands Committee Act 1956;
- also invited by court as *amicus curiae* to assist the Court in various legal matters pending before the Court especially where Constitutional issues are raised;
- co-ordinating, advising on, providing support

and implementation of policies which will foster the effective administration of law and justice;

- processing and issuance of passports, work permits and visas.

(b) Office of the Solicitor General

The Office of the Solicitor General in the Republic serves two distinct roles. Firstly, the Solicitor General is the second senior most position after the Secretary for Justice. Although not appointed as such, he deputises the Secretary in his roles and functions as and when the need arises. Secondly, the Solicitor General’s primary role and function like the Solicitor Generals in the Commonwealth countries, is to provide legal advice to the Government, Ministers, Heads of Departments and Departments at large. This also includes representing the Republic in all legal proceedings by or against the Republic in Nauru or overseas (where law permits).

The Solicitor General in Nauru performs the following duties and responsibilities:

- Providing legal advice to Cabinet, Ministers, Heads of Department, public servants, statutory bodies, instrumentalities and so forth.
- Representing the Republic, Ministers, Heads of Department, public servants, statutory bodies, instrumentalities in legal or court proceedings.
- Representing the Republic in arbitrations, mediation and negotiations of contract, agreements and understanding.
- Attending and negotiating in Regional Processing Centre arrangements, treaties, conventions, loan agreement, and grants.
- Overall supervision of the Quarantine, Business Registrations and Licensing, Curator, immigration and legislative drafting sections.
- Overall in charge of budget submissions, planning and utilisation.
- Providing assistance to court in any legal matter as and when requested by the Court.

- Providing advice in matters of importance to the Government.
- On behalf of the Office of the Secretary for Justice - instituting or defending civil suits in which the Government and or its instrumentalities are party.
- The office of the Solicitor General provides legal advice to the Chief Secretary in important public service matters.

(c) Legislative Drafting Section

This section is primarily responsible for the drafting of Statutes, Regulations and Policy instruments. The core activities are:

- Reviewing existing laws to update the same with current developments in the Republic and the Government's growing demands under various international conventions, treaties and other instruments.
- Drafting new Bills for Parliamentary legislative purposes.
- Drafting new Regulations to facilitate the administrative and operational Acts passed by Parliament.
- Undertaking the promotion, education and awareness of existing and new laws through Heads of Departments, target groups, the media and Government Information Office.

(d) Office of the Director of Public Prosecution

The Office of the Director of Public Prosecution is established under the Criminal Procedure Act 1972. It is the national prosecution office. The role and function of the Prosecution office is similar to other prosecution offices in the Commonwealth or regional countries. The key role and function of the prosecution office are:

- give advice and guidance to the Nauru Police Force in investigation of crime;
- on the conduct of criminal investigation, decision to prosecute and charges to prefer;
- to institute criminal proceedings against any person according to the laws of Nauru;
- educate the Police Officers on the new Crimes Act and other existing laws to ensure improvement and efficiency in the investigation of crime. For this purpose, an expatriate lawyer responsible for conducting scheduled training and the dispensation of advice has been assigned to and based with the Nauru Police Force.

(e) Office of the Public Legal Defender

The Office of the Public Defender by its very

name, serves the function of providing free legal advice and representation to the citizens of the Republic, who cannot afford legal representation. Recently, the administrative establishment of the Office has been strengthened by the Parliament by making it a statutory office under the Criminal Procedure Act 1972.

The principal roles performed by the office include:

- Legal representation in court in family, land and criminal matters;
- Providing legal advice to citizens (subject to available resources);
- Assisting the public in the drafting of statutory declarations and other statutory forms so that the public are able to comply with laws.

(f) Immigration Section

The Immigration Section is one of the constituents of "border control" which historically included Customs and Quarantine. It is established under the Immigration Act. Its principal responsibilities include:

- Controlling the Republic's point of entry which includes checks aimed at preventing illegal immigration and the illegal entry of foreigners.
- Processing immigration and visa requests.
- Ensuring the accurate collection of revenue especially after the establishment of the Regional Processing Centre in 2013.
- Upgrading and the development of technology and facilities to meet the international requirements of control and regulation of movement of people

(g) Passport Section

The Passports Office which is headed by the Principal Passports Officer is a creature of the Passports Act. This section is performing an important role to ensure issuance of passports and travel documents to only Nauruan Citizens (and occasionally to refugees). This control is necessary to maintain international credibility and the integrity of Nauru passports issued under the authority of the Passports Act. The office, with the sanction of the Minister, also has the authority to cancel or seize according passports issued according to law, as the passports remain the property of the Government.

(h) Curator Section

The office of the Curator (in many countries known as “Public Trustee”) performs the functions of the management and administration of the estates of deceased persons. This includes proper accounting, obtaining of records from Nauru Lands Committee, personal banking records of beneficiaries with Bendigo Bank and the timely distribution of estate monies to beneficiaries. One of its major areas of work has been the RONWAN payments but the coming into effect of the RONWAN Consolidation Act 2014 to wind up the Nauru Phosphate Royalties Trust has seen a decline in this area of work.

(i) Human Rights Section

The Human Rights Section was a recent establishment to particularly undertake the monitoring and compliance of Nauru’s all human rights obligations particularly to the United Nations Agencies. It also plays a critical role in assisting with Nauru’s reporting to international treaty bodies on the progress of implementation of the obligations of the Republic under international human rights conventions to which Nauru is a party.

At the national level, this section also assists with policy advice and guidance, working with other government departments which are responsible for the domestic implementation of various human rights conventions.

(j) Nauru Correctional Services

Its primary role is the provision of safe custody and rehabilitation of persons who have been found guilty and convicted of offences and are serving a term of imprisonment.

(k) Financial Intelligence Unit

The Financial Intelligence Unit was established to meet the Government’s international obligations on unregulated movement of monies, money laundering and financing of terrorism or terrorism related activities.

The Financial Intelligence Unit (FIU) was established in 2001 as the *Financial Supervisory Authority* under the Anti-Money Laundering Act 2001. Its role was to supervise the financial institutions in accordance with the Act.

The *Financial Supervisory Authority* became the *Financial Investigation Unit* under the revised AML Act 2004 to prevent money laundering; and a regime for financial transactions reporting; customer due diligence, record keeping and other obligations of financial institutions, to strengthen law enforcement and enable co-operation with foreign States, and for related purposes.

BUDGET OVERVIEW

1ST JULY 2016 TO 30TH JUNE 2017

The Department has set a record of winning the Department of the Year award three times in a row. This could only have been achieved with the solid foundation and support provided to it by Government and passed by the Parliament, which is the Budget. Without financial and administrative support, the hardworking staff of the Department would not have been able to satisfactorily complete a number of their key activities which are noted for each section’s report respectively. The Department plans its budget proposal with a team of officers. The issues discussed include developments, upgrading and infrastructure, continuation of key services, human resource development and so forth. These are also aligned to the Government’s long-term national and plan.

For the purposes of transparency and accountability of revenue, the of the Department forms part of this These were under Head 43, 45 and 46.

<u>Heads</u>	<u>Section</u>	<u>Budget amount</u>
43	Justice	\$3,595,618
45	Immigration Quarantine Passports	\$916,969
46	Corrections	\$ 662,000

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SUMMARY OF KEY DEVELOPMENTS AND ACHIEVEMENTS

The Department of Justice and Border Control, in addition to the routine work, invested intensive work in the capital infrastructure and upgrading of the office outfit and staff training. Some of the key developments include:

- (a) Through better compliance and legislative changes an increase in the revenue from the Business and Licensing sector;
- (b) A better management and stocking in Diplomatic, Official and Ordinary passports resulted in a better revenue return from passport issuance.
- (c) Upgrading and improving the technology for passport printing and putting in international codification for Nauruan passport scanning worldwide at the international airports.
- (d) Revival of the past practice and purchase of Uniforms for Immigration and Quarantine section to maintain the professional outfit for the office and in particular at the international gateway.
- (e) A law enforcement body was put in place to ensure compliance with the immigration Act, vis-à-vis correct types of visa increasing revenue which was lost in the past to the sum in excess of \$1,000,000-00.
- (f) Renovation of the office of the Director of Public Prosecutions office making rooms available for 3 lawyers, a pleader and Clerk.
- (g) The establishment of the Office of the Public Defender's Office under the Criminal procedure Act 1972.
- (h) The renovation of the Justice Secretariat Office and fittings, which is the new image of the office
- (i) Getting approval from the Government to build a new conference from the savings made in the budget for \$110,000-00. The building is completed this year.
- (j) Regular prosecution of cases in Court under the stewardship of the Director of Public Prosecution.
- (k) A successful defence of cases against the Ministers and the Republic in various cases involving administrative decisions, constitutional issues, passports and so forth by the office of the Solicitor General.
- (l) An increase in the number of legal representations for ordinary Nauruans by the Public Defender's Office in criminal, family and land matters.
- (m) The proper conduct and finishing of 12 *Continuing Legal Education* program. The program is recognised by the Board of Legal Education in Fiji for the purposes of renewal of legal practitioner's certificate.
- (n) The admission of 13 Pleaders to the Supreme Court to practice law thus assisting more Nauruans with legal matters.
- (o) The Drafting and passing of a record number of 33 Bills in the Parliament.
- (p) The Drafting, approval of Cabinet and Gazetting of 25 Regulations.
- (q) Conducting progressive training for other departments by the Drafting sections on the new legislation.
- (r) Provision of 300 legal advices by the Secretariat division of the Office to the Cabinet, Heads of Departments and Public service at large.
- (s) Assisting the Chief Secretary in the Disciplinary Committee for complaints against public servants.
- (t) Attending 52 meetings, conferences, workshops and other gathering overseas giving Nauru the best representation in international meetings and gatherings.
- (u) The painting of the Quarantine Office at the Airport.
- (v) The completion of the new Prison complex at Meneng District.
- (w) The unparalleled winning of the Department of the Year for 3 successive years.

CHALLENGES FACED BY THE DEPARTMENT

For any organisation to achieve success it has to encounter more challenges. The Department of Justice is has been no exception to the rule. Listed below are a few of the problems which the Department encountered during the financial year:-

- (a) The resignation of local staff despite all incentives were given to the staff. An effort is being made to instil the level of commitment and pride of working for public service has resulted in some attraction of which was to retain engage 4 local pleaders. One of them came to join public service from the private sector.
- (b) Attendance of the staff to work. This is a perennial problem and the Department is experimenting a number of ways to overcome some of the problem such as flexible hours, allowing staff to attend to short personal matters during office hours instead of being absent from work, overseas training programs, engaging is office activities and on job training. Team building is the overriding goal of the mission.
- (c) Resource constraints. This has been overcome due to a large degree by better program and procedure for utilisation of the Budget.
- (d) Upgrading of skills and training programs. There is very limited scope of training staff. The Department seized on any opportunity for training for the staff with short and long terms courses offered by the University of the South Pacific. 4 staff attended the training with University of the South Pacific.
- (e) Recruitment of the staff. The Department has had difficulties with recruitment of local staff. In order to meet the staffing requirements, 3 refugees were engaged for the financial year. The process taken by the public service recruitment is cumbersome and slow. In order to overcome this, short term and temporary employees have been engaged to generate interest in the local staff to the nature of work the Department is doing.
- (f) The delay in prosecution of the riot trial is a setback for the office. This has been due to many unexpected events occurring but the Department is trying its level best to conclude the case in shortest possible.

HUMAN RESOURCES AND FINANCE SECTION



Angelina Itsimaera

(Manager, Human Resources and Finance)

Background

The Human Resources section, which was known as “Administration Section” in early days of the establishment of the Department of Justice, has survived its endurance from colonial era to the modern Nauru today. The Department of Justice, before independence, was under the administration of expatriates from Germany, England, Australia and New Zealand. Post-independence, the first Government of the Republic was formed under the leadership of the late President Hammer DeRoburt. The administration of Government Departments remained in the hands of expatriates from Australia and New Zealand.

The Secretary for Justice as the Head of the Department was retained as the head of the Department, a legacy of the colonial era which continues. Although the qualification of the Secretary is not prescribed, traditionally it has continued to be a qualified lawyer capable of being admitted to practicing law in Nauru under the Legal Practitioners Act 1972

Despite the independence, a characteristic of the Department which still prevails today is that it is largely manned by expatriates. This includes the Secretary, Government lawyers, section heads or technical staff.

After a lapse of a decade, a Nauruan, late Mr Leo Keke, was appointed to be the Secretary of Justice to manage the office with the assistance of the late Mr Barry Connell and Mr Peter Macsporrán. However, that was short lived and after Leo Keke’s departure, foreign Secretaries were again employed. This largely had also to do with aid or funding for the position and other legal experts by foreign countries.

The last local Nauruan to be the Secretary was Mr. Lionel Aingimea, who resigned in March 2016 to successfully contest in the last General Election. The current Secretary was appointed to replace Mr. Aingimea following his resignation.

A few Nauruans have attained their LLB degrees and are qualified lawyers. It is hoped they will join the Department to progressively reduce reliance of expatriates. One of the primary objectives of the Department of Justice is to attract, train and keep engaged Nauruan employees. There is a relatively high turnover of staff in the Department of Justice, include Nauruans, which disrupts and impacts the work of the Department.

In order to retain and nurture Nauruan employees, the Department aims to consistently and actively promote professional development activities. These professional activities encourage professional growth and show the employees that the Department cares about their progress and their future. This will help inspire loyalty by Nauruan employees. During the reporting period, for the first time Pleader positions were established. Six positions were created which saw the abolition of one Senior Government lawyer position.

So far there are three promising officers that are studying law overseas; 2 of them are in their final years whilst the third one just commenced law studies last year.

In the Management and leadership field, 3 Nauruans are continuing their studies at the USP. There are many more opportunities that the Department has to offer for our young Nauruans.

Staff of Justice Secretariat

The Department of Justice *Secretariat Office* consists of 26 employees, 12 expatriates and 14 locals. 3 local staff are on study leave (studying law) and 3 are refugees.

	Position	Name	
1	Secretary for Justice	Graham Leung	Expat
2	Solicitor General	Jay Udit	Expat
3	Director Public Prosecution	David Toganivalu	Expat
4	Principal Legislative Drafter	Kerryn Kwan	Expat
5	Principal Public Defender	Sevuloni Valenitabua	Expat
6	FIU Supervisor	Mariana Tukana	Expat
7	Senior Govt Lawyer – Litigation	John Rabuku	Expat
8	Senior Govt Lawyer – Human Rights	Filipo Masaurua	Expat
9	Public Prosecutor/Police Liaison	Salote Tagivaktini	Expat
10	Legislative Drafter	Unaisi Daurewa/Mele Tagivakatini	Expat
11	Junior Public Defender	Ravuanimasei Tagivaktini	Expat
12	Junior Public Prosecutor	Filimoni Lacanivalu	Expat
13	Curator of Interstate of Estate	Brenda Soriano	Local
14	Manager, Finance & Administration	Angelina Itsimaera	Local
15	Pleader	Knox Tolenoa	Local
16	Pleader	Victor Soriano	Local
17	Pleader	Kristian Aingimea	Local
18	Paralegal	Suriya Kumar	Refugee
19	Pleader (study leave)	Daran Adeang	Local
20	Paralegal (study Leave)	Wylie Detenamo	Local
21	Paralegal	Caasi Aingimea	Local
22	PA to Secretary	Shahzad Anwar	Refugee
23	Prosecution Clerk	Junaid Ali	Refugee
24	PA to Secretary (study leave)	Patricia Grundler	Local
25	RRRT Human rights focal officer	Stella Duburiya	Local
26	Pleader	Maverick Eoe	Local

Staff appointments and movements

In the reporting period the following staffs took office or were appointed:

- Solicitor General - Jay Udit
- Principal Legislative Drafter - Kerryn Kwan
- Senior Government lawyer – John Rabuku transferred to Secretariat
- Director Public Defender – Sevalouni Valenitabua
- Police Liaison Officer – Salote Tagivakatini
- Finance Intelligence Officer – Marian Tukana
- Pleaders appointed – Victor Soriano, Maverick Eoe, Kristian Aingimea, Knox Tolenoa.
- Curator – Mrs. Brenda Soriano, previously employed as Manager, Curators Office was promoted as the Curator.

The employees who resigned or left the Department were:

- Paralegal – Roqous Aingimea
- Civil litigation Clerk- Bragon Duburiya
- Drafting assistance – Dedok Clodumar
- Senior Drafter- Unaisi Daurewa
- Government Lawyer – Filipino Masaurua
- Finance Intelligence Officer- Sirijeeth
- Human resources officer – Alina Amwano.

The following officers are currently studying law:

- Patricia Grundler was awarded a 4 year scholarship to study law in New Zealand. This is her 3rd year.
- Wylie Detenamo was awarded 4 year scholarship to study law in Vanuatu. This is his 3rd year.
- Daran Adeang was awarded a 4 year scholarship to study law at Bond University (Australia). This was his first year.

Study Leave

Meetings/Workshops/Conferences attended to by Justice secretariat staff

Name/Title	Meetings/Workshops/Conferences	Duration
Graham Leung – HoD	Accompany Minister for the Defamation case in Australia	24-27 July 2016
Graham Leung – HoD	Accompany Min Just to meet with Prof Ali for tiles industry	31 July to 3 August 2016
Graham Leung – HoD	Interview witness ABC case in Fiji and interview in NZ	17-24 August 2016 29-31 August 2016
John Rabuku – Sen. Lawyer	Fiber Optic Cable Meeting in Tarawa	28 August to 6 September 2016
Unaisi Daurewa	Pacific Marine Spill PACPLANS – Brisbane	31 August to 4 September 2016
Victor Soriano – Paralegal	APG meeting in San Diego USA	5-8 September 2016
Stella Duburiya/Human Rights	CRC review 73 rd Session in Geneva	11-17 September 2016
Filipo Masaurua / HR Lawyer	CRC review 73 rd Session in Geneva	13-14 September 2016
Junaid Ali – Prosecution Clerk	Nauru hosting 7th PPA meeting was held in Fiji Nauru Delegates for the PPA meeting	19-21 September 2016
Graham Leung - HoD	Nauru hosting 7th PPA meeting was held in Fiji Nauru Delegates for the PPA meeting	19-21 September 2016
Sevuloni Valenitabua – PLD	Nauru hosting 7th PPA meeting was held in Fiji Nauru Delegates for the PPA meeting	19-21 September 2016
Shahzad Anwar PA-HoD	Nauru hosting 7th PPA meeting was held in Fiji Nauru Delegates for the PPA meeting	19-21 September 2016
David Toganivalu – DPP	Nauru hosting 7th PPA meeting was held in Fiji Nauru Delegates for the PPA meeting	19-21 September 2016
Kristian Aingimea – Pleader	Nauru hosting 7th PPA meeting was held in Fiji Nauru Delegates for the PPA meeting	19-21 September 2016
Ratu Joni Madraiwiwi- Chief Justice	Nauru hosting 7th PPA meeting was held in Fiji Nauru Delegates for the PPA meeting	19-21 September 2016
Daran Adeang – Human Rights Pleader	Nauru hosting 7th PPA meeting was held in Fiji Nauru Delegates for the PPA meeting	19-21 September 2016
Kazz Olsson – Police Prosecutor	Nauru hosting 7th PPA meeting was held in Fiji Nauru Delegates for the PPA meeting	19-21 September 2016
Iyo Adam – Police Prosecutor	Nauru hosting 7th PPA meeting was held in Fiji Nauru Delegates for the PPA meeting	19-21 September 2016
Sarema Aremwa – Police Prosecutor	Nauru hosting 7th PPA meeting was held in Fiji Nauru Delegates for the PPA meeting	19-21 September 2016
Deborah Robertson – Police Prosecutor	Nauru hosting 7th PPA meeting was held in Fiji Nauru Delegates for the PPA meeting	19-21 September 2016

Mary Diema – Police Prosecutor	Nauru hosting 7th PPA meeting was held in Fiji Nauru Delegates for the PPA meeting	19-21 September 2016
Iiona Dowedia – Police Prosecutor	Nauru hosting 7th PPA meeting was held in Fiji Nauru Delegates for the PPA meeting	19-21 September 2016
Filipo Masaurua – Human Rights Lawyer	Nauru hosting 7th PPA meeting was held in Fiji Nauru Delegates for the PPA meeting	19-21 September 2016
Graham Leung – HoD	Senior Officials for LAW MINISTRIES in London UNCAC Review Mechanism in Malaysia	3-7 October 2016 12-14 October 2016
Daran Adeang – Human Rights	UNCAC Review Mechanism in Malaysia	12-14 October 2016
Victor Soriano – Paralegal	UNCAC Review Mechanism in Malaysia	12-14 October 2016
Filimoni Lacanivalu – Public Defender	UNCAC Review Mechanism in Malaysia	12-14 October 2016
Jay Udit – Solicitor General	Pilon Meeting in Ponphei	22-29 October 2016
Kristian Aingimea – Pleader Defender	Pilon Meeting in Ponphei	22-29 October 2016
David Toganivalu – DPP	Pilon Meeting in Ponphei	22-29 October 2016
Jay Udit	Negotiation of USP Convnetion- Suva Fiji	2 nd to 5 th November, 2016
Victor Soriano – Pleader	USP Conference Workshop for Youth and Children in Melbourne	21-24 November 2016
John Rabuku – Sen. Govt Lawyer	Micro Fiber Optic Cable Meeting in Tarawa	20-24 November 2016
Jay Udit – Solicitor General	Seabed Authority negotiation in finalizing sponsorship in Brisbane	4 – 7 November 2016
Graham Leung – HoD	Seabed Authority negotiation in finalizing sponsorship in Brisbane	4-7 November 2016
Victor Soriano – Pleader	Youth Training in Melbourne	20-27 November 2016
Sevuloni Valenitabua – PLD	18 th Attorney General Conference in Nadi	9-10 December 2016
Graham Leung – HoD	SOPAC meeting seabed mineral agreement in Fiji.	12-14 December
Graham Leung – HoD	Interview panel for DPP and Magistrate Brisbane and Fiji	8-17 February 2017
John Rabuku – Sen. Govt Lawyer	Optic Fiber Cable Meeting in Ponphei	23 March – 1 April 2017
Maverick Eoe - Pleader	Regional Conference for Pacific Island Countries - Rarotonga	24-27 April 2017
David Toganivalu – DPP	Attend Appeal High Court (Briefing) Australia	14-18 May 2017
Graham Leung – HoD	UN Convention Saudi Arabia	7- 21 May 2017
Kerryn Kwan – Legislative Drafter	Maritime Nauru Rep in Singapore	13-15 June 2017
Graham Leung – HoD	International Seabed Authority meeting in Jamaica	31 May to 18 June 2017
Graham Leung – HoD	Meeting for Garrison service for RPC Australia	8 June 2017

Graham Leung – HoD	Pilon Executive Committee meeting Apia Riot Trial in Australia	15-16 June 2017 18-21 June 2017
John Rabuku – Sen. Govt Lawyer	Pacer Plus meeting in Tonga	9-15 June 2017
Mariana Tukuna – FIU Supervisor	APG meeting in Sri Lanka	17-21 July

BUSINESS REGISTRATION AND LICENSING

The Department of Justice (the ‘Department’) is the central registration authority of businesses and licences. This entails the registration of sole traders, partners or corporations under the Business Names Act, Partnership Act and Corporations Act 1972. The registration process further entails the annual renewal of licences, filing of annual returns and enforcing the laws to ensure regulatory compliance. The Department has taken the initiative to streamline the processes under the various Acts and to update the laws to meet the Government’s desire to grow the private sector on its own or in partnership with the public sector.

The Secretary for Justice is the Registrar for Business Names, Business Licences and Corporations. The Registrar with specifically appointed staff are responsible for registering and administering business names, licenses and corporations.

Duties of Authorised Officers

Two authorised officers were appointed under the Act to carry out such functions and duties as prescribed by the Act, were Maverick Eoe and Victor Soriano. Their role is to undertake field inspections on an *ad hoc* basis to secure compliance with the relevant laws. They are trained to be polite and courteous with public during field inspection but at the same time be firm in enforcing the law. In the year ended no report was compiled as the officers were committed to inspections and assisting with policy discussions regarding amendments to the Business Licence Act and the fees in other cases. The two authorised officers are :

[Photos of the two authorised officers](#)

Mr Victor Soriano



Mr Maverick Eoe



Historical Background to Business registration

The Laws:

The *Business Names Act* has been in force since 1976. It is the Act which provides for the registration of businesses names including persons carrying on business under such business names.

The *Licences Act 1922* of England was in force for the purposes of granting of business licences in the Republic until it was repealed and replaced with the *Business Licences Act* in 2011. A new regulation was made under the Act. This was the *Business Licences Regulations 2011* made by the Cabinet under

Comparative Summary of Fees

Below is a comparative summary table relating to fees under the Licences Act 1922 and the Business Licences Regulations 2011. The regulation contained a new form for business licences and specifically provided the category of business which required licenses. Unfortunately, the drafters overlooked some important businesses which required licences. In May 2017 draft legislation were being made to replace this anomaly to make all business subject to Business Licences Act.

Licences Act 1922	Business Licences Regulations 2011
<p><i>Sections 3,4 and 5</i></p> <p>1. Trading Licence:</p> <p style="padding-left: 40px;">Main store, or store having no branches - \$200.00 per annum</p> <p style="padding-left: 40px;">Branch store, that is, the branch of a store for which the full licence fee has been paid - \$110.00</p> <p style="padding-left: 40px;">Liquor trading licence - \$1,000 per annum</p> <p>2. Licence to import explosives - \$100 per annum</p>	<p><i>Regulation 6</i></p> <p>For section 6(2)(a) of the Act, the licence fee for a business licence is \$250 for each business premises of the licensed business.</p>

Comparative Summary – Penalties:

Below is a comparative summary table relating to penalties under the Licences Act 1922 and the Business Licences Act 2011.

Licences Act 1922	Business Licences Act 2011
<p>Section 8 – General penalty</p> <p>Penalty – one hundred dollars or imprisonment for three months</p>	<p>Section 5 – requirement for business licence</p> <p>Penalty - \$10,000</p>
<p>Section 9 – Firearms</p> <p>Penalty – fine not exceeding twenty dollars and confiscation of the firearm or firearms</p>	<p>Section 11 – Failure to comply with licence conditions</p> <p>Penalty - \$10,000</p>
<p>Section 18 – Powers of police officers</p> <p>Penalty – not exceeding twenty dollars</p>	<p>Section 12 – Inspection of businesses</p> <p>Penalty - \$1,000 or 1 month imprisonment</p>
	<p>Section 13 – Closure of business</p> <p>Penalty - \$1,000 each day on which the person fails to comply with the order</p>

Classes of Business needing Licenses

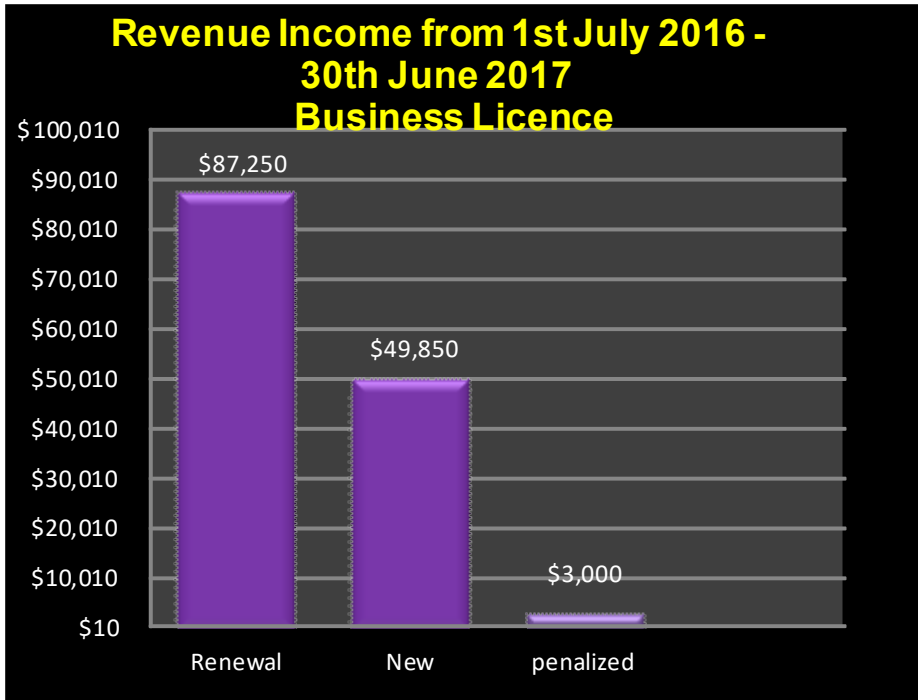
Below is a list of categories of businesses which required business licenses:

- Retail store
- Air conditioning or refrigeration repair and maintenance services
- Petrol station
- Building and construction services
- Plumbing services
- Electrical services
- Barber shop/ hairdressing salon
- Automotive repair and maintenance service
- Printing services
- Restaurant, café, bakery or snack bar
- Automotive rental services
- Automotive dealership
- Laundromat
- Tailor / dressmaker
- Moneylender
- Internet café
- Scrap metal collection, sales or recycling

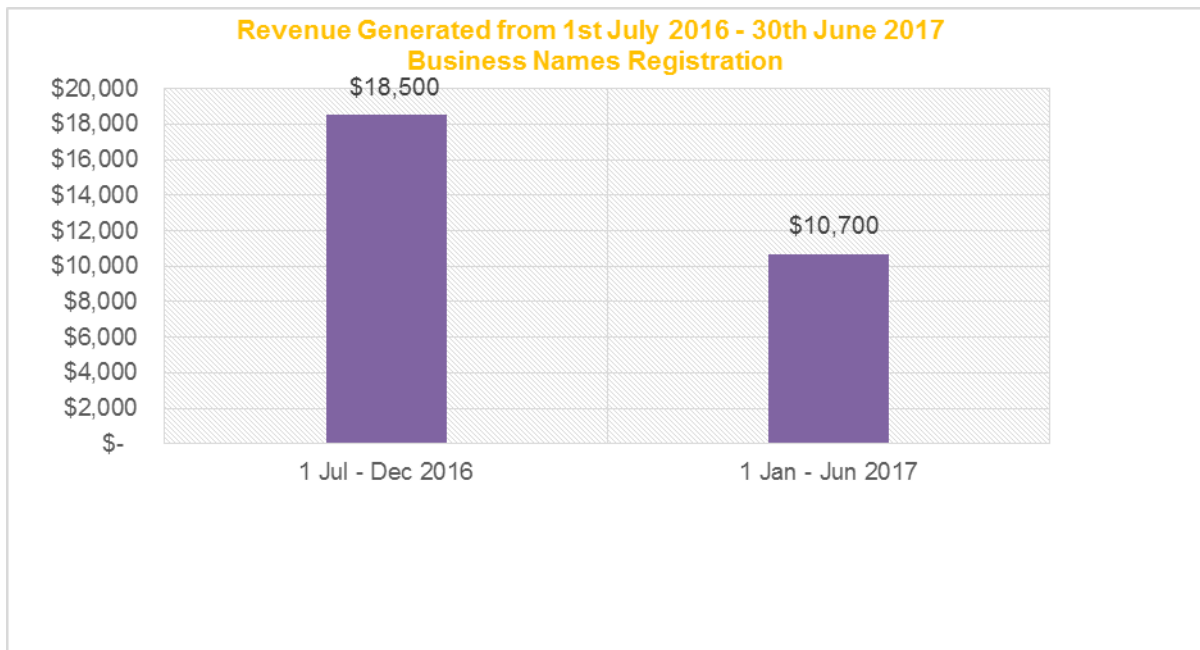
Summary of business activities for the financial year

For the financial year 12 businesses altogether were cancelled for defaulting or the owners opted to close the business down. 85 registered businesses changed their particulars from 1st July 2016 to 30th June 2017.

Financial Summary

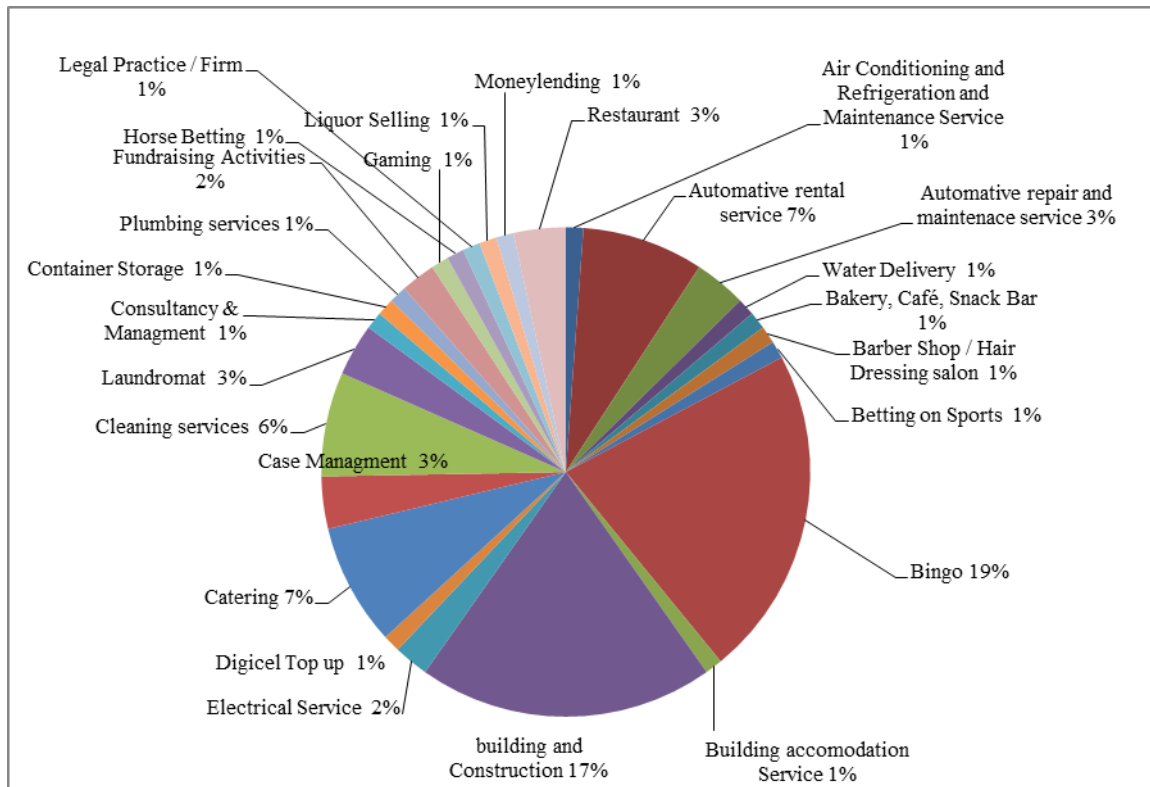


Note: The above chart indicates the Revenue generated from Business Licences that were issued from 1st July 2016 to 30th June 2017. In total, the amount of revenue generated for the period mentioned above is **\$140,100**. The fee for a business licence - \$250.

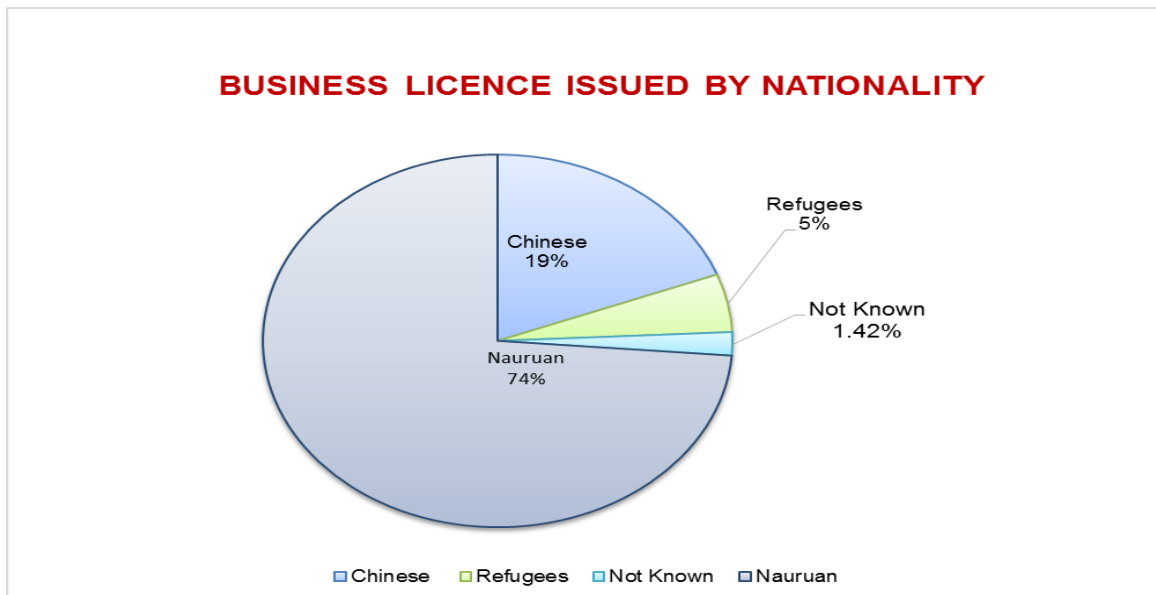


Note: The above chart indicates the Revenue generated from registration of business names from 1st July 2016 to 30th June 2017. In total, the revenue generated for the period mentioned above is \$28,500. There were 292 business names registered for this period. The fee for registration of a business name - \$100.

Categories of Businesses



Note: This chart indicates the percentage of people who were issued business licences for the period from 1st July 2016 to 30th June 2017 according to their nationality. The Business Licensing Section aims to conduct inspection of businesses to ensure compliance by proprietors with the Business Names Act, Business Licences Act and regulations.



Note: The above chart indicates the percentage of businesses in accordance with the different business types for the time period mentioned above.

OFFICE OF THE SOLICITOR GENERAL



Jay Udit

The Office of the Solicitor General was established in 2010. The first appointee was Lisa Lo Piccollo, who later became the Secretary for Justice. Steven Blim, an expatriate was appointed to replace Lisa in 2012. Steven Blim resigned in 2013, when Graham Leung was appointed. He served in the office from 2014 to March 2016 when he was promoted as the Secretary for Justice. Jay Udit was appointed to replace Graham Leung. He remained the Solicitor General for the whole of the reporting period.

The Office of the Solicitor General represents the Government of Nauru and its instrumentalities in any litigation, proceeding, investigation or matter requiring the services of a lawyer, including state-owned enterprises which are discussed in some length earlier in this report.

The Solicitor General, Jay Udit, was appointed to the office in May 2016. Staff of the Office of the Solicitor General from 1st July 2016 to 30th June 2017 were:

- Mr Jay Udit – Solicitor General;
- Mr John Rabuku – Senior Government Lawyer;
- Mr Maverick Eoe – Pleader.

The financial year 2016 to 2017 was a challenging one for the Solicitor General's Office.

Firstly, the civil litigation officer, Bragon Duburiya had settled in the job. He maintained the list of cases and diary for the Office. Bragon was able to draft standard court documents, serve documents, communicate with other Departments, filing documents in court and so forth. Also he kept the Solicitor General informed on a daily basis of the cases, more so, when the Solicitor General was out of office abroad. This saw no default in compliance with orders by the Republic.

Secondly, the year was personally very challenging due to the General Elections. The office provided critical legal advice to the Legislative Drafting Section for the drafting of the Electoral Act. Advice was also dispensed to the Electoral Commission.

Thirdly, the Secretary for Justice under the Electoral Act 2016 became *amicus curiae* only. *As such he was not able to appear for the Electoral Commission or in his own right. This role was fulfilled by the Office of the Solicitor General when he was invited by the court to make submissions on the pending electoral petitions in 3 key districts namely Boe, Ubenide and Meneng. The issue was limited to service of the Petition. The Solicitor General's assistance led the court to dismiss the petitions in law only.*

The dismissal of the Petition was important for the formation and stability of the Government.

Fourthly, the Supreme Court also took an active role in the adjudication of pending land appeals cases. Solici

tor General's Office represents the Nauru Lands Committee. However, there were several cases which Nauru Lands Committee was not a party but the Court invited submissions from Solicitor General on the status of law which became redundant or repealed.

Fifthly, the Solicitor General was supervising the Business section, Quarantine and Human Rights section.

Sixthly, the Solicitor General has been responsible for the preparation of the Budget for the Office and submitting the same to Minister for Finance.

Seventhly, the Solicitor General negotiated and finalized the seabed mining agreement with NORI in December 2016 which was signed by His Excellency in March 2017.

Ninthly, the Solicitor General managed to complete all constitutional cases involving the Republic before the 30th July, 2017.

Tenthly, the Solicitor General was able to successfully argue public interest immunity in a case where confidential details were requested from the Republic and also for the Minister for Justice, Secretary for Justice and Chief Secretary to testify in court. This was a major development of law relating to Republic.

Maverick Eoe joined the office in April, 2017. He was settling well in the office and commence appearing in court for mentions. Later on Darren Adeang also joined the Solicitor General in appearing for cases in court including the infamous riot case.

The Office of the Solicitor General's work output were as follows:

- Supreme Court cases	-	74
- Conferences	-	5
- Legal advice	-	163
- Cabinet matters	-	35
- Miscellaneous	-	more than 30

LEGISLATIVE DRAFTING SECTION

Background

The Office of Parliamentary Counsel ('OPC') was set up in 2008 and became a statutory office in 2011.

The Legislation Publication Act 2011 formally established the Office of the Parliamentary Counsel of the Republic. The OPC was housed at the Nauru Parliament and was subject to the directions of the Speaker of Parliament. The Parliamentary Counsel and Deputy Parliamentary Counsel were appointed by the Speaker.

The primary functions of the Office of Parliamentary Counsel were to:

- (a) draft proposed laws for introduction into Parliament;
- (b) draft amendments to proposed laws that are being considered by Parliament;
- (c) draft proposed subsidiary legislation;
- (d) perform functions under this Act; and
- (e) perform functions incidental to the

Were the objectives met?

In terms of law reform, the following are the Acts that were passed between July 2016 and June 2017.

- Assistant Ministers Act 2016
- Parliamentary Salaries and Allowances (Amendment) Act 2016
- Parliamentary Pension (Amendment) Act 2016
- RONWAN Consolidation (Amendment) Act 2016
- Motor Traffic (Amendment) 2016
- Business Tax (Amendment) Act 2016
- Corporations (Amendment) No. 3 2016
- Partnership (Amendment) No. 2 2016
- Passport (Amendment) Act 2016
- Telecommunications Service Tax (Amendment) Act 2016
- Business Tax (Amendment) No.2 Act 2016
- Revenue Administration (Amendment) No.3 Act 2016
- Employment and Services Tax (Amendment) Act 2016
- Telecommunications Service Tax (Amendment) No.2 Act 2016
- Automatic Exchange of Financial Account Information Act 2016

- Constitution (Appointment of Minister)

functions mentioned in paragraphs (a) to (d).

The 2013 amendment to the Legislation Publication Act disbanded the Office of the Parliamentary Counsel. The functions of this office were consequently transferred to the Department of Justice and Border Control.

Objectives for the year

The primary objectives for the Legislative Drafting Section were twofold:

- (a) Carry out law reform as required; and
- (b) Carry out training on request for the public service on the laws that each department administered.

- (Amendment) Act 2016
- Immigration (Amendment) Act 2016
- Refugees Convention (Derivative Status and Other Measures) (Amendment) Act 2016
- Automatic Exchange of Financial Account Information (Amendment) Act 2016
- Motor Traffic (Amendment) No.3 Act 2016
- Electoral (Amendment) No. 3 Act 2016
- Parliamentary Pension (Amendment) No. 2 Act 2016
- Mentally Disordered Persons (Amendment) No. 2 Act 2017
- National Disaster Risk Management Act 2016
- Courts (Amendment) Act 2017
- Refugees Convention (Amendment) Act 2017
- Derelict Sites Management Act 2017
- Telecommunications and Regulatory Affairs Act 2017
- Nauru Fibre Cable Corporation Act 2017
- Electoral (Amendment) Act 2017
- Domestic Violence and Family Protection Act 2017
- Public Service (Amendment) Act 2017
- Telecommunications and Regulatory Affairs (Amendment) Act 2017

The following subsidiary legislation were made between July 2016 and June 2017:

- Election Petition Rules 2016
- Illicit Drugs (Analysis) Regulations 2016
- Price Control Order No. 4 2016
- Assistant Ministers Regulations 2016
- Motor Traffic (Amendment) Regulations 2016
- Gaming (Amendment) Regulations 2016
- Price Control Order No. 5 2016
- Employment and Services Tax Notice 2016
- Business Tax Regulations 2016
- Business Tax (Transfer Pricing) Regulations 2016
- Revenue Administration Regulations 2016
- Ronwan Consolidation (Date Extension) Regulations No. 5 2016
- Price Control Order No. 1 – 2017
- Automatic Exchange of Financial Account Information Regulations 2017
- Price Control Order No. 2 – 2017
- Refugees Convention (Amendment) Regulations 2017
- Customs Tariff (Alteration to Tariff) Regulations 2017
- Public Service (Additional Hours of Attendance) (Immigration officers) Regulations 2017
- Motor Traffic (Amendment) Regulations 2017
- Ronwan Consolidation (Date Extension) Regulations No. 6 2017
 - Declaration of Designated Mental Health Facilities Order 2017
 - Price Control Order No. 3 2017
 - Ronwan Consolidation (Transition Date)

Regulations 2017

- Price Control Order No. 4 2017
- Public Service (Government Vehicles) Regulations 2017

Staff

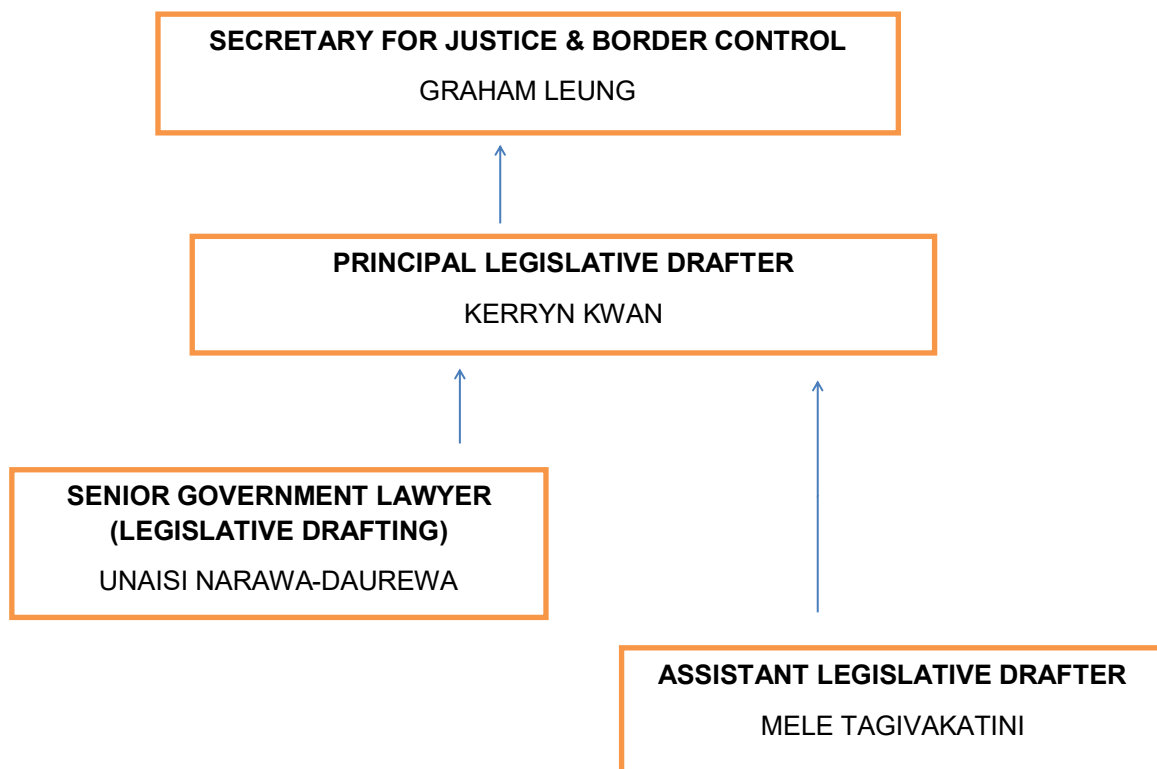
The Section consists of:

- ✦ Kerryn Kwan – Principal Government Lawyer (Legislative Drafting);
- ✦ Unaisi Narawa Daurewa – Senior Government Lawyer (Legislative Drafting) (Left the Section in February 2017 at the conclusion of her contract);
- ✦ Mele Lemaki Tagivakatini – Assistant Legislative Drafter.

Capacity building how many staff, names and period went for training attended to:

DATES	PRESENTERS/ TRAINERS/ ATTENDEE	SESSION/WORKSHOP/MEETING
17 th June 2016	U Narawa-Daurewa	Nauru's International Seabed Minerals Act (in country)
18 th – 23 rd July 2016	U Narawa-Daurewa	15 th PIC Maritime Boundaries Working Session, Sydney, Australia
23 rd July 2016	K Kwan	Overview of legislation administered by the Registry of Births Deaths and Marriages and: Key provisions of the Births, Deaths and Marriages Act 1957; Key provisions of the Legitimation Act 1959. (in country)
6 th August 2016	K Kwan	Key provisions of the Immigration Act 2014 (in country)
10 th August 2016	U Narawa-Daurewa and K Kwan	Legislative Drafting Manual - training for Heads of Departments
16 th August 2016	K Kwan	Overview of Quarantine legislation and their key provisions. (in country)
1 st – 2 nd September 2016	U Narawa-Daurewa	PACPLAN Workshop, Brisbane, Australia
7 th October 2016	U Narawa-Daurewa	Public Service Act 2016 : Public service Code of Conduct; Public Service Disciplinary Regulations 2016. (in country)
24 th March 2017	K Kwan	Domestic Violence and Family Protection legislation – the Nauru experience (in country)

DRAFTING SECTION ORGANISATIONAL CHART:



OFFICE OF THE CURATOR



Brenda Soriano
(Curator)

- Filing.
- Any other duties assigned by Secretary for Justice or Solicitor General.

Activities

Total of deposits of cash through
Bendigo bank - \$ 700,000.00

Background

The office of the Curator of Intestate Estates is currently staffed by:-

- Curator
- Managing Clerk (vacant)
- Clerical Officer

The Curator oversees the receiving, payment and management of monies relating to the estate of a deceased person in accordance with the decision of the Nauru Land Committee as published in the government gazette. Monies are received by the Curator from various places including the Treasury, RONPHOS Corporation, Nauru Utilities Corporation, Eigigu Holdings Corporation and Nauru Rehabilitation Corporation.

The pending salaries owed to deceased persons are also sent to the office for distribution. These are distributed by the Curator, after it has been thoroughly checked and processed. The Office of the Curator keeps hard copies of individual files.

The work of the Curator includes:

- Receiving confirmation Deposit of CASH into Curator's trust Account with Bendigo Bank from RONPHOS, UTILITIES, REHAB, GOVERNMENT (for land rentals, land leases, aerodrome land rentals), and ROYALTIES.
- Ledger (Posting of deposits / withdrawals).
- Corresponding with SOE's concerning rents, royalties and final entitlements (if any).
 - Preparing of CASH payments through FMIS to concern beneficiaries after 21 days of gazettal.

Total of payments made to concerned estates - \$ 350
 Total of payments made to concerned beneficiaries - \$ 350,576.89



Total Cash—\$2,071,587.05
 Withdrawal Cash— 1,770,015.70
 Remaining Cash—\$400,000.00

NOTE:

- (1) The margin for deceased estates with curator does not remain the same all the time, for once the estate is gazettal curator released all the monies to the concerned beneficiary(ies) in accordance with the gazette and close off the said account. The said margin rises each month when new deceased (deaths list) published in the government gazette.
- (1) There are several estates pending payments due to court injunction.

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS



**John Rabuku
(DPP)**

Background

The Office of the Public Prosecutions was established under section 45 of the *Criminal Procedure Act 1972*. The Director Public Prosecutions is appointment of the President of the Republic of Nauru. The Director of Public Prosecutions (DPP) is responsible for representing the Republic of Nauru in criminal proceedings before the courts. In addition, the Director of Public Prosecutions can appoint qualified barristers and solicitors or police officers to be public prosecutors under section 48 of the same Act. Apart from criminal prosecution, the DPP's Office is also a stakeholder in various working groups particularly with the Police on cybercrime, domestic violence, and sexual offences involving women and children and other areas.

Historically it could be said that the Office of the Director of Public Prosecutions found its origins at the commencement of the Criminal Procedure Act of 1972. Ever since its inception, the office of the DPP was and continues to be administratively under the Secretary for Justice. Over the years, lawyers under the leadership of the Secretary for Justice from time to time were appointed to represent the Republic in the prosecution of criminal offences under the Criminal Code 1899 which was Nauru's previous criminal provisions. These lawyers would act for the Republic including ad hoc cases where legal aid was provided. With the increase in criminal offending on Nauru and part of building capacity in the Justice sector there continued to be a growing need for a separate office.

It was not until the year 2009 that the Republic of Nauru appointed its first Director of Public Prosecutions Mr Wilisoni Kurisiqila. Mr Kurisiqila, who left Fiji as the Deputy Director of Public Prosecutions served the Republic of Nauru until his untimely demise in 2015. Even then the DPP's office had to share its office space with the lone Public Legal Defender on Nauru.

Mr Kurisiqila was then replaced by Ratu David Toganivalu, who was formerly the Registrar of the Supreme Court of Nauru and prior to that was also the Assistant Director of Public Prosecutions in Fiji. It was during Ratu David Toganivalu's tenure that the DPP's Office was able to renovate its current office space and enjoy exclusivity of operations on a daily basis. It was during this period that the Public Legal Defender moved out of the DPP's office into its newly renovated space adjacent to the DPP's Office.

Objective of report

This Report will focus on the Office's work from June 2016 to June 2017. The Office has had its share of successes and challenges. During this period our biggest challenges lay in the continued prosecution of the infamous riot case of June 2015 and the Unique-Lee Dick murder case both of which are still on going.

Other challenges lay in the issuing and subsequent prosecution of traffic infringement notices which has now been regularised. Despite these challenges and more, the DPP's Office continues to operate in prosecuting and providing advice when needed as a stakeholder for the benefit of the Republic of Nauru.

During the abovementioned period it is worth noting that the Office was led by the former-DPP Mr. David Toganivalu who was instrumental in re-assessing and re-directing as well as renovating the Office. His leadership saw the appointment of a DPP Police Liaison Officer to be based at the Nauru Police Station to assist Police with investigations. This role has increased to include Police training on new laws, legal and policy advice, which also include human rights and prosecution. The incumbent is now the Senior Government Lawyer (Police & Human Rights). In addition, the Office was physically renovated with the assistance and funding from the Office of the President of the Republic of Nauru. Mr. Toganivalu left the Republic of Nauru on the 24th of September 2017 at the completion of his contract and we are grateful for his direction and assistance.

We also would like to acknowledge the assistance of former-Police officer Sergeant Kazz Olsson who was with us during the same period. Sergeant Olsson was assigned from the Nauru Police Force to act as the Police Prosecutor primarily focusing on prosecuting traffic cases as well as assisting prosecutors in court appearances and coordinating the service of summons. Sergeant Olsson left the Office in late 2016 and is currently at the Department of Fisheries.

STAFF

The office consisted of the following staff:

- Director of Public Prosecutions – Mr David Toganivalu
- Senior Government Lawyer (Police & Human Rights) – Ms. Salote Tagivakatini
- Public Prosecutor – Ms. Laisani Tabuakoro
- Public Prosecutor – Mr. Filimone Lacanivalu
- Prosecutor/Pleader – Mr. Kristian Aingimea
- Police Prosecutor – Inspector Raynor Tom
- Police Prosecutor – Kazz Olsson
- Prosecution Clerk – Mr Junaid Ali.

Work Statistics

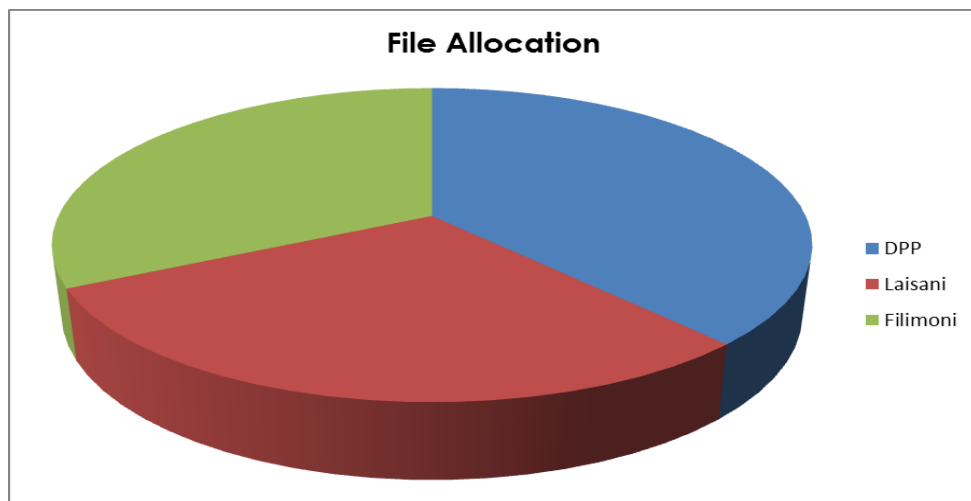
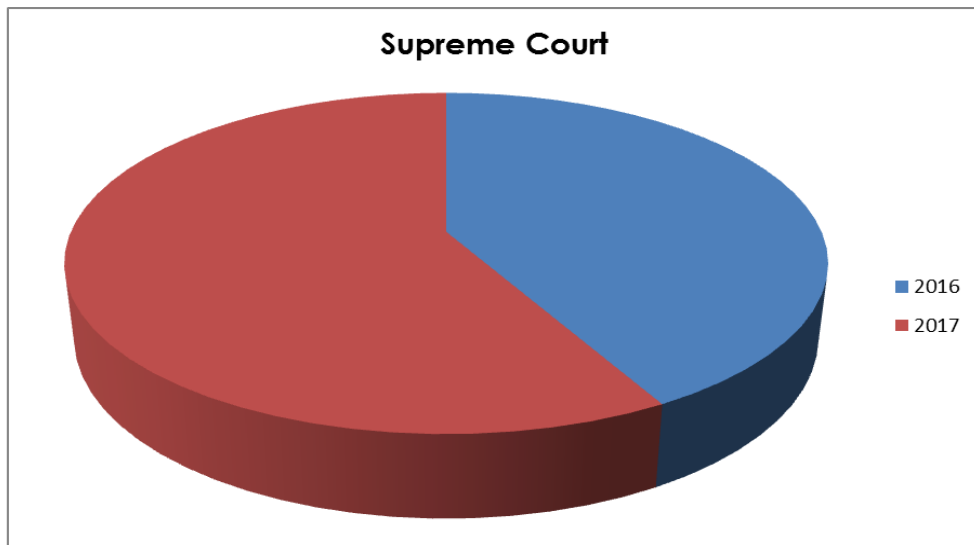
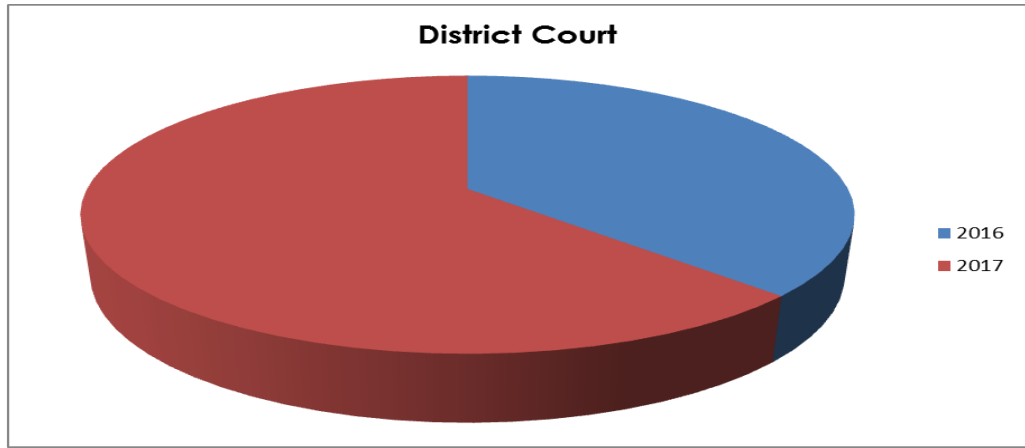
The DPP's Office does not have a computerised system of statistics and data collection.

Police dockets are received from the police after the completion of investigations. The dockets are then allocated to each prosecutor for analysis and possible prosecution. The two factors that are at the core of the analysis and prosecution is the sufficiency of evidence and the public interest.

In the year 2016 the DPP preferred 54 District Court prosecutions and 21 Supreme Court prosecutions. In the year 2017 the DPP preferred 91 District Court prosecutions and 29 Supreme Court prosecutions.

The Supreme Court prosecutions would also include any appeals from the District Court.

It is not clear from the manual statistics kept in the office the amount of conviction or acquittals the DPP's office achieved in this reporting period. The setting up of an electronic data base system will be able to capture that in future.



The statistic on file allocation of files as per prosecutor is as follows:

- DPP – 59 files
- Laisani Tabuakuro – 46 files
- Filimoni Lacanivalu – 50

Police prosecution advisor

The position of the Police Prosecution Advisor (PPA) was established in 2016 with a view to assist Nauru Police Force with investigations and prosecutorial advice. The incumbent, Ms. Salote Tagivakatini, commenced in the role in November 2016 and was stationed at the DPP's Office whilst awaiting refurbishment of the office at the Nauru Police Office. During this transition period, Ms. Tagivakatini was tasked by the DPP, Mr. David Toganivalu to assist in clearing advice files which had been in the Office for over 12 months.

During the first month, the files advised upon for the DPP's Office totaled 28 cases, most of which have concluded and others still in Court. Upon moving into the Police Station, the discovery of 900 Police Dockets was uncovered with the Patrol Unit which dated back to 2008. This required urgent attention and thus the PPA commenced with the analyzing and advising of the same. Within November and December a total of 185 Police Dockets were cleared from the backlog with most being filed away due to the limitation provisions and other sent back to further investigation and prosecution. In addition to the clearing of Police Dockets from the Police Station, there was also training sessions conducted for members of NPF on the Crimes Act 2016; Motor Traffic Act 2014; Introduction to Human Rights & Gender sessions and the provision of legal advice to the Commissioner of Police (COP) and the Police Executive Team. In January and February 2017, legal advice was rendered on 150 Police Dockets and cleared. The remaining Police Docket backlogs have all now been cleared and the status of each case entered into the Police database.

In the early months of 2017, specific work requests which was also undertaken by the PPA as request by the COP was on pushing for the implementation of the Memorandum of Understanding between the Fiji Police Force and the Nauru Police Force in 2015, which had not been actioned due to the change of the Fiji Police Commissioner after the signing of the MoU. The PPA communicated with the higher echelon of the Fiji Police Force to establish great working and collaborative relations between the two Forces.

To date the MoU has seen the passing out of 5 NPF members from the Basic Recruits Course in Fiji; the graduation of a Deputy Police Commissioner and a Senior Inspector from the Senior Superintendent's Course; the train

ing and skills increase of NPF members in Intelligence with many more earmarked to attend specialized courses in Basic Recruits Course, Traffic Investigations Course, Criminal Investigations Course and Senior Officers' Qualifying Courses. The establishment of this relationship has been further bolstered by the PPA's initiative in facilitating the development of the inaugural National Basic Prosecutions Course based on the Nauru Crimes Act 2016 with Fiji's Office of the DPP, Nauru's DPP's Office and the Nauru Police Force. This National Prosecution Course saw the graduation of 20 local enforcement Officers across Government Departments who completed intensive learning, exams, presentations and moot courts to attain their certificates, which is accredited to the Fiji Prosecution Courses run by the Fiji Police Force and delivered by the ODPP in Fiji. Through the PPA, Principal Legal Officer from the ODPP, Fiji, Ms. Seini Puamau was made available to co-facilitate the Course with the PPA.

In May 2017, the PPA was also tasked with assisting the COP in communicating with the Pacific Islands Chiefs of Police in following up on cancelled hosting responsibilities earlier given to NPF, which saw the re-consideration of the cancellation and now sees the PICP Meeting hosted in Nauru in August 2018. Also in May 2017, the NPF underwent training on the newly enacted *Domestic Violence and Family Protection Act 2017* and are fully conversant with their powers and duties under the Act.

In June 2017, the COP endorsed the *Sexual Harassment Policy* for NPF which was drafted by the PPA with Deputy COP Superintendent Kalinda Blake as an outcome for the Pacific Policing Policy Meeting in Nadi in April 2017. The Policy now forms part of the NPF Standing Operating Procedures and safeguards all members of NPF from unwanted sexual advances to ensure a safe and conducive.

Significant achievements

Firstly we acknowledge the assistance of the Honourable Assistant Minister for Justice and the Secretary of Justice and Border Control in the approval and funding of the 7th Pacific Prosecutors Association meeting that was hosted by the Republic of Nauru. Due to logistical restraints in Nauru, the meeting was held at Denarau, Fiji from the 19th to 21st of September 2016. The meeting saw Prosecutors from our neighbouring Pacific countries converge and exchanged ideas and methods in conducting prosecutorial work from each of their jurisdictions which we submit was a success.

Secondly, the Office of the DPP continues to streamline its processes of receiving and reviewing and subsequently prosecuting criminal matters from the Police to the courts. Since the creation of the post of Senior Government Lawyer (Police & Human Rights) under the administration of the DPP, the Office has seen a huge reduction and clearing the backlog of cases from as far back as 2008.

The Office since 2016 was part of the committee under the Pacific Islands Legal Officers Network (PILON) that created the Sexual Gender Based Violence Guidelines on Vulnerable Witnesses that now forms part of the general guidelines for PILON member countries.

Challenges and how they are managed

Firstly, while the channel of receiving and prosecuting files from the Police have been streamlined; we face the challenge of Police committing to the 24-hours remand period. This is particularly challenging when cast against the lack of resources in personnel and facilities.

Communication and circumstances of the cultural context in Nauru remains a challenge for advancing prosecution. Minor cases are normally reconciled by complainants to ensure that family ties are protected. The lack of qualified interpreters for the Courts significantly hampers cases that involve parties who do not speak the English or Nauruan languages.

We currently keep a manual recording system of all our prosecution files. This is managed by the paralegal or clerk in the office. The

categorizing of such files into specific offences and other detailed distinguishing categories' so as to throw out data or statistic specific to a particular request has not been done. Much of this is due to the lack of basic legal training the DPP's Office has on its support staff. The DPP's Office intends to install a database system that is able to capture, store and process data and statistics for the office before the 2nd half of the year. Such a data system will be useful for internal assessments and strategy and likewise for inter-agency information as and when it is requested for.

Area in need of resourcing or capacity building:

The priority areas in need of resourcing in order of priority in the Office are as follows:

- Office space;
- Online Research Access;
- Conference Room;
- Office Filing System;
- Paralegals; and
- Traffic Unit Staff.

Capacity building is a significant priority for the Office; however, the high local Staff turnover is a drawback. Whilst we understand that this is a risk that any Office faces, we endeavour to ensure that the transfer of knowledge and information sharing is inculcated into the work of every Staff member.

OFFICE OF THE PUBLIC LEGAL DEFENDER

Background

Before the establishment of the office of the Public Legal Defender by statute in 2016, the Office was already operating in the Republic of Nauru. The history of the Office goes back to 2009.

In 2009, Knox Herman Tolenoa (Mr. Tolenoa) was a prosecutor in Nauru together with the then Director of Public Prosecutions, the late Wilisoni Kurisaqila (Mr. Kurisaqila). In the same year Mr. Tolenoa was directed by the then Secretary for Justice, Iliesa Tuiloma (Mr. Tuiloma), to act as Public Legal Defender for the Republic of Nauru. Although Mr. Tolenoa acted as the Public Legal Defender, he continued to share the same office space with Mr. Kurisaqila but they had separate rooms. Mr. Tolenoa acted as Public Legal Defender until 2014.

When Mr. Tolenoa commenced acting as Public Legal Defender it was not expected that the number of Nauruans who would use the services of the Office would increase greatly and quickly. Mr. Tolenoa later realized that the number of clients and the demand for the Public Legal Defender's services were increasing. Mr. Tolenoa informed the Secretary for Justice, Mr. Aingimea, that the Office needed qualified persons to provide services to meet the demands of Nauruan citizens and residents for legal representations.

John Rabuku (Mr. Rabuku), a lawyer from Fiji, was recruited by the Department of Justice in 2014 to be the Public Legal Defender for the Republic of Nauru. Mr. Rabuku worked with Mr. Tolenoa from 2014 in the same office as Mr. Kurisaqila and his staff members. Mr. Rabuku and Mr. Tolenoa were later joined by Ravuanimasei Tagivakatini (Mr. Tagivakatini) in May 2015. When Mr. Tagivakatini joined the Office, the officers of the office of the Director of Public Prosecutions and officers of the Office continued to share the same office space. Later in July, 2015, the current Office was opened and the staff members of the Office moved from the Director of Public Prosecutions office to the new Office. The Public Legal Defender and his staff members are still operating from that same Office to-date.

Mr. Rabuku left the office of the Public Legal Defender in November, 2015 to join the Secretariat of the Department of Justice and Border Control as a Senior Government Law

yer. Mr. Rabuku's successor was Sevuloni Valenitabua (Mr. Valenitabua). Mr. Valenitabua commenced as Public Legal Defender in February, 2016 and has held that office to-date.

Past Holders of the Office of the Public Legal Defender:



Knox Herman Tolenoa
Pioneer Public Legal Defender

John Rabuku 2nd Defender



Public Legal De-

The office of the Public Legal Defender and its functions were legally established by the Criminal Procedure (Amendment) Act 2016. The Public Defender's office ("the Office") was established by the Government with the view that all citizens and residents of the Republic of Nauru have equal access to justice. The main function of the Office is to provide services for legal aid, legal advice and legal assistance to citizens and residents of Nauru who need such services.

Our vision

"Equal access to justice and legal services for all citizens and residents of the Republic of Nauru."

Our goal

"Providing fair and efficient legal services in accordance with the rule of law".

Our current staff members



Knox Herman Tolenoa
Pleader
Certificate in Criminal Law (USP)
Certificate in Civil Law (USP)
Certificate in Litigation Skills (PILON)

Seviloni Valenitabua
3rd Public Legal Defender
LLB (Bond Uni), GDLP (ANU),
Leg. Practitioner, Sup. Crt (NSW)
Barrister & Solicitor (Fiji)
Barrister & Solicitor, (Solomon Is.)
Barrister & Solicitor (Nauru)

Ravuanimasei Tagivakatini
Government Lawyer
LLB (USP), PDLP (USP).
Barrister & Solicitor (Fiji).
Barrister & Solicitor (Nauru)

The members of the staff of the Public Defender’s office report to the Director/Public Legal Defender who is the head of the Office. The Director/Public Legal Defender reports directly to the Secretary for Justice and Border Control.

Activities of the Public Legal Defender’s Office in the reported 12 months

The activities of the Office during the reported 12 months included work on criminal, family and civil matters. These activities included preparation of Court documents and litigation in Court. One criminal litigation case was conducted in Fiji.

In addition to litigation, the Office also served citizens and residents of Nauru in the preparation of statutory declarations, certification of documents, witnessing of affidavits and general advice on criminal, civil and family matters. The Office also prepared documents, certificates and covering letters, among other things, for use in Government agencies in Fiji for Nauruan citizens who are resident in Fiji due to studies or for other lawful reasons. The Public Legal Defender held Legal Practitioner Practising Certificates for the Republic of Nauru and for the Republic of Fiji. This enabled the Public Defender to represent Nauruans in Nauru and in Fiji.

Statistical overview of cases

The table below shows information on all cases which the Office had carriage of during the Report period. The information is inclusive of all Criminal, Family and Civil cases. The statistics shown below were taken from the Database of the Public Legal Defender’s office for the Report period. This Database, which is connected to all staff members’ computers, was updated daily by the staff members themselves.

	July 2016 to June 2017
Total Number of Cases Opened	61
Total Number of Cases Disposed	71
Total Number of Cases Outstanding	47

ber

Table 1
The total number of cases disposed of, as in

the table above, was 71. This number included cases which were already in the database for the Office prior to the Report period.

Statistical overview – criminal cases

The information in Table 2 below is about Criminal cases, only, which were in the carriage of the Office during the Report period. Some of those cases were already in the database system of the Office before the Report period. Example: Offences against the Person – Opened 15; Disposed – 31. The extra 16 cases which were disposed of were already in the Public Legal Defender’s office system before the Report period.

	July 2016 to June 2017
Number of Cases Opened	48
Offences of Sexual Nature	15
Offences Against the Person	15
Offences Against Property	11
Other Offences (Drugs/Traffic)	7
Number of Cases Disposed	58
Offences of Sexual Nature	10
Offences Against the Person	31
Offences Against Property	7
Other Offences (Drugs/Traffic)	10
Total Acquittals	7
Acquittals after Full Trial	1
Acquittals after No Case To Answer	4
Acquittals after Withdrawal by Prosecution	2
Total Found Guilty	23
Found Guilty after Full Trial	4
Convictions after Full Trial	3
Unrecorded convictions after Full Trial	1
Guilty Pleas	19
Recorded convictions after Guilty Plea	17
Unrecorded convictions after Guilty Plea	2
Sentences	
Custodial Sentences after recorded convictions	9
Non-custodial sentences including unrecorded convictions.	14
Total Withdrawals	24
Withdrawal by Prosecution	20
Clients Opting for Other Counsels	4
No Further Instructions by Clients	0

Nolle Prosequi Applications	1
Appeals Lodged	1
Appeal by Republic	0
Appeal against Acquittal	0
Appeal against Sentence	0
Appeal by Defence	1 (appeal in Fiji – Julian Heinrich)
Appeal against Conviction	1
Appeal against Sentence	0
Appeals Completed	3
Appeal by Republic	2 (lodged prior to Report period).
Appeal against Acquittal	0
Appeal against Sentence	2
Appeal by Defence	1
Appeal against Conviction	1
Appeal against Sentence	0
Decisions Upheld on Appeal	3
Decisions Set Aside on Appeal	0
Number of Cases Outstanding	36

Table 2

During the reporting period the number of criminal cases disposed of was more than the number of new cases being opened. The disposed cases included those which were already in the system before the reporting period. Cases were disposed by withdrawals of cases by the Prosecution or by early guilty pleas or by Court Judgments after trials. The most serious of the offences conducted by the Office during the Report period was Murder. The last time a person was charged with Murder was in 2008. The minor offences were Public Nuisance and Traffic Infringement Offences.

The Office had carriage of the criminal trial of a Nauruan national in Fiji. The Defendant was found guilty and convicted of Manslaughter. He then appealed to the Fiji Court of Appeal and the appeal is pending. This may have been the first time that a full-time employee of the Department of Justice in the Republic of Nauru had conducted a full trial of a Nauruan national in a foreign country.

Statistical overview – family cases

	July 2016 to June 2017
Number of Cases Opened	9
Divorce	5
Maintenance	1
Property	1
Adoption	2
Number of Cases Disposed	9
Divorce	1
Maintenance	4
Property	1
Adoption	3
Divorce Granted	0
Maintenance Granted	3
Property Granted	0
Adoption Granted	2
Withdrawal for Non-Instructions	4
Number of Cases Outstanding (includes cases prior to the Report period).	6

Table 3

The Public Legal Defender’s office had few Family cases. The Family Court did not convene as regularly as the District Court. This resulted in most of the clients of the Office losing interest in their cases. As a result clients’ cases had to be closed by the Office due to lack of instructions from clients. Petitions for Divorce continued to be the most common application filed by the Office in the Family Court.

Statistical Overview – Civil Cases

The Office had carriage of a very small number of civil matters. These cases were ones which no other legal practitioner on Nauru could take up due to conflict of interests or due to clients' choices. The Office took up civil cases if and when resources were available.

	July 2016 to June 2017
Number of Cases Opened	4
Trust	1
Contract Dispute	1
Land	1
Permanent Injunction	1
Number of Cases Disposed	4
Trust	1
Debt Recovery (prior to Report period).	1
Probate Claim	1
Contract Dispute	1
Appeals	0
Number of Cases Outstanding	5

Table 4

Mr. Valenitabua and Mr. Tolenoa were our lawyers for civil cases. They only took up cases which did not involve claims against the Government and the Nauru Lands Committee. Mr. Tagivakatini dealt primarily with certification and witnessing of documents, with preparations of Statutory Declarations, among other related matters insofar as civil matters were concerned.

Capacity building

The staff members of the Office had no overseas trainings during the reporting period. There was no capacity building in that respect.

Capacity building was mainly on local basis either internally within the Office and done by the Public Legal Defender or externally in the form of Continuing Legal Education and organized by the Secretariat of Justice and Border Control.

Conclusion

It was anticipated that more and more Nauruans, both citizens and residents, would seek to utilize the services of the Office during the Report period. Indeed, more and more people called into the Office for legal representation and legal advice.

The expectation for more demand on the services of the Office is real. There is more demand for representations in civil matters domestic cases. When these new demands are added to the Criminal aspect of the services rendered by the Office, expansion of the staffing at the Office needs to be reviewed. The engagement of a para-legal has been suggested and the Office is awaiting the appointment of one.

IMMIGRATION

Background

Nauru Immigration is responsible by law for protecting the country's sovereign borders and together with the NPF help strengthens national security. The main law which affects and impacts on the work of the Immigration section is the Immigration Act 2014. The Passports Act 2011 is also a key law which guides the work of the section. The Immigration team reports to and works in collaboration with the Secretary for Justice.

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 the record and data storage and archiving. Having access to a reliable system is a fundamental necessity as earlier effort 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 on Nauru or enter Nauru illegally are identified and prosecuted in accordance with the laws. All persons entering Nauru must do so lawfully and comply with the conditions of their visas.

Through the use of technology by implementing the new visa software, Immigration is confident that the quality of processing of visas and database management will be improved drastically.

The overall functions of the section have improved by reducing delays in visa issuance at the same time ensuring to maintain compliance and integrity.

Acknowledgements of improvements of the work of the Immigration Section have been received from various stakeholders including ABF (*since the immigration team was able to support them with urgent visa requests during critical situations in RPC*). There is scope for further improvements to meet and exceed the expectations of the public and users of our services.

Achievements

- (a) Started tracking overstays from March 2016 and insisted to make overstay fees. Also initiated an

operation to check the incorrect visas and rectify with any outstanding visa fees. This helped in generating **additional revenue of \$1.5 million** and also to comply with visa regulations.

- (b) Restructuring of Immigration team – (1) 2 Immigration officers promoted to Senior Immigration Officers, (2) 3 Immigration Officers recruited, (3) Absorbed 1 student intern as a Temporary employee (Immigration officer), (4) reclassified Senior Clerical Officer position to Clerical officer and recruited new Clerical officer.
- (c) Implemented uniforms for Immigration team. This made the team look professional and thus increased the morale of the team.
- (d) Implemented new visa stamps. This helped to ensure avoiding fraudulent visas and thus to avoid revenue loss (visa fees)

Main challenges identified

- (a) Poor maintenance of data for visas processed
- (b) Punctuality & attendance of team members

Staff

Immigration section is managed by the Director of Immigration. Team consists of a Director, 2 Senior Immigration Officers, 12 immigration officers, 1 clerical officer and 1 RPC visa Manager.

Initiatives to manage the challenges

- (a) Insisted team to prepare excel based reports for the visas issued starting 1st March 2016 and implemented daily reporting on the number of visas issued. This enables to have a better control in data maintenance and reporting.
- (b) Implemented process of daily submission of signed timesheets to the Director to track & control punctuality and attendance level

Staff

Immigration section is managed by the Director of Immigration. Team consists of a Director, 2 Senior Immigration Officers, 12 immigration officers, 1 clerical officer and 1 RPC visa Manager.



Staff trainings

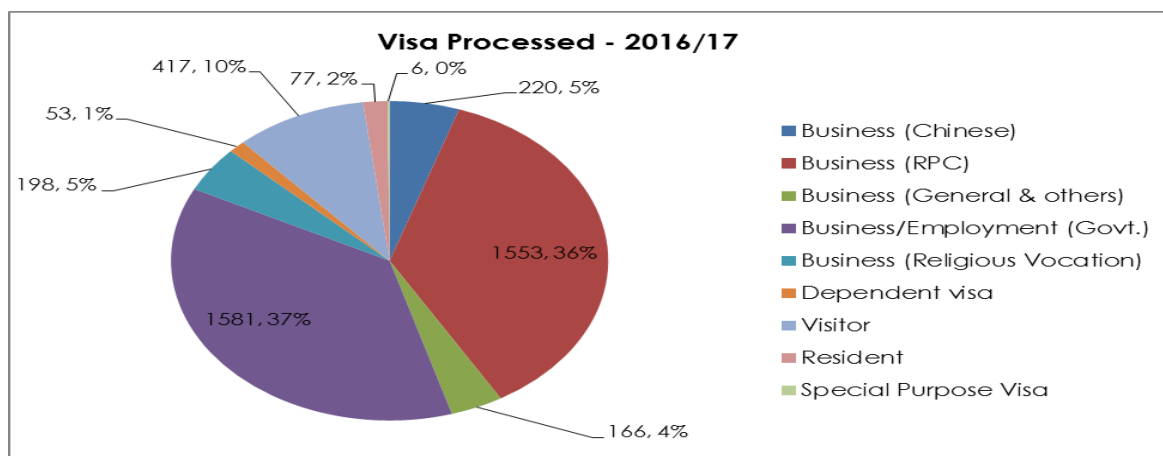
- Facial Image Comparison (FIC) Training (Canberra – 28th Nov 2016 to 2nd Dec 2016) – 2 officers attended
- Intermediate Intelligence Analysis Training (Fiji – 13th to 17th March 2017) – 1 officer attended
- Immediate Executive Leadership & Management Workshop (Samoa – 15th to 19th May 2017) – 2 officers attended

Revenue

Revenue for 2016/17	
Normal visa fee	2,771,965
Overstay fee collected	73,450
Previous years' outstanding visa fee recovery and Visa rectification	1,459,600
Total Revenue	4,305,015
Budgeted Revenue	2,600,000

Statistics of visas processed

Visa Type	2016/17
Business (Chinese)	220
Business (RPC)	1553
Business (General & others)	166
Business/Employment (Govt.)	1581
Business (Religious Vocation)	198
Dependent visa	53
Visitor	417
Resident	77
Special Purpose Visa	6
Total	4271



PASSPORTS

Background

Nauru gained independence in 1968. However, Nauruan citizens continued to use “Document of Identity” for travel purposes after independence. The Passport and Immigration section were previously under the Department of Police within the Ministry of Justice. Travel documents were endorsed and issued by the Director of Police. In 1970 Passport booklets were introduced. They were non-machine readable with the validity of five years and extendable for further 5 years.

Type of Passports	Colour	Size	Cover
Ordinary	Dark blue	10 x 15cm	Hard
Official	Green	10 x 15cm	Hard
President / Diplomat-ic	Maroon	10 x 15cm	Hard
Printing Company	Der-La-Ru Security Printing Company from UK		
Ministers travelled on official passports			



In 1977 Passport covers changed from hard to soft except for the Presidential Passports. Also a red coloured Diplomatic passport was printed for Ministers and Nauru Diplomats use. The ordinary passport colour was changed from dark blue to light blue.



In 1997 Passport Office was transferred to the Department of Foreign Affairs & Trade following the introduction of Nauru Citizen Investment Program. The Passport Office was established on the 2nd floor where DPP office is currently located. The office consisted of 3 staff members:-

- Director for Passport - Mr Toska Agir,
- Administrative Officer- Ruby Emiu and
- Higher Clerical Officer - Mr. Ken Blake.

The size of Passports was reduced from 10x15cm to 9x12cm /soft covers. Ordinary Passport colour was change from light blue to dark blue. Presidential Passports colour was changed from maroon to black.

In 2006 Passport Office was transferred from the Department of Foreign Affairs & Trade to the Department of Justice & Border Control, simply to put all the Border Control Sections in one place. The Director for Passport Mr Alf Itsimaera was made Acting Director for Immigration & Customs following the death of Mr Amos Cook who was the Director of Immigration and Customs at that time.

In 2007 Passport was upgraded to Machine Readable passports (MRP).



In 2016 a new version of the 2007 passport was produced adding more security features. In the same year Machine Readable Travel Document (MRTD) for Refugees was introduced.



In 2017 Australian Border Control in Canberra accepted Nauru Certificate of Identity for the Asylum Seekers to facilitate their travel abroad for medical treatment.

Mission

Nauruan Passport is not only a travel document. To many of us, it is a symbol of our personal identity and pride of our country as a Republic.

Our mission is to improve the services of the Passport Section and provide a reliable travel document.

Goals

Enhance staff expertise:

- Schedule regular training seminars by July 2018;
- Encourage staff to attend ICAO TRIP & TAG workshop & seminars for Security & Facilitation
- Travel Identification programs.

Increase awareness:

- Update Interpol on all lost & revoked passports;
- Inform the public through media release or on air about any new policies & regulations.

Improve Customer Service

- Hire 1 or 2 additional employees;
- Implement the use of modern technologies to ensure that all processed Travel document can be read at all boarder points.

Passport Office – Current Staff



Front - Ruby Moana Amram (Senior Passport Officer) Back/left – Zita Itsimaera (Data Officer). Back/right – Kerry Nottle (Processing Officer)

The Importance of Passport

Passports & other travel documents are internationally recognized official documents that show the identity and citizenship of a person for the purpose of facilitating travel abroad.

They are used by border authorities to help determine admissibility and legitimacy of travellers who wish to cross international borders and enter another country's territory.

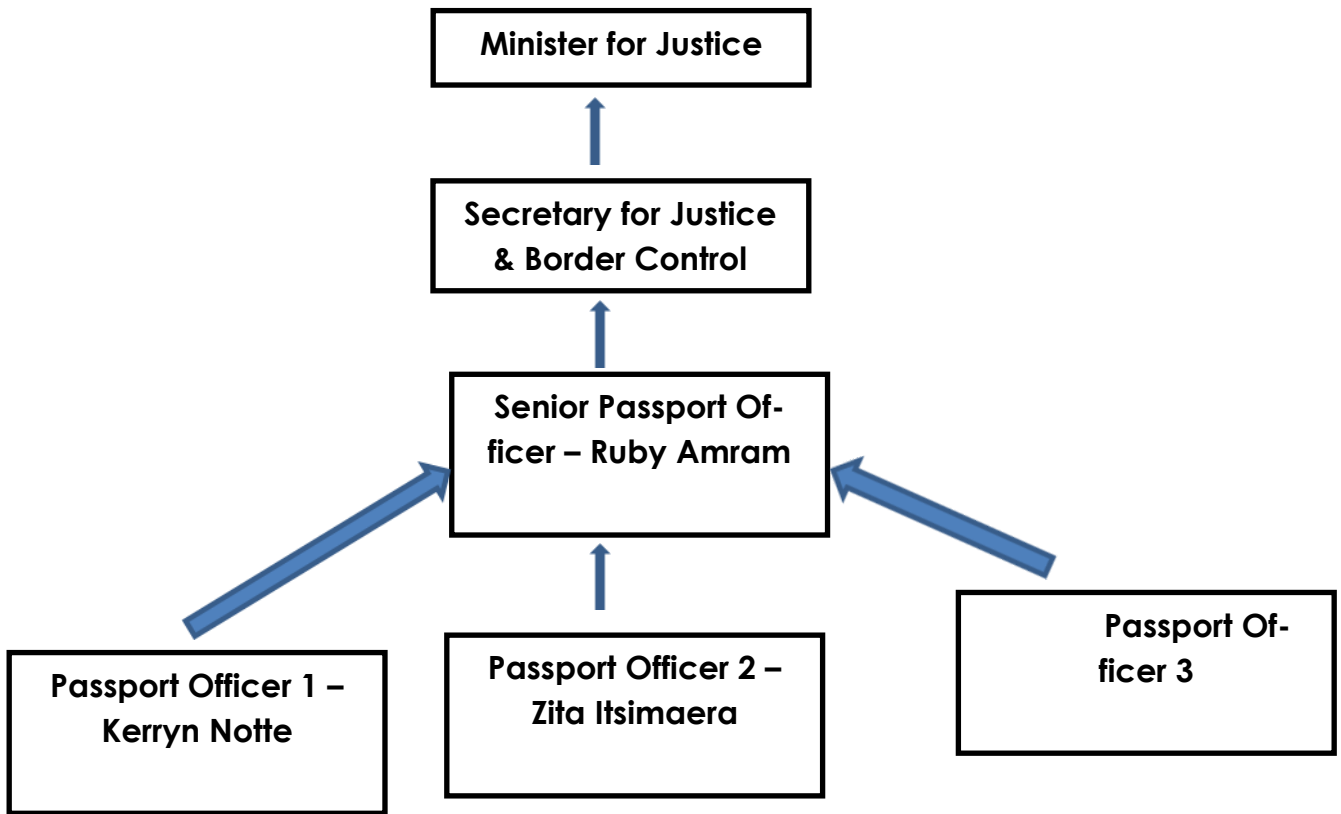
They are also used by the issuing nation to grant re-entry into the country. The travel document enables the holder to apply for visa for those countries that require it upon entry and allow the authority to annotate the travel document and record entry and exit dates.

On our Island of Nauru, a passport is the only means of identity trusted by the existing bank. Without a passport, a Nauruan is unable to open bank accounts including limited access to their fortnightly wages.

Other Activities

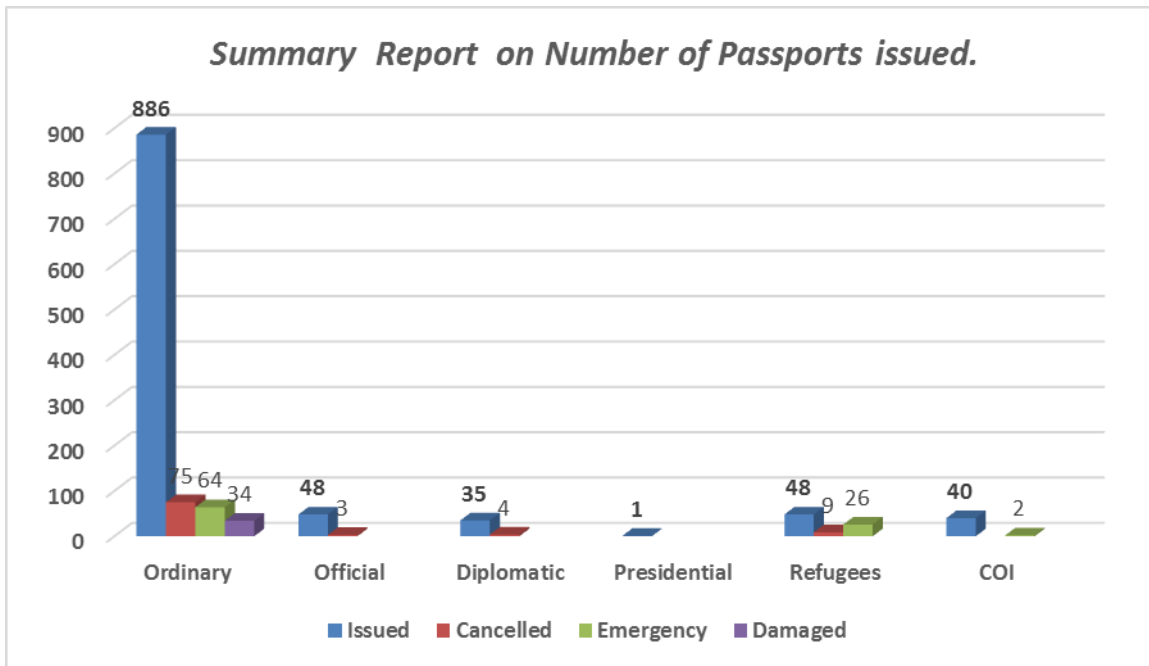
- (a) January 2017- Purchase office items from State Owned Corporations & Capelle.
- (b) 31st January 2017- Maintenance & service for RON 249 – Passport vehicle 5th July 2017 – Maintenance & Service for Passport vehicle RON249.
- (c) 15th – 29th March 2017 Official travel for Head of section Ms. Ruby Amram – Senior Passport Officer to Bangkok to meet with Passport Printing Company. To discuss matters pertaining to Asylum Seekers travel documents. Also to request for 2 more dongle keys for the processing of passports.
- (d) Passport Office renovation by Central Meridian Construction - yet to commence.

PASSPORTS ORGANISATIONAL CHART

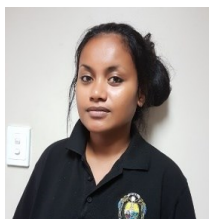


Revenues

Passport Revenue as of 1st July 2016 - 30th June 2017 - **\$189,840.00**



QUARANTINE SECTION



Amy Tsitsi – A/PQO

Background

Nauru has a unique environment which can easily be harmed by many of the world's dangerous agricultural and environment changing pests and diseases. The increasing incoming aircrafts, sea vessels and cargo containers may increase chances of spreading pest and diseases

from other countries. The Quarantine section serves to provide the protection of Nauru's plants, animals and public health. They work to protect, develop and utilize our natural resources and environment by the prevention and eradication of invasive species.

The Office of the Nauru Quarantine works together with:

- (a) Immigration;
- (b) Customs;
- (c) Police; and
- (d) Public Health.

Nauru Quarantine aims to ensure the safe movement of plants and animals within the Republic, into and out of the Republic. We have a wonderful environment and a unique unspoiled way of life and we are aim to protect it.

Nauru Quarantine is divided into 4 divisions: Sea-port Operations, Airport Operations, Trade Unit and Surveillance Unit. Each division is led by an appointed senior officer who will report directly to the Principal Quarantine Officer. Nauru Quarantine has 14 current officers in total.

Objectives

Nauru Quarantine provides services by inspecting and clearing of incoming passengers, cargoes, sea containers and incoming conveyances. They ensure operational effectiveness through compliance with procedures and laws, and correct application of technical skills.

Responsibilities	How are they achieved
Quarantine Operational Duties	Airport <ul style="list-style-type: none"> • Passenger profiling and facilitation • Review aircraft clearance documents Inspect baggage, and apply other procedures as required
	Cargo <ul style="list-style-type: none"> • Profiling of cargo and facilities • Review clearance documents • Review Import Documents • Inspect consignments/cargo and containers • Apply other procedures as required for any fresh stored products. • Inspection of cargo and unaccompanied personal effects • Identify and inspect risk materials • Confiscate and destruct goods when necessary
	Sea Vessels <ul style="list-style-type: none"> • Review vessel clearance certificate • Passenger profiling
Report writing	<ul style="list-style-type: none"> • Direct actions for clearance, holding, treatment, destruction or reshipping as required. • Disinfect or treat any risk materials as required. • Determine whether customer has complied. Analyse data and report as required.
Dog Registration/Licensing	<ul style="list-style-type: none"> • Upon registration, ensure all requirements are met. • Briefly explain to applicant all consequences of non-compliance. • Issuance of license. • Data collection and report as required.

Trainings and Workshops

- **‘Sub-regional Workshop on Developing Capacity for National Border Controls on Living Modified Organisms in Pacific Small Island Developing States’** organized by the Secretariat of the Convention on Biological Diversity (SCBD) in Collaboration with the Government of Fiji and with the financial support of the Government of Japan through the Japan Biodiversity Fund (JBF) was held in Suva, Fiji. The workshop was attended by Acting Principal Quarantine Officer – Ms Amy Tsitsi and Quarantine Officers – Mr Link Uera and Mr Kane Akubor from the 27th of March 2017 to the 29th of March 2017.



**Sheba Hubert –
SQO (Trade)**

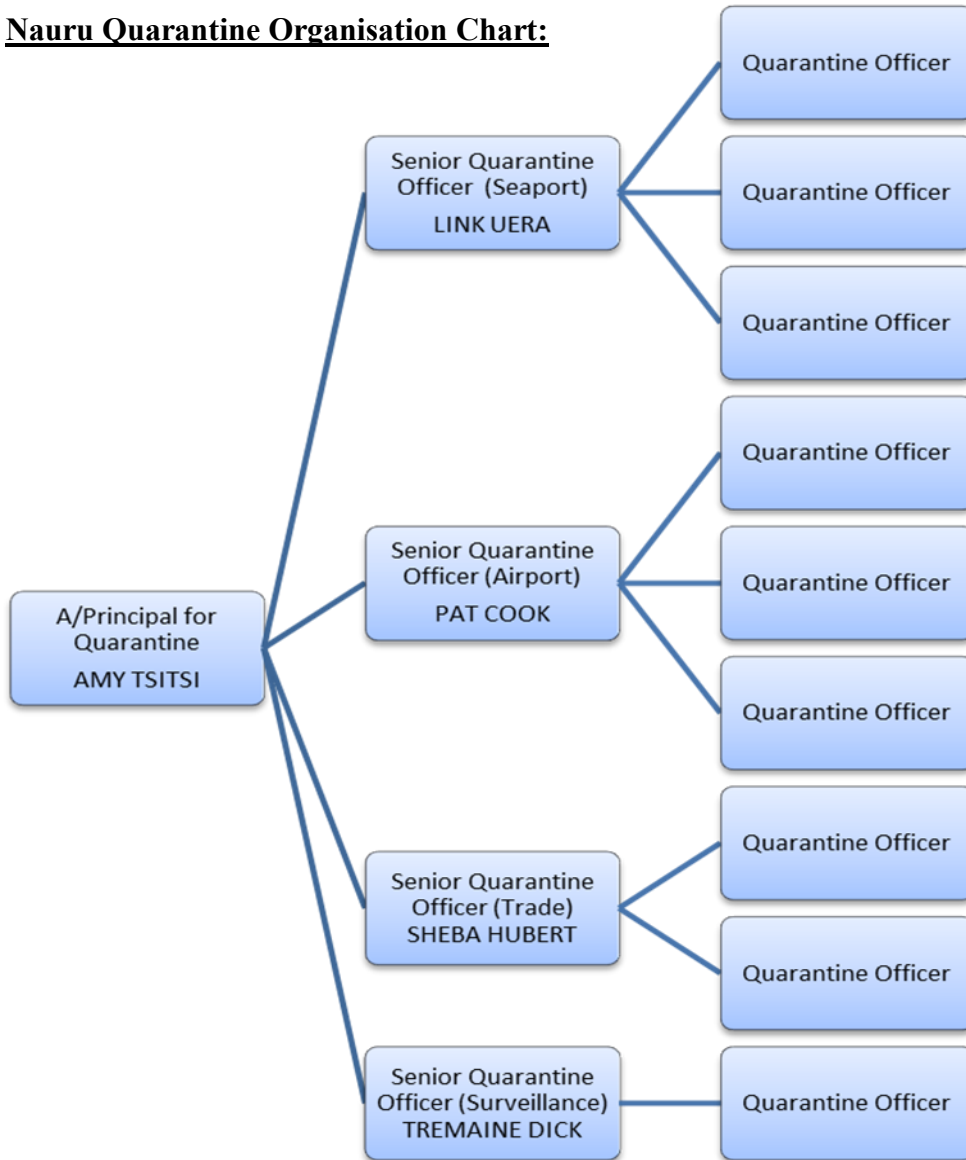


**Pat Cook –
SQO (Airport Ops)**



**Link Uera –
SQO (Seaport Ops)**

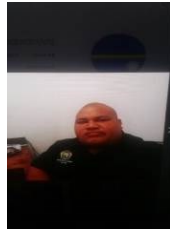
Nauru Quarantine Organisation Chart:



Note:

- (a) Nauru Quarantine Section is divided into four (4) sub-divisions each led by an appointed senior officer.
- (b) Quarantine officers rotate within the different subdivisions on a monthly basis.

NAURU CORRECTIONAL SERVICE



Jeza Ueppa

The Nauru Correctional Service is responsible for the administration of the lone Nauru Correctional Centre in the Republic of Nauru. The Correctional Service is responsible for the incarceration and rehabilitation of criminal offenders sentenced to an imprisonment term by any court of law in the Republic. The operation of the Correctional Service and Centre is governed under the *Correctional Service Act 2009*.

Mission

The main mission of the Correctional Service is “**PUBLIC SAFETY**”. Public safety is achieved by ensuring the safe custody of offenders and maintaining a safe environment for both staff and inmates.

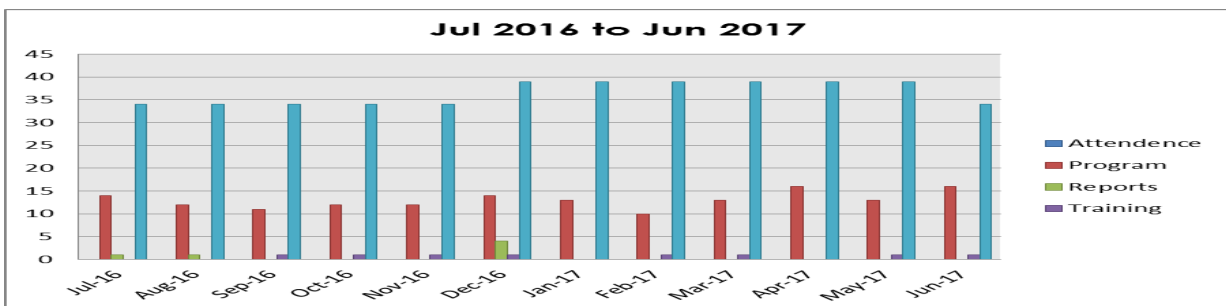
Objectives

We aim to carry out our duties in accordance with the rule of law and the rules of natural justice. We aim to ensure that the rights (though limited) of prisoners are safeguarded by our duty to act fairly and within the ambit of the laws. The Nauru Correctional Service mission is to provide a safe and secure correctional environment; enhance public safety through partnerships with the community and other law enforcers, including the expansion of the Good Conduct Credits; the nonviolent offender parole review process; and the credit-earning opportunities for Milestone Completion, Rehabilitative Achievement.

The Correctional Service aims to ensure that prisoners are prepared for a successful return to the community as law-abiding citizens.

Staff attendance summary

POOR	July, August 2016, February 2017
AVERAGE	September 2016, July 2017
GOOD	October, November, December 2016 January, March, April, May 2017

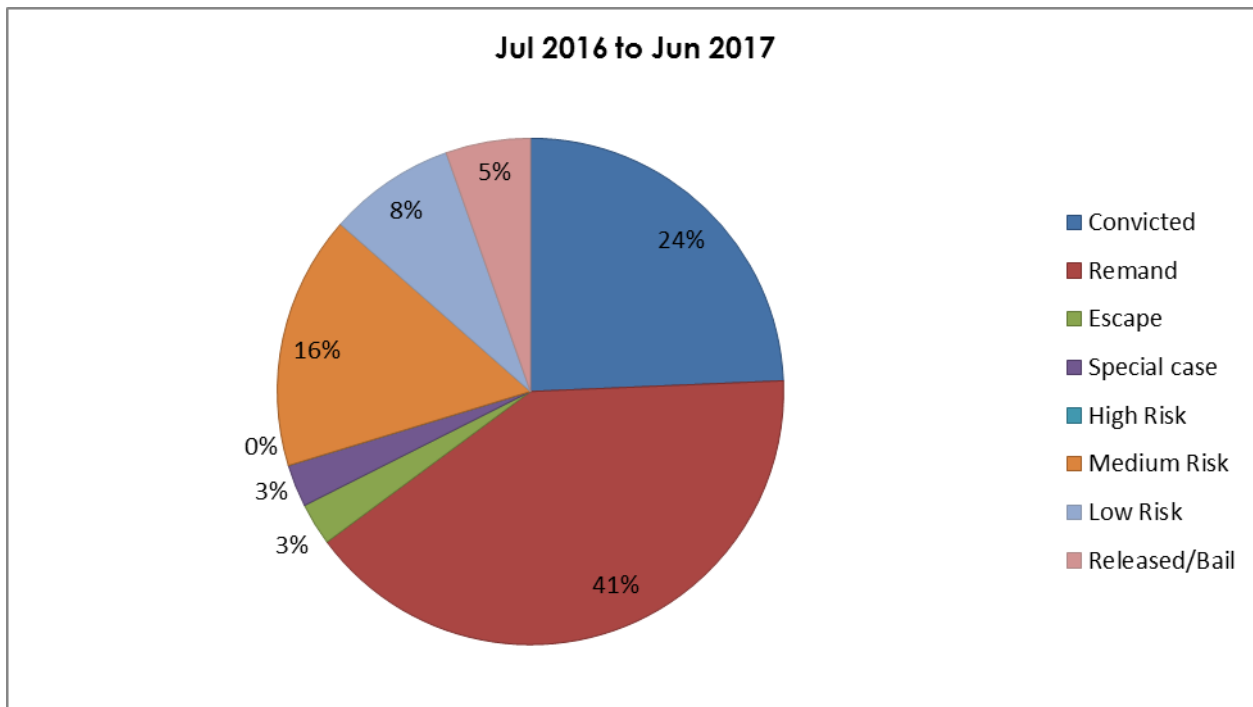


Trainings attended:

- Prosecution course
- Air Security Training (AST)
- Mental Health Crisis
- First Aid
- Correctional Act 2009
- Code of Conduct

PRISONERS SUMMARY:

CONVICTS/REMAND/ESCAPE/SPECIALCASE/HIGH-RISK/MEDIUM-RISK/LOW-Risk/Released/Bail



Summary of officers & prisoner expenses

MONTH	OFFICERS	PRISONERS	EXPENSE
Jul 2016	34	13	\$6,016.50
Aug 2016	34	16	\$5,088.00
Sept 2016	34	18	\$70,286.00
Oct 2016	34	24	\$5,294.81
Nov 2016	34	23	\$4,156.18
Dec 2016	39	23	\$7,000.75
Jan 2017	39	26	\$969.00
Feb 2017	39	35	\$4,473.57
Mar 2017	39	37	\$11,203.65
Apr 2017	39	39	\$39,021.57
May 2017	39	45	\$17,863.06
Jun 2017	39	28	\$26,963.44
		Total	\$198,336.53c

Note:

- (a) Bulk of the money spent was for prisoners’ rations, utilities, program equipment and other service resources.
- (b) Correctional Service’s primary focus is to run the service in a secure environment by housing inmates along with their welfares such as rations on both daily and monthly basis.
- (c) Correctional facilities use relatively large amounts of water and electricity because of its 24 hour occupancy and usage needs.

HUMAN RIGHTS SECTION

Background

The Republic of Nauru is a State Party to four (4) Human Rights Treaties. The four Treaties are:-

- CRC - Convention on the Rights of the Child acceded on 27 July 1994;
- CEDAW - Convention on the Elimination of All Forms of Discrimination against Women acceded on 23 June 2011;
- CRPD - Convention on the Rights of Persons with Disabilities acceded on 27 June 2012;
- CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment ratified on 26 December 2012.

The appointment of Mr. Filipo Masaurua as the first Senior Government Lawyer Human Rights in the Department of Justice and Border Control (DJBC) was made in December 2014. The establishment of this position was necessary in ensuring that Treaty reporting and implementation obligations of the Republic of Nauru were addressed.

The new position in the DJBC was timely as the Republic of Nauru was due to appearing at the twenty-third session of the Universal Periodic Review (UPR) of the Human Rights Council in November 2015 as well as Initial State Reports for the CRPD and CAT. The Department of Justice and Border Control (DJBC) as the human rights focal was leading the consultative processes of obtaining and compiling the State Report. The review in Geneva was intended to tell Nauru's Human Rights story to the world. Providing support to the Senior Government Lawyer is the Nauru Country Focal Officer (CFO), Ms. Stella Duburiya.

Whilst DJBC has responsibility for human rights within the government and provides human rights advice to the President and Cabinet different human rights thematic areas may fall in other departments such as Women's Human Rights and Children's Rights

within the Department of Home Affairs, Disability in the Department of Education.

Thematic human rights areas notable work

The JBC Human Rights Section provides support to the various departments on their human rights issues. Joint collaboration with the Nauru Department for Education, who is the focal office for the Convention on the Rights of Persons with Disability (CRPD) has been on-going since 2015. This ongoing work has been focused on trying to complete the CRPD Initial State Report as well as providing technical support on disability related policy development for the Department and schools.

In July 2016, the Human Rights Section was involved in completing the United Nations Convention on the Rights of the Child (UNCRC) List of Issues with the Department of Home Affairs – Child Protection Services which was submitted to the Committee on CRC in Geneva, as the State responses for the CRC Constructive Dialogue that was held in Geneva. The recommendations that were put forward by the CRC Committee which are then implemented by the Child Protection Services with support from the Human Rights Section. This engagement encourages dialogue between Nauru and the Committee on the realities faced on the issues of children's human rights and seeking support for implementation.

The CAT's Initial State Report preliminary draft is in progress with the interactive efforts of the Department for Foreign Affairs and Trade and the Department of Justice – Human Rights Section. A CAT Working group was established involving mainly the Nauru Police Force (NPF), Nauru Correctional Services and Nauru Health and Medical Services (NHMS). Interviews were conducted to collect information and data from key instruments of CAT such as Judiciary, Police, Corrections and Australian Border Force (ABF) for questions relating to detainees and inmates as well as clients of the Nauru Regional Processing Centre (NRPC).

A post UPR Regional Consultation was conducted in Nadi, Fiji in June, 2016. It was based on the Universal Periodic Review (UPR) processes and implementations of the state recommendations. Participants from neighboring Pacific Island Countries (PIC's) such as Kiribati, Tuvalu, Palau, and Vanuatu shared their country's status of their National Monitoring and Follow – Up (NMRF). Nauru shared their ad hoc process which was jointly prepared by DJBC and DFAT are working together for a result based system on the implementation of recommendations. The workshop was conducted in parallel with the International Covenant on Civil and Political Rights (ICCPR) information session in which PIC's were called upon to ratify ICCPR. Whilst there was significant calls for Nauru to ratify the ICCPR and ICESCR amongst other Treaties, DJBC is carefully charting the best course of action for consideration by Cabinet and Parliament.

A National Human Rights Institution (NHRI) Scoping Study was conducted by the Regional Rights Resource Team (RRRT) and the Asia Pacific Forum (APF) representatives who met with Ministers, Public Servants and Community members from faith based groups and civil society organizations such as NIANGO and Nauru Disabled Persons Organization (NDPO). The Scoping Mission Report is to be analyzed by JBC and forwarded to the Minister for Home Affairs who is taking the lead role.

The Nauru Country Focal Officer represented the Human Rights Section as a selected member of the Electoral Taskforce Committee

(ETC) on the review of the Observer Teams Recommendations of the 2016 Nauru General Parliamentary Elections. With co-efforts of the CFO and a Senior Government Lawyer, recommendations were put together for cabinet consideration on improving election processes.

The CFO is also involved in the Technical Working Group for the Nauru Sustainable Development Strategy (NSDS) review which is coordinated by the Planning and Aid Development Office to work as an advisory body to the Nauru Planning and Development Committee (NDPC). Its main efforts were to run the NSDS Community Consultation Review in 2017 for the revision of national priorities.

In March 2017, Nauru participated in the Pacific Legal Policy Training in Canberra through nominating its first Policy Champion from the Human Rights Section. The Department is now equipped to facilitate the 7 Steps Policy Development Training which has been modified to include the Rights Based Approach so that policy issues are solved with the intention of protecting, promoting and fulfilling the rights of Nauruans.

Eliminating violence against women (evaw) – women and girls have increased access to justice in cases of domestic violence

In partnership with the Directorate for Women’s Affairs the Human Rights Section provided support in organizing the consultations and drafting of the Nauru Domestic Violence and Family Protection Implementation Plan to guide the legislated processes of the *Domestic Violence and Family Protection Act, 2017*. The Domestic Violence and Family Protection Act are earmarked for passage in parliament in May 2017.

The Information, Education and Communication (IEC) tools for Domestic Violence were coordinated by the Human Rights Section for the Department of Women’s Affairs’ Safe House to use in their EVAW campaigns and awareness sessions.

Human rights continuing work

Although there was a vacancy left in the Human Rights Section with the departure of Mr. Masaurua in December 2016, the work of the Section continued. The UPR recommendations which canvass a wide spectrum of human rights activities that ranges from acceding to Human Rights Treaties to establishing human rights institutions remains high on the human rights agenda for Nauru. The Republic of Nauru understands that the next review is in the year 2020 and is working towards a sustainable and realistic implementation of its obligations. As a Small Island Developing State competing priorities and limited resources are inevitable which provide significant challenges. Therefore, meaningful engagement at all levels of society is critical particularly with all key stakeholders as this is the only means to effective implementation.

The timeline for UPR engagement in the current cycle is illustrated below with green indicating completed tasks and yellow indicating pending tasks:

