



Nauru Department of Justice and Border Control

2017 ~ 2018 ANNUAL REPORT

CONTENTS

Message from the Minister for Justice and Border Control	3
Message from the Secretary for Justice and Border Control	4
Overview of the Department	5
Budget Overview	8
Summary of Key Developments and Achievements	8
Human Resources and Finance	11
Staff of the Justice Secretariat	12
Office of the Solicitor General	14
Legislative Drafting Section	17
Business Registration and Licensing	20
Office of the Curator of Intestate Estates	23
Financial Intelligence Unit	25
Office of the Director of Public Prosecution	26
Office of the Public Legal Defender	30
Nauru Correctional Service	34
Passports	37
Immigration	40
Quarantine	44

This Annual Report covers the 2017-2018 financial year, commencing 1 July 2017 and ending 30 June 2018. During that period the Republic of Nauru celebrated its 50th year of independence. This report is issued under the authority of the Minister for Justice and Border Control in compliance of the reporting requirements and guidelines of the Public Service.

MESSAGE FROM THE MINISTER FOR JUSTICE AND BORDER CONTROL



Hon. David Adeang M.P.

MINISTER FOR JUSTICE AND BORDER CONTROL

I am pleased to again contribute to the Department of Justice and Border Control's Annual Report. The Report highlights the critical behind-the-scenes public service we do every day on behalf of the people of Nauru. It presents the broad range of matters handled by the Department and showcases notable office achievements throughout 2017 – 2018.

The overall performance of the Department has been strong. It comprises a wide range of sections serving members of the Nauruan public – from passports to business licences, legal aid to quarantine.

A matter that continues to be a concern however is the small number of legally qualified Nauruans in the Department. Law is a highly specialised and complex discipline.

Government recognises the central role of law in development and to this end has sponsored a number of Nauruans to embark upon legal studies overseas. However I recognise it will take time for the returning graduates to acquire the necessary skills to be fully competent legal practitioners. In the meantime, capacity building and mentoring of Nauruans must continue in earnest. On this the 50th anniversary of the nation's independence, I challenge all Nauruans employed in the Department to ask themselves what more they can do for our country. I would also like to take this opportunity to thank the expatriate staff who have left their countries (and for many also, their families), to come and assist Nauru's development and nation building.

The achievements of the Department would not be possible without the skill, expertise, and dedication of all staff. I congratulate them on a job well done and assure them of my fullest support in the coming year.

MESSAGE FROM THE SECRETARY FOR JUSTICE AND BORDER CONTROL



Graham Leung

SECRETARY FOR JUSTICE AND BORDER CONTROL

It is a privilege for me to introduce my third annual report as Secretary. The reporting period has been an exciting and constructive one, culminating in the nation celebrating the 50th year of its independence.

Our mission includes working together with other stakeholders to advance community and national security, promote justice and equality. Together with the Nauru Police Force, we play a key role in enforcing laws and defending the interests of the Republic of Nauru according to law.

Our Values

- Transparency;
- Public services delivery to a high standard;
- Professional and Supportive;
- Empowered and Accountable;
- Leading collaboratively; and
- Trusting and Respectful.

We are proud to play a central part in the administration of justice and in defending and promoting the principles that underpin it. It gives us all, wherever in the Department we work, a real and unifying sense of purpose. We have tried to present this report in a way that gives you a good picture of the work we have done during the reporting period, the kinds of work activities we were and continue to be engaged in, the improvements we have made, as well as some of the challenges and risks we have addressed during the year. Our secretariat is the center of our operations.

During the year, we opened an extension of the office with a new conference room which is shared with the Department of Multicultural Affairs. The renovations included a dedicated staff tearoom. This new facility has multiple uses, providing room for proper staff meetings as well as space for the delivery of lectures and seminars.

A lot has been done and achieved during the past year but a lot more needs to be done, so that the people of Nauru who come to the Department, whether they be for passports or business licences receive higher levels of service. We aspire to be more "customer orientated" in the future.

Lastly, I would like to extend my thanks to the staff in all sections of the Department of Justice and Border Control who continue to do an exceptional job in delivering services in pursuit of our aim of a safe, fair and just Nauru. Their commitment and enthusiasm has greatly assisted my role as Secretary. I look forward to continuing to work with our people to deliver the extensive work plan for the coming year.

OVERVIEW OF THE DEPARTMENT

The Department of Justice and Border Control ("Department") is commonly abbreviated as "JBC" or "Justice". It comprises integral sections of the public service. Its role and function range from delivery of advisory services to border control. Over the years it has retained the various sections except for Customs, which was reassigned to the Department of Finance.

In this annual report, it was felt that a summary was important to assist those reading the report to appreciate the role of each section of the Department including the Department's contribution to nation building. Currently it is inter alia responsible for the following sections:

The Secretary for Justice and Border Control

The Secretary for Justice and Border Control ("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 that comprise the Department report to the Secretary. The Secretary provides administrative support to all the sections which includes the execution of day to day activities, staff training, human resources capacity development, office development, technological support to meet ever growing challenges of a developing nation to meet its domestic and international obligations.

Apart from the aforementioned routine administrative duties, the Secretary's other critical responsibilities include -

- advising Cabinet on legal matters;
- advising the Minister for Justice and Border Control ("Minister") on legal and policy matters;
- providing, upon request, legal advice to the Speaker of Parliament;
- serving and supporting Boards, Committees (ad hoc or permanent) and other statutory entities such as the Nauru Seabed Authority;
- advising Government on international relations, treaties, conventions and other agreements;
- being the Registrar of Corporations, Partnerships, Business Licences, Business Names and the Beneficial Ownership Authority;

- having a special statutory role under the Republic Proceeding Act 1972. All legal suits by or against Government must be in the title of "Secretary for Justice";
- being an amicus curiae in various proceedings for example under the Electoral Act and Nauru Lands Committee Act 1956;
- being 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; and
- processing and issuance of passports, work permits and visas.

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 for the Secretary in his roles and functions as and when the need arises. Secondly, the Solicitor General's primary role and function is similar to his counterparts in Commonwealth countries. Under the direction of the Secretary for Justice, he provides legal advice to Government, Ministers, Heads of Departments and Departments at large. This also includes representing the Republic in most 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, mediations and negotiations of contracts, agreements and understandings;
- attending and negotiating in Regional Processing Centre arrangements, treaties, conventions, loan agreements, and grants;
- assists the Secretary in the supervision of the Quarantine, Business Registration and Licensing, Curator, Immigration and Legislative Drafting sections;
- in charge of budget submissions, planning and utilisation;

- providing assistance to court in any legal matter as and when requested by the Court; and
- on behalf of the Office of the Secretary, institute or defend civil suits in which the Government and or its instrumentalities are a party.

Legislative Drafting

This section is primarily responsible for the drafting of Bills, 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 and treaties;
- drafting new Bills for Parliamentary purposes;
- drafting new Regulations to facilitate the administration and operationalising of Acts of Parliament; and
- undertaking the promotion, raising of public awareness of existing and new laws with Heads of Departments, target groups, the media and the Government Information Office.

Business Registration and Licensing

The Business Registration and Licensing Section processes applications and issues certificates of registration of business names, incorporation certificates, certificates of registration of partnerships and business licences. The section is under the direction and supervision of the Secretary who is the relevant office holder as the: Registrar of Business Names; Registrar of Business Licences; Registrar of Corporations; Registrar of Partnerships; and Beneficial Ownership Authority.

The duties of the section as mandated under multiple laws and regulations include inter alia -

- processing of applications;
- maintaining the registers;
- performing such other duties as are imposed by the different Acts and Regulations;
- keeping records of businesses names, businesses, corporations, partnerships;
- ensuring inspection of business names, businesses, corporations, partnerships; and
- ensuring compliance, enforcement and implementation of the different Acts and Regulations.

Office of the Curator of Intestate Estates

The Office of the Curator of Intestate Estates (in many countries known as "Public Trustee") manages and administers estates of deceased persons. This includes proper accounting, obtaining of records from Nauru Lands Committee, personal banking records of beneficiaries with Bendigo Bank and timely distribution of estate monies to beneficiaries.

One of its major areas of work has been the RONWAN payments with the coming into effect of the RONWAN Consolidation Act 2014 to wind up the Nauru Phosphate Royalties Trust which has seen a decline in this area of work.

Financial Intelligence Unit

The Financial Intelligence Unit ("Unit") is established under the Anti-Money Laundering Act 2008. The 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 Unit is mandated under the Act and empowered to obtain information from financial institutions in Nauru if such information is linked to money laundering, financing of terrorism and any other unlawful activities.

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 and regional countries. The key role and function of the prosecution office include -

- giving advice and guidance to the Nauru Police Force in the conduct of criminal investigations, the decision to prosecute and charges to prefer;
- to institute criminal proceedings against any person according to the criminal laws of Nauru; and
- training, educating and raising awareness of Police Officers on the new Crimes Act 2016 and other existing laws to ensure improvement and efficiency in the investigation of crime. For this purpose, an expatriate lawyer is now assigned to the Nauru Police Force. She is responsible for the conduct of training and providing advice to the Nauru Police Force when required.

Office of the Public Legal Defender

The Office of the Public Defender by its very name provides free legal advice and representation to the citizens of the Republic, who cannot afford legal representation. Recently the legal status of the Office was cemented by an amendment to the Criminal Procedure Act. The principal functions of the office include -

- legal representation in court in family and criminal matters;
- providing legal advice in all areas of law to Nauruans; and
- assisting the public in preparation of statutory declarations and other statutory forms so that the public are able to comply with laws.

Nauru Correctional Services

The Nauru Correctional Service is established under the Correctional Service Act 2009 as one of the "disciplined forces" in the Republic. The principal functions of the Service include –

- providing for the establishment, maintenance and operation of the Service based on internationally accepted standards for the fair and humane treatment of prisoners consistent with the law and cultural values of Nauru;
- ensure that terms of imprisonment are administered in a fair and effective manner;
- maintain the safety of the community, prisoners and officers and promote public confidence in the Service; and
- assist, as far as is reasonably practicable, the rehabilitation of prisoners and their integration back into the community.

Passport Section

The Passports section is established under the Passports Act 2011 and is headed by the Senior Passports Officer. This section performs the important role of processing applications for and the issuance of passports and travel documents to Nauruan citizens. The section ensures that proper systems are implemented to control and maintain international credibility and integrity of passports issued under the Act. The section, with the sanction of the Minister, has the authority to cancel or seize issued passports. By law, passports remain the property of the Government.

Immigration Section

The Immigration Section is part of the Border Control agencies which comprises of Customs, Quarantine and Immigration. It is established under the Immigration Act 2014. Its primary roles include -

- controlling the Republic's point of entry which includes checks aimed at suppressing illegal immigration and preventing illegal entry of foreigners;
- processing immigration and visa requests;
- ensuring the effective and timely collection of revenue particularly after the establishment of the Regional Processing Centres in 2013; and
- upgrading and development of technology and facilities to meet the international requirements of control and regulation of global uncontrolled movement of people and people smuggling.

Quarantine Section

The Quarantine section is one of the core border control agencies. The section is established under the Quarantine Act 1908. The section is mandated under law to implement and enforce measures for the inspection, exclusion, detention, observation, segregation, isolation, protection, treatment, sanitary regulation, and disinfection of vessels, persons, goods, things, animals, or plants, and having as their object the prevention of the introduction or spread of diseases or pests affecting man, animals, or plants. That makes the section as the nation's first line of defence against incursion of unwanted organisms, such as pests and diseases or anything that could negatively alter the unique environment of the Republic.

BUDGET OVERVIEW

1 JULY 2017 TO 30 JUNE 2018

The Department has set a record of winning the Department of the Year award four consecutive times. This could only be achieved with the solid foundation and support provided to it by Government and Parliament. Government and Parliament have appropriated sufficient funds to ensure the efficient and effective operation of the Department during the reporting period. Without Government and Parliament's 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 in each respective section's report.

The Department plans its budget proposal with a team of officers. The issues discussed include developments, upgrading and infrastructure, continuation of key services and human resource development. These are aligned with the Government's long-term national sustainable development strategy.

BUDGET ALLOCATION FOR EACH SECTION

Heads	Section	Budget Amount
43	Justice	\$3,373,094
45	Immigration Quarantine Passports	\$1,078,667
46	Correctional Service	\$620,222

Summary of key developments and achievements

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

- 1 on 12 - 13 March 2018, a National Workshop on the United Nations Convention Against Corruption ("UNCAC") and the Sustainable Development Goals 16 anti-corruption targets was conducted at the RONPHOS conference room. It was jointly organised by the United Nations Pacific Regional Anti-Corruption and the Department. The workshop brought together Nauru's relevant stakeholders to discuss the global anti-corruption agenda, provide an introduction to the UNCAC review country visit as well as support for a national dialogue about Nauru's next steps in advancing its anti-corruption work, as an UNCAC State-Party and stakeholder in the 2030 Agenda;
- 2 Nauru, being a State Party to UNCAC since July 2012, underwent a second cycle of UNCAC review, which focused on Chapter II (Prevention) and Chapter V (Asset Recovery) on 16 - 17 March 2018. The review focused on a wide range of issues which reflected on State and non-State actors. The meeting was organised by the Department and the United Nations Office on Drugs and Crime ("UNODC");
- 3 Nauru was re-elected to the Executive Council of the Pacific Islands Law Offices Network ("PILON");
- 4 the increased capacity building and training of Nauruan staff to ensure institutional knowledge will be maintained in the Department;
- 5 assisting the Department of Multicultural Affairs by providing legal advice to achieve the Government's desire to manage the Regional Processing Center ("RPC") commercial services. The newly created Nauru (RPC) Corporation was the product of this exercise which substantially gave the Republic some control of the space and additional revenue;
- 6 the final election case was resolved in favour of the Electoral Commission in late 2017. That brought a closure to all the 2016 election matters. None of the decisions of the Electoral Commission was changed or reversed by the Court;
- 7 the increased focus on the Business Registration and Licensing Section, Curator and Quarantine Sections and the review of a number of laws resulted in an increase in the general income of the Department;

- 8 the securing of funding to fund a Pleaders course. The Pleaders course began immediately after the budget was passed with 50 students enrolling in the class;
- 9 the Secretariat's involvement saw a better budget result for the Correctional Services in funding for new vehicles, training, equipment and food rations. In addition a better budget utilisation plan was put in place which resulted in no supplementary budget requests;
- 10 the Department played an active role in the reform of the Judiciary, the establishment of the Court of Appeal and the review of the various Court legislation such as the Court of Appeal Act, Supreme Court Act, District Court Act and also the Court of Appeal Rules;
- 11 substantial law revision and law reform was achieved which saw the enactment of 42 Acts of Parliament and the bringing into force of 35 new pieces of subsidiary legislation;
- 12 the Business Licences Act 2011 was repealed and replaced with the Business Licences Act 2017;
- 13 the Business Licences Regulations 2011 was repealed and replaced with the Business Licences Regulations 2017. The new Regulations came into force on 3 August 2017 which saw an increase in revenue collected;
- 14 in November 2017, the functions of the Nauru Agency Corporation was transferred to the Department, when it ceased to operate;
- 15 The Corporations (Fees) Regulations 2017 came into force on 29 December 2017. This resulted in an increase in fees collected for corporations.
- 16 the Beneficial Ownership Act 2017 was enacted and came into force on 21 December 2017. This Act makes provision for implementing the Organisation for Economic Cooperation and Development (OECD) obligations on the Republic for the reporting of beneficial ownership of certain legal entities and for related purposes;
- 17 a total of 35 estates have settled their payments and 10 estates are still pending with the Curator of Intestate Estates ("Curator") since their estates have not been gazetted. Some are pending due to court proceedings;
- 18 the creation and implementation of the Office of the Director of Public Prosecutions Electronic Database System. It has allowed the office to streamline its processes of receiving, reviewing and subsequently prosecuting criminal cases from the Police to the courts through both an electronic and manual filing system;
- 19 there has been a marked success in the prosecution of sexual offences where children were victims. This has resulted in the imposition of lengthy prison sentences against offenders who have taken advantage of their position of trust and authority to subject children to sexual abuse;
- 20 the Director of Public Prosecutions ("DPP") Office has been instrumental in the formulation of guidelines on vulnerable witnesses under the Sexual and Gender Based Violence Working Group of PILON;
- 21 the DPP's Office has contributed significantly in the PILON work against cybercrime in the Pacific;
- 22 capacity building in the Public Legal Defenders Office was mainly on local basis either internally within the Office and done by the Director of the Office of the Public Legal Defender or externally in the form of continuing legal education organised by the Secretary;
- 23 implementation by the Correctional Service of programs in trades such as carpentry, plumbing, welding, automotive and knitting fishing nets to encourage rehabilitation and reintegration into society;
- 24 Immigration has been identifying and tracking over stayers and have put in place a mechanism for implementing overstaying fees. This has assisted in generating an additional revenue of \$2.2 million since March 2016 and has also heightened compliance with Immigration laws;
- 25 Immigration has implemented new Visa and Immigration software. This has enhanced the ability of Immigration to maintain a proper database for processed visas and assists in nullifying the potential forging and duplication of visas. The system also provides automated reports and dashboards for high level reporting;
- 26 Immigration has provided new uniforms and identification cards for the staff which has added to the professionalism of the office and increased staff morale;
- 27 the Immigration offices at the airport and government buildings were renovated to ensure that the staff have a professional and adequate work place and environment which provides for all the required facilities for performing of their duties and responsibilities;
- 28 enhanced public awareness through media in regards to all passport issuance matters that the public needs to know and understand;

- 29 training of Passport section staff was conducted by an expert in the field of Machine Readable Travel Documents which includes Electronic Machines Readable Travel Documents, Travel Document design, Facial Recognition, Biometrics and Work flow systems;
- 30 the enactment of the Dog Management and Control Act 2017 which mandated Quarantine with dog registration and surveillance. Quarantine, in consultation with the University of New England, is currently developing an effective strategy to fully implement a dog de-sexing program for the Republic;
- 31 the Financial Intelligence Unit ("FIU") conducted the first ever Anti Money Laundering National Risk Assessment. This was made possible through technical guidance and desk based assistance provided by Asia Pacific Group on Money Laundering and UNODC;
- 32 the FIU conducted awareness with Bendigo Bank Agency and networked with Australian Transaction Report and Analysis Centre. This resulted with 32 suspicious transaction reports filed to the FIU compared to less than five in the previous years; and
- 33 FIU signed Memoranda of Understandings with the Nauru Revenue Office and Customs on an Anti-Money Laundering working group and information sharing.

HUMAN RESOURCES AND FINANCE SECTION



Angelina Itsimaera

MANAGER – HUMAN RESOURCES AND FINANCE

The Human Resources and Finance Section, which was known as the administration section in the early days of the establishment of the Department, has survived its endurance from colonial era to the modern Nauru today. The Department, before independence, was under the administration of expatriates from 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 as the Head of the Department was retained as the head of the Department, a legacy

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 independence, a characteristic of the Department which still prevails today is that it is largely manned by expatriates. This includes the Secretary, government lawyers and some technical staff.

After a decade, a Nauruan, late Mr Leo Keke, was appointed to be the Secretary to manage the office with the assistance of the late Mr Barry Connell and Mr Peter Macsporrnan. However, that was short lived and after Mr Keke's departure, foreign Secretaries were again employed. This also largely had 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.

A few Nauruans have attained their LLB degrees and are qualified lawyers. It is hoped they will join the Department to progressively reduce reliance on expatriates. One of the main objectives of the Department is to attract, train and retain Nauruan employees. There is a high turnover of staff in the Department, including Nauruans, which disrupts and impacts the development of the Department.

In order to retain and nurture Nauruan employees, the Department aims to consistently and actively promote professional development activities. These 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.

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

In the Management and leadership field, three Nauruans are continuing their studies at the University of the South Pacific ("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. Three local staff are currently on study leave studying law.

	POSITION	NAME
1	Secretary for Justice	Graham Leung
2	Solicitor General	Jay Udit
3	Director Public Prosecution	John Rabuku
4	Director of the Office of the Public Legal Defender	Sevuloni Valenitabua
5	Principal Government Lawyer (Legislative Drafting)	Kerryn Kwan
6	Curator of Interstate Estates	Brenda Soriano
7	Financial Intelligence Unit Supervisor	Mariana Tukuna
8	Manager - Finance and Administration	Angelina Itsimaera
9	Senior Government Lawyer (Police and Human Rights)	Salote Tagivaktini
10	Government Lawyer (Legislative Drafting)	Selai Nasiga
11	Government Lawyer (Legislative Drafting)	Mele Tagivakatini
12	Government Lawyer (Public Legal Defender)	Ravuanimasei Tagivaktini
13	Government Lawyer (Public Prosecutor)	Laisani Tabukuro
14	Government Lawyer (Public Prosecutor)	Filimoni Lacanivalu
15	Pleader	Knox Tolenoa
16	Pleader	Victor Soriano
17	Pleader	Maverick Eoe
18	Pleader (study leave)	Daran Adeang
19	Paralegal (study Leave)	Wylie Detenamo
20	Paralegal	Camelia Renzo
21	Paralegal (Prosecution)	Kori Itsimaera
22	Curator Managing Clerk Officer	Letima Adire
23	PA to Secretary (study leave)	Patricia Grundler
24	PA to Secretary	Deborah Togoran
25	Civil Litigation Clerk	Jeruska Togoran
26	Public Defender Clerk	Lisa Solomon

Staff appointments and movements

During the reporting period the following staff took office or were appointed -

- Director of Public Prosecution - John Rabuku
- Senior Government Lawyer (Police and Human Rights) – Salote Tagivakatini
- Government Lawyer (Legislative Drafting) – Selai Nasiga
- Paralegal – Camelia Renzo
- Personal Assistant to Secretary – Deborah Togoran
- Litigation Clerk – Jeruska Togoran
- Prosecution Clerk – Kori Itsimaera
- Public Defender Clerk – Lisa Solomon

These employees resigned or completed their contracts and left the Department during the reporting period -

- Director of Public Prosecutions – David Toganivalu

- Legislative Drafter – Unaisi Daurewa
- Pleader – Kristian Aingimea
- Paralegal – Suriya Kumar
- Paralegal – Cassi Aingimea
- Personal Assistant to Secretary – Shahzad Anwar
- Prosecution Clerk – Junaid Ali
- Civil Litigation Clerk - Bragon Duburiya
- RRRT Human Rights Focal Officer – Stella Duburiya

The following officers are currently studying law -

- Patricia Grundler was awarded a 4 year scholarship to study law at the University of Waikato (New Zealand). This is her final year.
- Wylie Detenamo was awarded a 4 year scholarship to study law at USP (Vanuatu). This is his third year.
- Daran Adeang was awarded a 3 year scholarship to study law at Bond University (Australia). This is his second year.

OFFICE OF THE SOLICITOR GENERAL



Jay Udit

SOLICITOR GENERAL

Without a summary of the history of the establishment of the Office of the Solicitor General, the annual departmental report will not be complete. The Office of the Solicitor General was established in 2010. The first appointee to the office was Ms Lisa Lo Piccolo, who later became the Secretary. Mr Steven Blim, an

expatriate was appointed to replace Ms Piccolo in 2012. Following Mr Blim's resignation he was succeeded by Mr Graham Leung. He served in the office from 2015 to March 2016 when he was promoted as the office of Secretary. Jay Udit was appointed to replace Mr Leung in May 2016. He was the Solicitor General for the whole of the reporting period.

The primary function of the Office of the Solicitor General is to represent the Government of Nauru and its instrumentalities in any civil, constitutional or miscellaneous litigation, proceeding, investigation or matter requiring the services of a government lawyer.

The Staff of the Office of the Solicitor General during the reporting period were:

- (a) Mr Jay Udit – Solicitor General;
- (b) Mr John Rabuku – Senior Government Lawyer (promoted to DPP in September 2017);
- (c) Mr Maverick Eoe – Pleader; and
- (d) Ms Jeruska Togran – student intern and later as temporary paralegal.

The reporting period saw the involvement of the Office of the Solicitor General in advising on matters outside the ordinary responsibilities.

Firstly, the office in fulfilling the requirement for capacity building assigned greater responsibility to Mr Maverick Eoe, a Pleader. Mr Eoe learned to communicate in writing and liaising with other Departments, in particular the Nauru Lands Committee. He also started appearing in court with the Solicitor General. As he developed more skills and gained confidence, he started appearing on his own for mentions before the Supreme Court. Finally he was given an opportunity to conduct a hearing of an application in Beneficiaries of the Estate of Maria Smith v Nauru Lands Committee [2018] NRSC 29; Notice of Appeal 128 of 2015. Thereafter Mr Eoe has conducted other hearings and prepared written submissions in consultation with the Solicitor General.



Maverick Eoe

PLEADER

Secondly, the office lost Ms Bragon Duburiya, the civil litigation clerk during this period. The office was without a civil litigation clerk until Ms Jeruska Togoran joined the team. The Departure of Ms Duburiya initially affected the record keeping of cases but with Ms Togoran joining the team this has been updated from whatever was maintained by the Solicitor General personally. Ms Togoran is being trained for the Clerk job to undertake drafting of standard court documents, serve documents, communicate with other Departments and filing documents in court. She is also in charge of the civil cases database. In addition, she keeps the Solicitor General informed on a daily basis of the cases, especially when the Solicitor General is overseas.



Jeruska Togoran

CIVIL LITIGATION CLERK

Thirdly, the year was a challenging one when the Solicitor General was tasked to assist the Department of Multicultural Affairs by providing legal advice to achieve the Government of Nauru's desire to manage the Regional Processing Center ("RPC") commercial services. The newly created Nauru (RPC) Corporation was the product of this exercise which substantially gave the Republic some control of the space and additional revenue. The important outcome of this was to place Nauru in a position to take over the provision of commercial services at the RPC in the future. Thereafter, the Solicitor General was involved in the negotiation and drafting of a new Memorandum of Understanding and Administrative Arrangement.

Fourthly, the final election case was resolved in favour of the Electoral Commission in late 2017. That brought a closure to all the 2016 election matters. None of the decisions of the Electoral Commission were changed or reversed by the Court.

Fifthly, after the Supreme Court had taken an active role in the adjudication of pending land appeals in the last reporting year, it has slowed down in the dealing with land cases during the reporting period. This was primarily for two reasons; the "riot trial" which consumed much of the Courts time; and secondly a fewer number of land appeal cases were filed. Civil cases against the Government were scarce. However, the Office continued to get the pending cases ready for hearing and some were heard and determined. During this period, Mr Eoe had taken

control of a number of cases, with the Solicitor General appearing in Court for hearings and more complex cases. Also, in cases where the Nauru Lands Committee was not a party the Court invited submissions from the Solicitor General on the status of law.

Sixthly, the Solicitor General, under the direction of the Secretary, was supervising the Business Registration and Licensing, Curator and Quarantine sections and reviewed a number of laws which resulted in an increase in the general income of the Department.

Seventhly, the Office also was instrumental in the conducting of another pleaders course. This process was initiated in the budget, which was approved by the Minister and subsequently passed by Parliament. The recruitment and teaching process was finalised in this financial year. The Pleaders course began immediately after the budget was passed with 50 students enrolling in the class.

Eighthly, the Solicitor General has been responsible for the preparation of the Budget for the Department and submitting the same to Minister for Finance. The Office involvement saw a better budget result for the Nauru Correctional Service in funding for new vehicle training, equipment and food rations. In addition, a better budget utilisation plan was put in place which resulted in no supplementary budget requests.

Further, the Office played an active role in the reform of the Judiciary, the establishment of the Court of Appeal and the review of the various Court legislation such as the Court of Appeal Act, Supreme Court Act, District Court Act and also the Court of Appeal Rules.

The Office's work output were as follows:

Supreme Court Cases	55
Conferences	3
Legal Advice	130
Cabinet Matters	70
Miscellaneous	more than 90

LEGISLATIVE DRAFTING SECTION



Kerry Kwan

PRINCIPAL GOVERNMENT LAWYER
(LEGISLATIVE DRAFTING)

Historical Background

The Office of Parliamentary Counsel 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 which was housed at the Nauru Parliament and was subject to the directions of the Speaker of Parliament. The Speaker appointed the Parliamentary Counsel and Deputy Parliamentary Counsel.

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

- 1 draft proposed laws for introduction into Parliament;
- 2 draft amendments to proposed laws that are being considered by Parliament;
- 3 draft proposed subsidiary legislation;

- 4 perform functions under the Act; and
- 5 perform functions incidental to the functions mentioned in paragraphs (1) to (4).

The functions of this office were consequently transferred to the Department as a result of a 2013 amendment to the Act which disbanded the Office of the Parliamentary Counsel.

Objectives of the Year

The primary objectives for the Legislative Drafting Section were twofold -

- 1 carry out law reform as required; and
- 2 provide advice on legislation and legal issues on request.

Were the Objectives Met?

In terms of law reform, the following are the Acts that were passed between July 2017 and June 2018 -

- Nauru (RPC) Corporation Act 2017
- Asylum Seekers (Regional Processing Centre) (Amendment) Act 2017
- Shipping Registration (Amendment) Act 2017
- Fisheries (Amendment) Act 2017
- Business Licences Act 2017
- Refugees Convention (Amendment) No. 2 Act 2017
- Nauru (RPC) Corporation (Amendment) Act 2017
- RONPHOS (Amendment) Act 2017
- National Heritage Act 2017
- Public Service (Amendment) No. 2 Act 2017
- Ozone Layer Protection Act 2017
- Funeral Burial and Cremation Act 2017
- Dog Management and Control Act 2017
- Health Practitioners (Amendment) Act 2017
- University of the South Pacific (Recognition of Convention) Act 2017
- Naoero Roads Act 2017
- Limitation Act 2017
- Births Deaths and Marriages Act 2017
- Business Tax (Amendment) Act 2017
- Naoero Citizenship Act 2017
- Beneficial Ownership Act 2017
- Liquor Control Act 2017
- Dog Management and Control (Amendment) Act 2018

- Shipping (Registration of Foreign Vessels) Act 2018
- Public Service (Amendment) Act 2018
- Naoero Postal Services Corporation Act 2018
- Naoero National Anthem Emblem and Flag Protection Act 2018
- Nauru Air Corporation (Amendment) Act 2018
- Drones Act 2018
- Motor Traffic (Amendment) Act 2018
- Constitution (Amendment) Act 2018
- Nauru Court of Appeal Act 2018
- District Court Act 2018
- Supreme Court Act 2018
- Administration of Justice Act 2018
- Liquor Control (Amendment) Act 2018
- Bail Act 2018
- Cenpac Corporation Act 2018
- Communications and Broadcasting Act 2018
- Anti-money laundering (Amendment) Act 2018
- Criminal Procedure (Amendment) Act 2018
- Revenue Administration (Agency Taxes) Regulation 2017
- Ronwan Consolidation (Date Extension) No. 7 Regulations 2017
- Ronwan Consolidation (Transition Date) No. 2 Regulations 2017
- Automatic Exchange of Financial Account Information (Amendment) Regulations 2018
- Births Deaths and Marriages Registration (Forms) Regulations 2018
- Price Control Order No. 1
- Births Deaths and Marriages Registration (Change of Name) Regulations 2018
- Health Practitioners (Classes of Health Practitioner: Declaration) 2018
- Health Practitioners (Registration Forms and Fees) Regulations 2018
- Dog Management and Control (Licensing of Dogs) Regulations 2018
- Price Control Order No. 2
- Ronwan Consolidation (Transition Date) Regulation 2018
- Ronwan Consolidation (Date Extension) Regulation 2018
- Partnership (Fees) (Amendment) Regulations 2018
- Motor Traffic (TIN) Regulations 2018
- Public Finance (Management and Control) (Financial Instructions) Regulations 2018
- Automatic Exchange of Financial Account Information (Amendment) Regulations No.2 2018
- Business Tax (Rates of Tax) (Amendment) Regulations 2018
- Employment and Services Tax (Amendment to Schedule) Regulations 2018
- Employment and Services (Exemption to Tax) Notice 2018
- Price Control Order No. 3 2018.

The following subsidiary legislation were made between July 2017 and June 2018:

- Partnership (Fees) Regulations 2017
- Automatic Exchange of Financial Account Information (Amendment) Regulations 2017
- Motor Traffic (Amendment) Regulations No. 2 2017
- Business Tax (Rates of Tax) Regulations 2017
- Business Licences Regulations 2017
- Public Ruling No. 1/2017 – Schedule of Depreciation Rates
- Price Control Order No. 5 2017
- Business Licences (Amendment) Regulations 2017
- Nauru (RPC) Corporation (Canstruct International Pty Ltd) Regulations 2017
- Business Licences (Regional Processing Centres and Settlements) Regulations 2017
- Price Control Order No. 6 2017
- Ports Fees Notice 2017
- Immigration (Amendment) Regulations 2017
- Automatic Exchange of Financial Account Information (Amendment) Regulations No. 2 2017

Staff

The Section consists of:

- 1 Kerry Kwan – Principal Government Lawyer (Legislative Drafting)
- 2 Selai Nasiga – Government Lawyer (Legislative Drafting)
- 3 Mele Lemaki – Assistant Legislative Drafter.

ORGANISATIONAL CHART

SECRETARY FOR JUSTICE AND BORDER CONTROL

GRAHAM LEUNG

PRINCIPAL LEGISLATIVE DRAFTER

KERRY KWAN

**GOVERNMENT LAWYER
(LEGISLATIVE DRAFTING)**

SELAI NASIGA

ASSISTANT LEGISLATIVE DRAFTER

MELE LEMAKI

BUSINESS REGISTRATION AND LICENSING

The Department, under its Business Registration and Licensing Section, processes applications and issues certificates and licences in accordance with the following Acts and Regulations:

1. Business Names Act 1976 and Registration of Business Names Regulations 1976;
2. Corporations Act 1972 and Corporations (Fees) Regulations 2017;
3. Partnership Act 1976 and Partnership (Fees) Regulations 2017;
4. Business Licences Act 2017 and Business Licences Regulations 2017; and
5. Beneficial Ownership Act 2017.

The Secretary is the relevant office holder who is mandated under the above Acts and Regulations to administer the multiple laws and regulations respectively as follows -

1. Registrar of Business Names;
2. Registrar of Business Licences;
3. Registrar of Corporations;
4. Registrar of Partnerships; and
5. Beneficial Ownership Authority.

The duties of the Secretary as mandated under the multiple laws and regulations include inter alia -

1. the processing of applications;
2. maintaining the Registers;
3. performing such other duties as are imposed on him by the different Acts and Regulations;
4. keeping records of businesses names, businesses, corporations and partnerships;
5. ensuring inspection of business names, businesses, corporations, partnerships; and
6. ensuring compliance, enforcement and implementation of the different Acts and Regulations.

Section Structure

1. Mr Graham Leung - Secretary for Justice and Border Control. Mr Leung has been responsible for the Section since 2016.

2. Ms Mele Lemaki Government Lawyer. Ms Lemaki commenced assisting the Section in October 2017.



3. Mr Victor Soriano Pleader, Deputy Registrar of Corporations, Authorised Officer. Mr Soriano has been working in the Section for over 7 years.



4. Mr Maverick Eoe Pleader and Authorised Officer. Mr Eoe has been an authorised officer since early 2017.



5. Ms Camellia Renzo Paralegal. Ms Renzo has been working in the Section since early 2018.



Revenue

1 Business Names

Certificates issued	222
Revenue	\$22,000

2 Business Licences

The Business Licences Act 2011 was repealed and replaced with the Business Licences Act 2017. The new Act came into force on 3 August 2017. The Business Licences Regulations 2011 was repealed and replaced with the Business Licences Regulations 2017. The new Regulations came into force on 3 August 2017.

Business Licences issued	537
Revenue	\$159,900

3 Corporations

While the Registrar of Corporations has the overall responsibility to administer the Corporations Act 1972, the Nauru Agency Corporation ("NAC") was appointed as a registered corporation agent on 30 March 1972 pursuant to the Act. It was primarily established to manage the registration of corporations and to supply secretarial support services.

However, in November 2017, the NAC functions were transferred to the Department, when it ceased to operate. Previously, the fees generated by the NAC were quite minimal. The Corporations (Fees) Regulations 2017 came into force on 29 December 2017. This resulted in the increase in fees collected for the incorporation of corporations. Fourteen business licences were issued to corporations which make up three percent of the total percentage of business licences issued.

		Revenue
Business Licences issued	14	\$4,200
New Certificates of Incorporations issued	3	\$3,600
Renewal of Certificates of Incorporation	14	\$14,000
Annual Returns lodged	14	\$7,000
Penalty fees for late lodgment of Annual Returns and Renewal of Incorporation Certificate	4	\$2,500

4 Partnerships

The Partnership (Fees) Regulations 2017 came into force on 2 August 2017. No revenue as yet since registration of partnerships is for free.

5 Regional Processing Centre Business Licences

Business Licences issued	4
Revenue	\$200,000

6 Beneficial Ownership Registration

The Beneficial Ownership Act 2017 came into force on 21 December 2017. This Act makes provision for implementing the Organisation for Economic Cooperation and Development obligations of the Republic for the reporting of beneficial ownership of certain legal entities and for related purposes.

No beneficial owners' information was registered during July 2017 and June 2018. Partnerships and corporations are required under the Act to register for beneficial owners' information.

7 Others

Certified Copies	Revenue
27 Business Licences and 15 certificate of incorporation certificates	\$1,425
Penalties imposed including late renewal of business licences	\$21,100

Business Registration Statistics

1 Cancelled/Ceased Business Licences

Cancelled Business Licences	12
Business Licences temporarily ceased	3

2 Breakdown of business names registered

Nationality	Number	Percentage
Nauruan	205	92%
Chinese	3	1%
Refugees	10	5%
Unknown	4	2%

3 Breakdown of business by nationality

Nationality	Number	Percentage
Nauruan	421	78%
Chinese	86	16%
Refugees	16	3%

Figure 1 - Business Names Registered According to Nationality

Nauruan 92%
 Chinese 1%
 Unknown 2%
 Refugees 5%

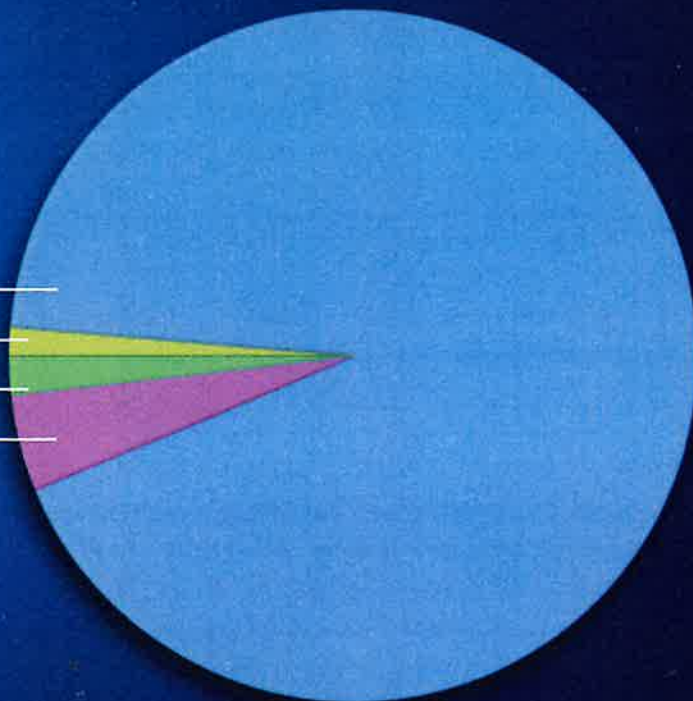
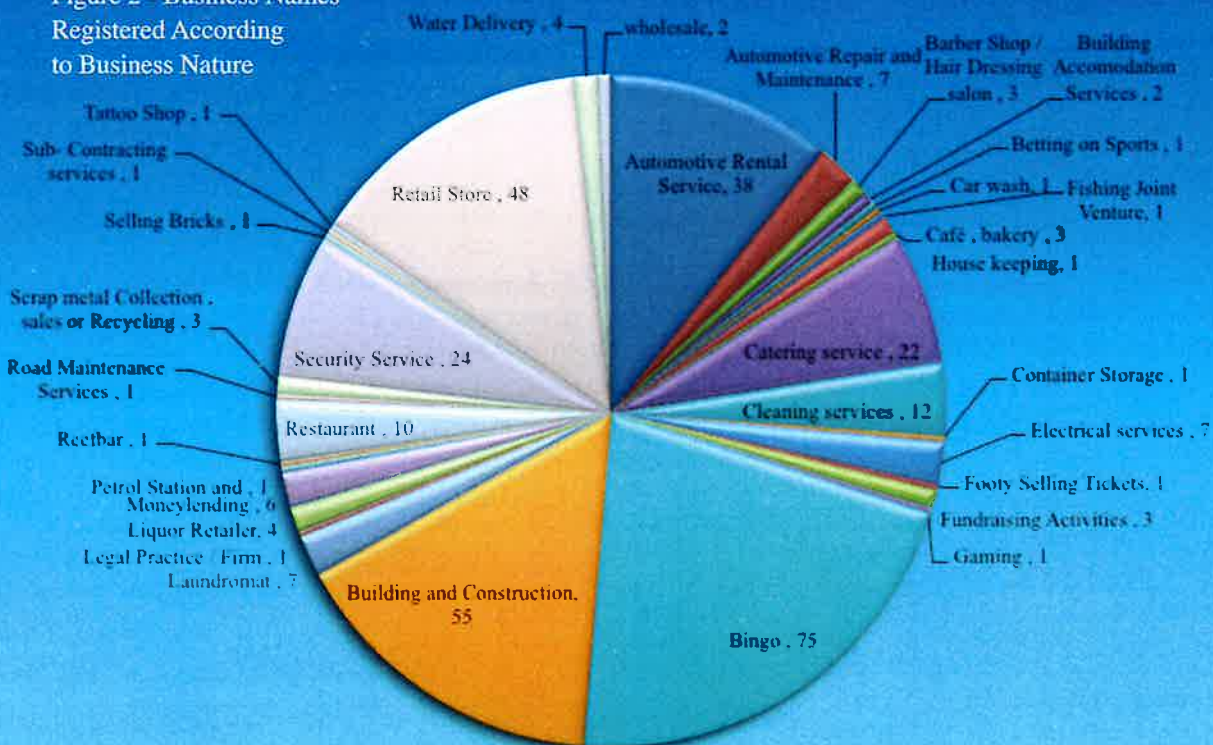


Figure 2 - Business Names Registered According to Business Nature



OFFICE OF THE CURATOR OF INTESTATE ESTATES



Brenda Soriano

CURATOR OF INTESTATE ESTATES

The Office of Curator of Intestate Estates consists of the following staff -

- Curator of Intestate Estates ("Curator");
- Managing Clerk Officer; and
- Curator Clerk (vacant).

The Office is established under the Succession, Probate and Administration Act 1976. It also provides for the appointment of the Curator and provides for the Office's functions and responsibilities. The other duties, functions and powers are imposed and conferred on the Curator by the Foreign Trusts, Estates and Wills Act 1972, and by other written laws. These functions include -

- 1 accepting service of notices and proceedings;
- 2 executing leases of all or any of the real estate of the Ronphos Corporation for the mining of phosphate therefrom; and
- 3 receiving and keeping in safe custody any monies or other property possessed or which are to be paid to, or to be delivered as part of an estate.

Duties of the Curator Managing Clerk

- Correspond with concerned employers (such as corporations, government and private sector) if a deceased was an employee for any pending salary or wages, or outstanding entitlements (if any) to be forwarded to the Curator to execute payment to the beneficiaries;
- Depositing payments to the Curator Trust Account from Ronphos, Nauru Utilities Corporation ("NUC"), Regional Processing Centre ("RPC") and Government for land rentals and land leases;
- Filing;
- Posting of Deposits and Withdrawals; and
- Preparing of payments beneficiaries after 31 days of gazettal.



Letima Adire

MANAGING CLERK OFFICER

Record of Deposits to the Curator Trust Account from Ronphos, RPC, NUC and Government

Particulars	Amount
NUC Rent Jul-dec 2017	\$10,957.18
NUC Rent Jan-jun 2018	\$10,957.18
Ronphos Rent Jul-Dec 2017	\$11,101.47
Ronphos Rent Jan-June 2018	\$13,138.22
Ronphos Royalty (Black Soil)	\$10,489.53
Shanghai Investment Est. Lilac Dediya	\$1,495,546.23
Royalty July 2017	\$ 20,655.67
Royalty Sept 2017	\$69,990.43
Royalty Dec 2017	\$56,863.07
Ronphos Pi/CI Rent (Oct-Dec 2015)	\$12,243.20
Aerodrome Rental 2018	\$117,577.63
RPC Rental Jul-dec 2017	\$110,996.54
RPC Rental Jan-jun 2018	\$62,260.07
Final Entitlements	\$ 4,354.27
Total Deposits	\$2,007,131.10

Payments To Beneficiaries From Curator Trust Account

Total Deposits	\$2,007,131.10
Total Payments Made to Beneficiaries	\$1,754,219.30
Remaining Balance	\$252,911.80

Estates Processed During Reporting Period

Total Number of Estates Processed	45
Number of Outstanding Estates	10

Achievements

A total of 35 estates have settled their payments and 10 estates are still pending with the Curator since their estates have not been gazetted. Some are pending due to court proceedings.

FINANCIAL INTELLIGENCE UNIT



Marianna Tukana

FINANCIAL INTELLIGENCE UNIT SUPERVISOR

The Financial Intelligence Unit ("FIU") was established in 2001 as the Financial Supervisory Authority under the Anti-Money Laundering Act 2001. The Financial Supervisory Authority became the Financial Investigation Unit under the Anti-Money Laundering Act 2004. The FIU was formally established under the Anti-Money Laundering Act 2008. The Act was enacted to -

- prevent money laundering;
- establish the FIU, and a regime for financial transactions reporting, customer due diligence, record keeping and other obligations of financial institutions; and
- strengthen law enforcement and enable cooperation with foreign states for related purposes.

The FIU is a member of the Asia Pacific Group on Money Laundering ("APG") and is also a member of the Financial Action Task Force ("FATF") through APG.

The FIU participated in the following key APG programs and activities during the reporting period

1. APG Annual Plenary Meeting - Colombo, Sri Lanka, July 2017; and
2. APG Typologies Workshop - Busan, Korea, November 2017.

Achievements

- The Anti-Money Laundering (Amendment) Act 2018 inserted definitions for "politically exposed person" and "beneficial ownership", and substituted section 27 which provides for "customer due diligence" which are very important preventative measures in combating money laundering;
- Conducted the first ever Anti-Money Laundering National Risk Assessment.

Each APG/FATF member jurisdiction is required to conduct its Anti Money Laundering and Combating the Financing of Terrorism Risk Assessment. This was made possible through technical guidance and desk based assistance provided by APG and the United Nations Office on Drugs and Crime ("UNODC") as co-sponsors of this project. The national risk assessment process began in November 2017 with a team of experts from APG and UNODC visiting Nauru to meet with relevant anti-money laundering stakeholders and introduced and created awareness on the national risk assessment project. The National Risk Assessment Report was produced after seven months of collaboration, and consultation with the various law enforcement agencies and financial institutions which included: Nauru Police Force, Customs, Nauru Revenue Office, Department of Finance, Bendigo Bank Agency and Western Union. Their support and cooperation is acknowledged;

- Conducted awareness with Bendigo Bank Agency and networked with the Australian Transaction Report and Analysis Centre. This resulted with 32 suspicious transaction reports filed with FIU compared to less than five in the previous year;
- Conducted on-site visits of the money remitter agency's for anti-money laundering compliance;
- Signed a Memorandum of Understanding with the Nauru Revenue Office and Customs on domestic coordination;
- The Anti-Money Laundering working group was formed and held two meetings; and
- Requested information from a foreign jurisdiction and received a response.

Staff

The FIU was resourced with one officer during this reporting period which was the Supervisor, Ms Mariana Tukana.

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS



John Rabuku

DIRECTOR OF PUBLIC PROSECUTIONS

The Office of the Director of Public Prosecutions is established under section 45 of the Criminal Procedure Act 1972. By appointment of the President the Director of Public Prosecutions ("DPP") manages criminal prosecutions and appeals at all levels of the Courts in Nauru. The DPP is also responsible for the appointment of qualified barristers and solicitors or police officers as public and police prosecutors. In addition the DPP's office helps shape government policy by the provision of advice through the Secretary on wider criminal law issues.

At the commencement of this reporting period Mr. David Toganivalu, the then DPP was nearing the end of his contract and was to return to Fiji to run his law firm. He left the Republic on 24 September 2017. Mr John Rabuku was appointed DPP soon thereafter.

During this period our biggest challenge was the continued prosecution of the parliamentary riot case

of June 2015. Police training, liaison and improve investigations continue to be an area of need. N prosecutorial system can be efficient without an equally efficient police investigative system. We have observed the emergence of new crimes and escalation of property offences. We have also no possible shortcomings in the Crimes Act 2016 which may require amendment. Of greater concern is that our prosecution work suggests offenders are getting younger.

In embracing the usefulness and efficiency of technology the DPP's Office through an IT consult from the Fiji Police Force established an electronic database system in May 2018 resulting in the tracking and flow of police dockets from the police to the DPP's Office and vice versa. This has also placed the DPP's Office in a position where it can immediately respond to queries from the police Government agencies in relation to a prosecution of an accused person, a person of interest or status in any criminal proceedings.

Staff

The office during the reporting period consisted of the following staff:

- 1 Director of Public Prosecutions – Mr. John Rabuku
- 2 Senior Government Lawyer (Police and Human Rights) – Ms. Salote Tagivakatini
- 3 Government Lawyer (Public Prosecutor) – Ms. Laisani Tabukuro
- 4 Government Lawyer (Public Prosecutor) – Mr. Filimone Lacanivalu
- 5 Police Prosecutor – Inspector Raynor Tom
- 6 Police Prosecutor – Senior Constable Joni Ratabwib



Police Prosecutors, Inspector Raynor Tom and Senior Constable Joni Ratabwib

7 Prosecution Paralegal – Ms. Kori Itsimaera



Kori Itsimara
PROSECUTION PARALEGAL

Ms Itsimeara who commenced as an intern for a period of 3 months from February 2018 was confirmed as the Prosecution Paralegal at the end of her internship. She then moved on to become the Prosecution Paralegal after several paralegal positions were created within the Department to provide more work opportunities in law for Nauruans.

Work Statistics

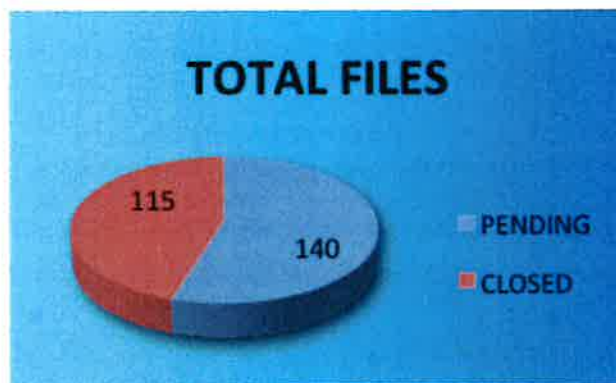
We noted in our last annual report that an electronic database system for the office would allow us to properly store our files. It would also serve to record important data that can be useful not only in assessing the prosecutorial needs for Nauru but for other assessment work needed by other Government stakeholders. In April to May 2018 the DPP’s Office began a two week long project to set up its Electronic Database System through the work of an Information Technology expert from Fiji. We are glad to report that the DPP’s Office now stores all of its files on an electronic database system.

The DPP’s Office has a dual filing system now. For every police docket that is sent from the Police for possible prosecution or assessment at the DPP’s Office a corresponding electronic file is opened and populated. The Prosecution Paralegal then opens a DPP Office file where the police docket is then placed. The DPP allocates the file to one of the prosecutors who is responsible for the handling of the file and

the updating of the file on the database system. The physical file is updated manually by the respective prosecutor as and when work is done on it. This is also done with the electronic file. Every prosecutor is able to access the database system at any time through their own office computers. The DPP is able to view the progress of every file handled by each prosecutor by logging into the system. Collectively the Electronic Database System is able to generate various reports to reflect specifically the statistics or data that is required.

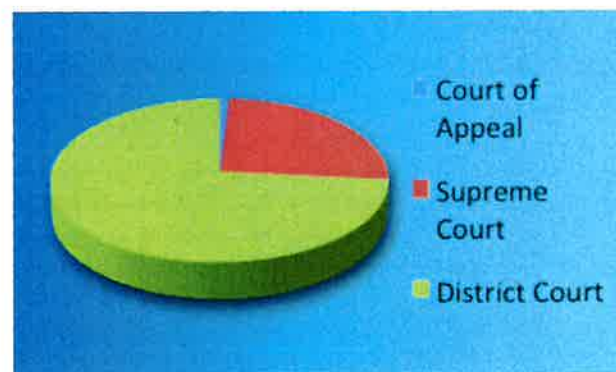
To date, the Electronic Database System stores a total of 254 files. A total of 115 files have been closed on the Electronic Database System to date.

Figure 1 - Total Number of Files on the Electronic Database System



Statistics indicate a rise in offending specifically in property offences. The DPP’s Office has experienced an increased prosecution in aggravated burglary and robberies where youths are operating as a group. The court has been slow in ordering custodial sentences against these youths given their relatively tender age. A lot of emphasis has been placed on rehabilitation as opposed to deterrence. The DPPS’s office continues to work closely with the police through the Police Legal Advisor in ensuring that investigations yield sufficient evidence to bring these youths to justice.

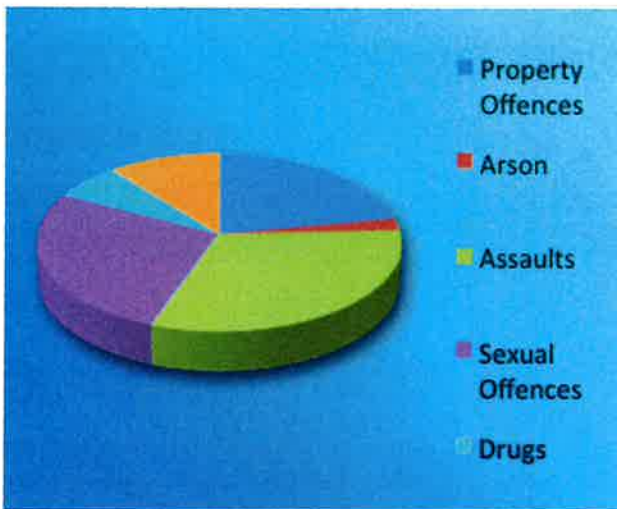
Figure 2 - Distribution of Files per Court



The District Court continues to handle most of the cases given that it is the court of first instance. With the gradual rise of more serious offences we are

seeing a marked escalation of files being transferred from the District Court to the Supreme Court for prosecution.

Figure 3 - Breakdown of Categories of Offences



The chart shows the prevalence of certain offences and is an indication of the gradual escalation of offences against the person, both in the form of physical and sexual violence. There is also a marked increase in property offences.

Figure 4 - Files Finalised within the Reporting Period



In total there were 19 files that were successfully prosecuted, 4 acquittals and 4 nolle prosequis and withdrawals before the Courts.

Achievements

- The creation and implementation of the DPP Electronic Database System is one achievement in this reporting period. It has allowed the office to streamline its processes of receiving, reviewing and subsequently prosecuting criminal cases from the Police to the courts through both an electronic and manual file accounting system. This has been useful in the tracking of the movement of files with each prosecutor and the return of police dockets to the police for filing away or further investigations. It also assists the office in accurately reporting on the status of

cases to the Secretary and the Police Commissioner;

- There has also been a marked success in the prosecution of sexual offences where children have been victims. This has resulted in the imposition of lengthy prison sentences against offenders who have taken advantage of their position of trust and authority to subject children to sexual abuse. The office has in the past year been able to strengthen its liaison lines with the Department of Women and Culture and specifically with the Child Protection Unit as a support mechanism for child witnesses preparing for court.
- In line with the real challenges we face with child or vulnerable witnesses the Office has been instrumental in the formulation of guidelines on vulnerable witnesses under the Sexual and Gender Based Violence ("SGBV") Working Group of the Pacific Islands Law Offices Network ("PILON"). It is hoped that with the adoption by PILON of those SGBV guidelines and the domestication of the same in Nauru would be considerable progress made towards alleviating the trauma that victims of sexual and gender based violence face when required to relive their stories before the courts; and
- The Office contributed significantly in the PILON work against cybercrime in the Pacific. This work continues to be handled by the office through periodical teleconferences and emails with the relevant PILON working group through its Secretariat;

Police Legal Advisor

The incumbent for the position is Ms. Salote Tagivakatini who continues to divide her time between the work at the DPP's Office and the Police Station. This continues to add strength and analysis to police investigation in a time where Nauru is beginning to face novel types of crimes committed via or in cyberspace and an escalation of theft and property offences.

The position continues to support the Nauru Police Force in discharging their duties within the ambit of the law as well as increasing the promotion for the respect and observance of human rights and fundamental freedoms.

A Memorandum of Understanding between the Nauru Police Force and the Fiji Police Force continues to produce significant results for Nauru. Through the MOU two senior and retired officers of the Fiji Police Force were brought in to set up a Police Band. The Police band featured significantly in the closing of the long year celebrations of Nauru's 50th Year Golden Jubilee. The Nauru Police Band featured in most Government functions and ceremonies throughout the year. This MOU also facilitated the process by which illicit drugs from Nauru are tested

in the Fiji Police Laboratories, and securing expert witnesses from the Fiji Police Force for the prosecution of illicit drugs matters. Officers of the Nauru Police Force continue to be trained in Fiji under the Sergeants Qualifying Course and under their entering recruits programme.

Challenges and how they are Managed

- The existence of only one District Court means that the movement of our District Court cases continues to be slow. There are a total of three prosecutors and with the inclusion of the Police Legal Advisor we have at least four prosecutors who have the capacity to conduct prosecutions before the courts;
- Execution of bench warrants by the police against defaulting accused persons continue to be slow moving. We have had to withdraw charges on certain prosecutions as bench warrants have been pending over a period of several months without execution. Often we are told that it is difficult to arrest the accused persons due to a combination of several factors one of which is lack of cooperation from the public and their families. We continue to work with the police to ensure that those who try and evade the hands of justice by staying away from the Court are eventually arrested;
- The June 2015 riot related proceedings remains the biggest challenge for the DPP's Office. A vast amount of time and resources have been channeled towards its completion which has taken over three years. In June 2017 upon Cabinet approval, all riot prosecution briefs were handed over to Ashurst Lawyers of Brisbane, Australia. Ashurst Lawyers then began a re-interviewing process of all the one hundred plus witnesses who had provided police statements in respect of the parliamentary riot. Upon the appointment of a new DPP in September 2017, Cabinet approved the withdrawal of instructions from Ashurst Lawyers and to have the riot briefs returned to the DPP's Office. This was with a view to have the matters progressed much faster through the Courts. Cabinet approval saw the engagement of Ms Seini Pumau a senior prosecutor from the Office of the DPP in Fiji in March 2018 to assist the DPP's Office in progressing the riot matters. At that stage one of the riot matters had been concluded and the accused persons on that file have served or are still serving their sentences. The other more serious one is before the Nauru Court of Appeal. Challenges in the progress of the riot proceedings are much to do with the Court having to be mindful of the availability of counsel for the defendants who are all offshore. The DPP's Office has capacity and in-depth prosecutorial experience to take the matters to trial. It is just a matter of the Court setting the necessary

hearing dates so that the matters can be progressed. In the meantime the DPP continues to submit progressive reports to Government through the Secretary as and when he is required to do so; and

- One of the greatest challenges was to account for and process the police dockets referred to us for prosecution so that we are able to eradicate the systemic backlog that existed. Once proper filing was achieved through the Electronic Database System, the work was evenly distributed amongst the prosecutors and the police dockets were attended to within reasonable time. The challenge is to continue to improve this database system as the need for data analysis changes. The data system needs to answer to the needs of other stakeholders who from time to time seek relevant information from the Police or the Office. This would be in respect of police clearance for adverse reports, on-going investigations, on-going proceedings or previous convictions relevant to the asylum and refugee work on Nauru.

Areas in Need of Resourcing or Capacity Building

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

- the administrative staff pool for the Office needs to be improved and strengthened. In order for prosecutors to attend to their core functions properly the office needs a support staff pool that can attend to other administrative and ordinary tasks that are often time consuming. At the moment the DPP's office has only one administrative staff. At the minimum the DPP's office must have an administrative staff pool of at least two staff that are trained in the efficiency of record keeping, court registry work and general administrative and support work. There must also be some continuity and longevity in the administrative pool so that established office processes are not lost;
- special training for prosecutors in the handling of vulnerable and child witnesses and also child accused persons must be pursued as the impact such sensitive prosecutions have on prosecutors cannot be ignored. There is a general rise in offences committed by children and against children. Multi-sectorial support from the Departments of Education, Women and Children, the Police and the Courts must be pursued for a more holistic and effective system within which children in conflict with the law or victims of crime is accommodated;
- capacity and joint-training between the Police and prosecutors in the area of cybercrime is an immediate need as cybercrime related offences are escalating. There appears also to be an increasing need in the areas of anti-money laundering and corruption.

OFFICE OF THE PUBLIC LEGAL DEFENDER



Sevuloni Valenitabua

DIRECTOR OF THE OFFICE OF THE PUBLIC LEGAL DEFENDER

The Office of the Public Legal Defender and its functions are legally established in the Criminal Procedure (Amendment) Act 2016. 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 functions 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."

Staff

Sevuloni Valenitabua – Director of the Office of the Public Legal Defender ("Director")

Ravuanimasei Tagivakatini – Government Lawyer (Public Defender)



Knox Herman Tolenoa

PLEADER

The staff of the office report to the Director who is the legal head of the Office. The Director reports directly to the Secretary only in relation to administrative matters.

In May 2018, Ms Lisa-Marie Solomon joined the Office, becoming the first Clerk and female officer of the Office.



Lisa-Marie Solomon

CLERK

Activities of the Office

The activities of the Office during the reported period 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 residents in Fiji due to studies or for other lawful reasons. The Director holds a Legal Practitioner Practising Certificates for the Republic of Nauru and for the Republic of Fiji. This enabled the Director to represent Nauruans both in Nauru and in Fiji.

Mr. Knox Tolenoa attended a PILON Litigation Workshop in Apia, Samoa in November 2017. This was part of the training and capacity building of staff. Mr Tagivakatini accompanied Mr Tolenoa to provide support and mentor.

The Director attended to criminal appeal case in Suva, Fiji in November 2017. The proceeding was an application for bail pending appeal. The application was successful and the appellant, Mr Julian Heinrich was granted bail pending the hearing of his appeal before the Court of Appeal in Suva, Fiji.

Statistical Overview of Cases

Table 1 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 Office for the reporting period. The Database, to which all staff members' have access, is updated daily by the staff members themselves.

Table 1 – Overall Case Work

Total Number of Cases Opened	84
Total Number of Cases Disposed	53
Total Number of Cases Outstanding	7

Statistical Overview of Criminal Cases

The information in Table 2 below is in relation to criminal cases only, which were in the carriage of the Office during the reporting period. Some of those cases were already in the database system of the Office before the reporting period. For example the offences against the Person – Opened 15; Disposed – 31. The extra 16 cases which were disposed of were already in the office system before the report period.

Table 2 – Criminal Cases

Number of Cases Opened	55
Offences of Sexual Nature	17
Offences Against the Person	23
Offences Against Property	12
Other Offences (Drugs/Traffic)	3
Number of Cases Disposed	45
Offences of Sexual Nature	15
Offences Against the Person	17
Offences Against Property	11
Other Offences (Drugs/Traffic)	2
Total Acquittals	5
Acquittals after Full Trial	5
Acquittals after No Case To Answer	0
Acquittals after Withdrawal by Prosecution	0
Total Found Guilty	8
Convictions after Full Trial	6
Unrecorded convictions after Full Trial	2
Total Guilty Pleas	15
Recorded convictions after Guilty Plea	6
Unrecorded convictions after Guilty Plea	9
Total Sentences	23
Custodial Sentences after recorded convictions	7
Non-custodial sentences including unrecorded convictions.	16
Total Withdrawals	16
Withdrawal by Prosecution	12
Clients Opting for Other Counsels	4
No Further Instructions by Clients	0

Table 2 – Criminal Cases - continued

Appeals Lodged	3
<i>Appeal by Republic</i>	2
Appeal against Acquittal	1
Appeal against Sentence	1
<i>Appeal by Defence</i>	1
Appeal against Conviction	1
Appeal against Sentence	0
Appeals Completed	1
Appeal by Republic	0
Appeal against Acquittal	0
Appeal against Sentence	2
<i>Appeal by Defence</i>	1
Appeal against Conviction	1
Appeal against Sentence	0
Decisions Upheld on Appeal	1
Decisions Set Aside on Appeal	0
Number of Cases Outstanding	45

During the reporting period cases were disposed of by withdrawals of cases by the Prosecution, by early guilty pleas or by Court Judgments after trials.

The most serious of the offences dealt with by the office in Nauru during the reporting 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 an application pending appeal by a Nauruan national in Fiji. The Defendant was found guilty and convicted of manslaughter in March 2017 and was imprisoned in Suva. The Office filed an appeal to the Fiji Court of Appeal in Suva and the appeal was pending during the reporting period. The application for bail pending appeal was heard in November 2017 and was successful. The Nauruan national was granted bail in November 2017 pending the matter being heard by the Fiji Court of Appeal.

Statistical Overview of Family Cases

The Public Legal Defender's office had carriage of a 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. Mr. Tagivakatini had carriage of most of the Family cases taken on by the Office.

Table 3 – Family Cases

Number of Cases Opened	17
Divorce	12
Maintenance	3
Custody	1
Adoption	1
Number of Cases Disposed	6
Divorce	3
Maintenance	0
Custody	0
Adoption	3
Divorce Granted	3
Maintenance Granted	0
Property Granted	0
Adoption Granted	2
Withdrawal for Non-Instructions	1
Number of Cases Outstanding	18

Statistical overview of 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 interest or due to clients' choices. The Office took up civil cases if and when resources were available.

Table 4 – Civil Cases

Number of Cases Opened	12
Eviction	1
Contract Dispute	1
Land	5
Debt Recovery	3
Probate Claim	1
Permanent Injunction	1
Number of Cases Disposed	2

Table 4 - Civil Cases - continued

Eviction	0
Contract Dispute	0
Land	1
Debt Recovery	0
Probate Claim	0
Permanent Injunction	1
Appeals	0
Number of Cases Outstanding	15

Mr. Valenitabua and Mr. Tolenoa were the lawyers for civil cases in the Office. 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

Mr. Tolenoa attended a Workshop on Litigation Skills in Apia, Samoa during the reporting period.

Capacity building was mainly on local basis either internally within the Office and done by the Director or externally in the form of continuing legal education organised by the Secretary.

It is anticipated that more and more Nauruans, both citizens and residents, would seek to utilise the services of the Office during the subsequent reporting periods. 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 representation in civil and family matters. 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 Ms Solomon at the Office was a step towards expanding the number of members of the staff of the Office.

NAURU CORRECTIONAL SERVICE



Jezza Uepa

CHIEF CORRECTIONS OFFICER

Message from Chief

We are an important part of the Nauru Justice sector, responsible for prisoners, offenders and their rehabilitation. We contribute to public safety through safe, secure and humane management of offenders and their rehabilitation.

The Correctional Service was established under the Correctional Service Act 2009 based on the principles of public safety and rehabilitation which are the two core values that bind us as an organisation to this day. Maintaining these core values are more important than ever before as we navigate a corrections system that is much larger than it was a few years ago.

Many of our most challenging offenders were raised and grew up in broken homes and under challenging circumstances. When they arrive at the Correctional Centre, many are in poor physical health, presenting mental health issues or substance abuse disorders, unemployed, and are lacking even basic literacy and numeracy skills.

Over my time at the Correctional Centre, we have worked hard to equip prisoners with the tools and skills they need to turn their lives around. However, the reality is that many of them have been damaged over sustained periods and resolving their problems is not something that can be achieved quickly and easily. Before we can even begin addressing the core drivers of offending through specialised offence-focused programmes, we must ensure offenders are physically and mentally healthy, and have the literacy skills needed to engage in their rehabilitative pathway.

Our Mission

"To manage offenders in a safe, secure and humane environment and provide opportunities for rehabilitation and reintegration."

Our Vision

"A safer community by protecting the public and reducing reoffending."

Correctional Strategies

- To upgrade the Correctional Service to a more professional standard;
- To put programs in place, designed to cater for the needs of prisoner rehabilitation and reintegration.

Our Responsibilities

"Who we look after – and who we don't."

Our role in Justice

"We contribute to safer communities in Nauru."

Our values

"Our values guide our behavior and decision making to help us to achieve our goals."

Our programs

- In programs to do with trades (in-house) such as carpentry, plumbing, welding, automotive and of course knitting fishing nets.
- Religious programs, fishing and cleaning.

Correctional Service Staff during Reporting Period



Prisoners planting a vegetable garden



Prisoners fixing a wall



Our research and initiatives

Research challenges us to think about our current practices and processes.

Prisoner and Offender management

The theory behind our prisoner management.

How we do it – putting theory into practice

How we actually look after prisoners within Nauru.

Table 1 - Attendance (Officers) A: Average G: Good

Jul-17	Aug	Sep	Oct	Nov	Dec	Jan-18	Feb	Mar	Apr	May	Jun
G	A	A	A	G	G	A	A	G	G	G	A

Table 2 - Expenditure

Jul-17	Aug	Sep	Oct	Nov	Dec	Jan-18	Feb	Mar	Apr	May	Jun
3,069.87	3,212.36	4,454.79	8,399.16	4,156.18	7,000.75	2,596.20	6,637.28	6,755.44	4,441.27	7,804.71	4,115.75

TOTAL - \$62,643.16

Table 3 - Number of Prisoners

Jul-17	Aug	Sep	Oct	Nov	Dec	Jan-18	Feb	Mar	Apr	May	Jun
20	29	29	16	10	09	11	19	21	24	22	23

Our partners

Partnerships allow us to draw on the expertise of others to provide more integrated services.

Our projects

Carefully managed projects leading to modern practical improvements.

Training

- CPP (escort) Training; and
- Mental case training.

We are looking towards International level of Correctional standards and practice, not just regional. We are training officers abroad with assistance from JICA (Japan), Yellow Ribbon (Singapore), Queensland Corrections (Ausaid), New Zealand Corrections (NZaid) and the International Committee of the Red Cross.

PASSPORTS



Ruby Amram

SENIOR PASSPORT OFFICER

The Passport Section's main role is to provide travel documents to Nauruan citizens which comply with the International Civil Aviation Organisation ("ICAO") standard specifications and recommendations of Document 9303. Nauru is a member of ICAO and fully supports ICAO in the effort to find secure ways to identify and process travellers.

Critical and effective control is necessary to maintain international credibility and integrity of passports issued under the Nauru Passports Act 2011. The Section with the sanction of the Minister also has the authority to cancel or seize passports. Passports always remain the property of the Government.

A Passport is a travel document, usually issued by a country's Government that certifies the identity and nationality of the holder primarily for the purpose of international travel.

A passport serves two purposes: to regain entry to the county of citizenship; and is a requirement by many countries to gain entry to the country the bearer of the document is visiting.

It is one of the most reliable forms of identification with many uses. It can be used to purchase controlled products like alcohol at any store; purchase property; open a bank account, send or receive money or simply for booking of tickets for travel abroad and landing in another country with a visa where required. Priority service guarantees that passports will be ready to post or to collect as expeditiously as possible.

Staff

The administrative Head of the Section is the Secretary and the section is managed and supervised on a day to day basis by the Senior Passport Officer. The Office consists of the following staff members -

1. Ruby Amram - Senior Passport Officer
2. Kerryn Deiye - Passport Processing Officer
3. Zita Itsimaera - Passport Data and Customer Service Officer



Mission

To upgrade Nauru travel documents to international standards by means of fully adopting biometric capabilities by the year 2025. With the faith in fast-paced technological developments, travel documents themselves have become more secure and difficult to forge. Therefore the section would be focusing on legal identity. Legal identity nestled among subjects like citizenship, nationality, residence, voting rights, naturalization and the right to hold a passport. While many jurisdictions have a national identity document, Nauru presently depends on proxies, such as a driver's licence or passport.

Vision

Nauru to join developed nations by migrating from Machine Readable Passports to E-Passport. Mobile phones are currently being used in other jurisdictions as a carrier of legal identity documents like passports. Smartphones are capable of unambiguously verifying physical identity using biometrics.

Strategies

There has been a worldwide shift of focus by fraudsters from counterfeiting and altering travel documents to seeking to obtain genuine documents by other illegal means. It is now recognised that travel document issuance systems will be targeted as will any kind of document or register that may be used to establish identity as part of the travel document application process. Consequently, as passport offices are the only travel document issuing authority, staff should be more concerned with the security of the handling and issuance process. Ensuring a high security level is practiced in and around the office. In this regard, all staff must be educated and trained in security and facilitation management.

Achievements

1. Public awareness through media in regards to all passport issuance matters that the public need to know and understand. Such include fees, charges, validity of passport and most but not the least, that passports should be renewed six months before the expiry date otherwise visa and air tickets will be refused; and
2. In late May 2018, there was a scope mission by Mr Alan Bennett of Australia, a consultant in the

field of Machine Readable Travel Documents which includes Electronic Machines Readable Travel Documents, Travel Document Design, Facial Recognition, Biometrics and Work flow systems as they all related to secure document issuance) visited the office and conducted training. The staff of the section greatly benefitted from the expert training.

Challenges and Solution

1. The Section often receives poor quality photos to complete the process of issuing passports. The Section needs to purchase a high resolution camera and photo printer to reduce the reliance on external providers. This will greatly assist the public in expediting the processing and issuance of passports;
2. There are often system failures at times. Funding for more regular maintenance of machines and systems should be more frequent to avoid unnecessary and avoidable system failures;
3. Passport records are not up to date. The Passport Data Officer is also serving as the Customer Service Officer who mans the reception desk which occupies a substantial amount of her time. A new staff member to fill the role of the "Customer Service Officer" would be ideal to enable the Data Officer to focus only on her core duties and responsibilities and update all passport records; and
4. Maintaining and keeping of the passports register is not up to date. The processing officer has to resume the recording of the daily issuance of passports in the registry rather than waiting for the verification done by the data officer.

Table 1 - Number of Passports

Type	Issued	Cancelled	Specimen
Ordinary	1573	113	8
Ordinary and Damaged/lost	71		
Official	73	7	11
Diplomatic	23	8	8
Presidential	-	-	9
Refugees	21	4	4
Certificate of Identity	23		

Passport Summary Report

Revenue

Revenue from the sales of ordinary, lost and damaged, emergency, Nauru Citizen Investment Program ("NCIP"), Refugee, Certificate of Identity Passports as from July 2017 to July 2018 was \$194,310.00.

However the passport actual revenue from Treasury shows total of \$215,512.00. The reason the Section passport revenue records do not match that of the passport actual revenue from Treasury include persons who had paid for their passports but had not submitted their applications for processing within the reporting period, and applicants who paid for renewal of their passports but their passports were issued on later dates due to in-complete application forms.

Table 2 - Breakdown of Passport Revenue Record

Passport Renewals	\$94,380.00
Lost Passports	\$11,360.00
Emergency \$20	\$4,340.00
Emergency Increased \$100	\$5,500.00
NCIP	\$80,000.00
NCIP Lost passports	-
Refugee	\$840.00
Certificates of Identity	\$690.00
TOTAL	\$194,310.00

Meetings

- ICAO's Global Leadership on Traveller Identification Management Seminar was held in Hong Kong, 11 – 13 July 2017. The meeting also marked the 20th Anniversary of the establishment of the Hong Kong Special Autonomous Region. The Seminar covered topics that were of interest to the function of both the Passport and Immigration sections. The topics covered included supporting improved national identity management practices, legal identity due to people migration, fleeing war-zones and looking for better lives elsewhere. It was evident that individuals with unlawful intent, terrorists,

criminals and economic offenders often use humanitarian channels, causing extraordinary strain at border control. Attendees were the Senior Passport Officer and Senior Immigration Officer.

- Implementation and Capacity Building Working Group ("ICBWG") meeting in Brazil, 2 – 5 June and ICAO meeting, 5 – 7 June 2018. Topics covered included robust identity and secured travel documents, credible evidence of identity, involving tracing, linkage and verification of identity against breeder documents is essential to ensuring robust traveller identification. Attendees were the Passport Processing Officer, Senior Immigration Officer and Senior Passport Officer.

Latest Information released from ICAO and ICBWG

- Gender X – Is now optional to issuing States; and
- Legal Identity – United Nations to include legal identity among its Sustainable Development Goals by the year 2030 and provide legal identity for all with birth registration. Although briefly stated, this goal is significant for the action, it urges for states to recognise and record each individual from birth.

Staff Attendance

The staff attendance is satisfactory according to the Passport attendance records.

Staff Leave

Table 3 – Approved Staff Leave

Passport Data Officer

Annual Leave 26/02/2018 to 26/03/2018

Furlough leave 18/09/2017 to 03/10/2017

Passport Processing Officer

Annual Leave 27/03/2018 to 13/04/2018

Annual Leave 12/06/2018 to 12/07/2018

Annual Leave 13/07/2018 to 27/07/2018

Senior Passport Officer

Annual Leave 20/11/2017 to 03/01/2018

Annual Leave 16/04/2018 to 27/04/2018

IMMIGRATION



Rajeev Keerthiyil

DIRECTOR OF IMMIGRATION

Nauru Immigration is responsible by law for protecting the country's sovereign borders and together with the Nauru Police Force help strengthen national security. The principal law which forms the basis of the work of the Section is the Immigration Act 2014. The Passports Act 2011 is also a key piece of legislation which guides the work of the section. The Immigration team reports to and works in collaboration with the Secretary, who is the administrative head of Immigration.

Immigration is in the process of making immigration movement and data accessible to relevant government agencies such as Police on a need to know basis as part of a co-ordinated approach to border security. Steps are being implemented to improve the integrity of immigration data and records.

By working with the Department of Information and Communication Technology, the section aims to improve record and data storage and archiving. Having access to a reliable system is a fundamental necessity as earlier efforts to store such information have not met the standards acceptable to the section.

One of our principal goals is to effectively enforce Nauru's immigration laws so that individuals who unlawfully enter and remain in Nauru are identified and prosecuted in accordance with the law. All persons entering Nauru must do so lawfully and comply with the conditions of their visas.

Through the use of technology and by implementing newly installed visa and immigration software, Immigration hopes that the efficiency of processing of visas and database management will be improved drastically.

Immigrations' overall functions have improved by reducing delays in visa issuance. Ensuring compliance and integrity is maintained. Immigration has been commended by various stakeholders including the Australian Border Force which Immigration has been able to constantly support with urgent visa requests and immigration matters during critical situations associated with the Regional Processing Centres. However there is still scope for improvement to meet and exceed the expectations of the public and users of our services.

Achievements

- 1 The section has been identifying and tracking over stayers since March 2016 and has put in place a mechanism for implementing overstaying fees. It has also initiated operations to check for incorrect visas and payments and regularise outstanding visa fees. This has assisted in generating additional revenue of \$2.2 million since March 2016 and has also heightened compliance with Immigration laws and regulations;
- 2 On 9 October 2017 Immigration implemented new visa and immigration software. This has enhanced the ability of the section to maintain a proper database of processed visas and assists in nullifying the potential forging and duplication of visas. The system also provides automated reports and dashboards for high level reporting;
- 3 The section has provided new uniforms and identification cards for the staff which has added to the professionalism of the office and is credited with an increase in staff mora



Immigration Staff at the Airport

- 4 The Immigration offices at the airport and government buildings were renovated to ensure that staff have a professional and adequate work place and environment, and are provided with all the required facilities for performing of their duties and responsibilities. This has helped in motivating the staff; and
- 5 Successful in building good relations with all stakeholders, clients and the public by providing all required and necessary support, without compromising integrity and compliance

Immigration Staff at the Head Office



Challenges

- Poor maintenance of data for visas processed; and
- Punctuality and attendance of staff.

Initiatives to Manage the Challenges

- The new visa and immigration software has rectified the challenge of data and record keeping. All documents after implementation of visa and immigration software are stored electronically and can be easily and readily accessed; and
- Implementation of a process of daily submissions of signed timesheets to track and control punctuality and attendance level.

Training

1. PIDC Labour Mobility Workshop (Fiji – 2 - 5 October 2017) – officer Renata Bernicke;
2. PIDC Vessel Search course (Australia – 27 November - 1 December 2017) – officer Greg Garoa;
3. PIDC Seminar to Develop Regional Model Immigration Standard Operating Procedures (Vanuatu – 13 - 17 November 2017) – officer Darlene Dabana;
4. PIDC Investigation course (Fiji – 16 - 28 April 2018) – Officer Starrington Dowabobo;
5. PIDC Data collection workshop (Fiji – 16 - 19 April 2018);
6. PIDC Regional Immigration Profiling Training Workshop (Fiji – 14 - 18 May 2018) – officers Darlene Dabana and Whitney Botelanga;
7. PIDC Document Examination Principle Application (DEPA) Course (Vanuatu – 18 - 22 June 2018) – Officer Darlene Dabana; and
8. 2018 PIDC Regular Annual Meeting (Fiji – 26th June to 28th June 2018) – Director and officer Bronnia Detageouwa.

Revenue

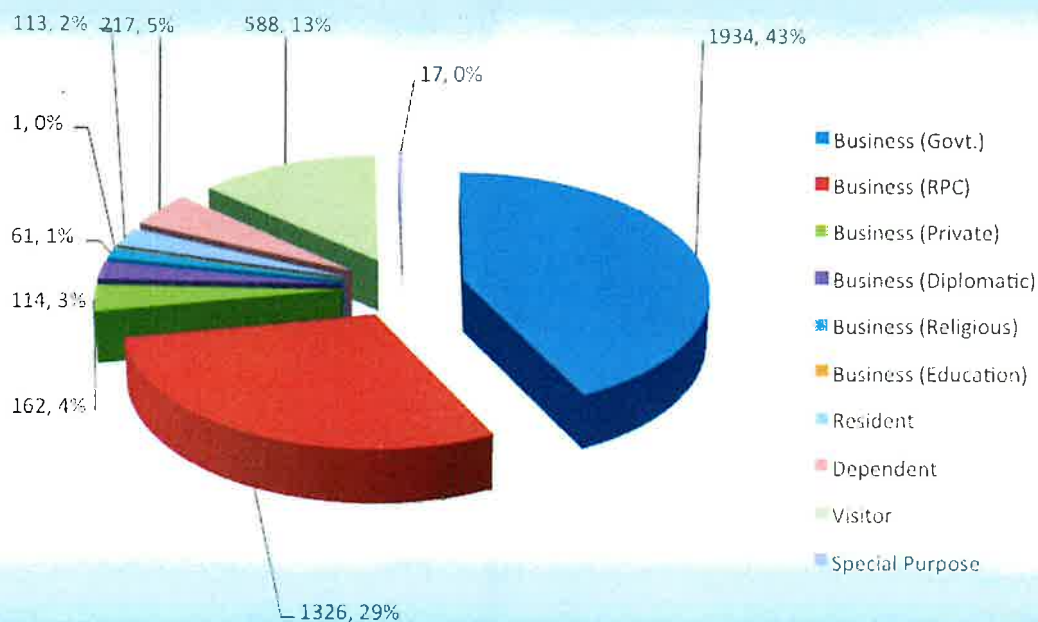
Table 1 – Revenue Collected

Revenue for 2017/18	
Normal visa fees	2,938,540
Overstay fees collected	28,750
Previous years' outstanding visa fee recovery and visa rectification	677,700
Total Revenue	3,644,990
Budgeted Revenue	2,600,000

Table 2 - Statistics of Visas Processed

Visa type	Number
Business (Govt.)	1934
Business (RPC)	1326
Business (Private)	162
Business (Diplomatic)	114
Business (Religious)	61
Business (Education)	1
Resident	113
Dependent	217
Visitor	588
Special Purpose	17
Total	453

Visa statistics



Staff

The section is managed by the Director of Immigration. The team consists of the Director, two Senior Immigration Officers, twelve Immigration officers, one Clerical Officer and one Regional Processing Centre Visa Manager.



QUARANTINE



Amy Tsitsi

ACTING DIRECTOR OF QUARANTINE

Nauru Quarantine serves as the nation's first line of defence against incursion of unwanted organisms, such as pests and diseases or anything that could negatively alter the unique environment of the Republic. Quarantine further provides procedures and conditions to ensure the safe movement of live plants and animals and plant and animal products into and out of the Republic, and to fulfill regional, such as PACER Plus, and international obligations to prevent the movement of pests and diseases in regional and international trade and traffic. With today's rapid development in technology, including the speed and popularity of air travel, chances of spreading unwanted pests and diseases have dramatically increased.

Quarantine works together with other border control agencies, including -

1 Immigration; 2 Customs; 3 Police and 4 Public Health.

The current structure of Nauru Quarantine is divided into four sub-divisions -

1 Seaport Operations; 2 Airport Operations;
3 Trade Facilitation Unit; and 4 Surveillance Unit.

Each of the said sub-divisions is led by a Senior Quarantine Officer whose major responsibility is to ensure smooth implementation of quarantine measures, with the aim of providing a professional and friendly customer service environment and report to the Principal Quarantine Officer on a weekly basis. Currently, Quarantine has 16 Officers and each of the Officers are appointed on a monthly rotation basis at each of the sub-divisions. The aim of the monthly rotation practice is to ensure that all officers are aware of the full scope of quarantine responsibilities, as well as, to ensure a working environment that is effective and efficient.



Quarantine Staff at the Airport

With the recent entry into force of the Dog Management and Control Act 2017, Nauru Quarantine has been mandated to implement the Act, specifically focusing on dog registration and surveillance. Quarantine does not see this added responsibility as a burden to the section, but rather it's an opportunity for the section to expand its mission and vision, with the objective of utilising this added responsibility to further increase quarantine based revenue and most importantly, an opportunity for further capacity building for Quarantine Officers. Quarantine is currently developing an effective strategy to fully implement the Act, as well as in consultation with the University of New England regarding a dog de-sexing program for the Republic.



Quarantine Staff Marching during the 50th Independence Day