



REPUBLIC OF NAURU



EIGAMOIJA ALSO KNOWN AS QUEEN

EIGAMOIJA OR LADY JUSTICE

2018 TO 2019

ANNUAL REPORT

DEPARTMENT OF JUSTICE

AND

BORDER CONTROL

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PREFACE

This Annual Report covers the period from 1st July 2018 to 30th June 2019.

In preparing this Report, it was considered necessary that a preface be included for the readers to comprehend and appreciate the contents. This was a significant year for the Department of Justice and Border Control as it underwent a number of reforms, including the lead in the reforms of the Courts in conjunction with the Department of Judiciary.

An inaugural law conference was held which was attended by the legal profession including the Judicial Officers. In its ongoing assistance to the Department of Multi-cultural Affairs, the Department had significant input in the negotiations for the Regional Processing Centre activities including the partial transition of commercial services to the Republic. The Department is also taking a leading role in the East Micronesian Cable System commonly called the submarine cable connecting the Republic to Guam through Kiribati, Kosrae and Pohnpei. In addition, as part of the Legislative Drafting Section's role, the Department assists the Department of Foreign Affairs with the Treaty Working Group.

On record, we also note that this is the 5th consecutive year that the Department has held the title of 'Department of the Year' for a successive period of 5 years. This has been due to a team of committed and dedicated staff and profound leadership.

[Nauruan Translation of Preface]

Bitune Department of Justice and Border Control Annual Report 2018 to 2019 eij öngagen an makur DJBC ian bitune eobweni. Tsimine woun bitune edae bwe ebak ekiwiwud ngana tawe omömoen dogorin bwieta Naoero, tekeij bita iwuden an kunowaw cot. DJBC makur epoa Judiciary ean bitune ekiwiwud.

Ian 2018 metan bita damonit 'Nauru Inaugural Law Conference'. Eij an epo roijö me rat cot dugin aeaeen dogorin Naoero.

DJBC makur bet epoa DMCA nim doerr ean an memeor RPC tekeij bita öngagen oijaen edogor ibiun ean mana RPC commercial services.

DJBC makur epoa ICT bwe dugin doerreijen an metu Naoero ian bita 'East Micronesia Cable System' (EMCS). Ngune system eij submarine cables ngana nan garr jited nim connecteij Naoero epoa Guam, Giribad, Kootae me Ponape.

Bitu Legislative Drafting Section makur epoa Foreign Affairs bwe dugin bita Working Group on Treaties (WGT).

Ian bitune eobweni 2018, DJBC tuk gaiwongin bita 'Department of the Year'. Nan eijin eijimo (5) eobweni an babiji bitune, bwe ouga oiaon tubun ambine DJBC staff epoa wangarra amen eow ura.

MESSAGE FROM THE MINISTER FOR JUSTICE AND BORDER CONTROL

I am pleased to have been given an opportunity to contribute a message for this Annual Report of the Department of Justice and Border Control for the reporting year 2018 to 2019.

To begin with, I would like to thank and acknowledge the contributions of the former Minister for Justice and Border Control, Hon. David Adeang, M.P., who was the Minister for 6 years. Hon. Adeang was a pillar of strength for the recent growth and development of the Department in a very challenging period when the Department was being revitalised. The anecdotal evidence of the changes brought will remain as historic records of the Department.

I must acknowledge that prior to my election as a Member of Parliament and subsequently being appointed as the Minister for Justice and Border Control, I was working in the Department.

In this regard, it is indeed a great pleasure for me to write in this column as the Minister, instead of what I contributed to the part of the Annual Report covering the Office of the Solicitor General.

It is a most humbling experience for me and reading through the contents of this Report, I can profoundly say that the Department and its staff are the cornerstone of its success.

After assuming office as the Minister in August 2019, I have been made aware of the key and instrumental work which the Department does to contribute to the National Development Strategic Plan. This includes prosecution, legal advisory work, legislative drafting, civil litigation, business registration, intellectual property, financial intelligence, citizenship, quarantine, immigration, passport, correctional services, curator, human rights, private security registration, trusts registration, beneficial ownership recording and public defenders work.

I acknowledge the role of the very dedicated and committed staff of the Department.



Their solidarity and patriotism combined with the leadership of the Secretary for Justice and Border Control makes it truly the department of the year.

I have been there and fully aware of the unbroken 5 year record of being the leading Department in the public service.

As a new Minister, I have a number of plans to carry on from the past work of the former Minister and to further enhance the work of the Department. I will look after the welfare of the staff. With my assurance and support, I encourage and invite all the staff to continue with their good work and stay the course to ensure that no one is left behind.

STATEMENT FROM THE SECRETARY FOR JUSTICE AND BORDER CONTROL

I am delighted to contribute to this column by way of a statement as the Head of the Department. I take this opportunity with great appreciation to acknowledge the confidence of the Government to appoint me as the Secretary for Justice and Border Control. This was a challenge which I was not looking forward to but was given to me in a very crucial period, when the new Government was transitioning.

In the order of priority, on behalf of all the staff, I take this opportunity to thank the former Minister for Justice and Border Control, Hon. David Adeang, M.P., in appreciation of his ministerial work. The former Minister had been the Department's administrative and financial backbone for its success. On behalf of the staff, we wish you all the very best.

In the year 2015, I joined the Department as a Senior Government Lawyer and subsequently have held the position of Solicitor General for the last 3 years.

During this period, I also acted as the Secretary for Justice and Border Control on numerous occasions.

The Department welcomed the new Minister for Justice and Border Control, Hon. Maverick Eoe, M.P., who is no stranger to the Department and the work it undertakes. The staff and I look forward to providing all the support and assistance which the Minister needs to ensure that the Department continues to progress in the years to come.

In assuming this Office, I take this opportunity to thank my predecessor, Mr Graham Leung who headed the Office for 3 years. During that period, I had the opportunity to work closely with him to bring many reforms and changes to the Department. He has contributed substantially for the growth and development of the Office and its staff. On behalf of the Government, I take this opportunity to show my appreciation for his contribution to the Republic.

This Annual Report is for the reporting year 2018 to 2019. It was a challenging year for the legal section, as we were preparing for the general election.

A number of electoral reforms had to be implemented including the new Election Petition Rules for the Court of Disputed Returns.



On the international and national front, the Republic was also reviewed for its compliance of its obligations under the Organisation for the Economic Cooperation and Development (OECD). The Department played a critical role in ensuring that the legislative framework was fully compliant. Additionally, the former Secretary, who was pioneering the work of the Nauru International Seabed Authority, also became an Ambassador for Nauru in the International Seabed Authority.

I join with the Minister in providing the necessary support and encouragement to all the staff to once again commit and unite for the Department's common goal. Our service delivery to the Republic and its people is the prime objective. In the last Public Service year, we were voted by the public as the leading Department. I invite all staff that we must endeavour our best to ensure that our service delivery, not only continues, but must improve to serve the people of the Republic.

WHAT DOES THE DEPARTMENT OF JUSTICE AND BORDER CONTROL CONSIST OF?

The Department provides a number of key services or performs responsibilities as part of the Executive Branch of the Government. It has various sections of office, which are as follows:

- (1) Secretariat;
- (2) Office of the Solicitor General;
- (3) Office of the Director of Public Prosecutions;
- (4) Office of the Director of Public Legal Defender;
- (5) Legislative Drafting;
- (6) Correctional Services;
- (7) Quarantine;
- (8) Immigration;
- (9) Passports;
- (10) Human Rights;
- (11) Financial Intelligence Unit;
- (12) Curator;
- (13) Business Registration and Licensing;
- (14) Corporations;
- (15) Partnerships;
- (16) Trusts;
- (17) Private Security Licensing;
- (18) Citizenship;
- (19) Intellectual Property;
- (20) Parole Board;
- (21) Administration and Finance.

The roles and functions of each Section is described fully in their respective Section reports. Each Section is headed by a Section Head. The Section Heads report to the Secretary. The staff of each respective Section report to the Section Head.

MAJOR ACHIEVEMENTS OF THE DEPARTMENT

(1) DJBC Conference Room

The Department of Justice Conference Room was an initiative undertaken by the Department to ensure that a modern conference facility is made available for the office and more so training for capacity building. One of the requirements of the many expatriate officers in the Republic is to encourage professional development and capacity building in conjunction with dedicated and committed team of local staff. The Conference Room also provided a facility for the staff to all have a place to have their normal break including meals.

One of the biggest achievements of the Conference Room was the facilitation of substantial part of the Pleadings Course for 2018 – 2019. It accommodates approximately 40 people and it has the ability to meet all the innovations on the technology of hosting, attending and participating in conferences and workshops. For that purpose, the Conference Room is fully equipped with internet and photocopying services.

The Department, as part of its generous contributions, shares the Conference Room with other departments.

(2) Pleadings Course 2018 – 2019

The Pleadings Course was conducted under the Legal Practitioners (Pleadings Training and Examination) Rules 2016 under the Legal Practitioners Act 1973.

A new Pleadings Course was undertaken by the Department, on the instructions of the Government to train pleaders to meet the requirements for legal assistance for the public.

A competitive selection process on merit based and prioritising a fair distribution of selection of the participants from all the districts in the Republic was undertaken. Numerous applications were received from interested persons. Unfortunately, the selection process could only accommodate 52 participants. With the help of the expatriate lawyers and the former Assistant Minister for Justice Hon. Lionel Aingimea, M.P., the course was completed in July 2019.

It consisted of 11 units commencing from Introduction to Law; Legal Ethics and Professional Development; Land Law; Torts; Criminal Law;

Family Law; Contracts; Evidence; Constitution and Administrative Law; Succession, Probate, Trusts, Equity and Wills and Civil Procedure.

In addition, with the help of the newly arrived Director of Public Prosecutions Ronald Bei Talasasa and the Assistant Minister for Justice, a special practical training for the pleaders for advocacy was also introduced. This program was comparatively successful and like any other professional training for law students, this is now compulsory in future.

A total of 33 students completed and graduated from the Course. The introduction of 33 new pleaders in the community and in the public sector has been hailed by the Government as a success event or story in the legal fraternity where there is a high dependency of expatriate staff.

The Pleadings Course is a precursor to encouraging many young and enterprising talents to undertake a law program to do Bachelor of Laws degree. This process has been followed through and the Department is pleased to record that a number of pleaders who graduated in 2016 have embarked onto law degree programs overseas.

The 2018-2019 Pleadings Course also invigorated the University of the South Pacific to revive its program in Certificate of Justice. Again, this is a progressive measure for capacity building in the legal fraternity.

PLEADERS COURSE 2018-2019

Introduction

Pleadings Course 2018-2019 began in April 2018 with 52 students to start. It was composed of 12 units at a passing mark of 55% each with 3 days absence without reason attendance requirement.

Introduction to Law

Una Narawa, the Parliamentary Counsel in Nauru was the lecturer for Introduction law, teaching on the difference between law, Justice and morality.

By the end of the unit, students were able to understand the purpose, categories, hierarchy and sources of law. They learnt about the importance the issue, rule, analysis and conclusion (IRAC) of a case note template.

Legal Ethics

Justice Mohammad Khan of the Nauru Supreme Court graced the students with his knowledge on Legal Ethics teaching them about their:

- (1) Duty to the Courts
- (2) Fiduciary Duties and
- (3) Duty to the Clients.

When the unit concluded the students had built capacity in drafting letters of advice to clients based on their duties as Legal Practitioners as prescribed by the *Legal Practitioners Act, 1973* and the newly legislated laws:

- (1) *Nauru Court of Appeals Act, 2018*
- (2) *Supreme Court of Nauru Act, 2018*
- (3) *Nauru District Court Act, 2018*
- (4) *Administration of Justice Act, 2018*

Land Law

The first definition that was taught by the Land Law Lecturer, Solicitor General Jay Udit was that of 'Land Owner'. It is crucial to know the definitions and the facts of a land law case in order to identify the applicable concepts.

The most basic concept to remember is, '*Cuius est solum, eius est usque, ad coelom ed inferous*' which means that a person who owns land, owns it from the heavens above to the center of the earth.

Students learnt how to construct legal opinions on real Nauruan land law cases as well as how to draft lease agreements based on the *Nauru Lands Act, 1963*.

Tort Law

Intentional torts, negligence and liability were the main topics of Tort Law. This was facilitated by Ravu Tagivakatini and Sevuloni Valenitabua from the Public Legal Defense Office (PLD).

Students were able to apply the categories of trespass, the elements of negligence and liability of tort-feasors to identify a case of tort.

Criminal Law

The rule of law is a concept that needs to be understood before being able to absorb the function and purpose of criminal law so that students can see the supremacy of the law being that no man is above the law and that while it applies equally to every persons, this means that there is absence of arbitrary powers.

Students were able to apply their new found knowledge on Criminal Law to Criminal Procedures of the court proceedings during intense moot sessions that were set up by the Director of Public Prosecutions (DPP) Office. Burden of Proof was a substantive factor for prosecution whilst the defense carried some burden of standard proof.

Family Law

Resident Magistrate Penjimani Lomaloma shared his expertise on family law and the cases that he had come across during his time at the District Court of Nauru.

Students added to their knowledge procedures of divorce and separation, application for child maintenance and alimony, adoption and other important features of the Family Court.

Contract Law

Hon. Lionel Aingimea, M.P., a barrister in Nauru as well as a former lecturer of Law at the University of the South Pacific (USP) was the facilitator for Contract Law.

The class had the privilege of experiencing university standard lecture sessions in learning about the existence of a binding contract only by the presence of the following elements:

- (a) An offer being made
- (b) The intention to create legal relations based upon the offer
- (c) The consideration
- (d) The acceptance

The students learnt about significant case authorities on the discharge of contract such as *Great Northern Railway Company v Witham* [1873] LR 9 CP 16 on sufficient consideration leading to acceptance and *Powel v Lee* (1908) 99 LT 284 based on authorized communication for the intention to create a contract between two parties.

Evidence

Evidence in Nauru is based on Common Law in the absence of a uniform legislation. Honorable Lionel Aingimea, MP, ensured the students knew the nature of evidence and the three most important elements:

- Relevance
- Admissibility
- Weight

By the end of the unit students were able to understand evidential limitations during examination in chief where the response of the witness tells the story that needs to be told; cross examination where the questions depict the facts and re-examination where the reiteration and clarification occur by asking new questions based on questions that have already been asked.



Eager pleaders



Group work



Burning the midnight oil

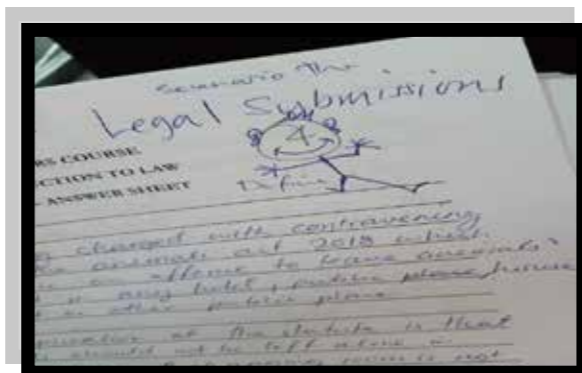


Few steps closer to their goals

Constitutional and Administrative Law

Graham Leung, the Secretary for Justice and Border Control and Jay Udit, the Solicitor General showed the pleaders class the need to accomplish the rule of law through understanding how the three arms of governments work with each other.

The students studied the fundamentals of human rights, the significance of constitutional conventions and the supreme authority of law in the separation of powers.



Humor in the classroom

Equity, Wills, Trust and Probate

Jay Udit demonstrated that Equity is finding a solution between Common Law and Statutory Law based on conscience based decisions. Making and executing a valid Will is subject to Section 9 of the *Wills Act, 1837*.

Students also learnt the different categories of trust and its 3 elements of intent, validity and property, parted by the settlor, trustee and beneficiary.

Civil Procedure

The *Civil Procedures Act, 1972* and the *Civil Procedures Rules* are the main regulators of civil law in Nauru.

Students experienced the intense process of civil proceedings and how to set out writ of summons, statement of claims, statement of defence and originating summons with the application of strict civil procedure rules and templates.

Advocacy

Advocacy presented an opportunity for the students to apply what they learnt during the Pleadings Course by advocating application of laws and rules of evidence.

(3) Inaugural Law Conference 2018

The latter part of the year 2018 saw history being created in the jurisdiction of Nauru. The Department of Justice (Legislative Drafting Section) hosted Nauru's first ever Law Conference.

Throughout the 3-day program, a wide range of topics were covered by special guest speakers. Guest speakers included Emily Dafina (Legal Adviser, ICRC) who spoke on International Humanitarian Law and Nauru's accession to the Geneva Conventions, Mihaela Stojkoska (UNDP Anti-corruption specialist) who presented on Anti-Corruption and the achievement of agenda 2030 and John Rabuku (DPP, Nauru) who presented on Sexual and Gender Based Violence, particularly the protection of witnesses, the corroboration rule and the way forward for Nauru.

(4) Nauru Court of Appeal

The Department provides an integral administrative support to the Judiciary. During this reporting year, the transformations in Judiciary were at a rampant stage. The whole judicial structure was reviewed and revamped to bring horizontal and vertical independence with the intention of making the judiciary competent and more community responsive.

The Legislative Drafting Section played a significant role in the establishment of the new Nauru Court of Appeal which required amendment to the Constitution.

The establishment of the Nauru Court of Appeal abolished appeals to the High Court of Australia. The sovereignty of the Courts of the Republic was absolutely retained within the country and the purview of the Constitution.

It was followed by the necessary legislation to ensure that the constitutional requirement for the judicial authority to vest in the Nauru Court of Appeal, Supreme Court and the District Court. This required new legislation which came into effect around the beginning of the new reporting year. These legislation were the *Nauru Court of Appeal Act 2018*, *Supreme Court Act 2018* and *District Court Act 2018*.

The establishment of the Nauru Court of Appeal also increased the appellate jurisdiction. The people of the Republic can now appeal decisions of the Supreme Court which were not previously appealable to the High Court of Australia such as constitutional, land and family matters. A single judge of the Nauru Court of Appeal sat in the Court of Appeal as early as August 2018.

A new Nauru Court of Appeal Rules was drafted by the Department in conjunction with the Department of Judiciary.

The Department is currently involved with the reviewing and drafting of the new Supreme Court Civil Procedure Rules.

(5) Organisation for Economic Cooperation and Development (OECD) Review

The Organisation for Economic Cooperation and Development is an organisation formed under the auspices of the Organisation for European Economic Cooperation (OEEC).

The work of this organisation is crucial to the Republic in a number of ways which includes the prospects of receiving aid, grant, donations and also its commitment as a member to the International Monetary Fund.

It is inextricably linked to the global requirement of the automatic exchange of information relating to movement of funds globally and taxation. It further provides support in Nauru's obligations under the Terrorist Financing Convention. Needless to mention, this provides a comprehensive approach to combatting money laundering.

The reporting period is crucial in that the Republic's legal framework for the requirements of OECD was reviewed by a peer group from Samoa, Philippines and OECD Secretariat based in Paris. It was during this review that a substantial amount of legislative amendments were required. This included:

- (a) repealing of the *Registration of Business Names Act 1976* and replacing with the *Business Names Registration Act 2018*;
- (b) repealing the *Partnership Act 1976* and replacing with the *Partnership Act 2018*;
- (c) passing of a new *Trusts Act 2018*;
- (d) amendment of the *Business Licences Act 2017*, *Corporations Act 1972* and *Beneficial Ownership Act 2017*.

A comprehensive registration of all beneficial ownership interest was introduced. A beneficial ownership requirement is to ensure that the ultimate or the residual owner who receives any benefit from a business is identified. This requirement is necessary for a number of global obligations which the Republic needs to comply with including the International Monetary Fund Authority.

In order to comply with the OECD standards, a uniform requirements for registration of businesses and maintenance of such records was implemented through various regulations such as the *Business Names Registration Regulations 2018*, *Business Licences Regulations 2018*, *Partnership (Fees) (Amendment) Regulations 2018*, *Corporations (Forms and Fees) Regulations 2018*, *Trusts (Forms and Fees) Regulations 2018* and *Beneficial Ownership (Forms and Fees) Regulations 2018*.

In addition, since the Secretary for Justice is the Registrar for all of the different registration requirements, different Registers have been established. Currently, these Registers meet all the requirements of the OECD. The Department will progress this further to ensure that electronic Registers are made available online in future.

As a consequence of the review of the legal framework, the Republic was assessed by the member countries in a conference in Paris in April 2019. The results of the assessment was announced in June 2019. It must also be noted that few countries in the region meet up to that expectation. The work on this needs to continue to meet the requirements of other financial organisations and it is hoped that the rating of

The Republic was found to be **'Largely Compliant'**. This is indeed a great achievement for the economic and commercial advancement of the Republic.

'Largely Compliant'

will assist the Republic in meeting its taxation and financial requirements for the Council of the European Union on taxation in the following financial year. If it is achieved, this will open the Republic to European Union aid and grant.

The work on this needs to continue to meet the requirements of automatic exchange of information amongst the member countries under the *Automatic Exchange of Financial Account Information Act 2016*. This will be an attempt to ensure that Nauru is able to upgrade its assessment to **'Compliant'** and possibly also to meet all the requirements for the Republic to meet its credit rating. This is essential for the financial sector markets globally to consider Nauru as part of its investment partner.

(6) Regional Processing Centre

The Regional Processing Centre is one of the primary revenue earner for the Republic. It is also a bilateral arrangement between the Commonwealth of Australia and the Republic. Whilst the Regional Processing Centre was initially part of the Department of Justice, its separation in 2016 to the Department of Multicultural Affairs still requires the Department of Justice to provide assistance. The bilateral discussion has largely been the focal point of the Department of Multicultural Affairs and supported by the Department of Justice. During the financial year, with the concerted effort put in by the Solicitor General and the Secretary for Justice, the Government's long term plan to encourage Australia for transition was agreed to. It was a staggard transition process. The success of the transition resulted in the establishment of Eigigu Solutions Corporation and Eigigu Solutions (Australia) Pty Ltd.

The initial framework of the transition was put in place in October 2017.

In the reporting year, a number of services currently performed by foreign service providers were transitioned to the Government of Nauru to be undertaken by Eigigu Solutions Corporation.

The transition was to begin in November 2018 and thus began as scheduled. However, the transition could not be completed by April 2019.

The Department of Justice assisted in further negotiations and drafting of several other agreements to obtain better returns for the Republic from the Regional Processing Centre. This included the transition of commercial services to Eigigu Solutions Corporation.

The Solicitor General was fully dedicated, under the instructions of the then Minister for Justice, to work with the Department of Multicultural Affairs at every stage of the process including liaising with officials and the legal department of the bilateral partner.

(7) United Nations Convention Against Corruption

The Convention Against Corruption (UNCAC) is the responsibility of the Department. The Republic was reviewed by a Peer Group and the Secretariat for the Convention in April 2018. The Peer Group visited the Republic for a week and undertook an extensive review of the Republic's progress. A draft report was submitted to the Republic in March 2019. The Department reviewed the report and submitted it for comments before the end of the year. The work on this will progress this year to finalising the report for publication.

Towards the closure of June 2019, the Department also worked with the Department of Multicultural Affairs for the fixing of the various fees such as visa, immigration, business licence for businesses operating in the Regional Processing Centre and so forth.

(8) Intellectual Property

The Department has been responsible for the intellectual property work for some time. The Republic is one of the very few countries in the region which is not a member of the World Intellectual Property Organisation. The reason for this is not for want of trying but simply due to availability of competent staff. One of the important tasks the Department undertook was to achieve this long pending desire of the Republic to update its intellectual property laws. This was the preliminary step leading to negotiation with the intent to accede to some critical intellectual property related Conventions.

By the end of 2018, the Department had drafted a new Copyright Bill and Trademarks Bill.

These Bills were submitted to the Cabinet for its approval and subsequent dissemination for public consultation. This was necessary to ensure a wider view of the community is taken into account particularly noting the area of law dealing with rights and innovations. Intellectual property is also regarded by the Government as an integral part of its desire to modernise the Republic which will thus encourage investment.

It is anticipated that the Bills will be taken to Parliament for its passage before the end of July 2019. The Cabinet had approved the Bills for its presentation to Parliament in June.

Concurrent to the legislative work, the Department worked together with the Department of Foreign Affairs to attend to formalities for the Republic's joining of the World Intellectual Property Organisation and the accession of the WIPO Convention, Berne Convention and WIPO Copyright Treaty (WCT).

It is hoped that the Republic will be able to comply with all the formalities to become a member of WIPO and the other various Conventions.

(9) Correctional Centre

The new Correctional Centre in Topside remains vacant since its construction and handing over in 2015. Plans were made to move the Correctional Centre from Yaren District to the new Correctional Centre. In the Government's national electrification program, the Department also submitted a request to connect the Correctional Centre at Topside to the main grid. The reason for this was to ensure that the operational costs for the diesel operated generators of the Correctional Centre at the Topside is mitigated.

The fishing rehabilitation program for prisoners was resubmitted to the Cabinet for its consideration in June 2019. It is hoped that once the program is approved, it will be re-implemented with the new vision of providing healthy food to prisoners. In addition, it is anticipated that the inmates be utilised for more community based programs instead of being incarcerated in cells.

Also, a draft Regulations for the operations of the Correctional Centre was drafted by the Department which is currently subject to review. It is intended to bring these Regulations into effect by no later than April next year.

(10) Immigration Section

Since 2016, the Immigration Section has progressed in implementing changes for outgoing and incoming passengers. This included the ongoing changes to the software. The software helps the Section in having a proper database of processed visas. The system also provides automated reports and dashboard for high level reporting.

There was also a plan put in place to bring changes to the arrival of passengers. The constructions of cubicles for Immigration staff was already put in place in 2017. This saw the completion in 2018. With effect from November 2018, the cubicles were all operational. The renovation undertaken for the Section allows staff to have a good working environment and necessary facilities.

The Immigration Section continues to embark on other essential travel requirements to ensure that Nauru's capability for international travellers is equivalent to its international counterparts.

The visa application process has been further upgraded. Online applications were received and processed. During this period also, the Treasury was receiving visa fees online, which enabled many travellers to seek visa approvals.

The ongoing issue of overstayers is a concern for the Section.

It is anticipated that a more aggressive approach to be taken next reporting year to reduce the numbers. A concern of the commercial sector has been put to the Government for consideration on visa fees for essential workers. A request has been made to ensure that visa fees for technical and skilled people are reduced to allow private sector employers to engage foreign workers. This is still to be progressed.

(11) Passport Section

Passport is the primary travel document for all Nauruans. The different categories of passports are diplomatic passports, official passport and ordinary passport. In addition to the passports, travel identity documents are issued to those Nauruan citizens who misplaced their passports whilst being overseas.

An interim travel document is also prepared for the transferee population in the Republic. The travel document for refugees and asylum seekers has international recognition. However, the issue with the refugees and asylum seekers travelling to and from Nauru is the reluctance of other countries to grant them visas.

During this reporting year, the Section brought substantive changes to its administrative processes. Over 10,000 passports were purchased from the supplier and stocked to overcome the perennial problem of shortage of passports.

It is anticipated that the Department of Multicultural Affairs will work with the Department of Foreign Affairs on this front.

In addition, standby printing equipment were purchased to overcome any malfunction or damage to the printing equipment for passports. The Section is pleased to inform that in the reporting year no complaints was raised for the shortage of passports which is in itself a substantial progress.

The difficulties with the clearance of passports at the Immigration in Australia was brought to the attention of the Department at the later part of the financial year. The Section has undertaken remedial work to rectify technical printing and photography issues. However, it is anticipated that a much more substantive work will be required including discussion with the relevant authorities in Australia.

During the reporting year, the Section commenced work on its plan to introduce electronic passports. Work on this project will progress for the next two years to align Nauru's passport quality, standard and durability consistent with international travel requirements.

The difficulties with the clearance of passports at the Immigration in Australia was brought to the attention of the Department at the later part of the financial year. The Section has undertaken remedial work to rectify technical printing and photography issues. However, it is anticipated that a much more substantive work will be required including discussion with the relevant authorities in Australia.

(12) Quarantine Section

While the *Dog Management and Control Act 2017* was passed by Parliament in 2017 and the *Dog Management and Control (Licensing of Dogs) Regulations 2018* was approved by the Cabinet in March 2018, the Section finally managed to kick-start its Dog Management Project in 2018. The Project is aimed at:

- (a) Providing free de-sexing and humane euthanasia to help achieve a sustainable reduction of dog population in Nauru.
- (b) Capacity building of Quarantine Officers and Dog Control Officers.
- (c) Collaboratively investigating and addressing current dog management issues.
- (d) Specially designed dog tags which have been purpose made and is currently in the possession of the Section.
- (e) Addressing the challenge of registering dogs which is an issue that the Section is grappling with.

In addition, the Section continued with its normal border control activities.

In the next reporting year, one of the issues for the Section would be the office at the Nauru seaport due to the construction of the new port. However, plans are already underway to ensure that the services to the seaport is not diminished.

The Section is also planning to review its statutory fees which has remained dormant for a considerable period of time. In addition, the Department is also working to meet its obligations in the event of the implementation of the PACER Plus.

A key area which the Department will be required to focus for the coming reporting year is to meet its requirements under the International Civil Aviation Organisation (ICAO). The Republic's ICAO's obligations is subject to be reviewed in the next reporting year.

(13) Office of the Public Legal Defender

The newly established Office of the Public Legal Defender was also engaged in providing more information to the people about the services it provides. The Office provides free legal services to the citizens of the Republic. The services is limited to criminal and family matters.

During the reporting period, legislative changes were made to the Criminal Procedure Act 1972 to allow the Office to brief cases to the private bar.

Civil or land cases are only selected on random basis. This was a deliberative act to foster arrangement for better representation and also sharing of professional resources and expertise of the Office to the public with the private practitioners. It was designed to ensure that one of the objectives of the Department to undertake capacity building in the legal sector.

As a consequence of the changes made, the Office drafted a Manual so that a guide is provided for provision of its services without any discrimination. The Manual was submitted to the Cabinet for its consideration.

The decision on appeal in the matter of the Republic v Mathew Batsiua & Ors had clarified the independent role of the Office.

As a consequence of the decision, the Department prepares a special budget for ensuring that there is funds available for legal assistance in cases where the Office is not able to represent due to conflict of interest for its workload.

Julian Heinrich v State [2019] FJCA 41; AAU0029.2017 (7 March 2019) - Sevuloni Valenitabua and Knox Tolenoa attended to the Fiji Court of Appeal for the hearing of the Julian Heinrich's appeal against his conviction of manslaughter in the High Court of Fiji. The appeal was successful and Julian Heinrich was acquitted of manslaughter and was released by the Fiji Court of Appeal in Suva on 7th March 2019.

It is anticipated that the Office will be more accessible to the people with an enhanced professional capability and service.

Republic v Charmoro Ribauw [Cr No: 100/2016] – Supreme Court of Nauru. Ribauw was charged with the offence of Rape under section 105 of the Crimes Act 2016. Lacanivalu was the Prosecutor and Tagivakatini was for the Defense. Both parties are adults. The issue in this case is that of consent and the incident arose out of a drinking session. The victim was asleep and the Defendant had sexual intercourse with her. Although the victim's evidence was compelling, the Court took into account the entirety of the case, including the Defendant's actions after the alleged incident. The Defendant was acquitted accordingly on 31/08/18.

(14) Office of the Director of Public Prosecutions

Republic v Mathew Batsiua and Others, commonly referred to as the "Nauru 19" case. The Nauru Court of Appeal upheld the appeal by the Republic and remitted the matter to the Chief Justice for further directions. This is significant because it is an illustration of a functional judiciary and more so, even though the Nauru Court of Appeal was newly established, it was able to hear and dispose of appeal matters within a short time. The judgment was delivered on 21 June 2019 and the matter was reverted to the Supreme Court for hearing of the criminal case. It is anticipated that the 'Riot case' is to be heard and decided by the Supreme Court in October 2019.

(15) Law Revision and Consolidation Project

The Law Revision and Consolidation Project constitutes the revision and consolidation of all the laws passed by the Parliament before and after independence. This dates back to 1900. This project is the initiative of the Department to ensure that Nauru's current laws are consolidated, and capable of being accessed.

To begin with, the Department drafted the Law Revision and Consolidation Act 2018.

This allows the appointment of a Law Revision Commissioner.

A feasibility study was undertaken by the Department in conjunction with Lexis-Nexis for the project. Lexis-Nexis visited the Republic and did an in-depth analysis. A project paper will be submitted in due course by Lexis-Nexis. Following that, the legislative steps to be followed including Cabinet approval as soon as it is practicable. It is anticipated that the project will be completed by December 2020.

(16) Publication of the Constitution

The wider responsibility of the Department is to also participate in community education. A number of measures have been undertaken which includes the Pleders Course. An initiative is now in its contemplation stages to consolidate the Constitution and have a copy of the consolidated Constitution. Once finalised, the objective is to distribute the Constitution to the legal fraternity, heads of department and Ministers and Members of Parliament. The Department intends to work with the Department of Education to circulate this Constitution to the schools so that students of higher secondary schools are able to read and understand the fundamental legal framework of the country. Subject to the availability of finance and human resources capability, the Constitution is anticipated to be distributed to community members including religious bodies.

Depending on the success of the 3 year program and the decision of the Government, it is the intention of the Department to initiate this education process as an ongoing program. This looks optimistic but the Department will not let pessimism undermine its critical role of sharing its capacity and knowledge in the community.

(17) Nauru Law Society

Since 2015, in every closing and opening session of the Supreme Court, the president of the informal Law Society impressed upon the members of the legal fraternity that the Legal Practitioners Act 1973 needs to be reviewed. Due to scarcity of resources and the limited availability of time in the Parliament, this has been deferred although there was great enthusiasm amongst the legal fraternity members to act.

The Department took a proactive step as part of its legal education program when training the pleaders. A team of spirited lawyers were assembled to consider drafting a new Legal Practitioners Bill.

With the help of the Legislative Drafting team, a draft Bill for consultation was prepared as early as November 2018.

There were a number of issues which required more consultation including the views of the then government. The Bill was losing its momentum but it was through the effort of the Department and the then Minister for Justice, who was supported by the then Assistant Minister for Justice, it again gained some interest. With the impending graduation of over 30 pleaders, it was realised that a new Legal Practitioners Act was a need and no longer a want.

The Department finalised the Bill and following numerous consultations were able to persuade the then Minister for Justice to have the Bill moved in Parliament. The Bill became the Legal Practitioners Act 2019 which was passed by the Parliament in June 2019. The Department will continue to provide support to the Law Society and the capacity building for the legal fraternity.

(18) Office of the Solicitor General

The Office of the Solicitor General primarily provides litigation services for the Republic. In addition to the litigation services, the Solicitor General also provides essential administrative support to the Secretary for Justice for the administration of the office. In particular, the Solicitor General was in charge of preparing budget for the Department.

The preplanning stages of the budget again resulted in there being no need to apply for any supplementary budget.

This is a financial planning achievement to provide the Government with budget surety.

In addition, the Office as stated above provided all administrative and legal support for the Regional Processing Centre and the submarine cable.

The Office of the Solicitor General has assisted in the legislative program for the Government. The Legislative Drafting team has constantly been assisted by the Office of the Solicitor General in the drafting or interpretation of laws.

Apart from the Office, the Solicitor General also provides direct assistance to the Nauru Law Society and the Judiciary. The Office is responsible for the drafting of the current Nauru Court of Appeal Rules in conjunction with the Legislative Drafting team.

The desire for the Republic to update its intellectual property law was again an effort of the Solicitor General who had worked on both the legislative and administrative work for the progress as stated earlier.

In the reporting year, the Republic was joined again in the 'Nauru 19 matter'. All applications by the counsels for the defendants was resisted by the Office of the Solicitor General. This includes the demand for an exorbitant legal aid fund. A key feature of the representation was the ability of the Republic to ensure that its confidential information under the *Official Information Act 1976* did not become subject to litigation. It also established the law on public interest immunity.

(19) Restructure of the Department of Justice

A common cause of concern for the day to day administration of the Office has been the recruitment of staff. Human resources is a key component of any successful administration. The persistent push from the Public Service on the recruitment process resulted in the Department of Justice establishing a structure consistent with the budget. The purpose of this was to bring administrative efficiency and financial efficacy.

The restructure was completed in 2018. In March 2019, the restructure was approved by the Minister for Public Service under the Public Service Act 2016. It was gazetted and implemented. It is an achievement to have been able to establish the restructure when the Public Service was still relying on a very obsolete and archaic structure.

A constant difficulty which the Department has faced was the process of recruitment of staff. The centralisation process in the Public Service brings inefficiency. However, it's a constraint which is faced by all the Departments, as such Justice stands ready to assist if so required.

(20) Social activities

One of the common philosophies of collegiality at the workplace requires a closer bonding and trust amongst the staff. An inherent difficulty which the Department faces is the integration between the expatriate and local staff.

Over the years, this distance have been abridged and a much more familial relationship has been built over time. This is where the Department excels in its social cohesion through social activities. The Department as a whole has more than 90 staff. During the course of the reporting year, the following activities were taken:

- (a) Sports Day – it is an occasion when the staff are able to bring their family members to be part of Team Justice. The Minister for Justice joined the Department at the Anibare boat harbour.
- (b) Easter and Mothers Day annual lunch for the Department is mandatory.
- (c) Christmas Party was also hosted at the Menen Hotel.
- (d) Public Service Day ceremony was also held to celebrate the achievements of 4 continuous years of being Department of the Year.
- (e) In addition, each Section also have their own social activities where participation of family members is encouraged.

(21) Legislative Drafting Section

The Section made a landmark achievement by setting a historic record of 58 Bills passed by Parliament. Whilst the number is an achievement, the subject matter covered by the Bills is a national achievement for law reform. It is an era which the Republic can boast of its adaptation of laws of application in a modern and technologically advanced society. The quest for bringing Nauru's legal framework in par with its modern counterparts will be the destiny of the Section.

The Law Revision and Consolidation Project is part of this movement for reform.

OFFICE OF THE SECRETARY FOR JUSTICE AND BORDER CONTROL

The Secretary is the Head of the Department. All Section Heads report directly to the Secretary.

Apart from other duties, the Secretary has a number of statutory functions. These are as follows:

- (1) Registrar of Business Names;
- (2) Registrar of Business Licences;
- (3) Registrar of Partnerships;
- (4) Registrar of Corporations;
- (5) Registrar of Patents;
- (6) Registrar of Copyrights;
- (7) Registrar of Trademarks;
- (8) Registrar of Trusts;
- (9) Licensing Authority – Private Security;
- (10) Authority – Beneficial Owner;
- (11) Member of the Public Service Disciplinary Committee;
- (12) Member of the Parole Board – ex officio;
- (13) Member of the International Seabed Authority;
- (14) Party in all civil proceedings under the Republic Proceedings Act 1972 and in any constitutional proceedings;

- (15) Administrator under the Proceeds of Crime Act 2004;
- (16) Secretary is the Head of Department for Nauru Police Force under Section 2(2) of the *Public Finance (Control and Management) Act 1997*;
- (17) Revenue collector under Section 16 (1) of the *Public Finance (Control and Management) Act 1997*;
- (18) Law Revision Commissioner;
- (19) Powers delegated to him by the Minister for Justice under the Mutual Assistance in *Criminal Matters Act 2004*;
- (20) Secretary is the prosecuting agent under the *Extradition Act 1973*;
- (21) Acting Chief Executive Officer – Nauru Fibre Cable Corporation;
- (22) Amicus curiae under various statutes.
- (23) Role of Secretary in the International Seabed Authority;
- (24) The Secretary is a member of the Nauru Seabed Authority under the *International Seabed Minerals Act 2015*. Ordinarily, this Authority is chaired by the Secretary for Foreign Affairs. However, during the reporting period, the work of the Secretary in relation to International Seabed Authority was seen as an important contribution. It was largely to do with the seabed mining. Nauru is a sponsor for one of the companies for seabed mining as required by the International Seabed Mining Regulations.

The Seabed Authority (Nauru) has the power to make such examinations, inspections and enquiries of Sponsored Parties and the conduct of Seabed Mineral Activities, which includes the:

- *sending of an observer to the site of the Seabed Mineral Activities and vessel or premises of the Sponsored Party; and
- *inspection of relevant books, records and other relevant data, from time to time, upon giving reasonable notice to the Sponsored Party.

It was during this year the Government also made proposals and pledged to appoint a person as the Ambassador to the International Seabed Mining Authority to fill a vacancy for the position created by lapse of appointment. The Secretary for Justice was nominated by the Government to be Nauru's Ambassador to the International Seabed Authority. The formal process of the appointment was duly approved in the later part of the reporting year and the Secretary subsequently travelled to Jamaica to submit his credentials.

This enhanced the role of the Secretary as 'Nauru's Ambassador to the International Seabed Authority'.

Pacific Islands Legal Network (PILON)

The Republic is a member of the Executive Committee of the Pacific Islands Legal Network. The Secretary for Justice is the Government representative on the Executive Committee. In addition, the Republic is the chair of the Cybercrime Working Group. By virtue of Nauru's chairperson role, the Secretary for Justice also chairs this committee. As the chair of the committee, it is the responsibility of the Republic to ensure that an annual report with the strategies of the Pacific region is duly prepared and presented at the PILON annual meeting.

OFFICE OF THE SOLICITOR GENERAL

The Office of the Solicitor General is now a permanent office providing administrative and other support to the Secretary for Justice and Border Control. Whilst the duty of the Solicitor General is varied, the primary function of the office is to provide legal advice to the Parliament, Cabinet, other Departments and instrumentalities of the Republic.

Under the *Republic Proceedings Act 1976*, the Secretary for Justice is the principal party for any civil proceedings to be commenced by and against the Republic. Ordinarily, the Secretary for Justice does not appear in court. Instead, the Solicitor General represents the Government in all civil and constitutional law proceedings. In that regard, the Office of the Solicitor General represents the Government in all civil and constitutional matters. This also includes where the court requires the Secretary for Justice to appear as amicus curiae to assist the court. Needless to mention that the new Supreme Court Act requires that in all constitutional cases the Secretary for Justice must be served with the relevant papers. For that purpose, the Office of the Solicitor General will also be playing an important role.

During the reporting year, the Solicitor General was officially appointed by the Government as the sole legal advisor and a member of the negotiating team for the Regional Processing Cen-

In addition, the Solicitor General also provides all legal advice and administrative support in the East Micronesia Cable System (submarine cable). During this period, a substantial agreement was drafted for the purposes of the submarine cable. This included the Construction and Management Agreement, Indefeasible Right of Use of HANTRU1 Cable (Pohnpei to Guam) and the Request for Bid instrument for the purposes of inviting tenders for the construction of the submarine cable. In addition, a number of consultancy and service contracts were drafted by the Office. The approval process of these agreements through the Cabinet is undertaken by the Office of the Solicitor General in conjunction with the relevant stakeholders.

One of the fundamental roles of the Solicitor General in the Department has been the planning, representation and monitoring budget expenditure for the entire Department which includes Head 43 (Justice), Head 45 (Border Control) and Head 46 (Correctional Services). For the last 4 years, the Department has not sought any supplementary budget due to strategic procurement and planning mechanisms put in place. An asset register is being prepared for the Department to ensure that the property of the Government is looked after and at all times are accountable. In addition, such a register will ensure that the assets of the Republic are not abused or misused by the members of the staff or any other person.

In this period, the Office of the Solicitor General also took an active role in ensuring that the Legal Practitioners Act 1973 is reviewed.

This was done in conjunction with the members of the private bar. The reviewing of the Act has been a concern of the legal profession as well as for the Government in ensuring that legal services provided to the public is both professionally competent and economically viable returning value for fees paid. A persistent push resulted in the repealing of the 1973 Act and replaced by the Legal Practitioners Act 2019. The Solicitor General continues to provide all support that is needed to ensure that the Act is fully implemented. In that regard, the Office also assisted in the drafting of the Constitution for the Nauru Law Society. In a meeting convened by the Department of Judiciary on the *Legal Practitioners Act 2019*, the Solicitor General also presented an overview of the entire Act clearly articulating the new requirement of professional ethics, responsibility, accountability, integrity and duty to client.

The Legislative Drafting Section to a large extent also was relying on the Office of the Solicitor General to provide necessary support.

The Government is ordinarily given grants by donor agencies some of which require attendance before the donor agencies representatives for the purposes of negotiations. During the reporting year, the Solicitor General negotiated the grant agreement for the submarine cable. This was a grant given by the Asian Development Bank (ADB).

A summary of the table in this report sets out the work undertaken by the Office of the Solicitor General in the ordinary course of its work. For the purposes of reporting, it is important to highlight the following cases which has significant impact in future land cases:

Reweru v Degairuk (Land Appeal No: 3/2018)

In this matter, the Applicant was seeking leave to appeal a decision of the Nauru Lands Committee (NLC) and had filed an originating summons, written submissions and a supporting affidavit. His Honour, Khan J, ordered the Applicant to list all respondents instead of labelling them as ‘others’. The Applicants obeyed the order for the written submissions but failed to do so for the originating summons and the supporting affidavit. Further to this, the Applicants only served the Respondents with the amended written submissions but not the originating summons and supporting affidavit. This prompted the Solicitor General who was representing the NLC as one of the Respondents to raise the issue that civil cases must be commenced by way of an originating summons as prescribed for under Order 6 of the Civil Procedure Rules 1972 (CPR) ,not by way of written submissions.

In contending on the issue, the Applicants submitted that the NLC is statutorily governed by the Nauru Lands Committee Act 1956 (NLC Act 1956) and that the NLC Act 1956 states no specific provisions as to how appeals against decisions of the NLC should be commenced, so neither the rules under the CPR 1972 would apply to appeals of NLC decisions.

His Honour, Khan J, in his ruling made reference to Section 10 of the Civil Procedure Act 1972 which provides that “Every suit shall be commenced in such manner as may be prescribed the rules of court.” It was held that “for civil cases which include land appeals, the procedure set out in the CPR has to be followed”. His Honour also issued a direction on how applications for leave to file an appeal out of time in respect of a determination made by the NLC, which remains a precedent to date.

The direction issued by His Honour Khan J, states that all applications for leave to file an appeal out of time in respect of a determination made by the Nauru Lands Committee, the following documents are to be filed Originating Summons under the provisions of Order 6, Rule 4; An affidavit in support setting out—the length of delay, the reasons for the delay, the chances of the appeal succeeding if an extension of time is granted, the Degree of prejudice to the respondent if an extension of time is granted, the Degree of prejudice to the Respondent if time is extended; Blamelessness of the Applicant; Proposed grounds of appeal.

Audoa v Appi [2019] NRSC 2

In this matter, the Plaintiffs, who were tenants in the tenancy agreements were occupying a house built by the Nauru Local Government Council under the Nauru Housing Ordinance 1957 (NHO 1957). The house was situated in Land Portion 91 in Yaren District which was owned by the Defendants. When the said was destroyed by fire, the Plaintiff filed claims to rights of ownership of Land Portion 91 in Yaren District under the rules of equity.

The issues that were to be determined in this matter were:

- (a) *Whether the Plaintiff acquired proprietary interest in the land by way of customary grant?*
- (b) *Alternatively, whether the Plaintiff acquired interest in the land recognized under the rules of equity?*
- (c) *Whether the property Yaren Lodge is to recognized as independent of the land portion 91 in Yaren District with its own boundary?*
- (d) *Whether the defendant has a right to build on land portion 91 in Yaren District since he is now a landowner?*

The Office of the Solicitor General was not a party in this matter but was invited by the Court to be joined as Amicus Curiae to assist the Court in respect of the legislations applicable to the issues in this matter.

The Solicitor General filed submissions in respect of the NHO 1957 and the subsequent amendments thereto. The submissions addressed the timeline of events that occurred leading to the issue, from the establishment of the Nauru Local Government Council to its replacement by the Nauru Island Council to the dissolution of the Nauru Island Council which effectively transferred all remaining properties and titles to Cabinet. The submissions also addressed the relationship between the landowners, the Cabinet as landlords and the tenants.

In addition to this, the submissions further addressed the issue that came to be Statute Law Revision Act 2011, the process in which all relevant legislations were repealed. The Solicitor General raised the issue with the repeal of the relevant laws specifically, the NHO which was supposed to be the governing authority for the tenancy agreements as the one in this matter.

Upon consideration of the submissions made by counsels, His Honour, Khan J held that the Plaintiffs as tenants in the tenancy agreements under the Nauru Housing Ordinance do not acquire any proprietary or equitable interest in Land Portion 91 of Yaren District and ownership of the land in question belongs to the Defendants as stated in the Government Gazettes Notices.

Summary of cases

Active cases	28
Matters struck out	4
Matters settled out of court	1
Matters awaiting ruling	4
Closed matter	24
Total number of cases	61

Categories of other current active cases

Land appeal cases	16
Civil cases	11
Miscellaneous cases	1

Staff

During this reporting year, the Office was able to recruit Jeruska Togoran as the civil litigation clerk. She also undertook the Pleadings Course and was progressing well. The Office lost the services of pleader Mr Maverick Eoe, as he intended to contest the election. It is intended that the vacant position of the pleader would be filled once the pleaders qualified after the completion of the Pleadings Course 2018 to 2019.

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

The Office of the Director of Public Prosecutions is one of the key pillars of the criminal justice system. It is established under Section 45 of the *Criminal Procedure Act 1972*. Its key function is to prosecute offenders. This includes criminal, traffic and other statutory offences established by various written laws. A criminal justice system requires a vibrant prosecution service to ensure that the offenders are not only punished but fairly dealt with in accordance with the law. This is necessary to ensure that there is law and order in the community.

In addition, it is the duty of the Republic to ensure that the victims of crime are not left on their own to deal with the particular crime. Inefficient or incompetent prosecution will result in victims' frustrations leading to anarchy. It is within this perimeter and philosophy behind a criminal justice system, the Office of the DPP plays a cardinal role.

The Office is responsible for the:

- execution of constitutional and legal responsibility for the commencement and cessation of prosecutions; and
- prosecution of all offences before the District Court, Supreme Court and Nauru Court of Appeal.

During the reporting period, the Office has had some significant changes in terms of human resources. The then DPP, John Rabuku, resigned from his office in May 2019. This was preceded by the departure of the Public Prosecutor, Laisani Tabuakuro, earlier.

On the departure of John Rabuku, a new DPP was appointed. Ronald Bei Talasasa Jr, a former Director of Public Prosecutions for Solomon Islands for almost 15 years, generously agreed to take over from John Rabuku. He joined the Office towards the end of the reporting year. On his reporting, he was informed of the need to bring closure to the "Nauru 19" case. Since his arrival, he has devoted substantial time in familiarising the laws of the Republic and preparing for the riot trial for hearing in October 2019.

The Office of the Director of Public Prosecutions also has an inhouse solicitor appointed with the Nauru Police Force. The position is Police Liaison Officer. During the reporting year, the position was held by Salote Tagivakatini. The role of the Office is to ensure that the police investigation files are properly completed and then submitted to the Office of the DPP for filing of charges. Not only that, it is also the duty of the officer to provide all legal advice relating to investigation, collation of evidence and prosecution of offences. The placement of Salote assisted in ensuring that witnesses were able to be timely contacted and ready for trials. Furthermore, the police officers were able to readily access her services for the purposes of ascertaining the ingredients of offences to enable the investigators to elicit relevant evidence.

During the reporting year, the "Nauru 19" case still remained the most publicly discussed matter. Due to the nature of the case and the background to the offence, the case had many different twists and turns. It was during this period that Justice Muecke also presided.

In one of the applications for seeking legal aid, Justice Muecke granted an exorbitant legal aid fund of \$284,000 to the accused persons. In addition, supplementary orders were made to ensure payment of such monies into court. The DPP appealed the decision as its outcome was neither palatable nor economically cohesive for a nation with a small budget. In saying this, the Office does not overlook the requirement to ensure any accused person is given a fair trial and be legally represented.

Justice Muecke again presided over the "Nauru 19" case in another interlocutory application, this time on an application to stay the criminal proceedings on the grounds of executive interference and the non-payment of the exorbitant \$284,000 legal aid fees.

Both the decisions were appealed by the Office. The Court of Appeal presided by the Chief Justice of Solomon Islands and other regional Justices of Appeal overturned the decisions of Muecke J in their entirety. The matter was reverted for trial in the Supreme Court. It must also be noted that the Office at no point in time objected to the representation of the accused persons by the 5 legal counsels, all from Australia.

For the reporting year, this is a landmark decision of the criminal justice system. The decision of the Court of Appeal established a number of principles of law and also the role and function of the Office of the Public Legal Defender.

It is the desire of the Office to ensure that the criminal trial is held without any delay and finalised as the matter places both time and human resources constraints.

Murder Case

The homicide case of Unique Lee Dick was also heard during this reporting period. Laisani Tabuakuro successfully prosecuted the matter. The accused was found guilty of the offence and imprisoned for life.

Sexual Offences Cases

The Office notes and did bring to the attention of the Nauru Police Force of the rise in sexual offences cases. This also included the increase in the number of child victims. Laisani Tabuakuro successfully prosecuted a number of the cases.

One such case involved was the *Republic v AD [2018] NRDC 4; Criminal Case 7 of 2018 (1 June 2019)* – this was a case of Indecent Treatment of girls, under the First Schedule of the Criminal Code Act 1899 whereby the offender pleaded guilty to the offence.

Capacity building

The human resources constraints in the Office became prominent during the "Nauru 19" case. The need for trained and experienced prosecutors cannot be overlooked. In addition, the lack of locally qualified prosecutors adds further strain to this acute problem.

The Office actively encourage its police prosecutors to enhance their knowledge in the legal area. For that particular purpose, the office allowed 2 of its officers namely Inspector Raynor Tom and Constable Joni Edward to undertake the Pleadings Course 2018 to 2019. It was towards the end of the reporting year that the two officers were able to complete the pleadings course.

Furthermore, Inspector Raynor Tom applied for an Ausaid scholarship to do a Bachelor of Laws program. He was provisionally selected to undertake a degree program in Australia. Whilst Inspector Raynor will leave a vacuum, however the Office congratulates him for the achievement and also looks forward to his contribution in future for the Republic's prosecution service.

Kori Itsimeara is the Paralegal who handles the filing system of the office and provides administrative support to the prosecutors.

Database System

The office has an electronic database system which you are now familiar with. The database system must correspond to every court file or advice file in the office. The database system is on network which means each of the prosecutors can access and update the database from their office. It is the responsibility of the prosecutor to keep their files updated on the database.

The database also contains all historical work of the DPP and officers. Using the search, an officer should be able to find precedents of charges, summons, affidavits, notice of motions, written submissions and other legal documents on this computer system.

Challenges

- (1) The Parliamentary 'Nauru 19' case of 2015 stands to be the most sensitive and long winding prosecution in this office. It is an ongoing one and is far from complete. It involved some former members of Parliament and supporters from their Districts.
- (2) The high turn-over of prosecutors, police officers and administration staff towards the end of the reporting period have affected the flow of prosecutions.
- (3) The maintenance of the electronic database system which does break down from time to time. This affects the updating and retrieval of information as and when required.

Achievements

- (1) The Office of DPP were able to deliver training to pleaders in the form of lectures and moot court presentations in the second half of 2018. This continued in early 2019.
- (2) Three officers are currently doing the Plead-ers Course and are expected to graduate in mid 2019.
- (3) The ability of the office to function and continue to function despite the high turnover of prosecutors through the prompt recruitment of replacements by the Department.
- (4) On 21 June 2019, the Court of Appeal delivered its judgement in the case of Republic v Mathew Batsiua and Others, commonly referred to as the "Nauru 19" case. The Court of Appeal upheld the appeal by the Republic and remitted the matter to the Chief Justice for further directions. The decision is regarded as an achievement for the reasons stated above.
- (5) The continuous training and the Plead-ers Course assisted Inspector Raynor to further his legal knowledge. No doubt, with this knowledge he was able to secure an Australian Government Scholarship to study law later in 2019.

Summary of cases

Particulars	Results
No. of files closed	81
Files returned	9
No. of convictions	45
No. of acquittals	6
No. of withdrawals	6
No. of appeals	3
Parties reconciled pursuant to Section 123 of the Criminal Procedure Act 1972	1

Future plans in accordance with the NSDS

Maintaining and continuing to streamline the processes between the Nauru Police Force and the DPP's Office in terms of investigation, advising and prosecution. Despite Salote Tagivakatini's presence, the Office will continue to assist the Police Force in its work regarding criminal reports from the public.

In addition, the DPP's Office will strengthen its commitment to maintain and increase its obligation to provide training to Police officers. From searching and seizing exhibits, statement recording, interviewing suspects and file compilation, it is important that police officers be aware of their powers and responsibilities in order to present relevant evidence in court.

The evolving nature of crime and the catching up of the development of criminal law to combat such crime requires a continuous learning process. In that regard, the prosecutors must be given an opportunity to participate in workshops, trainings, conventions and any other assistance. This is because the crimes in modern days has no barrier and the geographical isolation of Nauru does not forbid such crimes committed in the Republic. The Office needs to be prepared to handle complex crimes largely dealing with cybercrime issues or cyber espionage.

OFFICE OF THE PUBLIC LEGAL DEFENDER

Establishment and Function

The Office of the Public Legal Defender ("the Office") and its functions were legislatively established by the Criminal Procedure (Amendment) Act 2016. The Office was established by the Government with the objective that all citizens and residents of the Republic of Nauru have equal access to justice.

The main function of the Office is to provide services for legal aid, legal advice and legal assistance to citizens and residents of the Republic 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".

Members of the Staff

The members of the staff at the Office consist of Lisa Solomon, Francillia Akubor, Knox Tolenoa, Ravuanimasei Tagivakatini and Sevuloni Valenitabua.

Francillia Akubor joined the Office in June, 2019 after graduating with a Bachelor of Laws from the Law School at the University of the South Pacific and after undertaking the Professional Diploma In Legal Practice course at the same University.

Activities of the public legal defender's office in the reporting year.

The activities of the Office during the reported 12 months included work on criminal, family and civil matters. These activities included preparation of Court documents in the Office and litigation in Courts. Legal practitioners employed at the Office had carriage of cases in the Nauru District Court, Supreme Court and Court of Appeal. One criminal litigation case was conducted in the Fiji Court of Appeal in Suva, Fiji during the reporting period.

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 were residents in Fiji due to studies or for other lawful reasons. The Director of the Office held Legal Practitioner Practising Certificates for the Republic of Nauru and for the Republic of Fiji respectively. This enabled the Director to represent Nauruans in Nauru and Fiji.

Sevuloni Valenitabua and Knox Tolenoa attended a PILON SGBV (Sexual and Gender Based Violence) Workshop in Apia, Samoa in March, 2019. This Workshop was mainly to consider the various SGBV legislation existing in PILON member countries at the material time and to consider and finalise proposed model provisions for SGBV legislation in PILON member countries.

Sevuloni Valenitabua and Knox Tolenoa attended to the Fiji Court of Appeal for the hearing of Julian Heinrich's appeal against his conviction of manslaughter in the High Court of Fiji.

The appeal was successful and Julian Heinrich was acquitted of manslaughter and was released by the Fiji Court of Appeal in Suva, Fiji on 07.03.19.

Capacity building

Knox Tolenoa and Ravuanimasei Tagivakatini 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 of the Office or externally in the form of Continuing Legal Education organized by the Secretariat of Justice and Border Control.

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 Public Legal Defender's office for the Report period. This Database, which is connected to all staff members' computers, was updated daily by the staff members themselves.

The total number of cases disposed of, as in Table 1 above, was 91. This number included cases which were already in the database for the

Table 1

	July 2018 to June 2019
Total number of consultations or	1,300 (Approx)
Total number of cases opened	102
Total number of cases disposed	91
Total number of cases outstanding	89

Statistical overview of criminal cases

The information in *Table 2* below is about **criminal cases**, only, which were in the carriage of the Office during the Report period. Some of those cases were already in the database system of the Office before the Report period. Example: Offences Against the Person – Opened 28; Disposed – 31. The extra 3 cases which were disposed of were already in the Public Legal Defender's office system before the Report period.

	July 2018 to June 2019
Number of Cases Opened	69
Offences of Sexual Nature	7
Offences Against the Person	28
Offences Against Property	19
Other Offences (Drugs/Traffic)	15
Number of Cases Disposed	72
Offences of Sexual Nature	12
Offences Against the Person	31
Offences Against Property	16
Other Offences (Drugs/Traffic)	13
Total Acquittals	4
Acquittals after Full Trial	3
Acquittals after No Case To Answer	0
Acquittals after Withdrawal by Prosecution	1
Total Found Guilty	6
Convictions after Full Trial	6
Unrecorded convictions after Full Trial	0
Total Guilty Pleas	37
Recorded convictions after Guilty Plea	33
Unrecorded convictions after Guilty Plea	4
Total Sentences	43
Custodial Sentences after recorded convictions	16
Non-custodial sentences including unrecorded convictions.	27
Total Withdrawals	22
Withdrawal by Prosecution	15

Clients Opting for Other Counsels	4
No Further Instructions by Clients	3
Appeals Lodged	2
<i>Appeal by Republic</i>	1
Appeal against Acquittal	0
Appeal against Sentence	1
<i>Appeal by Defence</i>	1
Appeal against Conviction	1
Appeal against Sentence	0
Appeals Completed	2
<i>Appeal by Republic</i>	1
Appeal against Acquittal	0
Appeal against Sentence	1
<i>Appeal by Defence</i>	1
Appeal against Conviction	1
Appeal against Sentence	0
Decisions Upheld on Appeal	0
Decisions Set Aside on Appeal	1
Appeals Withdrawn	1
Number of Cases Outstanding	43

During the Report period the number of criminal cases disposed of was more than the number of new cases being opened. The disposed cases included those which were already in the system before the Report period. Cases were disposed of by withdrawals of cases by the Prosecution or by early guilty pleas or by Court Judgments after trials.

The most serious of the offences conducted by the Office in Nauru during the Report period was *Murder*. The minor offences were *Public Nuisance* and *Traffic Infringement Offences*.

The Office had carriage of an appeal by a Nauruan national in Fiji. The Nauruan national 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 successful. The Nauruan's conviction was quashed and he was acquitted.

Statistical overview of family cases

Table 3 shows the family cases that were opened during the Reporting Period.

	July 2018 to June 2019
Number of Cases Opened	10
Divorce	6
Maintenance	1
Custody	0
Adoption	3
Number of Cases Disposed	8
Divorce	6
Maintenance	1
Custody	0
Adoption	1
Divorce Granted	5
Maintenance Granted	1
Property Granted	0
Adoption Granted	1
Withdrawal for Non-Instructions	1
Number of Cases Outstanding	19

The Office of the Public Legal Defender had a few Family cases during the Report period. 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 applications filed by the Office in the Family Court. Tagivakatini had carriage of most of the Family cases taken on by the Office.

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 interests or due to clients' choices. The Office took up civil cases if and when resources were available.

Valenitabua and Tolenoa were 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. Tagivakatini dealt primarily with certification and witnessing of documents, with preparations of Statutory Declarations, among other related matters insofar as civil matters were concerned.

	July 2018 to June 2019
Number of Cases Opened	23
Eviction	2
Contract Dispute	4
Land	10
Debt Recovery	0
Probate Claim	1
Permanent Injunction	1
Personal Injury	1
Other	4
Number of Cases Disposed	11
Eviction	0
Contract Dispute	3
Land	5
Debt Recovery	1
Probate Claim	1
Permanent Injunction	0
Personal Injury	0
Other	
Appeals	0
Number of Cases Outstanding	27

Achievements of the Office

- (1) Successful appeal by a Nauruan in the Fiji Court of Appeal on 07.03.19 as explained above.
- (2) Successful defense of a child who was charged with Rape. The main subject in this case was the doctrine of *doli incapax*. The issue was whether the child, who was 10 years and 2 months old, was criminally responsible for his action. A presumption exists in law that a child under 14 years of age is not criminally responsible for his criminal conduct unless he knows that the conduct is wrong. The prosecution had and will always have the onus of rebutting that presumption. The prosecution failed to rebut that presumption in this case so the child was acquitted.
- (3) The Office started utilising the Nauru Court of Appeal during the reported period. Two criminal appeals were filed by the Office and are now before the Nauru Court of Appeal.

- (1) In these criminal appeals the Office utilised the provisions of the Nauru Court of Appeal Act 2018 and the Nauru Court of Appeal Rules 2018 to obtain the appellants' respective admissions to bail pending appeal.
- (2) Other achievements of the Office cannot be included in this report due to insufficiency of space.

Major Challenges and Issues

The major challenges and issues during the report period were as follows:

- (1) Nauruan legal practitioners to take ownership of the Office. Since 2015, two expatriate legal practitioners have been the mainstay of the Office. The other member of the staff was a Nauruan Pleader. A Nauruan Barrister and Solicitor joined the Office in June, 2019. It was a challenge for these Nauruans to take ownership and manage the Office during the Report period.
- (2) The Office would need a Nauruan Director in the not too distant future.
- (3) Another challenge is the extent of knowledge of the law and litigation experience of local legal practitioners employed in the Office. These factors need to be upgraded so that local legal practitioners could take ownership of the Office with a full Nauruan staff and a Nauruan appointed Director.
- (4) An appeal to the Nauru Court of Appeal was filed by the Office during the report period. The current Director of the Office prepared the appeal documents and taught Lisa Solomon how appeal records and documents were compiled for filing at the Court of Appeal Registry. A Nauruan legal practitioner with good knowledge of the law and experience in litigation should have been engaged at the Office to be trained to compile and file appeal documents.

Future Plans in accordance with NSDS

One of the long term national goals and priorities of the Nauru National Sustainable Development Strategy (NSDS) is the development of a "stable, trustworthy, fiscally responsible government". A priority for the social sector under the NSDS is the development of an "efficient and effective judiciary with strong and functioning law and order system". In order to satisfy these national goals and priorities the Office must contribute to the development of law by the judiciary through proper, careful and professional submissions to the Courts during litigation.

With the Nauru Court of Appeal in place, the development of common law for Nauru is paramount. Professionally prepared submissions to the Nauru Court of Appeal, and other Courts, should result in the development of common law by the Courts on Nauru.

Conclusion

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

The expectation for more demand on the services of the Office was real. There was more demand for representations in civil and family matters. When these new demands were added to the criminal aspect of the services rendered by the Office, staffing at the Office needed to be reviewed. The engagement of Lisa Solomon at the Office was a step towards expanding the number of members of the staff at the Office.

LEGISLATIVE DRAFTING SECTION

The Legislative Drafting Section team comprises of three lawyers and a paralegal. The primary responsibility of the Section is to ensure that all legislative drafting work is undertaken. This includes drafting Bills, Regulations, Rules, Orders and Gazette Notices and also updating the laws as they are enacted or made.

The Section's singular most operational objective is to ensure that the laws of the Republic are made accessible online on both the RONLaw and also PaCLii. This entails keeping the laws current at all times. The Section is headed by a Principal Legislative Drafter.

The Section work closely with other Government Departments who tell us what they want in any legislation, which could cover a diverse range of subject matters.

It is the Section's responsibility to assist other Government Departments and Instrumentalities of the Republic to develop drafting instructions and to test the effectiveness and legal soundness of the proposals.

Legislative Drafting Manual

The Legislative Drafting Section follows the Drafting Manual as well as drafting practices from other Commonwealth countries. The Drafting Manual aims to contribute to coherent and consistent law drafting. Further, it also aims at aligning national regulatory systems with international standards and good practice.

This has been another year of significant achievement and delivery by the Legislative Drafting Section. The substantive outcomes and the quality of work involved in delivering the work of the Section has been largely due to the dedication of each staff of the Section under the supervision of the Secretary for Justice and the Solicitor General.

During this year, the highest number of laws were passed by the Parliament, that is, 58 new or amendment legislation. In addition, 68 regulations were also made by the Cabinet. The total number of new laws added to the existing list of the laws of the Republic were 126.

Achievements

The reporting year has been extremely a fruitful one.

Amongst many legislation passed for the purposes of this report, the Section has selected to review a few most influential changes affecting the Republic and its people.

District Court Act 2018 - certified on 10th May 2018

This Act provides for the constitution of the District Court, the appointment of magistrates and other officers.

This Act also provides the duties and jurisdiction of the magistrates and other officers.

Supreme Court Act 2018 - certified on 10th May 2018

This is an Act for the Supreme Court. It provides inter alia the composition and the powers of the Supreme Court.

Nauru Court of Appeal Act 2018 - certified on 10th May 2018

This is an Act for the Nauru Court of Appeal. This Act enhances the efficiency and flexibility of court processes. It also seeks to ensure the timely disposal of appeals and lowering the overall cost of litigation.

The complexities of court matters have stretched the resources and powers of the District Court and the Supreme Court. Therefore, the enactment of the Nauru Court of Appeal Act 2018 further enhances Nauru's judicial system to make it robust, flexible and allows for the effective administration of justice.

Administration of Justice Act 2018

This Act provides for the protection of the administration of justice, the dignity of the courts and for related purposes.

Compliance with Nauru's obligations under the Organisation for Economic Cooperation and Development (OECD). In November 2018, Nauru was reviewed by the OECD Review Team in relation to the Exchange of Information requests received and sent during the period from 1st January 2015 to 31st January 2017. This was the second round of review for Nauru. Nauru first underwent a review of its legal and regulatory framework in 2013. Due to the review done for Nauru in 2018, the following laws were amended and new laws were passed to enable Nauru to comply with its OECD obligations:

Amendments

- (1) *Business Licences (Amendment) Act 2018*
- (2) *Corporations (Amendment) Act 2018*
- (3) *Beneficial Ownership (Amendment) Act 2018*
- (4) *Business Licences Regulations 2018*
- (5) *Corporations (Forms and Fees) Regulations 2018*
- (6) *Trusts (Amendment) Act 2018*

New Laws

- (1) *Trusts Act 2018*
- (2) *Trusts (Forms and Fees) Regulations 2018*
- (3) *Business Names Registration Act 2018*
- (4) *Business Names Regulations 2018*
- (5) *Partnership Act 2018*

When Nauru was reviewed in 2016, it was recommended that Nauru improve its legal and regulatory framework to ensure availability and ownership information in respect of domestic trusts and to ensure the availability of accounting information for domestic and foreign trusts. This resulted in the enactment of the *Trusts Act 2018*.

Nauru was rated overall Largely Compliant with the international standard after OECD reviewed it.

Future Plans

NSDS Nauru – Property Rights and Rule-based Governance

Property right protection is rudimentary, for example, there is no copyright law in Nauru, but it is currently being worked on. The patents and trademarks act is based on Australian legislation, but has not been changed since 1968.

Intellectual Property

- (1) Trademarks Bill
- (2) Copyright Bill

These Bills seek, among others, to strengthen protection of the intellectual property. The above Bills aim at supplementing the current *Patents Registration Act 1973*. This will allow the establishment of the Intellectual Property Office at the Department of Justice. The proposed Bills will allow creators to generate revenue from their creative work and also allow creators and inventors to protect their work.

On January 2019, Mele Lemaki Tagivakatini and Patricia Grundler attended the subregional workshop on copyright and development for policy makers of South Pacific Countries. This workshop aimed at enhancing and engaging intellectual property officers along with policy makers in building the development of copyright and related rights in the region.

While Nauru is yet to be a member of the World Intellectual Property Organisation (WIPO), Nauru had always been invited to workshops conducted by WIPO.

No. of Act	NAME OF ACT	DATE CERTIFIED
No. 1	Dog Management and Control (Amendment) Act 2018	26 th January 2018
No. 2	Shipping (Registration of Foreign Vessels) Act 2018	26 th January 2018
No. 3	Public Service (Amendment) Act 2018	26 th January 2018
No. 4	Naoero Postal Services Corporation Act 2018	26 th January 2018
No. 5	Naoero National Anthem Emblem and Flag Protection Act 2018	26 th January 2018
No. 6	Nauru Air Corporation (Amendment) Act 2018	6 th March 2018
No. 7	Drones Act 2018	6 th March 2018
No. 8	Motor Traffic (Amendment) Act 2018	6 th March 2018
No. 9	Supplementary Appropriation 2017 – 18 No. 3 Act 2018	6 th March 2018
No. 12	Constitution (Amendment) Act 2018	10 th May 2018
No. 13	Nauru Court of Appeal Act 2018	10 th May 2018
No. 14	District Court Act 2018	10 th May 2018
No. 15	Supreme Court Act 2018	10 th May 2018
No. 16	Administration of Justice Act 2018	10 th May 2018
No. 17	Liquor Control (Amendment) Act 2018	10 th May 2018
No. 18	Bail Act 2018	10 th May 2018
No. 19	Supplementary Appropriation Act No. 4 2017 - 2018	10 th May 2018
No. 20	Cenpac Corporation Act 2018	10 th May 2018
No. 21	Communications and Broadcasting Act 2018	10 th May 2018

LIST OF ACTS PASSED – 2018

No. 22	Anti-money laundering (Amendment) Act 2018	10 th May 2018
No. 23	Criminal Procedure (Amendment) Act 2018	6 th June 2018
No. 24	Supplementary Appropriation Act (No. 5) 2017 - 2018	6 th June 2018
No. 25	Appropriation Act 2018-2019	6 th June 2018
No. 26	Supplementary Appropriation Act No. 2018 - 2019	15 th August 2018
No. 27	Legal Practitioners (Amendment) Act 2018	4 th October 2018
No. 28	Refugees Convention (Amendment) Act 2018	4 th October 2018
No. 29	Asylum Seekers (Regional Processing Centre) (Amendment) Act 2018	4 th October 2018
No. 30	Trusts Act 2018	4 th October 2018
No. 31	Commercial Operations and Services Fund Act 2018	4 th October 2018
No. 32	Supplementary Appropriation Act No. 2 2018 - 2019	4 th October 2018
No. 33	Public Service (Amendment) No. 2 Act 2018	18 th December 2018
No. 34	Trusts (Amendment) Act 2018	18 th December 2018
No. 35	Partnership Act 2018	18 th December 2018
No. 36	Beneficial Ownership (Amendment) Act 2018	18 th December 2018
No. 37	Business Licences (Amendment) Act 2018	18 th December 2018
No. 38	Corporations (Amendment) Act 2018	18 th December 2018
No. 39	Business Names Registration Act 2018	18 th December 2018
No. 40	Criminal Procedure (Amendment) No. 2 Act 2018	18 th December 2018
No. 41	Liquor Control (Amendment) No. 2 Act 2018	18 th December 2018
No. 42	Nauru Superannuation Act 2018	18 th December 2018

LIST OF REGULATIONS APPROVED IN 2018

No. of Act	NAME OF ACT	DATE CERTIFIED
No. 1	Public Service (Amendment) Act 2019	22 nd March 2019
No. 2	Nauru Tourism Corporation Act 2019	22 nd March 2019
No. 3	Nauru Utilities Corporation (Amendment) Act 2019	22 nd March 2019
No. 4	Supreme Court (Amendment) Act 2019	22 nd March 2019
No. 5	Supplementary Appropriation Act No. 4 2018-2019	22 nd March 2019
No. 6	Electoral (Amendment) Act 2019	10 th May 2019
No. 7	Rescue and Fire Services Act 2019	10 th May 2019
No. 8	Supplementary Appropriation Act No. 5 2018-2019	10 th May 2019
No. 9	Public Finance (Control and Management (Amendment) Act 2019	11 th June 2019
No. 10	Law Revision and Consolidation Act 2019	11 th June 2019
No. 11	Public Enterprises Act 2019	11 th June 2019
No. 12	Nauru Superannuation (Amendment) Act 2019	11 th June 2019
No. 13	Legal Practitioners Act 2019	11 th June 2019
No. 14	Naoero Citizenship (Amendment) Act 2019	11 th June 2019
No. 15	Supplementary Appropriation Act 2018 -2019 No. 6	11 th June 2019
No. 16	Appropriation Act 2019 - 2020	11 th June 2019

LIST OF ACTS — 2019

Automatic Exchange of Financial Account Information (Amendment) Regulations 2018	1	15 th January 2018	15 th January 2018	Automatic Exchange of Financial Account Information Act 2016	Section 15	No. 8/2018	GN No. 36
Births Deaths and Marriages Registration (Forms) Regulations 2018	2	21 st February 2018	21 st February 2018	Births Deaths and Marriages Registration Act 2017	Section 102(2)(a)	No. 21/2018	GN No.107
Price Control Order No. 1	3	7 th March 2018	7 th March 2018	Price Regulation Act 2008	Section 6	No. 32/2018	GN No. 151
Births Deaths and Marriages Registration (Change of Name) Regulations 2018	4	27 th March 2018	27 th March 2018	Births Deaths and Marriages Registration Act 2017	Section	No. 41/2018	GN No. 212
Health Practitioners (Classes of Health Practitioners) Declaration 2018	5	27 th March 2018	27 th March 2018	Health Practitioners Act 1999	Section	No. 42/2018	GN No. 213
Health Practitioners (Registration Forms and Fees) Regulations 2018	6	27 th March 2018	27 th March 2018	Health Practitioners Act 1999	Section 16	No. 43/2018	GN No. 214
Dog Management and Control (Licensing of Dogs) Regulations 2018	7	27 th March 2018	27 th March 2018	Dog Management and Control Act 2017	Section 46	No. 44/2018	GN No. 215
Price Control Order No. 2	8			Price Regulation Act 2008	Section 6		
Ronwan Consolidation (Transition Date) Regulations 2018	9	11 th May 2018	11 th May 2018	Ronwan Consolidation Act 2014	Section 46	No. 71/2018	GN No. 353
Ronwan Consolidation (Date Extension) Regulations 2018	10	11 th May 2018	11 th May 2018	Ronwan Consolidation Act 2014	Section 46	No. 72/2018	GN No. 354
Partnership (Fees) (Amendment) Regulations 2018	11	11 th May 2018	11 th May 2018	Partnership Act 1976	Section 44K	No. 73/2018	GN No. 355
Motor Traffic (TIN) Regulations 2018	12	11 th May 2018	11 th May 2018	Motor Traffic Act 2014	Section 117	No. 74/2018	GN No. 356
Public Finance (Management and Control) (Financial Instructions) Regulations 2018	13	11 th May 2018	11 th May 2018	Public Finance Management and Control Act	Section 32 (1)(g)	No. 75/2018	GN No. 357

Automatic Exchange of Financial Account Information (Amendment) Regulations No.2 2018	14	25 th May 2018	25 th May 2018	Automatic Exchange of Financial Account Information Act 2016	Section 15	No. 81/2018	GN No. 390
Business Tax (Rates of Tax) (Amendment) Regulations 2018	15	25 th June 2018	1 st July 2018	Business Tax Act 2016	Section 46	No. 95/2018	GN No. 461
Employment and Services Tax (Amendment to Schedule) Regulations 2018	16	25 th June 2018	1 st July 2018	Employment and Services Tax Act 2014	Section 29	No. 96/2018	GN No. 462
Employment and Services (Exemption to Tax) Notice 2018	17	25 th June 2018	1 st July 2018	Employment and Services Tax Act 2014	Section 13(1)(d)	No. 97	GN No. 463
Price Control Order No. 3 2018	18	28 th June 2018	28 th June 2018	Price Regulation Act 2008	Section 6	No. 99/2018	GN No. 465
Nauru Court of Appeal Rules 2018	19	18 th July 2018	18 th July 2018	Nauru Court of Appeal Act 2018	Section 59	No. 112/2018	GN No. 536
Customs Tariff (Amendment to Schedule) Order 2018	20	24 th July 2018	1 st July 2018	Customs Tariff Act 2014	Section 17	No. 118/2018	GN No. 557
Customs (Imposition of Fuel) Regulations 2018	21	13 th August 2018	13 th August 2018	Customs Tariff Act 2014	Section 12(2)(b)	No. 131/2018	GN No. 628
Price Control Order No. 4	22	11 th September 2018	11 th September 2018	Price Regulation Act 2008	Section 6	No. 142/2018	GN No. 707
Automatic Exchange of Financial Account Information (Amendment) Regulations No.2 2018	23	23 rd October 2018	23 rd October 2018	Automatic Exchange of Financial Account Information Act 2016	Section 15	No. 156/2018	GN No. 825
Succession Probate and Administration (Fees of the Curator) Regulations 2018	24	5 th November 2018	5 th November 2018	Succession Probate and Administration Act 1973	Section 8	No. 162/2018	GN No. 861
Price Control Order No. 5 2018	25	9 th November 2018	9 th November 2018	Price Regulation Act 2008	Section 6	No. 165/2018	GN No. 864
Nauru (RPC) Corporation (Canstruct International Pty Ltd Engagement) Regulations 2018	26	16 th November 2018	1 st November 2018	Nauru (RPC) Corporation Act 2017	Sections 19 (1) and 34	No. 168/2018	GN No. 875

Public Service (Government Vehicles) (Amendment) Regulations 2018	27	20 th November 2018	20 th November 2018	Public Service Act 2016	Section 130	No. 169/2018	GN No. 876
Motor Traffic (Amendment) Regulations 2018	28	20 th November 2018	20 th November 2018	Motor Traffic Act 2014	Section 132	No. 170/2018	GN No. 877
Beneficial Ownership (Forms and Fees) Regulations 2018	29	20 th November 2018	20 th November 2018	Beneficial Ownership Act 2017	Section 34	No. 171/2018	GN No. 878
Price Control Order No. 6 2018	30			Price Regulation Act 2008	Section 6		
Ronwan Consolidation (Transition Date) Regulations 2018	31			Ronwan Consolidation Act 2014	Section 46		
Ronwan Consolidation (Date Extension) Regulations 2018	32			Ronwan Consolidation Act 2014	Section 46		
Corporations (Forms and Fees) Regulations 2018	33	11 th January 2019	15 th January 2019	Corporations Act 1972	Section 243	No. 4/2019	GN No. 13
Trusts (Forms and Fees) Regulations 2018	34	11 th January 2019	15 th January 2019	Trusts Act 2018	Section 34	No. 5/2019	GN No. 14
Business Licences Regulations 2018	35	11 th January 2019	15 th January 2019	Business Licences Act 2017	Section 30	No. 6/2019	GN No. 15
Business Names Registration Regulations 2018	36	11 th January 2019	15 th January 2019	Business Names Registration Act 2018	Section 35	No. 7/2019	GN No. 16

LIST OF REGULATIONS APPROVED IN 2019

Price Control Order No. 1	1	11 th February 2019	11 th February 2019	Price Regulation Act 2008	Section 6	No. 23/2019	GN No. 112/2019
Public Finance (Control and Management) (Sale of Public Property) Regulations 2019	2	11 th February 2019	11 th February 2019	Public Finance (Management and Control) Act 1997	Section 18 (4)	No. 24/2019	GN No. 113/2019
Refugees Convention (Recognition of Declaration for Refugee Status, Derivative Status and Complementary Protection by Papua New Guinea) Regulations 2019	3	10 th February 2019	10 th February 2019	Refugees Convention Act 2012	Section 52 (1)	No. 22/2019	GN No. 111/2019
Health Practitioners (Overseas Medical Referrals Compliance) Regulations 2019	4	15 th February 2019	15 th February 2019	Health Practitioners Act 1999	Section 16	No. 28/2019	GN No. 135/2019
Naoero Postal Services Corporation (Postcode) Regulations 2019	5	19 th February 2019	19 th February 2019	Naoero Postal Services Corporation Act 2018	Section 45	No. 30/2019	GN No. 137/2019
Health Practitioners (Telemedicine Prohibition) Regulations 2019	6	22 nd February 2019	22 nd February 2019	Health Practitioners Act 1999	Section 16	No. 33/2019	GN No. 139/2019
Private Security (Forms and Fees) Regulations 2019	7	22 nd February 2019	22 nd February 2019	Private Security Act 2012	Section 36	No. /2019	GN No.
Price Control Order No. 2	8			Price Regulation Act 2008	Section 6	No. /2019	GN No.

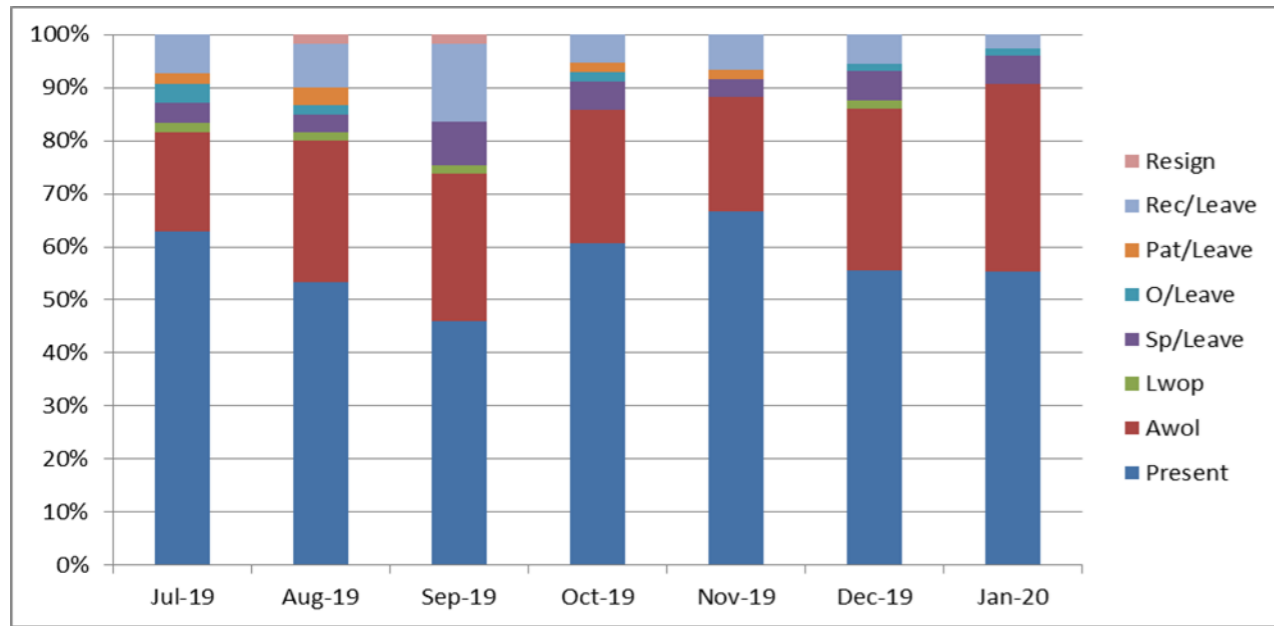
Naoero National Anthem Emblem and Flag Regulations 2019	9	18 th March 2019	18 th March 2019	Naoero National Anthem Emblem and Flag Protection Act 20198	Section 36	No. 43/2019	GN No. 181/2019
Price Control Order No. 3	10	10 th May 2019	10 th May 2019	Price Regulation Act 2008	Section 6	No. 72/2019	GN No. 311/2019
Nauru (RPC) Corporation (Canstruct International PTY Ltd Engagement) Regulations 2019	11	13 th May 2019	30 th April 2019	Nauru (RPC) Corporation Act 2017	Sections 19(1) and 34	No. 77/2019	GN No. 321/2019
Employment and Services Tax (Amendment to Schedule) Regulations 2019	12	20 th June 2019	1 st July 2019	Employment and Services Tax Act 2014	Section 29	No. 95/2019	GN No. 444/2019
Employment and Services Tax (Amendment to Schedule) Regulations 2019	13	11 th July 2019	1 st July 2019	Employment and Services Tax Act 2014	Section 29	No. 106/2019	GN No. 479/2019
Price Control Order No. 4	14			Price Regulation Act 2008	Section 6	No. /2019	GN No.
Electoral (Early Voting) Regulations 2019	15	24 th July 2019	24 th July 2019	Electoral Act 2016	Sections 136(d) and (f)	No. 120/2019	GN No. 524/2019
Electoral (Proxy Voting) (Amendment) Regulations 2019	16	24 th July 2019	24 th July 2019	Electoral Act 2016	Sections 78 and 136 (e)	No. 121/2019	GN No. 525/2019
Naoero Citizenship (Forms and Fees) Regulations 2019	17	24 th July 2019	24 th July 2019	Naoero Citizenship Act 2017	Section 32	No. 122/2019	GN No. 526/2019
Election Petition Rules 2019	18	1 st August 2019	1 st August 2019	Electoral Act 2016	Section 107	No. 127/2019	GN No. 546/2019
Nauru (RPC) Corporation (Canstruct International PTY Ltd Engagement) Regulations 2019	19	2 nd August 2019	5 th August 2019	Nauru (RPC) Corporation Act 2017	Sections 19(1) and 34	No. 128/2019	GN No. 547/2019
Electoral (Court Fees) Rules 2019	20	2 nd August 2019	2 nd August 2019	Electoral Act 2016 and Election Petition Rules 2019	Section 107 and Rule 46	No. 129/2019	GN No. 548/2019
Electoral (Remote Witness) Regulations 2019	21	4 th August 2019	4 th August 2019	Electoral Act 2016	Sections 78, 136(a), (e), (f) and (i)	No. 131/2019	GN No. 551/2019
Births Deaths and Marriages Registration (Change of Name) (Amendment) Regulations 2019	22	24 th August 2019	24 th August 2019	Births Deaths and Marriages Registration Act 2017	Section 102	No. /2019	GN No.
Births Deaths and Marriages Registration (Adoptions) Regulations 2019	23	24 th August 2019	24 th August 2019	Births Deaths and Marriages Registration Act 2017	Section 102	No. /2019	GN No.

Births Deaths and Marriages Registration (Registration of Nauruan Children Born Outside the Republic) Regulations 2019	24	24 th August 2019	24 th August 2019 – and retrospective-ly	Births Deaths and Marriages Registration Act 2017	Section 102	No. /2019	GN No.
Births Deaths and Marriages Registration (Forms) (Amendment) Regulations 2019	25	24 th August 2019	24 th August 2019	Births Deaths and Marriages Registration Act 2017	Section 102	No. /2019	GN No.
Immigration (Amendment) Regulations 2019	26	24 th August 2019	24 th August 2019	Immigration Act 2014	Section 33	No. /2019	GN No.
Legal Practitioners (Admission) Rules 2019	27	30 th August 2019	2 nd September 2019	Legal Practitioners Act 2019	Section 80	No. /2019	GN No.
Legal Practitioners (Practicing Certificates) Rules 2019	28	30 th August 2019	2 nd September 2019	Legal Practitioners Act 2019	Section 80 (e)	No. /2019	GN No.
Price Control Order No. 4	29	17 th September 2019	17 th September 2019	Price Regulation Act 2008	Section 6	No. 179/2019	GN No. 717/2019
Immigration (Amendment) No. 2 Regulations 2019	30	15 th October 2019	15 th October 2019	Immigration Act 2014	Section 33	No. /2019	GN No.
Motor Traffic (Traffic Infringement Notices) (Amendment) Regulations	31	25 th October 2019	25 th October 2019	Motor Traffic Act 2014	Section 117	No. 211/2019	GN No.822/2019
Ronwan Consolidation (Date Extension) Regulations 2019	32	29 th November 2019	29 th November 2019	Ronwan Consolidation Act 2014	Section 46	No. 236/2019	GN No. 874/2019

CORRECTIONAL SERVICES

The Correctional Services is tasked with placing offenders in a secure, safe and humane environment. The Correctional Services is also responsible in ensuring the rehabilitation and successful reintegration of offenders into the community. These responsibilities are provided under the *Correctional Service Act 2009*. The Service maintains and promotes a just, peaceful and safe society. Reintegration programs are promoted in the correctional centre for all offenders.

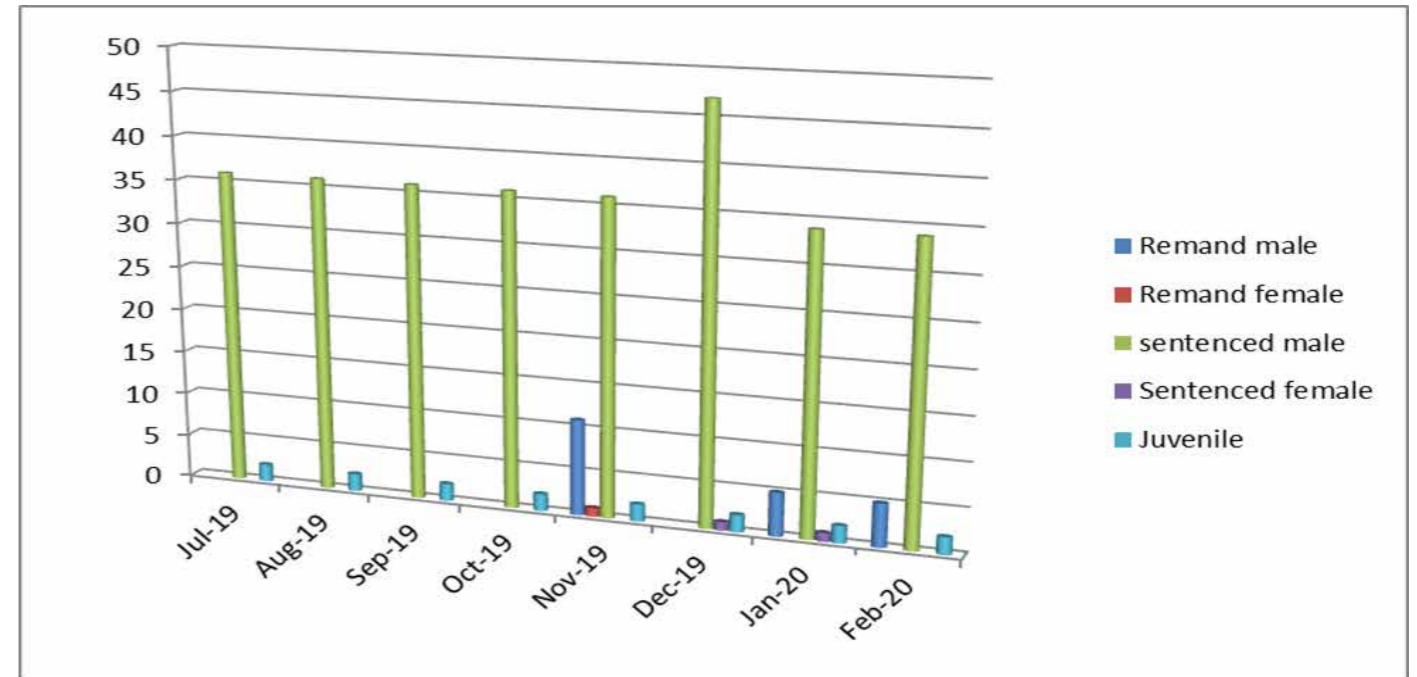
Data recorded - [eight per head daily formula]



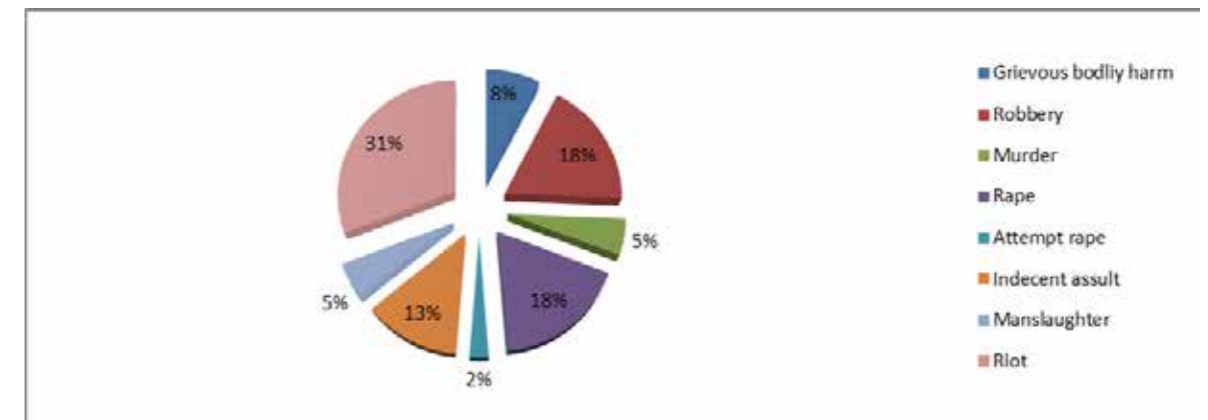
Rehabilitation—community work



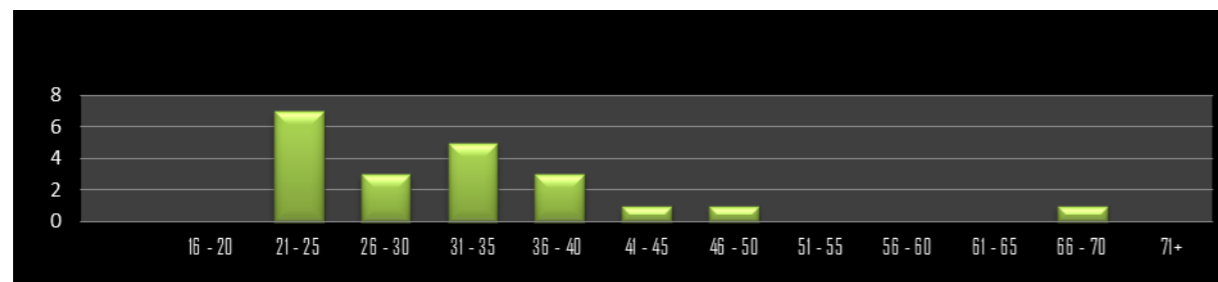
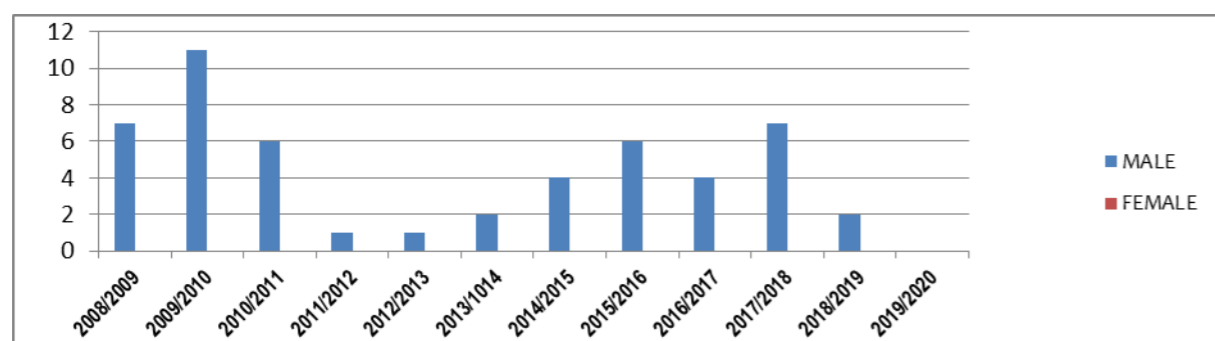
Incarceration records [Sentence/Remanded]



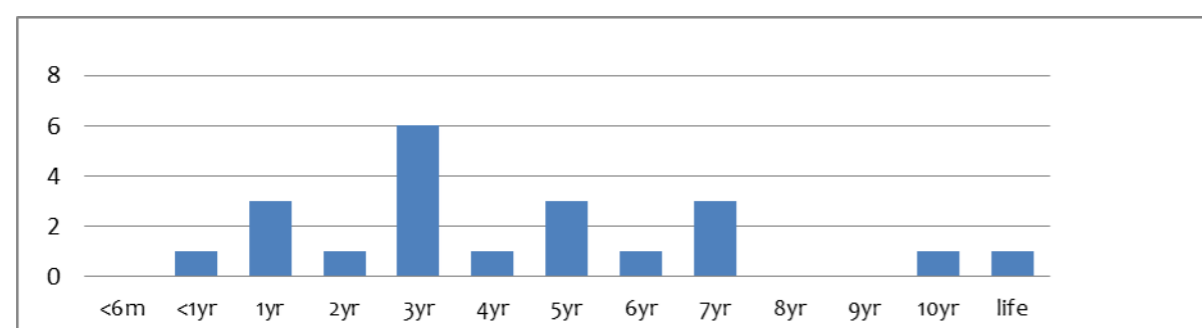
Nature of offences committed [sentence] - NCS DATA



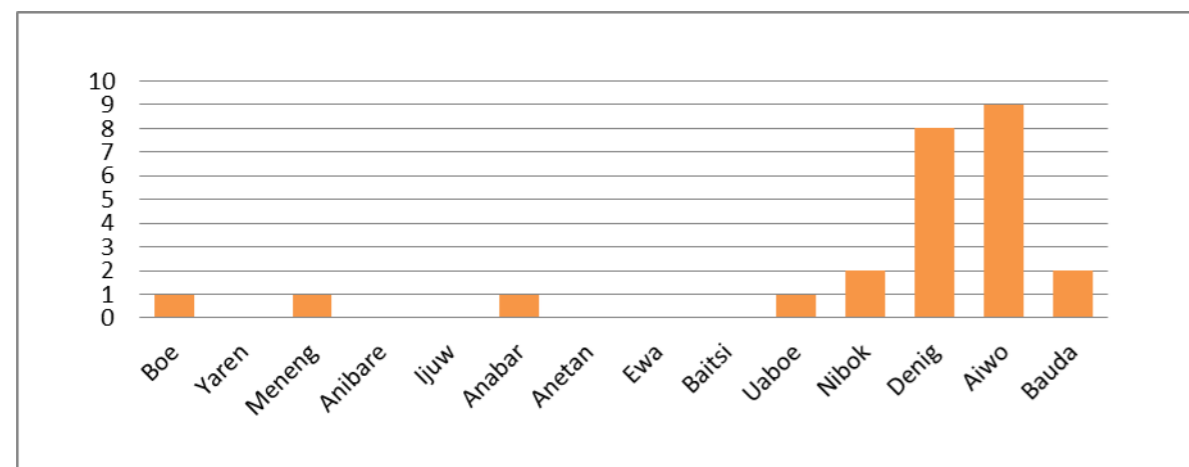
Data of persons escaping from centre for the past 10 years



Length of sentences



District where offence was committed



The Correctional Service has made submissions to the Government to relocate the Correctional Centre to Topside. This is to ensure that Nauru is able to meet its obligations in respect of the Convention Against Torture. This is for the reason of detention in the corrections. The current electrification program of the Government provides some hope of connecting the new Correctional Centre to the main grid.

In addition, the Correctional Service has again submitted a revised plan to commence a fishing program for food security and healthy living of prisoners.

As part of the rehabilitation program, the Correctional Services has embarked to ensuring that inmates are given an opportunity to work out of their cells in the community such as cleaning cemeteries, government building roads and so forth. It is the intention of the Correctional Services to ensure that inmates remain integrated with the society instead of being absolutely isolated and any chance of rehabilitation is lost.

QUARANTINE SECTION

Quarantine Section is the first line of biosecurity defense, protecting the borders and its environment from unseen organisms, pests and diseases. Quarantine oversees all incoming and outgoing aircrafts, vessels, passengers and cargo. It also provides quarantine services for exporting of any products from the Republic which requires a certificate for biosecurity purposes. This enables the safe movement of live plants and animals, plant and animal products. The Section also houses the Dog Management Authority. Under the *Dog Management and Control Act 2017*, the Section works closely with the University of New England Animal Health in controlling the dog population in Nauru by conducting free de-sexing or destroying of dogs in a peaceful manner.

Quarantine Section is divided into four subdivisions: Seaport Operations; Airport Operations; Trade Unit and Surveillance/Dog Unit.

Major Challenges and Issues

(1) Facilities and trainings

The training for the staff of the Section is only through overseas agencies. This limits the number of people who may travel for such training and conferences. It is the Section's intention to introduce more inhouse training programs through tertiary institutions abroad. A collaborative approach is needed with Australia, New Zealand and Fiji for a more safer regional boundary in light of spike in drug trafficking through the Oceania region.

(2) Community awareness

Community awareness of the work of the community is essential. The actual work of the Section is overshadowed by its procedural routine checking of passengers or cargo at the airport or seaport. In addition, the services of the Section is more considered by people as a means for raising revenue rather than providing biosecurity for the Republic. As can be seen from the different divisions within the Section, the Section has a very broad role to play.

(3) Dog management

An essential requirement of dog management is licensing dogs. During the survey undertaken by the Section, it was revealed that many people have complaints of stray dogs. The dogs have on occasion attacked the people or other animals. However, the community is very reluctant to licence their dogs. The Section intends to take an aggressive approach in ensuring that dogs are licensed. One of the contemplation is to ensure that all unlicensed dogs are destroyed. The Section is still planning other means to reduce the dog population in the Republic.

Review of Quarantine Acts and Regulations

The *Quarantine Act* was enacted in 1908. There has been numerous changes through the global biosecurity laws. The Section intends to make submission to the Cabinet to be allowed to review the Act to bring it in line with other regional quarantine section. This is becoming a pressing exercise in light of the possible implementation of PACER Plus Agreement.

De-sexing program for the reporting year

The dog de-sexing program has been ongoing for 2 years. The period between 14th to 17th November 2018, 68 dogs de-sexed and 39 dogs euthanized. In the period between 15th to 20th February 2019, 84 dogs de-sexed and 24 dogs euthanized.

Reports of inspections

2 January 2019

Quarantine Officer Kane Akubor reported the sale of damaged pantry ham at the Eigu Supermarket.

The health inspector was informed and pallets of pantry ham were confiscated. On the following day, 371 pantry ham were released as they were sealed and 29 were seized and destroyed on the same day.

March of 2019

A quarantine official reported the importation of damaged soy sauce and sweet biscuits in a container he was inspecting, imported by XiYi (AIE) which were covered with engine oil. The items were destroyed because they were not fit for consumption.

Awareness Programs

- (1) Dog house-to-house survey before the dogs arrived started in September – November
- (2) Radio broadcasting
- (3) Yellow Crazy in Aiwo – distributed ant offs

Quarantine Revenue

Vessel Clearance	\$1100
Phytosanitary Certificates	\$200
Import Permit Single	\$1020
Import Permit Multiple	\$8500
Disposal/ Incineration of Materials	\$1510.28
Dog License	\$800
Vehicle Examination	\$680
Container Examination	\$3100

Goals

The Section strives to attain the following:

- (1) Capacity building for new and current staff to meet the Section’s key responsibilities.
- (2) Respect and protect the environment.
- (3) Improving the existing systems to ensure safe import and export.

Public awareness

Review the existing legal framework relating to biosecurity.

Future Plans

The Section plays an important role in safeguarding the development of agriculture, the environment and the livelihood of every person in the Republic.

Some measures which are to be implemented to align with Nauru’s NSDS:

Awareness

The Section will continue to collaborate and cooperate with stakeholders and other regional and international agencies to improve and modernise its services. Capacity building is needed to strengthen and improve service delivery.

In order to safe guard our borders against unwanted pathogens or diseases, local importers and exporters must understand the importance of quarantine rules.

Have face-to-face meetings with the major importers and update them on quarantine’s measures.

Liaise with exporters and an update them on quarantine’ requirements and process.

Have monthly workshop/meetings with communities and schools.

Improve Food security – to work with the Departments of CIE, Health and Customs.

Economic and Structural Reforms

To increase the revenue of Quarantine such as to amend the existing Quarantine fees.

Quarantine Fees	Current	Proposed
Container Inspection	\$20	\$50/ container
Motor vehicle inspection	\$20	\$50/ motor vehicle
Inspection Certificate	\$10	\$2.00/kg
Other Documents (Phyto, Export, Cert of Origin)	\$10	\$10 – must be enforced
Vessel Clearance Less than 25m/per vessel	\$100	\$200
Vessel Clearance More than 25m/ per vessel	\$50	\$150
Dog Register	\$100	\$50
Annual fee for renewal	\$20 every 6 months	Not implemented

To review the laws relating to quarantine.

NSDS Goal for Nauru:

A future where individual, community, business and government partnership contribute to a sustainable quality of life for all Nauruan

IMMIGRATION SECTION

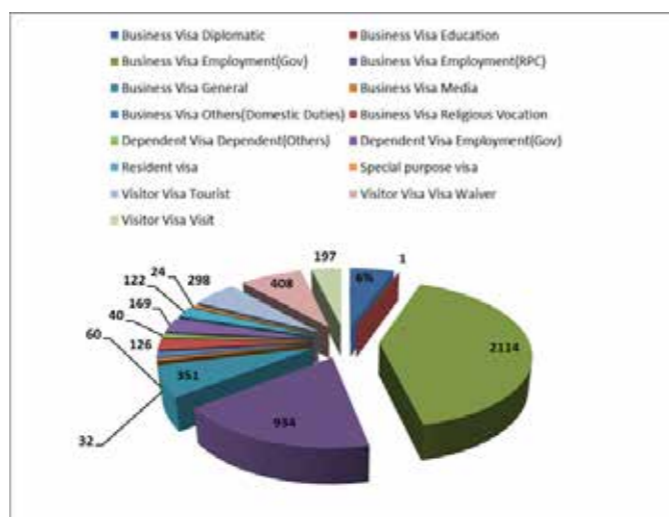
Immigration Section is responsible by law for protecting the country’s sovereign borders and together with the NPF help strengthens national security. The main law which affects and impacts on the work of the Immigration section is the *Immigration Act 2014*. The *Passports Act 2011* is also a key law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

Immigration is in the process of making immigration movement and data accessible to relevant government agencies such as the Nauru Police Force on a need to know basis as part of a co-ordinated approach to border security.

Steps are progressed to improve the integrity of immigration data and records.

By working with ICT, the Immigration Section aims to improve record and data storage and archiving. Having access to One of the principal goals is to effectively enforce Nauru’s immigration laws so that individuals who are unlawfully on Nauru or enter Nauru illegally are identified and prosecuted in accordance with the laws. All persons entering Nauru must do so lawfully and comply with the conditions of their visas. A reliable system is a fundamental necessity as earlier efforts to store such information has not met the standards acceptable by the Department.

Visa type	No.s
Business (Govt.)	2114
Business (RPC)	934
Business (Private)	411
Business (Diplomatic)	292
Business (Religious)	126
Business (Education)	1
Resident	122
Dependent	209
Visitor	903
Special Purpose	24
Total	5168



PASSPORTS SECTION

The Passports Section is established under the *Passports Act 2011*. It is headed by a Senior Passports Officer. It is the sole authority in the Republic to issue travel documents to eligible persons. The travel documents issued by the

Section are diplomatic, official and ordinary passports. In addition, certificates of identity are issued from time to time. For the transferee population, a special travel document is also issued by the Department.

The latter travel document is internationally recognised and those transferees who departed Nauru for medical or settlement purposes were authorised to travel on such instruments.

Passports application process:

- (1) Passport Office is located beside the Justice office adjacent to the Immigration office.
- (2) Any person applying for a passport must submit the following:
 - (a) Old passport
 - (b) Birth certificate
 - (c) 2 recent passport size photographs – it has to be a clear, ears visible, no smile, no moderate makeup, hair pulled back from face

- (d) Marriage certificate (if married)
- (e) Adoption documents (if legally adopted)
- (f) Name change Certificate (if name have changed)
- (g) Citizenship certificate (if naturalized)
- (h) Parents consents (if applicants are under the age of 16)

The applicant is provided with a free application form and can be assisted by a passport officer. Upon filling the application form, an invoice will be issued to the applicant. The applicant will need to submit invoice to the Revenue office and obtain receipt for processing.

New passport	\$60
Lost / 1 st time	\$160
Lost / 2 nd time	\$560
Lost – 3 rd time	Minister to decide
Emergency fee	\$100

Collection time

A passport is processed and can be collected within 48 hours from time of lodgement. Emergency travel document is processed the same day if such application is received before lunch. The Section in delivering its services has also not hesitated to assist during public holidays, weekends and during the times when the office is closed.

Achievements

- (1) Correction to the Nauru coat of arms on the Passport front cover.

- (2) Coordination and discussion with the Registrar of Births, Deaths and Marriages on matters pertaining to registration by identifying:
 - (a) non Nauruans and Nauruans;
 - (b) Nauruans born abroad to register with BDM office prior to applying for passport;
 - (c) Nauruans residing abroad for more than 5 years to confirm with BDM of their citizenship status prior to applying for a passport.

Future Plans in accordance with the NSDS

- (1) Secured storage of blank passports
- (2) Beginning July 1 2020 - explore the market
- (3) Passport website – to enable everyone to have access to online applications. This will improve service to the public locally and abroad.

Goals in accordance with the NSDS

- (1) Electronic passports by 2021
- (2) To maintain internationally recognised passport.
- (3) All photo copies of documents submitted to Passport Section in support of the passport application form must be certified by a commissioner for oaths.

HUMAN RIGHTS SECTION

The Human Rights Section is established within the Department of Justice. There are a number of human rights Conventions which the Republic has ratified or acceded to. Many of the work under these Conventions is undertaken by other departments. However, the Section plays a central role in ensuring that the Republic is able to meet its international obligations.

It works in conjunction with Regional Rights and Resources Team (RRRT) of the Pacific Community, and other human rights bodies including those with United Nations.

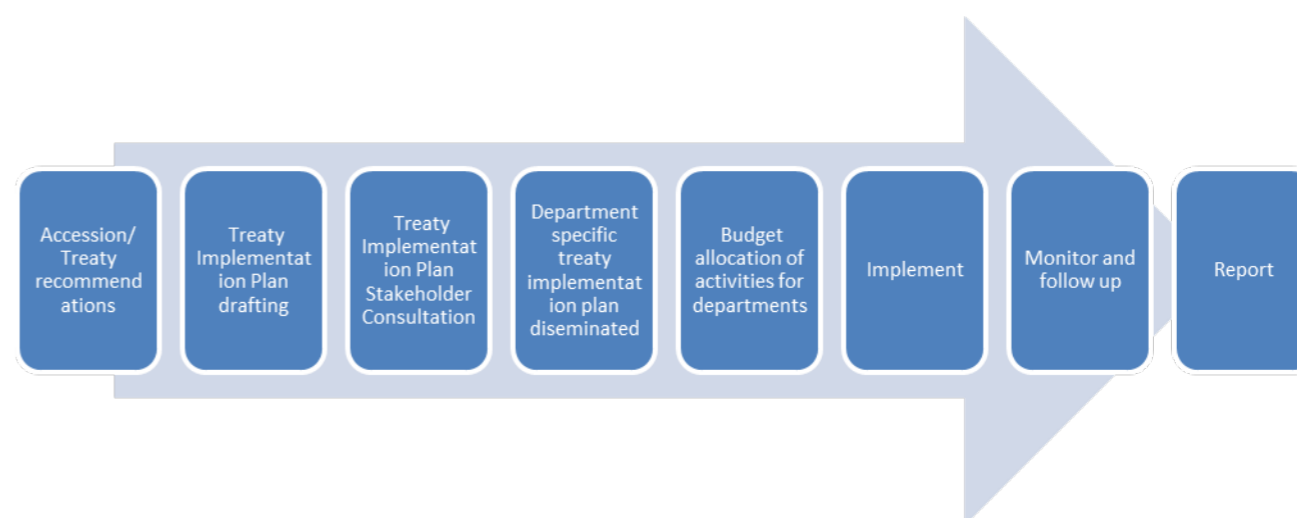
The National Monitoring and Reporting Follow Up mechanism suggests a more results based approach to the monitoring of human rights treaty implementation by establishing permanent reporting, monitoring and follow up systems. This recognizes the importance of implementation as an essential part of the process after Nauru accedes to a treaty that will involve a more collaborative space for departments to contribute in a more stable reporting process.

The Working Group on Treaties (WGT) was formalized through an introductory meeting held on the 1st of June, 2018. The main purpose of the WGT is international treaty management of which NMIRF is a large component of its terms of reference. It is membered by the Department of Justice and headed by the Department of Foreign Affairs who are the two permanent members of WGT.

WGT ensures that human rights state reports that are drafted by the human rights section or other focal departments are not overdue by the efficient coordination of the NMIRF mechanism which for each human rights treaty is a lengthy process due to the types of information and the disaggregation of data that needs to be done.

The NMIRF provides a more systematic methodology to human rights treaty management and enables a contextualized approach implementation plans that reflect key priority areas from the Nauru Sustainable Development Strategy (NSDS).

Figure XX. The new NMIRF system for Nauru in Human Rights Treaty Reporting



Convention on the Rights of the Child Recommendation Implementation Plan (CRC RIP)

A New Project Proposal (NPP) amounting AUD85,000 on the Hypothecation of Alcohol import duty to support the Convention on the Rights of the Child Recommendations Implementation Plan (CRC RIP) was approved for the period of July 2018 to June 2019. It was drafted by the Country Focal Officer of the Regional Rights Resource Team of the Pacific Community who is housed in the Human Rights Section of the Department of Justice and Border Control.

Domestic Violence stemming from alcohol substance abuse is evident in the Republic of Nauru as it is in other countries. It also has a secondary causal issue being child welfare issues and Nauru is experiencing issues with substance abuse within this susceptible age group with direct linkage to domestic violence. Logically an unhappy home life leads to marginalized youth who group together for self-protection and engage in their own substance abuse.

The Convention on the Rights of the Child (CRC) Recommendations contains issues highlighted by the United Nations Convention on the Rights of the Child Committee (UNCRC) that Nauru is facing in the implementation of the CRC.

It means that to resolve these issues we need to consider an array of exclusive factors that are affecting the fulfilment, promotion and protection of the rights of Nauruan children.

These stem from social misbehaviors, one being alcohol abuse that lead to the obstacles identified through the recommendations of the UNCRC.

In effect to execute the CRC RIP would be to indirectly address alcohol abuse along with many other issues that are affecting the welfare of affected Nauruan children.

One of the ways to abate the negative impact on the support systems required to target this abuse is through funding the support programs directly from the substance that is causing the issue.

There are two elements of alcohol abuse that will need to be addressed:

Adults who are alcohol abusers in families constituting children. They create domestic situations that are unsafe and insufficient for the normal development and well-being of children. More than often these situations are mimicked by the children who have experienced a family life as such, once they reach adulthood and have families of their own.

The negative impacts of under-aged alcohol consumption which encompasses health implications, disadvantages in social development in education in turn leading to lost opportunity for individuals to attain stable careers and employment hence causing draw backs for Nauru's economy. These children do not fulfill their potential and become menaces or burdens to society all the way through to adulthood.

The main objective is then to establish preventative and curative measures and the activities are comprehensively prescribed in the CRC RIP because it is a strategic inter-sectorial approach.

The CRC RIP outlines activities in a thematic structure clustering the proposed actions of each recommendation to specified departments and service agencies. Although was formulated for the implementation of the UNCRCC Recommendations as a result of the CRC Constructive Dialogue, can be seen as a strategic solution to the alleviation of significant issues like alcohol abuse that face the Nauruan children of today and tomorrow. It stands to put in place sustainable systems and solutions for the wellbeing of children.

The CRC RIP consists of activity proposals to relevant departments according to the nature of the recommendation. It is envisaged that the CRC RIP will be disseminated through a key stakeholder's consultation which will require action plans to be established. In turn these action plans will be easily translated into Annual Operational Plans. This will form a foundation for child sensitive department strategic plans which is one of the major cross cutting recommendations of the CRC RIP.

The NSDS Community Review Consultation specifically identified child welfare issues. The CRC RIP aligns with the NSDS.

This proposal was approved by cabinet to mitigate the negative impact on the national budget and support systems that target this abuse is through funding the required support programs from the substance that is causing the issue. This self-funded arrangement enables treatment strategies to be managed more effectively with linked outcomes in Ministerial Plans and budget papers. In December, 2018 it received parliamentary approval.

National Human Rights Institution

On the 7th to the 8th of June, 2018, a Government delegation from Nauru consisting of the legislative drafter and the Country Focal Officer from the Department of Justice and Border Control along with the Director for Women's Affairs and Legal Advisor from the Department of Home Affairs represented Nauru in the initial discussions on the legislative drafting options for an enabling legislation for a Nauru National Human Rights Institution (NHRI).

In June, 2019, the National Communication Strategy for the stakeholder consultation on the NHRI was completed and will be used for the consultation process of the National Human Rights Commission Bill, 2020 which is awaiting cabinet endorsement.

Ending Violence Against Women and Children (EVAW)

Eoaq'n Eratequo, also known as the Safe House was instituted on the 7th of March, 2011 to accommodate women who were survivors of domestic violence.

Ending Violence Against Women and Children otherwise globally known as EVAW is a significant component of the Convention on the Elimination of all types of Discrimination Against Women Recommendation Implementation Plan (CEDAW RIP). Domestic violence is a standing issue in Nauru, as in many other countries if not all, affecting the lives of many survivors who have been or are still subject to it.

The Domestic Violence and Family Protection Act Implementation Plan (DVFPA IP) was completed in September, 2018 following enactment in May 2017. An issue had arisen from a gap in the Act that resulted in the non-action for a breach of protection order by a respondent of domestic violence. The legislation of the Administration of Justice Act, 2018 put in place redress mechanisms through ensuring that a respondent in breach of a protection order is arrested through a warrant of arrest for contempt of a court.

Working with the Department of Women's Affairs

The Directorate of Women's Affairs worked in collaboration with Nauru Police Force Domestic Violence Unit (NPF DVU) in managing such cases.

In March 2016, the Department of Women's Affairs requested the formulation of a domestic violence legislation to the Pacific Community's Regional Rights Resource Team (SPC/ RRRRT) following their facilitation of the National EVAW Consultation. After 1 year and 2 months of drafting and consultation with various stakeholders, the *Domestic Violence and Family Protection Act 2017* was passed.

Table 1. Statistics for clients housed by Eoaq' n Eratequo from February 2019 to May 2019 as provided by the Department of Women's Affairs

NAME	SEX	GENERATION	SAFETY ORDER	PROTECTION ORDER	COUNSELLING	DI ST RI CT SE	SAF E HOU SE	MONTH	YEAR
XXXX	F	51-60				YA RE N	✓	FEB	2019
XXXX	F	51-60	1	1	1	YA RE N	✓	MARCH	2019
XXXX	F	31-40				YA RE N	✓	MARCH	2019
XXXX	F	61-70			1	AI- W O	✓	MARCH	2019
XXXX	F	51-60	1	1	1	AI- W O	✓	MARCH	2019
XXXX	F	41-50	1	1	1	AN IB AR E	✓	APRIL	2019
XXXX	M	21-30			1	AN AB AR	✓	MAY	2019
XXXX	F	21-30			1	LO CA TI ON	✓	MAY	2019
XXXX	F	21-30			1	AI- W O	✓	MAY	2019
TOTAL			3	3	7		9		

Working with Nauru Police Force Domestic Violence Unit (NPF DVU)

Pursuant to Part 3 of the DVFPA, a police officer of the rank of sergeant or above is able to issue a Police Safety Order (PSO). A PSO is a temporary order for a respondent not to commit any further domestic violence to the complainant until the Interim Protection Order is processed by the District Court of Nauru.

During January to November, 2019, 17 PSO's have been issued and not all led to the application of an IPO.

Assault is the most frequently reported type of domestic violence. At the commencement of the DVFPA, there was a lot of controversy on the role of police officers in assisting DV survivors with IPO applications. It was seen to be the sole responsibility of the Department of Women's Affairs. Over the years, although an ad hoc referral pathway is still being followed, agencies are beginning to work more systematically towards decreasing and eliminating domestic violence according to the *Domestic Violence and Family Protection Act, 2017*.

Table 2. Nauru Police Force Domestic Violence Unit Statistics from 1st January to July 2019

Domestic Violence Safety Orders Issued	12
Domestic Dispute Reported	134
Domestic Assault	67

Working with Judiciary

Domestic violence sensitization training is essential to judicial proceedings of domestic violence cases especially when there is a very basic understanding on the meaning of domestic relationship which constrains the protection of the Act to family members that are living under the one roof.

Table 3. Statistics presented by the District Court of Nauru on DVFP cases from 2017 until 2019

SEX	APPLICA-TIONS FOR PROTECTION ORDER	PROTEC-TION OR- DER SERVED	PROTEC-TION OR- DER DE- NIED	AFFIDA- VIT OF SERVICE FILED	COUNSEL- LING FEED- BACKS TO COURT	COUNSELLING NOT RE- QUIRED/ REJECTED/ NOT AVAILA-	YEA R
F	16	12	4	2	1	4 not required, 1	2018
F	10	10	0	4	3	1 not available, 2 rejected by com-	2019

FINANCIAL INTELLIGENCE UNIT

The Nauru Financial Intelligence Unit is established under the *Anti-Money Laundering Act 2008*. Generally, the Unit is the central agency that receives and analyses disclosures filed by reporting entities and disseminate financial intelligence for the effective investigation and prosecution of money laundering and its related predicate offences.

In carrying out its functions, the Unit cooperates with other Government Departments, including the Nauru Police Force, Customs, Department of Finance and the Office of the Director of Public Prosecutions. The Unit also cooperates with regional and international organisations in the global fight to combat money laundering and terrorist financing.

The Unit is instrumental in the introduction of key legislative amendments to strengthen the overall Anti-Money Laundering / Combatting the Financing of Terrorism (AMT / CFT) regime in the Republic.

For the reporting year, it is important to note that the Anti Money Laundering Act 2008 was also subject of the OECD review.

The Unit provides guidance on politically exposed persons. It is anticipated in the next reporting year that the Unit will harmonise practices of verifying whether a person is a politically exposed person by seeking relevant information from the potential customer, referring to publicly available information and improve access to databases of politically exposed persons.

Capacity Building

Engaging and maintaining trained and qualified staff is critical to the work of the Unit.

Capacity building in the Unit is purposely enhanced to minimise the reliance on outside experts as sources of knowledge and resources.

In the reporting year, Damon Adeang attended numerous workshops and training overseas to enable him to strengthen his confidence, skills and knowledge on the work relating to the Unit.

Capacity building fosters for local staff a sense of ownership and empowerment so that they gain greater control over their own future development.

Reviewing of laws

The Unit has commenced the review of its AML / CFT related laws with the assistance of the APG. The ongoing substantial review has enabled the Unit to identify gaps which will need to be rectified to ensure that the laws of the Republic is strengthened. The strengthening of the Republic's AMLF/ CFT laws will allow the Republic to better respond to new and emerging threats that may arise relating to money laundering and financing of terrorism.

Asia / Pacific Group on Money Laundering (APG)

The APG has been instrumental in assisting the Unit in capacity building and development. Further, the APG helps the Republic to ensure the adoption, implementation and enforcement of internationally accepted anti-money laundering and counter terrorist financing standards through the Republic's national laws and policies.

The Republic is due for a Mutual Evaluation Review in 2022 where the Republic will be reviewed on measures taken to combat anti-money laundering and countering the financing of terrorism.

CURATOR SECTION

The Curator is a creature of a statute. The Office is established under the *Succession Probate and Administration Act 1976*. The role of the Curator is no different to that of any other public trustee in a Commonwealth country. The Curator has multiple functions to perform such as:

- (a) to obtain administration of estate of a person who has died intestate;
- (b) obtain probate of person who had died testate if there is no executor appointed or if the curator is named as the executor;
- (c) obtain grant of probate for letters of administration with will annexed;
- (d) acts as a trustee for minors under the *Trusts Act 2018*;
- (e) acts as trustee for monies paid to beneficiaries in an estate which includes payment of land rents or royalties.

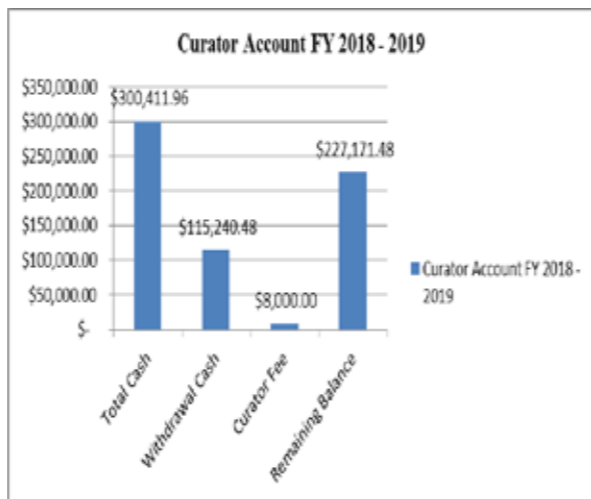
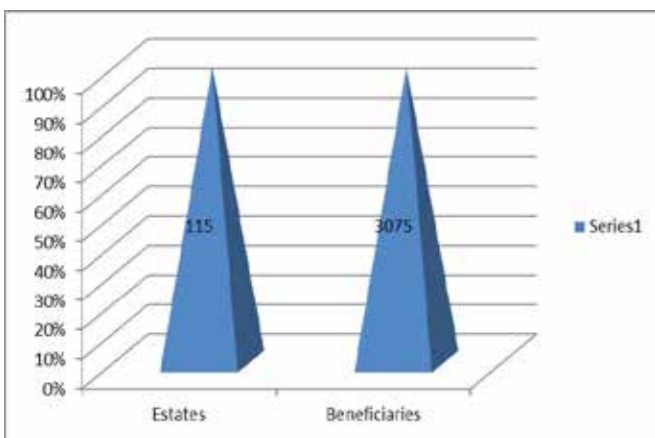
During the reporting year, the Curator received monies from the Treasury and instrumentalities of the Republic such as Ronphos Corporation, Nauru Utilities Corporation, Eigigu Holdings Corporation, Nauru Fisheries, Nauru Rehabilitation Corporation and RPC through Money Transmittance into Curator Account.

Total of Deposits
- 40 Deposit

Total of payments made to concerned estates
- 115 Estates

Total of payments made to concerned beneficiaries
- 3,075 Beneficiaries

ESTATES FY 2018 - 2019



There are several estates pending payments due to court injunction.

MAJOR CHALLENGES AND ISSUES

- (1) New staff to be engaged to assist with the work of the Section.
- (2) Vehicle – the Section does not have an allocated vehicle.
- (3) Delay of estate determination by Nauru Lands Committee.
- (4) Errors in the Gazettes published.
- (5) Different names of deceased beneficiaries on their bank accounts and the estate gazette. The beneficiaries do not use the same name.
- (6) Pending court cases on deceased estates.
- (7) The timing between the sending of curator notices to the public through gazette in regard to deceased creditors and debtors claim and the Nauru Lands Committee determination through gazette.

Future Plans

- (1) Conduct public awareness in relation to the functions of the office of the Curator.
- (2) Streamline Curator procedure and process including with other relevant stakeholders eg. the Court; NLC – improve the relationship with the Court and NLC so that we all understand our respective roles under the Succession, Probate and Administration Act 1976 and improve our service and administration of estates.
- (3) Standardise template for letters of administration.
- (4) Appointment of a Curator Clerk.
- (5) To review the current laws to address the overlapping responsibilities of the Nauru Lands Committee and the Curator.

BUSINESS REGISTRATION AND LICENSING SECTION

Under the supervision of the Secretary for Justice, who is the Registrar of Business Names, Registrar of Business Licences, Registrar of Partnerships, Registrar of Corporations, Beneficial Ownership Authority, Registrar of Trusts, the Business Registration and Licensing Section is the centralised office of the Department of Justice that is tasked in:

- (a) maintaining a strong regulatory compliance framework;
- (b) continuing monitoring of businesses established in the Republic;
- (c) training of employees to ensure that the new business law requirements are effectively enforced and implemented; and
- (d) public education and awareness to ensure regulatory compliance.

With the increase in administrative responsibilities in terms of business laws and regulations, the Section aims to ensure that its staff are trained to understand the business so that they can work efficiently and effectively.

On 15th January 2019, a notice was published via the Government Information Office – Media whereby the public was informed of the new business laws that were passed by Parliament and regulations that were approved by Cabinet:

- (1) *Business Names Registration Act 2018*;
- (2) *Business Licences (Amendment) Act 2018*;
- (3) *Corporations (Amendment) Act 2018*;
- (4) *Partnership Act 2018*;
- (5) *Business Names Regulations 2018*;
- (6) *Business Licences Regulations 2018*;
- (7) *Corporations (Forms and Fees) Regulations 2018*;
- (8) *Beneficial Ownership (Amendment) Act 2018*
- (9) *Trusts (Forms and Fees) Regulations 2018*.

When the Public Notice was issued on 15th January 2019, many business owners turned up at the Department of Justice Office to get clarifications on the new legal requirements.

Many business owners voiced their concerns that the new business registration and licensing requirements including beneficial ownership registration are costly and time consuming. The Section staff continues to ensure that the new requirements are explained properly to anyone that makes queries and seeks clarifications whether by emails, phone calls or at the Department’s front counter. Queries arose due to lack of understanding and awareness of the laws. Many businesses, corporations, partnerships do not have legal counsels who would have assisted with explaining the new business licensing requirements.

The *Business Names Registration Act 2018* requires mandatory registration of business names of any person, firm, corporation not trading under its incorporated name and a trust intending to trade under a business name.

Under the repealed *Business Names Act 1976*, no business name could be transferred. However, under the *Business Names Registration Act 2018*, a registered business name may be transferred with the approval of the Registrar.

However, the *Business Names Registration Act 2018* not only requires a registrant to notify the Registrar on cessation of business, it also requires a registrant to notify the Registrar in writing and surrender the certificate where a registrant ceases to continue with the business.

The repealed *Business Names Act 1976* required business owners to inform the Registrar that the firm or individual has ceased to carry on business.

All firms, corporations, trusts or foreign businesses are required under the *Business Names Registration Act 2018*, *Trusts Act 2018*, *Business Licences Act 2017*, *Partnership Act 2018*, *Corporations Act 1972*, to comply with the requirements of the *Beneficial Ownership Act 2017*. The Register of Beneficial Owners aims to identify persons who owns and controls companies and will also allow others to identify who they are conducting businesses with.

To date, most businesses fail to provide proper identification and verification information of beneficial owners.

Beneficial Ownership Act 2017 – requires firms, corporations, trusts or foreign businesses to comply with requirements of the Act when they apply for a licence under the *Business Licences Act 2017*.

Firms, corporations, foreign businesses and trusts are all required as well under the Business Names Registration Act 2018 and the *Business Licences Act 2017* (as amended in 2018) to lodge annual returns to the Registrar. The Registrar of Business Names is allowed under the *Business Names Registration Act 2018* to share information including any copy of a document, account or record obtained under the Act to:

- (a) a law enforcement or regulatory agency;
- (b) competent authority of a foreign government with which the Republic has entered into an agreement;
- (c) any treaties or agreements entered into by the Republic for the purposes of exchange of information.

This provision under the Business Names Registration Act 2018 allows, inter alia, the Business Licensing Section, the Nauru Revenue Office, the Financial Intelligence Unit, the Treasury Office and the Bureau of Statistics to identify establishments and persons doing businesses in Nauru and ensure compliance with the business licensing laws and tax laws. A similar provision too on ‘information sharing’ exists in the *Business Licences Act 2017*, *Trusts Act 2018*, *Corporations Act 1972* and *Partnership Act 2018*.

One of the new requirements under the Business Licences Act 2017, as amended in 2018, requires licensees to notify the Registrar when they cease their businesses. Very often, licensees fail to inform the Registrar that their businesses have ceased. On most occasions, the Registrar is only made aware of the cessation of such businesses upon inspection, which can be many months after such businesses had already ceased operation.

This new requirement under the Act helps ensure that the Registrar is updated in a timely manner by licensees when their businesses cease to operate.

	Issued	Revenues
Business Licences	559	\$183,285
Business Names	225	31,700
Security Licence	20	10,000
Business Variations and Transfers	49	13,750
BL - Beneficial Ownership	14	1,050
Late Submission Fees	50	10,200
Certified Copies	36	1,125
RPC Business Licences	4	\$200,000
Total		\$451,110

In terms of the amendments to the *Corporations Act 1972*, it effectively allows persons to apply directly to the Registrar of Corporations for incorporation of corporations or for renewal of incorporation certificates.

The Section will ensure that the new legal and regulatory changes are effectively and efficiently implemented is a ‘*proactive approach*’ through monthly public notices.

Further, the Department aims at engaging more staff to assist the Section with constant inspection of businesses in the Republic.

NSDS Property Rights and Rule-based Governance - The process of procuring business licences is bureaucratic and could be simplified.

The amendments and introduction of new laws now simplifies the process for obtaining a business licence.

Business Licences

- (a) 345 Renewed Licences and 214 New Licences Issued
- (b) Nationality:
 - Nauruan total of 447
 - Chinese total of 89
 - Refugees total of 13
 - Corporations total of 10

Business Names

- (a) 225 business names
- (b) Nationality:
 - Nauruan total of 205
 - Chinese total of 9
 - Refugees total of 6
 - Corporations total of 5

Security Licences (Started in 2019)

20 Security Licences issued

Variations and Transfers of Licences

- (a) 19 licences were transferred
- (b) 36 licences were varied

Partnerships

- 43 firms registered Firms - 14

Others

- Late Submission Fees - 50 business licences paid the late submission fee
- Cancellation of Business Licences - 19 licences cancelled in 2018 - 2019
- Cessation of Business Licences - 5 business licences were ceased

SUCCESS STORY

PATRICIA GRUNDLER — LAW GRADUATE



University: University of Waikato, New Zealand

Course start date: 2 March 2015

Course end date: 4 November 2018

Occupation prior Law scholarship: Personal Assistant to Secretary for Justice and Border Control

I was the Personal Assistant to the then Secretary for Justice and who is now our President, His Excellency Hon. Lionel Aingimea before I was awarded a scholarship to undertake my LLB studies in New Zealand. I have returned to the Department after successfully graduating with an LLB degree certificate.

Occupation now: Government Lawyer

Personal Vision: To strive intellectually and professionally in my personal and professional capacity.

Personal Mission: To assist and provide legal services to the Corporate world and to the community with fairness, integrity, professionalism and respect.

Describe your most challenging and rewarding experience in Law school?

The most challenging experience was time and expense management. As undertaking Law courses is demanding itself, it was challenging to set aside enough time for studying, socializing and sleeping while maintaining resilience to counter commitments and other distractions.

The most rewarding experience would be the ability to think critically, unconventionally or thinking out of the box in different situations. Also, acquiring the ability to debate and interweave different perspectives and arguments to deliver merits of a case or discussion.

What cultural or moral values help you to counter the challenges and obstacles in Law school?

The major values were hardwork, responsibility, respect and tolerance.

If you were given an opportunity to dedicate a course or project for Nauru, what area would you look to prioritise?

Promote market competition

It is the only smart way to lead to lower prices and better quality goods and services for the people. If we limit newcompetitors or make it unreasonably difficult for new competitors to enter the market, then businesses will keep their prices high with little incentives rather than adapting and competing to stay relevant in a competitive market. Perhaps, we could work towards having an independent Commerce Commission or similar to regulate fair competition or trading and to prevent and tackle anti-competitive behavior like abuse of monopoly power and price pegging/fixing.

Future Plan

Complete Professional Legal studies & return to Nauru and join the LEGAL TEAM at the DJBC

State your favourite quote that helps you strive in life?

“You have to go wholeheartedly into anything in order to achieve anything worth having” Frank Lloyd Wright

SUCCESS STORY

VICTOR SORIANO — PLEADER & LLB STUDENT

Name: Victor Soriano

University: University of Southern Queensland (USQ)

Course start date: 15 April 2019

Course end date: 30 June 2022

Occupation: Pleader/Deputy Registrar of Corporations/Lay Magistrate

Personal Vision: To see Nauru truly prosper.

Personal Mission: To contribute as much as I can to the betterment of Nauru with integrity and respect.

Describe your most challenging and rewarding experience in Law school?

As any lawyers would understand, one of the challenges in law school is the amount of reading one has to do as well as the countless and expensive law books one has to purchase. It is not easy but certainly a rewarding experience in the sense that you get fantastic marks after exam – if you do your readings. This is why the study of law is also known to lawyers as an ‘ass subject’ because you spend most of your time on your butt reading.

What cultural or moral values help you to counter the challenges and obstacles in Law school?

Well, culturally, a pacific islander, in the Nauruan context, does not decide to put his/her hands up and later give in to the challenges. We fight, we push, we cry, we toil and whatever it takes to achieve the goal that is set before us. We do not give in so easily, unless you are 6 feet underground. As they say, ‘when the going gets tough, the tough gets going’.

Morally, I can only think of one thing that keeps me going and that is my love for my family and country. I treat my study as the only thing my small family and Nauru depends on. If I fail, I fail not only my family but my beloved Nauru at a larger scale. I fail the children who are at school. I fail the elderlies. I fail those who are hospitalized. I fail Nauru’s journey to a much better future. Therefore, I cannot afford to fail in this course. You do not choose to be in something to fail. You are in it to WIN, no excuses!

If you were given an opportunity to dedicate a course or project for Nauru, what area would you look to prioritise?

Easy. Education and Health infrastructure. The word ‘education’ by now has lost its value. Any tom, dick and harry tend to throw this word around like a swearing word or without any real meaning to it, including politicians. This word has lost its significance both at the grassroots level as well as the political level. If we are serious about paving the way for generations to come, then we should put our money where our mouth is. Stop playing around with the future of our kids!

In terms of Health, the fluctuation of Nauru’s economy for the past 52 years has been a mix of joy and sorrow, pride and humility. At one stage, Nauru was the second richest island nation per capita after the US, until it fell and became a country that heavily depends on aid from developed countries. The introduction of the RPC in 2013 saw Nauru’s economy skyrocketed after the downfall in early 2004 (if my memory serves me correct). In all this, Nauru has never built a state-of-the-art hospital where patients are able to be treated without resorting to overseas referrals. Medicines and drugs are dependent on overseas orders. Resources and medical equipment are not reliable.

To think of it, with the amount of money Nauru had gained, one would see all these much-needed developments but sadly this is not the case. Had Nauru done these years back, it could save a lot of unnecessary spending and channel its financial resources to other important projects. Therefore, in light of the question, I will prioritize Education and Health infrastructure.

State your favourite quote that helps you strive in life?

‘For the love of family and country’ as Ravu Tagivakatini would agree.

I managed to complete the Pleaders Course and graduated as a Pleader in 2016 while I was working in the Department. Further, while I was still employed in the Department, I was awarded an Australian Scholarship to undertake undergraduate studies at the University of Southern Queensland.

Future Plan: To successfully complete my first year as a law student



SUCCESS STORY

FRANCILIA AKUBOR (JULIUS) —LAW GRADUATE

University: University of the South Pacific:

Bachelor of Laws, Emalus Campus (Vanuatu)

Professional Diploma in Legal Practice, Statham Campus (Fiji)

Duration of Courses:

LLB: February 2014-November 2017

PDLP: January 2019-June 2019

Occupation: Government Lawyer

Personal Vision: To illustrate that nothing is impossible.

Personal Mission: Ultimately to be a good role model for my children.

Describe your most challenging and rewarding experience in Law school?

Challenges: Being physically and mentally drained where giving up seemed like the best option.

Rewarding: During PDLP, I was fortunately accepted to undergo my placement with the Department of Justice & Border Control. I was under the supervision of Kerryn Kwan with the assistance of Mele Lemaki Tagivakatini. The mentors exposed me to a variety of legal issues and some insights of the work administered by the Department. The opportunity provided me with hands on experience which I would not have encountered had I been in a different setting. Apart from this invaluable experience, the ultimate reward for both programs was graduating and being admitted to the High Court of Fiji and the Supreme Court of Nauru. These events signified the end of a chapter.

What cultural or moral values help you to counter the challenges and obstacles in Law school?

My daughter is the reason I opted for a better life by committing to the gruesome program

of LLB on foreign soil for four years. She was, and still is, the reason why I kept advancing to the next chapter despite the challenges encountered during the program. Subsequently, I enrolled for PDLP which was an even more challenging program with different sets of obstacles. Fortunately, I had my son with me then to keep me sane and focused. Having someone in your corner can make a huge difference. My children are my inspiration and the driving forces behind overcoming the challenges and securing my achievements. I am beyond blessed!

If you were given an opportunity to dedicate a course or project for Nauru, what area would you look to prioritise?

Strengthening the local capacity for legal practitioners by encouraging them to specialize in areas within the Government sector. This goes further to encouraging students to study law essentially because there are a number of opportunities that are currently not being utilized.

State your favourite quote that helps you strive in life?

“Give it your all. Dare to be all you can be”

Future Plan

To join the Department of Justice and Border Control as a barrister and solicitor



SUCCESS STORY

JERUSKA TOGORAN — PLEADER STUDENT



Describe your most challenging and rewarding experience in the Pleaders Course?

As a paralegal in the Department of Justice, the experience that I found most rewarding from the

Pleaders Course was having a chance to get a feel of a courtroom and its processes during moots. Although the moot exercises were informal and in no way the exact same as court in real life, just the handling of a pretend case, right from representing pretend right up to conducting the pretend hearing, I had learnt a lot of how the court functions. This has helped me better understand how I can better assist my Bosses in my work as a paralegal.

What cultural or moral values help you to counter the challenges and obstacles in Pleaders Course?

The moral values that helped me counter the challenges I was faced with throughout the Pleaders Course were mainly honesty and commitment. Growing up, I have experienced that maintaining these two moral values and everything I do helps keep me out of trouble.

State your favourite quote that helps you strive in life?

My favourite quote that helps me strive in life is found in the book of Mathew 6:33 *"Seek ye first the Kingdom of God and his righteousness and all these things shall be added unto you"*. This is my most favourite quote that I turn to as it is line with Nauru's motto *"God's Will First"*

Future plan

To graduate and be admitted as a Pleader

SUCCESS STORY

DEBORAH TOGORAN - PLEADER STUDENT



Course start date:
21/04/2018

Course end date:
25/07/2019

Occupation while undertaking Course:
Personal Assistant for SJBC & Para-Legal for the Drafting Section since January 2019.

Personal Vision: I wish to provide those who have been wronged a fair chance to obtain Justice. As lawyers we should always strive to upholding the rule of Law and the protection of human rights.

Personal Mission: My current goal I am aiming towards is to become a Barrister and Solicitor Lawyer. I am using my Pleaders Course as a stepping stone to pursuing further studies.

Describe your most challenging and rewarding experience in Law school?

My most challenging experience was being away from my husband, Justin Togoran and my beautiful daughter, Justina Togoran by having to stay back in Nauru to complete my studies. They are currently residing in Fiji, as my husband is currently studying for his Bachelor of Commerce in Accounting. Being a young married couple, we have the distance and communication to overcome. But with loyalty, trust and prayers has made this path a possible sweet challenge, as we are firm believers of "We will reap what we sow". Today we are sowing (planting seeds) for a better future for us individually and especially for our daughter.

Secondly, one of the challenges I am facing is time-management. I am a full-time paralegal in the Draft section in SJBC. I am taking the Pleaders Course and I am also a registered student at the University of the South Pacific, studying Certificate for Justice. I completed two units in the first semester. I had to manage my time wisely in order to complete my assignments, study for the tests and exams. I learnt to manage my time wisely so that I also keep my employers happy. Their ongoing support is what has helped me this far.

My most rewarding experience was successfully completing eleven units in the Pleaders Course. We are about to commence the last and most challenging phase of the Course. That is titled "Advocacy". I look forward to the last lap of the Pleaders Course. I hope to do my very best and complete what I started. The Pleaders Course taught me about the laws and procedures. It was interesting to do group work activities and explore case studies and common law. A rewarding experience was having to learn from lawyers who has practised here in Nauru and in the Pacific Region. Having to hear about their experiences has inspired me to consider studying for Bachelor of Law in the University of the South Pacific at the beginning of 2020.

I wish to pursue further studies as my passion in Law has grown over the years. The challenges has made me stronger and I wish to stand one day as a Barrister and Solicitor, being the voice of the people of Nauru in the coming future.

What cultural or moral values help you to counter the challenges and obstacles in Law school?

The culture of praying was taught by my dear Mother, whom I respect and love. She taught me that the love of God is like a shining light that would guide us through our journey in life to achieve what we need on this time on earth.

I was not born with a silver spoon in my mouth. My childhood upbringing has taught me about perseverance. I have grown to see what being a successful working mother is like, and having to make the sacrifices I make for the betterment of my life as, a sister, daughter, wife and mother, all that hard work will be paid off one day.

Being a team player has taught me to never give up. When the going gets tough, the tough gets going. Even though during group activities, a few group members may not actively participate. But I learnt that having to help and assist during preparation before presentations and assignments is absolutely mandatory. You're not just helping others, but you're helping yourself.

If you were given an opportunity to dedicate a course or project for Nauru, what area would you look to prioritise?

I would start a project whereby people are educated on the roles of a psychologist and encourage all Nauruans who wish to make a difference in our society to take up this field.

After some research, I came to find that we do not have any Nauruan psychologist. Psychology is the scientific study of human behaviour and mental processes.

Essentially, psychology helps people in large because it can explain why people act the way they do. With this kind of professional insight, a Nauruan psychologist can help the people of Nauru improve their decision making, stress management and behaviour based on understanding past behaviour to better predict future behaviour. At the moment there is a psychologist but he is from overseas so some of us might not be comfortable speaking to him about the challenges we are facing. If people were comfortable and talking about the challenges they face then a psychologist can help people have a more successful career, better relationships, more self-confidence and overall better communication which in turn helps our Nauruan society as a whole. We need both male and female psychologists to be able to get more people to open up with their challenges.

Future plan: To graduate and be admitted as a Pleader at the Supreme Court of Nauru

SUCCESS STORY

KORI ITSIMAERA — PLEADER STUDENT

Course start date: 21/04/2018

Course end date: 25/07/2019

Occupation while undertaking Course: Paralegal at the Office of the Director of Public Prosecutions

Personal Vision: I wish to work with the lawyers of the Office of the Director of Public Prosecutions in ensuring justice for survivors of Domestic Violence and Sexual Offence cases.

Personal Mission: Complete my Law Degree and become a Prosecutor in the Office of the Director of Public Prosecutions.

Describe your most challenging and rewarding experience in Law school?

My most challenging experience was time management. I had to juggle my work and family and my studies which was hard. At times I wanted to give up but my family and friends motivated and pushed me to complete my studies.

My most rewarding experience was when I reached the 11th Unit which was Civil Procedure and the course after that which is the Advocacy Course. I knew that I was close to graduating from the Pleadings Course and all my hard work was for a good cause, it is not just for my future but for the every Nauruan who need/ deserve justice.

What cultural or moral values help you to counter the challenges and obstacles in Law school?

Moral values that I was taught by my parents and guardian were patience, responsibility and respect. Patience has taught me that I can sacrifice today in order to enjoy tomorrow. When it comes to assignments, it is a challenge to do research for assignments; I had to do work first before I can do my assignments, not only that I had to go home for chores and everything and then come back to office to do my assignments late at night.

But having to sacrifice my social life with friends and family and having to focus more on the completion of an assignment, I had to learn to trust the journey for the benefit of my future.

Responsibility taught me to take the pressure when it comes to balancing a full-time job. I am a paralegal at the Office of the Director of Public Prosecutions, I worked with three public prosecutors and I had to meet all their demands with preparing summons, disclosures and depositions and filing of documents but thanks to their understanding with my struggle with my studies, they helped me along the way with work and with my studies.



Respect is to be earned. I was taught in a family household how we should always respect our elders. The same applies when we are at work where showing respect for work colleagues as well as our superiors in the office. Respect taught me that the work becomes easier, and when I need assistance, the members in my workspace usually step in to help.

If you were given an opportunity to dedicate a course or project for Nauru, what area would you look to prioritize?

If I was given a project to work on I would focus on helping the Child Protection Unit look after children who are survivors of sexual offences. It is also a growing concern for women who are involved in Domestic Violence. I wish to advocate for their rights one day and to be a voice for these victims in the near future.

State your favorite quote that helps you strive in life?

For this Pleadings Course the quote that motivated me was by Mr. Jay Udit whose words really encouraged me by saying “If anyone fails from the Course, I will fire them” this message goes out to the JBC staff that had enrolled in the course. This has been a great push both in my work at the Office of the Director of Prosecutions as a paralegal and a student in the Pleadings Course. I would love to make my family and friends proud of the work I pursue at such a young age. I wish to be successful and independent and to be the best that I can be to serve my beautiful country, Nauru.

NAURU INAUGURAL LAW CONFERENCE 2018

Mr Vinci Clodumar— introducing speaker for the session



Team Justice



Taking a mini break



Pleader students who are eager to learn more about law



The Department extended special invitations to members of the judiciary, including the CJ, J Khan, the RM and the Registrar



Organising Team



Attendance by other government lawyers



CHRISTMAS PARTIES 2018 & 2019

Christmas Party 2019



So we think we can sing



Organising Committee



A party is complete with kava



OFFICE LUNCH

Looking forward to lunch



Pure happiness that lunch is here



