



Justice and border control

ANNUAL REPORT 2019 - 2020



SERVING THE REPUBLIC WITH CARE AND PRIDE

PREFACE

This Annual Report is for the reporting year 2019 to 2020, covering the period from 1st July 2019 to 30th June 2020.

The majority of this reporting year was affected by the pandemic Coronavirus (COVID-19). This changed the usual program for the Government as well as the Department of Justice. A substantial portion of time and effort was committed to the combating of the virus invading the Republic under the principle of ‘catch and contain at the borders’. The Department of Justice and Border Control played a significant role from as early as January and continues to provide necessary assistance in that the actions taken by Government are in conformity with all laws. Also, the norm of traveling was consigned to history and was overtaken by audio and visual meetings. The online meetings provided opportunities for more staff to participate in many conferences, meetings, workshops and trainings. During this reporting year, the General Elections were held which saw a new Government being duly elected. The directions of the new Government changed as such law reform was undertaken to enable the democratic processes to take place. The Department takes this opportunity to show its appreciation to all the members of the Cabinet and the public servants who have worked tirelessly to keep the Republic free from Coronavirus (COVID-19).

MESSAGE FROM THE MINISTER FOR JUSTICE AND BORDER CONTROL



Hon Maverick Eoe MP
Minister for Justice

It is a great privilege for me to contribute to this column and support the Department of Justice as its Minister.

Before looking to the future, it is important to acknowledge that

this reporting year has

been one of the most difficult and challenging one. This is not only for the Republic but the world as a whole. A lot of lives were lost as a result of the global pandemic Coronavirus (COVID-19). My condolences and grief are with the family members of all those who lost their lives globally. I acknowledge the hard work of the Government of Nauru to have kept the Republic free from the Coronavirus and hope that this will continue.

As it has always been the case, the Department of Justice has stood by the Government in all the good and difficult times. My sincere gratitude goes to all the staff of the Department who have put the interests of the Republic

first before their own interests. The expatriate staff have remained in the Republic for a long period of time with some foregoing their scheduled recreation leave. My heartfelt thanks goes to the families of the expatriate staff who have been forced to stay away from their family members in the Republic working for the Department. The Immigration and Quarantine Sections have stood strong together to ensure that the border control services are not affected. I also pay tribute to the Correctional Service which has been able to maintain the Correctional Centre free from the Coronavirus. In addition, the operations of the Remand Centre – COVID-19 to detain offenders contravening the laws was well managed.

In the midst of all this crisis, the Department has also been able to finalise the Republic's accession to the Berne Convention, the treaty establishing

WIPO and the WIPO Copyright Treaty. It also became the 193rd member of the World Intellectual Property Organisation.

I have had the pleasure of reading the report in its entirety and must acknowledge that the dedicated and committed staff members have continued to carry on with their routine work. It is heartening to note that a number of infrastructure developments have taken place during this reporting year within the budgetary allocation.

I have been informed that the major projects such as the law revision and consolidation project has not been affected. In addition, the Department has been able to consolidate and publish the Constitution of the Republic of Nauru. The Constitution will no doubt be made available to the members of the public. The proposed establishment of a separate section for the Dog Management Authority is welcome news as the community needs

some serious action to control the dog population. The Immigration Section's COVID-19 visa is a sign of the maturity of our border control in difficult times to ensure that no person on the island is left behind from earning a living.

The influx in the registration or renewal of business licences is a sign of our Government's commitment to people to encourage greater commercial participation and contribute towards the National Strategic Development Plan and theme of 'Desperate Imagination'.

In conclusion, as the difficult time phases away and we venture into the new year, there are greater visions to be focused on. I urge all the staff to remain united and focused on your work. If ever the country needed you, it is in these difficult times when you should all unite to support the Government and the people. Better days will come in future and it will be the time when again the Department can rejoice.

Tubwa kor

If ever the country needed you, it is in these difficult times when you should all unite to support the Government and the people. Better days will come in future

STATEMENT FROM THE SECRETARY FOR JUSTICE AND BORDER CONTROL



Jay Udit
Secretary for Justice and
Border Control

The year under review has been an extremely busy one for the Department. From 1st July 2019, the Department has been committed to providing all the assistance to the Electoral Commission and the Department of Judiciary to ensure the electoral laws and the Election Petition Rules are updated so that a free and fair General Election is held.

This was followed by the general election and the election of a new Government.

After the swearing in of the new Government, a number of transitioning of services was required to conform with the current Government's National Strategic and Development Plan. Legislative changes were necessitated. A hype of activity was created on the commercial sector as the Government embarked onto more community-based programs requiring greater participation from the community under the vision of 'no one is to be left behind'.

In the midst of the transitioning process, the World Health Organisation declared Coronavirus (COVID-19) as a global pandemic. The Department of Border Control took immediate steps as early as January to restrict the movement of people from countries affected by the Coronavirus. Travel advisories were issued under the directive of the Minister for Justice and Border Control.

Thereafter, His Excellency the President who is also the Minister for National Emergency Services made a Declaration of National Disaster under the *National Disaster Risk Management Act 2016*. A plethora of legislative activities followed from the Declaration requiring the making of numerous laws to ensure the community in the Republic are kept safe and protected from infection.

As Head of Department, I join the Minister in expressing my appreciation and thank all the staff members who stood by as a team when it was the call of the country to perform our civic duties. I am proud to have a group of very dedicated and committed staff who have endured through the difficult times, which is not yet over. It will be remiss of me if I do not acknowledge the commitment of the expatriate staff,

who had the opportunity to return to their home countries, yet voluntarily chose to remain in the Republic. Not only that, I also join the Minister to thank the family members who no doubt have felt the long absence of their close family members. I assure all the staff members that their hard work and commitment will not be overlooked.

I also wish to express my gratitude to the Government and Minister for Justice, whose unwavering confidence and trust in me and my staff has enabled us to successfully complete another year albeit in difficult times.

Our Vision

Our vision is:

to advance the rule of law and access to justice through efficient and equitable law reform, enforcement and strategic legal policy for inclusive and sustainable development of the Republic

Our mission

Our mission is to :

- *restore and broaden the communal understanding and practice of the rule of law;*
- *provide safe and secure Borders for immigration and quarantine;*
- *execute independent criminal prosecutions;*
- *provide independent and professional legal advice to the Republic;*
- *promote progressive law reform and drafting practical, current and accessible legislation;*
- *render legal aid for access to justice;*
- *serve the people as a centre for business registration and information; and*
- *provide a centre for reform and rehabilitation of the prisoners*

Our Motto

SERVING THE REPUBLIC WITH CARE AND PRIDE

MAJOR ACHIEVEMENTS OF THE DEPARTMENT

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The Department as a whole has been able to achieve many milestones. However, for the purposes of reporting only the important ones are discussed below:

Law revision and consolidation

The law revision and consolidation project has already progressed substantially. Lexis Nexis has already reconciled the index for more than half of the statutes. It is anticipated that by December the consolidation of many individual statutes would be finalised.

The Human Rights Section

The Human Rights section has been fully returned to the Department of Justice. As a result of that, the Department is able to now compile a number of reports required under the conventions and treaties which are long pending. The report on Convention Against Torture (CAT) is nearing completion. The Convention on the Rights of Persons with Disabilities (CRPD) is completed. Substantial work has already been done for the Universal Periodic Review (UPR). Best of all, the Bill for a human rights institution, the ‘Human Rights Commission Bill’ is ready for Cabinet consideration.

Upgrading of the Department of Justice Office

The Department of Justice Office is currently being refurbished. The office is being painted. The dusty carpets have been removed and replaced by tiles.

Relocation of the Office of the Director of Public Prosecutions

The Office of the Director of Public Prosecutions is under construction. The new location for the office will be the former juvenile centre. Construction work has progressed well and it is hoped that DPP will be able to move into the office by the 1st September, 2020.

Construction of the Office of the Public Defender

A new office of the Public Legal Defender is now under construction next to the new DPP’s office. The new office will house 5 legal practitioners and a dedicated receptionist/clerk. This extension is necessary to meet the increasing demand for legal aid services.

Creation of the position of Deputy Solicitor General

A new position was created in the office for the Deputy Solicitor General. This is part of the transition plan for the

Justice Department to allow new law graduates and pleaders to join the legal service. Expatriate officers are to engage only in Senior positions to handle serious matters for the Republic and also to provide mentoring programs for the new local legal practitioners. The current incumbent has substantial experience in legal practice and she has been very productive in performing the functions required of the position.

Pleaders’ Training

The Department coordinated the training of the new Pleaders. At the conclusion of the program, 33 new pleaders graduated. They also got admitted to the Bar in August, 2019. This again goes to capacity building and training local people to practice law.

Relocation of the Correctional Centre

The Correctional Centre in Yaren finally got relocated to its new home in Meneng District. The newly built Correctional Centre is now been fully operational.

Dog Management Authority

In June this year the Government has fully transferred the Dog Management Unit from the Nauru Police Force to the Department of Justice. The Department of Justice has already put processes in place to ensure the Dog Management Authority meets the objectives of licensing, de-sexing and destroying dogs.

Rehabilitation Program for the prisoners

After the relocation of the Correctional Centre, a number of rehabilitation programs have now begun for the prisoners. This includes the revised Fishing Program, Vegetable Farming, Chicken Farming for eggs and Piggery. In addition, the prisoners are required to undertake work in the community such as cleaning the cemeteries and other public places. The intent is to ensure that the prisoners are able to spend more time outside of the Correctional Centre instead remaining within the cells.

Establishment of 5 new positions for pleaders

The Department made submissions to the Cabinet for the establishment of 5 new positions for pleaders. This is to meet the human resources requirement for the De-

partment. The positions were approved in August, 2019 but unfortunately due to the delay in the recruitment process these positions could not be filled. It is anticipated that by December, 2020, the office should be able to engage the services of more pleaders to meet the needs of the legal services both in Government and legal aid.

Risk allowance

In the budget for 2020-2021 the Department was able to persuade the Minister for Finance that risk allowance be also paid to immigration officers who are directly exposed to the current pandemic Coronavirus COVID19. These officers will now be paid the risk allowance.

Passport shredder machine

With the kind compliments of the Government of Australia, the Passport Section received a passport shredding machine. This machine now provides further security for our passports. It will avoid the misuse or abuse of any discarded, used or obsolete passports. In addition, the Passports Section also now has been able to securely keep blank passports as part of the requirements of the International Civil Aviation Organization.

Passport scanners

With the assistance of the Department of ICT, the Immigration Section has been able to implement one of its long-standing goals. A new passport scanning system has already been put in place. That being the case, the arrival and departure of passengers will be able to be accessed digitally instead of the current manual card system.

Vehicle

Within the saving from the budget from the reporting year, the Department was able to purchase 3 new vehicles. These vehicles should be delivered in August, 2020.

Printing of the Constitution

This is a project which was prolonged for some time. With a team of dedicated staff the Department was able to consolidate and get it printed. These Constitution booklets will be for circulation to the public servants as well as members of the public as part of the Legal Education Program for the Department.

Financial Intelligence Unit

A new supervisor of the Financial Intelligence Unit has been appointed. He has extensive experience in financial transaction matters. It is hoped that he will prepare the Republic for review on its anti-money laundering laws in 2022.

The Riot Case

The long running Riot Case for 5 years finally came to a close in December 2019. There was no appeal filed as such the matter is now fully completed.

The murder case in Fiji

A Nauruan national namely, Julian Heinrich was convicted for manslaughter by the High Court had his appeal heard by the Fijian Court of Appeal. The Appeal was allowed and Julian Heinrich was acquitted. The Public Defender’s office represented Julian Heinrich.

Intellectual Property

The Republic has long considered having an Intellectual Property office. Late last year, the Cabinet approved the Republic to accede to the Berne Convention, treaty of the World Intellectual Property Organization (WIPO) and the WIPO Copyright Treaty (WCT). Following the accession, Nauru became the 193rd member of the WIPO.

European Union Council on taxation

Following the Nauru’s rating of ‘largely compliant’ by OECD, Nauru’s taxation and financial legislation was reviewed by the European Union Council. The Council agreed that Nauru’s laws and administrative actions are now compliant with the European Union requirements. As such Nauru has now been removed from the blacklist of the European Union listing of non-compliant nations.

Continuing Legal Education

The Department during the reporting period held a number of inhouse continuing legal education sessions. This required the legal staff of the Department to prepare and deliver presentations on a legal topic or issue of contemporary interest.

The objective of these sessions was to stimulate interest and discussion of the law and to build capacity and institutional knowledge.

The following presentations formed part of the continuing legal education program of the Department during the reporting period:

TOPIC	PRESENTER
Lawyers’ Duties to the Court	Sevuloni Valenitabua
Youths in the Criminal Justice System: Should we focus on restorative justice or community safety?	Laisani Tabuakoro
Nauru Police Bill	Salote Tagivakatini
Policy Development	Ravuanimasei Tagivakatini
Police Interview in the Nauruan Context	Filimoni Lacanivalu

CAPACITY BUILDING ACTIVITY BY THE DEPARTMENT

GREATEST HIT OF 2019 – 2020

Pleaders Class of 2019

One of the core activities of the Department is to develop capacity in the area of law.

In 2013, the Republic had only 3 lawyers and 6 Pleaders. The Court had a Registrar who was also the Magistrate and only a Chief Justice.

The Pleaders program is undertaken under the auspices of the *Legal Practitioners (Pleaders Training and Examination) Rules 2016* over a 14 month period. The 2018 – 2019 course saw 52 successful applicants out of over 100 applicants commence the course. By graduation day, 33 determined and motivated Pleaders received their certificates of completion.

The class had a father and a son, husband and wife, brother and sister, cousins and, the inevitable partners united over the 14 months of the course.



Pleaders Graduation ceremony in the picture are the Chief Justice, (Hon Filimoni Jitoko), Former Minister for Justice (Hon David Adeang MP) and Former Assistant Minister for Justice (Lionel Aingimea)

Jeruska Togoran with her rewards



Jeruska Togoran with her awards

The top student (pictured above) for the course, Jeruska Togoran who was 19 at the time of graduation, is a Pleader with the Department with clear career aspirations of studying law.

She is an aspiration for all young Nauruans in that Pleaders course normally has been undertaken by mature students.

A new pleaders course is intended to be taken shortly to train the younger people to prepare Nauru for its shortage of lawyers. Also this is to encourage Nauruan's to build a career in law and proceed to doing law Degree.

COMPOSITION OF THE DEPARTMENT OF JUSTICE AND BORDER CONTROL

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:

Secretariat;

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

BUDGET OVERVIEW

The Department has set a record of winning the Department of the Year for 5 years consecutively. Undoubtedly, the unbroken record of the Department is based on the budget approved by the Government and passed by the Parliament. Without the financial support and the commitment of the dedicated team, the Department would not have been able to be providing service exceeding the expectation of many people.

The Annual Operation Plan submitted in every budget cycle is the keystone to the appropriate and timely utilisation of funds, be it investing in human resources or infrastructure. Any expenditure is designed to return value for money not only in the short term but meeting the Government’s long term National and Strategic Development Plan.

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The Department’s budget comes from 3 separate heads.

During this reporting year, due to travel restrictions, the Department diverted and invested its funds in capital infrastructure, upgrading of the office and in digital technology. Some of the key developments include:

- a) the refurbishment of the Justice Department which included the repainting of the entire office. The

Head	Section	Budget
43	Justice	\$3,858,866
45	Immigration Quarantine and Passports	\$1,000,417
46	Corrections	\$730,860

dusty old carpet has been replaced by the more appropriate floor tiles;

- b) the Conference Room, which is used by other Government Departments was partitioned to separate it from the dining and kitchen facilities. In addition, the Conference facilities has been upgraded with a modern designed conference table with more sitting facilities. Due to the new norm of virtual meetings, investments have been made into purchasing a smart TV and audio and visual hardware and software for individual and huddle meetings;
- c) the support services for photocopying have also been supplemented with additional photocopiers to ensure that each Section is now fully independent on the use of its equipment. The printing consumables have been purchased to ensure

the availability at all times of the same in case of any emergency breakdowns or need;

- d) additional desktop computers have been purchased to allow for the replacement of obsolete and dilapidated computers including built in speakers and cameras for the new norm of virtual technology;
- e) a new office is being built for the Office of the Public Legal Defender to provide for the increasing number of staff, to meet the demands for legal assistance by the community;
- f) the Office of the Director of Public Prosecutions will also be shifted into a new office which is under construction and will be ready for use before the end of August 2020;
- g) the motor vehicle fleet of the Department is also being increased to meet the increased responsibilities and growing number of local professional staff. 3 new vehicles have been purchased;
- h) as part of the contribution to the legal fraternity, the Department provided a gown and jabot to all the new Pleaders graduating from the Pleaders Course 2018-2019. They were all admitted as legal practitioners during the course of the year;
- i) the Department also paid outstanding debts to the Eigigu Supermarket for the operational expenditure of the Correctional Centre;
- j) the furniture and furnishings of the office of the Minister for Justice will now be upgraded to allow the Minister to have meetings in his own office. For that purpose, a conference table and sitting facility up to 6 people has been made available. It is also anticipated that the new modern furniture will enable the Minister to host virtual meetings from his executive table;
- k) the office of the Secretary for Justice will be renovated to make provisions for meetings as the demand for legal services within the Government service has increased tremendously over the past 12 months. Also, the Secretary for Justice and the senior staff participate in many virtual meetings be it

for bilateral or contractual purposes. A full conference facility will be made available so that virtual meetings can be held from the desk of the Secretary for Justice;

- l) a double-axle trailer has been purchased for the purposes of Correctional Services’ programs for the inmates. It is also anticipated that the trailer will be used for other purposes by other Sections of the Department including the Dog Licensing Authority;
- m) the Passports Section has purchased a new computer with the passport printer. This is a special printer purchased from Thailand. It comes with a special software for ensuring that the passports are printed to international standards. This additional purchase will now have reserve printer at all times so therefore the service delivery to the people for passports will not be affected;
- n) the Correctional Centre was also upgraded to provide a much more conducive environment for the inmates. Each prison cell is now fitted with electrical ceiling fan;
- o) a new uniform for the Justice staff has been purchased which includes the uniform for the Public Service Day;
- p) the law library has been upgraded by the purchase of 2 sets of ‘Forms and Precedents’ to ensure that the professional staff have access to current research material for drafting contracts and documents of all different kinds. Each set comprises of 35 books;
- q) the consolidated *Constitution* of the Republic was printed and couriered to the Republic for a cost of approximately \$15,000; and
- r) the normal consumables have been stockpiled to ensure regular supplies are available for the convenience of the staff.

ASSET MANAGEMENT SCHEME IMPLEMENTED

The increasing number of assets and consumables required the Department to undertake a 6 monthly auditing of assets. A separate section of the report will now provide for a list of asset on an annual basis. Of course more work needs to be undertaken on consumables.

The Department has bolstered its administration section with an additional staff.

The annual operation plan for the year submitted to the Department of Finance will now be strictly adhered to ensure public finance is appropriately spent.

This financial year again saw a greater amount of money being spent in the capital structure and investment for the Office.



OVERVIEW OF THE DEPARTMENT AND SECTIONS

The Department of Justice and Border Control commonly referred to as “JBC” or “Justice” comprises of some very integral sections of the Government. Its role and function vary from many sectors of Advisory to Border Control.

Based on the Circular setting out the requirements of Report, it is important to articulate a summary of the functions and roles of every Section of the Department. The Department itself has 18 Sections. The 2 new Sections are the Intellectual Property Office and a separate Dog Management Authority. These Sections all contribute to national building and the Government’s National Strategic and Development Plan including committing to the theme of ‘Desperate Imagination’. Currently responsibilities of the various Sections are:

The Secretary for Justice and Border Control

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

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

- advising the Cabinet on legal matters;
- advising the Minister for Justice and Border Control on legal and policy matters;
- providing, upon request, legal advice to the Speaker of the Parliament;
- serving and supporting Boards, Committees (*ad hoc or permanent*) and other statutory entities on has other such as the Nauru Seabed Authority;

- advising Government on international relations, treaties, conventions and other agreements;
- Registrar of many Government statutory institutions.

Office of the Solicitor General

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

The Solicitor General performs the following duties and responsibilities:

- providing legal advice to Cabinet, Ministers, Heads of Department, public servants, statutory bodies, instrumentalities and so forth.
- representing the Republic, Ministers, Heads of Department, public servants, statutory bodies, instrumentalities in legal or court proceedings.
- representing the Republic in arbitrations, mediation and negotiations of contract, agreements and memoranda of understanding.
- attending and negotiating in Regional Processing Centre arrangements, treaties, conventions, loan agreement, and grants.
- member of the Steering Committee of the East Micronesia Cable System, the Submarine cable connecting Republic to

Pohnpei.

- providing assistance to court in any legal matter as and when requested by the Court.
- providing advice in matters of importance to the Government.
- On behalf of the Office of the Secretary for Justice - instituting or defending civil suits in which the Government and or its instrumentalities are party. For most part of the reporting substantial work of the office was undertaken by the Deputy Solicitor General.

Office of the Director of Public Prosecutions

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

- reviewing the evidence relating to any offence and considering of proffering appropriate charges;
- to institute criminal proceedings against any person according to the laws of Nauru;
- prosecuting and managing traffic offences and enforcement of the collection of traffic fines; and
- conduct all criminal appeals in the Nauru Court of Appeal.

Office of the Public Legal Defender

The Office of the Director of the Public Defender by its very name, serves the function of providing free legal advice and representation to the citizens of the Republic, who cannot afford legal representation. The Office is established under the *Criminal Procedure Act 1972*.

The principal roles performed by the office include:

- legal representation in court in family, civil (limited), land and criminal matters;

- providing legal advice to citizens (subject to available resources);
- assisting the public in the drafting of statutory declarations and other statutory forms so that the members of the public are able to comply with laws; and
- provide for funding for the engagement of private practitioners where the Office is unable to represent a person qualified for legal assistance as required under the *Criminal Procedure Act 1972* [as amended in 2018].

Legislative Drafting Section

This Section is primarily responsible for the drafting of Statutes, Regulations and Policy instruments. In addition to this, the Principal Legislative Drafter is responsible for the Law Revision and Consolidation Project.

The key responsibilities of the Section are:

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

Immigration Section

The Immigration Section is one of the constituents of “border control” which historically included Customs and Quarantine. It is established under the *Immigration Act 2014*. The Section:

- Controls the Republic’s entry and exit ports;

- Receives, evaluates and grants visas;
- Monitors the illegal immigrants or overstayers in the Republic; and
- Continuously upgrades its infrastructure and technology to ensure it meets international standards.

Passports Section

The Passports Section is established under the *Passports Act 2011*. It is headed by the Senior Passports Officer. This Section is performing an important role to ensure issuance of passports and travel documents. This control is necessary to maintain international credibility and the integrity of Nauru passports issued under the authority of the Passports Act and also maintaining the Republic's obligation under International Civil Aviation Organisation (ICAO).

Curator Section

The Office of the Curator performs the function of an administrator in cases of persons dying intestate or without appointing an appropriate executor. This includes proper accounting, obtaining of records from Nauru Lands Committee, personal banking records of beneficiaries with Bendigo Bank and the timely distribution of estate monies to beneficiaries.

Human Rights Section

The Human Rights Section is administratively established in the Department of Justice. This Section is the central reporting entity for the Republic of Nauru which is party to 4 of the 9 fundamental human rights conventions. It also plays a critical role in assisting with Nauru's reporting to international treaty bodies on the progress of implementation of the obligations of the Republic under international human rights conventions to which Nauru is a party.

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

The Section is also responsible for the finalisation

of the *Human Rights Commission Bill* which is for consideration by the Government.

Correctional Service

The Correctional Service is established under the *Correctional Service Act 2009*. Its primary role is the provision of safe custody and care of persons who have been found guilty and convicted of offences and are serving a term of imprisonment.

The other ancillary function of the Correctional Service is to ensure rehabilitation of offenders so that they are able to integrate back into society after having served a term of imprisonment.

Parole Board

The Parole Board is established under the *Criminal Justice Act 1999*. The role of the Parole Board is to provide clemency, ensuring public safety, protecting victims' rights and providing offenders the opportunity to rehabilitate and return to the community and family members.

The Board was reconstituted in February 2020 with a vision to enable offenders to reform through the imposition of practical and constructive parole conditions. In doing so, the Board will be conscious of ensuring victims of the crimes have a voice in the criminal justice process.

Financial Intelligence Unit

The Financial Intelligence Unit (FIU) was established in 2001 as the *Financial Supervisory Authority* under the *Anti-Money Laundering Act 2001*. Its role was to supervise the financial institutions in accordance with the Act. The current Financial Intelligence Unit has transformed to meet the challenges of increasing monitoring of economic crimes under the *Anti-Money Laundering Act 2008*, which repealed the 2001 Act.

The Financial Intelligence Unit was established to meet the Government's international obligations on unregulated movement of monies, money laundering and financing of terrorism or terrorism related activities under various international conventions relating to money launder and terrorist financing.

Quarantine

The Quarantine Section is established under the *Quarantine Act 1908*. The fundamental function of this Section is to provide biosecurity at the borders. This includes the screening of any animal or plant materials including live animals or plants brought into the Republic. It also issues quarantine certificates for any imports or exports into or out of the Republic.

Dog Management Authority

The Dog Licensing Authority is established by the *Dog Management and Control Act 2017*. The Authority is responsible for licensing of all dogs in the Republic. The Act empowers the Authority to destroy all stray dogs. It also has the authority to destroy any dangerous dogs.

Currently, the Authority is with the Quarantine Section but approval has already been granted by the Minister to establish a Section on its own. This follows from a Cabinet decision made in June 2020 to transfer all dog management issues from the Nauru Police Force to the Department of Justice.

Intellectual Property Office

The Republic has made several attempts to implement the laws on intellectual property. This largely arises out of various treaties, conventions, agreements and other associated agreements entered into by the Republic in which intellectual property becomes an important consideration.

The Intellectual Property Office has existed informally in the Department of Justice for some time. In the beginning of this year, the Republic became the 193rd member country of the World Intellectual Property Organisation as such it is now time for the Republic to formally establish a Section to look after intellectual property. This will include the management of Copyright, Trademarks and Patents.

Citizenship

The Registrar of Citizenships is established by the *Naero Citizenship Act 2017*. The Registrar is the Secretary for Justice. A Register of all citizens is maintained by the Department.

This Section receives applications for citizenship. After scrutinising the applications, the Secretary makes submission to the Cabinet on whether to grant or not to grant the application.

Beneficial Ownership Authority

The Beneficial Ownership Authority is established under the *Beneficial Ownership Act 2017*. The Secretary for Justice is the Authority.

As the Registrar of Business Entities, the Secretary for Justice enforces the implementation of the requirements of registration of beneficial ownership in business entities. A Register of the beneficial owners is kept by the Authority. The Act also requires the Register to be made available online for a fee.

Licensing Authority for Private Security

The Licensing Authority for Private Security is established under the *Private Security Act 2012*. The Secretary for Justice is the Authority responsible for the granting of security licences to private security businesses.

Trusts

The Registrar of Trusts is established under the *Trusts Act 2018*. The Secretary for Justice is the Registrar for Trusts for registrable trusts.

Registrar of Business Entities

The various business legislation establishes the office of the Registrar. The Secretary for Justice is the Registrar for all business entities. This includes corporations, partnerships, business names and business licences.



OFFICE MANAGEMENT AND ADMINISTRATIVE PRACTICE

The Department has introduced a more interactive management and administrative practice in all its Sections. This practice has been put in place following the directive from the Department of Chief Secretary that the Departments are to hold regular meetings. In order to fully implement the practice, currently a Department handbook is being drafted which should be ready for publication by no later than 31st October 2020.

The administration of the office of the Secretary for Justice is managed by the Personal Assistant. The Personal Assistant's responsibility is to ensure that all meetings and reports are submitted in a timely manner for consideration by the Secretary.

Monthly meetings of Section Heads

A monthly meeting is convened by the Secretary for Justice for all the Section heads. The Section heads are required to provide a brief of the work undertaken by them and their respective future plans. In addition, the Secretary for Justice brings to the attention of the Section heads any urgent work required to be undertaken by the Government. The monthly meeting minutes are kept and the action items are followed through.

Section meetings

All Section heads are required to hold a meeting of their staff at least once a week to consider issues of concern and the workflow. The Section heads are required to provide brief minutes of their meetings to the Secretary for Justice. Any issues arising out of the meetings may require further consideration by the Secretary for Justice. The Secretary then works with the respective Section head to ensure that any encumbrances or clogs in the system are removed.

Weekly reports

All Section heads are required to submit weekly

reports to the Secretary. These reports are scrutinised and any matters of attention are taken care of.

Daily reports

Certain key Sections of the Department are required to submit their reports on a daily basis. This is to ensure the monitoring and reporting of issues of concern to the Government. This also includes for staff who require closer monitoring of work to ensure a performance management system is put in place as part of capacity building and career development.

Face to face meetings

On an ongoing face to face meeting is held by the Secretary for each individual staff from time to time. This gives an opportunity for the staff to raise issues of concern. It also provides an opportunity for the Department to assist the staff in doing his or her work as well as in his or her future education or career pathways.

Lunch meetings

On a quarterly basis, a lunch meeting is hosted by the Secretary for Justice for the staff to get together. It also gives an opportunity for the staff to be in an informal setting with the Secretary. This is necessary to enhance collegiality and collaboration in the workplace. The request for information from different Sections is one of the important factors in the work of the Department.

Mandatory circulation of Public Service Circulars

The Secretariat now circulates all Public Service Circulars to the staff. The Section heads are also required to ensure that a file is compiled of all Public Service Circulars and available to the staff to have access to.

CORONAVIRUS (COVID-19) AND THE DEPARTMENT OF JUSTICE

As the responsible Government Department, Justice did not hesitate to take a proactive role in ensuring the safety and security of the people of Nauru from the initial stages of the outbreak of Coronavirus (COVID-19). There are a number of Sections of the Department which were and continue to be directly involved as part of the National Taskforce to ensure the directions of the Government are fully implemented. This included the:

- (a) Minister for Justice and Border Control
- (b) Secretary for Justice and Border Control
- (c) Solicitor Generals Office
- (d) Drafting section
- (e) DPP's Office
- (f) Public Legal Defender's Office
- (g) Quarantine
- (h) Immigration
- (i) Finance Intelligence Unit

To begin with, it was as early as late January 2020 following the instructions of the **Minister** that the Immigration Section imposed a travel advisory. The travel advisory was to restrict the boarding of an aircraft or traveling into Nauru of all persons from China. This advisory was subsequently upgraded to include other places where Coronavirus had spread to.

Following the Declaration by the World Health Organisation that Coronavirus was an epidemic, a heightened sense of border control was also raised and Nauru Airlines followed the directions of the Immigration Section to restrict any booking or travel of persons to the Republic who have been in China or any other country where Coronavirus had already spread even at the mild stage.

After the Coronavirus was declared pandemic, the **Minister for Justice** raised the issue that there may be need for an emergency declaration. The **Secretary** and the Department of Justice assisted in providing advice as to the form of emergency that may be declared. His Excellency the President and the Minister for Justice were informed of the possible of the use of the Declaration for State of Disaster under the

National Disaster Risk Management Act 2016. This was to ensure that most of the operational sections of the Government continued as normal. This also included the possible requirement for the Parliament to be convened. Following the recommendation from the Cabinet, the National Emergency Declaration was

Coronavirus COVID 19 laws made

- *National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19) Regulations 2020*
- *National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19) (Amendment) Regulations 2020*
- *National Disaster Risk Management (Coronavirus (COVID-19) (Community Transmission) and (Public Health Safety) Regulations 2020*
- *National Disaster Risk Management (Coronavirus (COVID-19) (Ports) Regulations 2020*
- *Immigration ((Coronavirus (COVID-19) Visa) Regulations 2020*
- *Declaration of Designated Residences for Coronavirus (COVID-19)*
- *Declaration of Remand Centre for the purposes of Coronavirus (COVID-19)*
- *Rules for Remand Centre*
- *Rules for Self-Isolation in places other than in Designated Residences or Remand Centre*
- *National Disaster Risk Management (Amendment) Act 2020*

drafted by the **Drafting Section** for consideration and eventual declaration by His Excellency the President as the Minister responsible for National Emergency Services and Chairman of the Emergency Council.

A Taskforce was established which included the Secretary for Justice being a member. After the Declaration by His Excellency the President, a number of laws, orders or directions were required to be made. Over the period of time, the under-mentioned legislation were drafted by the Drafting Section.

This was followed by the requirement of the border control agencies to take active steps to ensure the Taskforce is assisted in managing the inflow of visitors and returning residents to the country.

As part of the Declaration, the flights into the Republic were restricted. Not only that, all passengers were required to be taken into Designated Residences directly from the airport. The 2 Sections of the Department, **Immigration and Quarantine** were actively involved in ensuring passenger clearance. They have continued to do so right to the end of the reporting period. It may still continue in future until a global solution is found.

A **lawyer** has been part of the *Taskforce* on a permanent basis. This is to ensure that any legal measures that may be required for ensuring the health safety and security of nation, would be undertaken with due despatch.

The **Correctional Centre** also plays a very significant role in ensuring that the people comply with the laws made in respect of Coronavirus. As an initial step, the Correctional Services requested the Minister for Justice to take all necessary steps to ensure that remand prisoners or any new prisoners are restricted from joining the current serving inmates. This was to avoid any transmission of the Coronavirus from outside

into the Correctional Centre which would have resulted in moving the prisoners from the Centre. This would have been a very difficult task due to the serious contagious nature of the Coronavirus. The Court sittings were suspended for 2 weeks during which period Corrections were able to identify isolated areas in the event of new prisoners.

The **Correctional Centre** also became the focus after some members of the public contravened the Coronavirus related Regulations. The Court had to remand those offenders. Following the remand orders, the cells in the former Correctional Centre at Yaren were refurbished to allow for remand prisoners to be kept separately or as the global phrase goes as part of ‘social distancing’. It immediately required Regulations to detain any person in places other than the Correctional Centre. For that purpose, the Drafting Section submitted a ‘COVID-19 Remand Centre’ **Declaration**. The COVID-19 Remand Centre was exceptionally busy during the initial stages of social distancing or incoming passenger isolation.

The travel restrictions to and from the Republic posed some difficulties for visitors remaining on Nauru. Due to the prolonged restrictions on flights to many destinations, some of the visitors had run into financial difficulties. They need to earn money for which the Immigration Regulations requires them to have an appropriate business visa. The Minister directed that a new visa scheme be temporarily established to allow for such persons to work so that they are able to sustain themselves. **The Immigration Section** recommended that a special category of visa be issued following which new Immigration ((Coronavirus (COVID-19)Visa) Regulations 2020 were drafted.

During the entire period, the Department has provided numerous legal advice. This includes traveling passengers, public servants unable to return to the Republic, commercial contracts including the construction of the port and so forth.

The Drafting Section also undertook numerous training sessions for the Nauru Police Force and other persons involved in the Coronavirus control, on all various laws made.

The **Office of the Director of Public Prosecutions** also played a significant role. A number of people who contravened the laws pertaining to the Declaration of State of Disaster. As a consequence of the contravention, the people were charged and prosecuted or brought to court. The Office of Director of Public Prosecution was in charge of prosecution.

Even the **Office of the Public Legal Defender** was not spared. Those charged or arrested needed legal representation. Due to the serious nature of the offences and the consequences, the office maintained the role of the legal representation to ensure the authorities deal with such offenders fairly.

Lately, the **Finance Intelligence Unit** was also involved in alerting the people of Nauru from being hood winked by bogus requests for donations for **Coronavirus**. A notice was issued to the people of Nauru alerting them of the scam.

Last but not least, the **Department** continues to monitor the extension of the Declaration on the instructions of His Excellency the President.



REPUBLIC OF NAURU
GOVERNMENT GAZETTE
PUBLISHED BY AUTHORITY EXTRAORDINARY

REPUBLIC OF NAURU GOVERNMENT GAZETTE PUBLISHED BY AUTHORITY EXTRAORDINARY

No. 65 17 th March, 2020 Nauru G.N.No. 195/2020

NATIONAL DISASTER RISK MANAGEMENT ACT 2016 DECLARATION OF NATIONAL EMERGENCY FOR THE MANAGEMENT AND MINIMISATION OF THE IMPACT OF CORONAVIRUS (COVID-19)

PURSUANT to the powers vested in me to declare a State of Disaster under Section 26 of the National Disaster Risk Management Act 2016, on the advice of the Cabinet and the Council, I, LIONEL ROUWEN AINGIMEA, MP, hereby declare a National Emergency for the Management and Minimisation of the impact of Coronavirus (Covid-19).

(a) This Declaration comes into immediate effect and shall continue for 30 days unless revoked or varied.

(b) Any subsidiary legislation, directions or orders issued by me or any authorised person or agency to supplement this Declaration must be complied with by all persons residing in or travelling to the Republic.

DECLARED at Yaren on this 16th day of March 2020.

HON. LIONEL ROUWEN AINGIMEA, MP
PRESIDENT AND MINISTER FOR NATIONAL
EMERGENCY SERVICES

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 [*up to this reporting period*];
- 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) Investigator and also the authority to commence contempt proceedings under the Administration of Justice Act 2018;
- 22) Acting Chief Executive Officer – Nauru Fibre Cable Corporation;
- 23) Amicus curiae under various statutes.

Pacific Islands Law Officers Network (PILON)

The Republic is a member of the Executive Committee of the Pacific Islands Law Officers Network. The Secretary for Justice is the Government representative on the Executive Committee. In addition, the Republic is the chair of the Corruption Working Group and member of the Sexual and Gender Based Violence and Cybercrime Working Groups. By virtue of Nauru’s chairmanship 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



Bhavna Narayan — Deputy Solicitor General

The Office of the Solicitor General represents the Government of Nauru, its instrumentalities and state-owned enterprises in all litigations, proceedings, investigations, advisory work or matters requiring the services of a lawyer.

Jay Udit was appointed as the Solicitor General in May 2016 and continues to hold this position. Currently as the Secretary for Justice, he is also holding the Office of the Solicitor General. Bhavna Narayan, the Deputy Solicitor General manages the Office on a daily basis. Assisting her are two local lawyers, namely Patricia Grundler and Surely-Grace Kamtaura and Jeruska Togoran, a Pleader.

The reporting year 2019 to 2020 has seen considerable expansion in the staffing of the Office of the Solicitor General which is evident of the increasing demand for services provided by this Office and also its achievements in relation to capacity building. In the previous years, the staff of the Office of the Solicitor General comprised of the following:

- between reporting year 2016 to 2017 - Jay Udit, Solicitor General; John Rabuku, Senior Government Lawyer and Maverick Eoe, Pleader;
- between reporting year 2017 to 2018 - Jay Udit, Solicitor General; Maverick Eoe, Pleader and Jeruska Togoran, student intern and later civil litigation clerk; and
- between reporting year 2018 to 2019 – Jay Udit, Solicitor General; Maverick Eoe, Pleader and Jeruska Togoran, civil litigation clerk.

The reporting year 2019 to 2020 witnessed the following development in the staffing structure of the Office of the Solicitor-General:

- The office of the Solicitor General has been held by the Secretary for Justice and Border Control Jay Udit, who then was and is still the Solicitor General, got promoted as Secretary for Justice.
- Jeruska Togoran – progressed from a student intern to civil litigation clerk and subsequently a Pleader having graduated in July 2019. She has recently applied for scholarship to undertake the Bachelor of Laws degree.
- Patricia Grundler – joined in March 2012 as the Personal Assistant to the Secretary for Justice and Border Control. Patricia graduated with a law degree in November 2018 and was appointed as a Government Lawyer in April 2019. She completed her Professional Legal Scores in New Zealand in November 2019 and was admitted as a Barrister and Solicitor in the Nauru Supreme Court on 14 February 2020. Patricia is now intending to undertake a Masters course in the near future.
- Surely-Grace Kamtaura – joined the Department as a Clerical Officer (Curator Division) in 2013 under a 3 months internship programme and was later transferred to the position of Assistant Court Clerk at the Judiciary Department. She subsequently graduated with a law degree from the University of Waikato (Hamilton, New Zealand) in December 2019 and re-joined the Department in the Office of the Solicitor General as a Government lawyer. She is currently undertaking Professional Legal Scores online with the Institute of Professional Legal Studies (Wellington, New Zealand).
- Bhavna Narayan – joined in February 2020 as the Deputy Solicitor-General. Bhavna Has over 20 years of legal experience, both in public and private practice.

- Ofa Fay Temaki – joined in June 2020 as a Paralegal, to the position of civil litigation clerk. She is a temporary employee.

Jeruska Togoran and Patricia Grundler closely work with the Deputy Solicitor General to concentrate on learning advocacy skills besides other work such as drafting legal documents and advices. They have progressed in gaining confidence to appear on their own for mentions before the Supreme Court and have also conducted few Court hearings together with and under the supervision of the Solicitor General and now also the Deputy Solicitor General since February 2020. Surely-Grace Kamtaura has also been attending for mentions in Court merely to observe and learn at this stage whilst still engaged in her studies. She is also learning to draft legal advices under the supervision of the Deputy Solicitor General.

In November 2019, the Solicitor General appeared in the case of **Republic v Batsiua 2019 NRSC 42**, on an application for constitutional redress on criminal proceedings. In these proceedings the Defendants sought a stay of criminal proceedings on the grounds of delay and non-availability of legal representatives. The argument of the legal representative was based on an earlier decision of the Supreme Court to provide financial support to the Defendants legal representatives. These issues were considered by the Court of Appeal in an earlier appeal. During the hearing of the application, an objection was raised by the Office that the applications are incompetent on the grounds of *res judicata estoppel*. The issue which became central to the determination for the Court was whether the doctrine of *res judicata estoppel* as applied in the civil case of *Henderson v Henderson* does apply to criminal cases. His Honour Justice Fatiaki after considering the arguments dismissed the application filed by the Defendants on the grounds that the issues raised by the amended notice of motion and amended originating summons raised issues and matters that have already been decided by the Court of Appeal. Both the application and the action were precluded by the doctrine of *res judicata* and the principle of *estoppel*. Furthermore, they were incapable of being relitigated in the criminal proceedings again. The ratio of this case is important in that it settles the law in the Republic that the doctrine of *res judicata estoppel* applies to criminal cases as well.

The ratio of this case is important in that it settles the law in the Republic that the doctrine of *res judicata estoppel* applies to criminal cases as well.

An important highlight of the cases conducted by the Office of the Solicitor General was the application for an injunction filed in February 2020 in the matter of **Secretary for Multicultural Affairs v Akeiyaman ika, Supreme Court Civil Action No. 5 of 2020**. The Defendant (Akeiyaman Ika) had placed protruding spikes to block the access road leading up to RPC Camp 5. This resulted in interference with the Government's obligations to provide essential services to the refugee population in Camp 5. The Office of the Solicitor General was successful in obtaining an injunction order which required the Defendant to forthwith remove the spikes. Committal proceedings were also issued against the Defendant. This was a rare civil suit by the Government where it took action to restrain interference with the performance of its functions.

The Solicitor General's Office was also instrumental in drafting the new Government Land Lease Agreement which is to become the standard template to be used by the Department for Land Management when renewing or issuing new leases. This was undertaken to iron out and resolve frequently arising issues faced by the Department of Land Management when dealing with landowners in relation to the terms and conditions of the leases which often became a stumbling block especially for renewal of leases. The Office of the Solicitor General and Department of Land Management had further jointly undertaken a consultation exercise with the landowners by inviting them to a meeting. The meeting was attended by numerous landowners who were taken through and explained each and every clause of the Land Lease Agreement by the Solicitor General which resulted in a robust discussion by the landowners. The template of the Land Lease Agreement was in principle accepted by the majority landowners at the end of the meeting.

An immediate future plan of the Office of the Solicitor General is to create and upload proper and well constructed templates of Court documents and other legal documents which will be uploaded on the Office Server for future use by local pleaders and lawyers joining this Office. This will assist them in not only generating quality documents but also to do so in the shortest possible time to increase efficiency and productivity in meeting Court deadlines and other legal services required from this Office.

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

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

Supreme Court cases	:	28
Legal advice	:	432
Meetings	:	numerous
Cabinet attendances	:	numerous

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS



Director of Public Prosecutions—
Ronald Bei Talasasa

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.

The Office is responsible for the:

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

The DPP is responsible for the appointment of prosecuting officers under the *Criminal Procedure Act 1972*.

The Year began with a 70% turnover of staff that is, the Director and a prosecutor left the office, leaving one prosecutor remaining in office. The replacement Director commenced on 7 June 2019 and another prosecutor joined the office in August. The office was back to full capacity within two months. However, time was needed to settle and be familiar with public service and court processes. This might have posed a challenge for ‘newcomers,’ but it was not impossible to get adjusted sooner than later.

Activities

The Nauru 19 Case (*Republic v Mathew Batsiua and 11 Others*, *Criminal Case Number 12 of 2017 and 08 of 2018*).

In 2019, much of the activity was on the preparation and conclusion of the Nauru 19 Case. It was concluded on 19 December 2019 when sentence was finally passed by His Honour, Fatiaki, J. A prosecutor from Solomon Islands, Bradley Dalipanda was engaged to assist the DPP for the trial.

The trial started on 12 November and ended on 4 December 2019. Judgment was delivered on 11 December 2019 and sentencing was on 19 December 2019. All accused persons were given custodial sentences.

No appeal was filed by parties.

Other prosecutions

The Director and the two prosecutors prosecuted a total of 35 cases during the reporting period. In all cases, final judgments were delivered except 2 of which were awaiting sentence and 2 final judgments during the reporting period.

In the latter part of the reporting period, the office was inundated with a lot of COVID-19 related matters. The Department assisted a lot with the drafting of Regulations under the National Disaster Risk Management Act 2016. This helped a lot in the drafting of charges as well as final disposal of some of the matters.

The case of *Republic v Damon Akibwib*, *Criminal Case No. 1 of 2019*, is recorded in the office statistics as the first adult rape case under the Crimes Act 2016. The prisoner was sentenced to 8 years imprisonment with pre-trial remand period deducted from the term.

Traffic Infringement Notices (TINs) cases.

The fixed penalty notices under the Motor Traffic (Traffic Infringement Notices) Regulations 2018 were brought into effect in late 2019. This saw a dramatic rise in motor traffic offences.

The court set aside a monthly date for these matters to be disposed off, commencing on 30 January 2020. The

TIN that is issued to the traffic infringer set out the time period for payment of penalty for an infringement. Failure of compliance results in issuance of Committal Warrants.

Advice Matters

The Office continues to receive files for advice from the Nauru Police Force. These were attended to and where it was sufficient to file a charge that was done directly by the prosecutor through the Director at the Court Registry.

Police Training College (PTC)

The Director made a presentation about the importance of accurate recording of Record of Interviews. This was during one of the courses for police personnel.

Amendment to the Crimes Act 2016 and the Criminal Procedure Act 1972

The Office made proposals to the Department of Justice for amendments to the *Crimes Act 2016* and the *Criminal Procedure Act 1972*. This is an important role that the office continues to be aware of and to actively keep track of issues that arise from time to time. This includes the Cybercrime and Motor Traffic Legislation.

Regular Meetings with the Nauru Police Force

The office recognises that a closer collaboration with the police, particularly with investigators is crucial in ensuring communication is well received and clear. The Commissioner of Police and Director of Public Prosecutions and their teams have forged an understanding that they meet once a fortnight to share information and develop a more efficient platform for successful prosecutions.

Achievements

The conclusion of the longstanding case of *Republic v Mathew Batsiua and Others* (Nauru 19 Case) is an achievement worthy of mention.

The successful prosecutions of a number of matters. Participating with the Department of Justice in the discussion, regarding proposals for amendments of relevant legislation.

The long pending need for the *Office of the Director of Public Prosecutions Manual* has been drafted. It is intended to be finalised and submitted for Cabinet approval in due course.

Challenges

Keeping track of information flow or a registry of correspondence. An addition of administration staff to the current number in the office will assist greatly in the collating of data and keeping track of the information flow.

The absence of a functioning data system poses a grave challenge for the office to update its records. Dealing with witnesses of very tender age (e.g. 6 year old victim), especially the courtroom environment is not conducive.

The tendency of victims and complainants to seek withdrawals from pending cases.

Medical Reports are often delayed and does go into the time when trial dates are due to be fixed.

The difficulty of bringing in experts on drug and cause of death to fix trial dates due to travel restrictions (stemming from COVID-19).

The rising number of sexual offences cases is of concern. In addition, the sentencing by the Court for such offences is a matter of national concern now. The ODPP is working with the Drafting Section to make legislation to ensure that appropriate sentences are imposed consistent with the ‘deterrence’ principle.

Future plans

The Office intends to ensure that cases are disposed off expeditiously which will involve a more robust approach to case management and advocacy; The number of case files received from Police continues to increase. The Office will be reviewing its disposal process.

Better collaboration with the Judiciary to ensure the case management system for traffic infringement cases is not clustered towards the end of the month.

Collaborating with the Judiciary to ensure committal warrants are enforced so that the sentence imposed by the Court is actually seen as a deterrence.

Public awareness programs to be implemented in conjunction with the Child Protection Unit for combating sexual offences against children.

Statistics

OFFICE OF THE PUBLIC LEGAL DEFENDER

The Office of the Public Legal Defender (“the Office”) and its functions were 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 and cannot afford the same.

As the legal literacy rate in Nauru improves, the Office has encountered an increase in enquiries, requests and handling of cases in areas of criminal, family and civil law. The reporting period saw major changes in the Office: including personnel, activities, awareness, capacity building, achievements and challenges.

Staff

The personnel in the Office during the Reporting Period were:

- Sevuloni Valenitabua – Director, Public Legal Defender (“Director”) from July 2019 to April 2020;
- Ravuanimasei Tagivakatini – Government Lawyer (promoted to Director in May 2020);
- Francilia Akubor – Government Lawyer;
- Knox Tolenoa – Pleader; and
- Lisa-Marie Solomon – Paralegal

The members of the staff of the Office report to the Director, who is the Section Head. The Director reports directly to the Secretary for Justice and Border Control on administrative matters. Following the decision of the Court of Appeal in *Republic v Mathew Batsiua*, the Office of the Public Legal Defender operates independently.

In July 2019, the Office welcomed Ms Francilia Akubor as the new Government Lawyer. Ms Akubor attained her Bachelors of Law from the University of the South Pacific in 2018 and completed her Postgraduate Diploma in Legal Practice at the same University in June 2019. She is the first Nauruan lawyer and first female lawyer to join the Office.

In April 2020 the Director, Mr Sevuloni Valenitabua departed the Office. He served as Director since March 2016. Mr Ravuanimasei Tagivakatini was promoted to the role of Director in May 2020.

What we do

Litigation of criminal, family and civil cases in the Nauru Courts remained the prime activity of the Office during the Reporting Period. Litigation work includes the preparation of Court documents, scheduling of meetings with clients, obtaining relevant information from other stakeholders, conducting research, site and prison visits and even obtaining historical lessons.

The Office has also been assisting in the preparation of statutory declarations, certification of documents, witnessing of affidavits, drafting of letters, brokering correspondences and general advice on criminal, civil and family matters for Nauruans on island and abroad. The Office also prepared documents, certificates and covering letters, among other things, for use in Government agencies in Nauru and abroad for Nauruan citizens.

In June 2020, the Office implemented the Application Form for the Means and Merits Test and is assessing all applications for legal representation. This is to ensure that there is a clear process being followed and that a fair and proper procedure is afforded to all applicants for legal representation. All applications are vetted for approval by the Director and if applications are refused, written reasons have to be provided and given to the applicant.

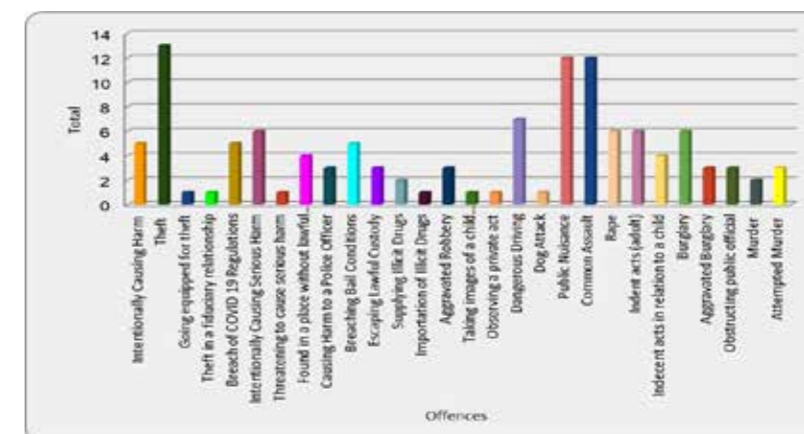
The Office has also been assisting in the preparation of statutory declarations, certification of documents, witnessing of affidavits, drafting of letters, brokering correspondences and general advice on criminal, civil and family matters for Nauruans on island and abroad.

Outlined below under “Table 1” is the breakdown of offences and the number of files for each of those offences that are being dealt with or prosecuted by the ODPP between the 1st of July 2019 and the 30th of June 2020. “Graph 1” is a graphic illustration of that break-

down of files to each offences while “Graph 2” is also an illustration of the various actions taken on the matters or files that were received by the ODPP between the same abovementioned period.

Table 1—Offences

OFFENCES	TOTAL FILES
Intentionally Causing Harm	5
Theft	13
Going equipped for theft	1
Theft in a fiduciary relationship	1
Breach of COVID 19 Regulations	5
Intentionally Causing Serious Harm	6
Threatening to cause serious harm	1
Found in a place without lawful authority	4
Causing Harm to a Police Officer	3
Breaching Bail Conditions	5
Escaping Lawful Custody	3
Supplying Illicit Drugs	2
Importation of Illicit Drugs	1
Aggravated Robbery	3
Taking images of a child performing sexual acts	1
Observing a private act	1
Dangerous Driving	7
Dog Attack	1
Public Nuisance	12
Common Assault	12
Rape	6
Indecent acts (adult)	6
Indecent acts in relation to a child	4
Burglary	6
Aggravated Burglary	3
Obstructing public official	3
Murder	2
Attempted Murder	3



Graph 1

Table 2 below shows the allocation of files to each Officer during the Reporting Period.

Number of Files Allocated	July 2019 to June 2020
Ravuanimasei Tagivakatini	58
Francilia Akubor	12
Knox Tolenoa	13

The information in **Table 3** 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 20; Disposed – 22. The extra 2 cases which were disposed of were already in the Office system before the Reporting Period.

	July 2019 to June 2020
Number of Cases Opened	48
Offences of Sexual Nature	10
Offences Against the Person	20
Offences Against Property	15
Drug Offences	1
Domestic Violence	2
Number of Cases Disposed	54
Offences of Sexual Nature	9
Offences Against the Person	22
Offences Against Property	19
Drug Offences	2
Domestic Violence	2
Total Acquittals	18
Acquittals after Full Trial	10
Acquittals after No Case To Answer	6
Acquittals after Withdrawal by Prosecution	2
Total Found Guilty	9
Convictions after Full Trial	9
Unrecorded convictions after Full Trial	0
Total Guilty Pleas	8
Recorded convictions after Guilty Plea	6
Unrecorded convictions after Guilty Plea	2
Total Sentences	17

Custodial Sentences after recorded convictions	10
Non-custodial sentences including unrecorded convictions.	7
Total Withdrawals	19
Withdrawal by Prosecution	8
Clients Opting for Other Counsels	9
No Further Instructions by Clients	2
Appeals Lodged	4
Appeal by Republic	1
Appeal against Acquittal	1
Appeal against Sentence	0
Appeal by Defence	3
Appeal against Conviction	2
Appeal against Sentence	1
Appeals Completed	2
Appeal by Republic	1
Appeal against Acquittal	0
Appeal against Sentence	1
Appeal by Defence	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	37

Continued in next column →

The number of criminal cases disposed of was more than the number of new instructions for cases being received. The disposed cases included those which were already in the system before the Reporting Period. Cases were disposed of by:

- ✦ Judgment on acquittals;
- ✦ Judgment or Sentencing after a trial;
- ✦ Sentencing after a plea of guilty;
- ✦ Withdrawal of cases by the Prosecution; or

Withdrawal of legal representation by clients.

The outcomes of cases were largely successful, with the Office successfully defending 18 of 27 cases, which is 2/3 of cases. A few major cases such as the charge of Murder will likely be completed in the next Reporting Period.

The Reporting Period saw a professional relationship between our Office and the Office of the Director of Public Prosecutions continue, despite the personnel changes.

Family Cases

Table 4 shows the family cases that were opened and disposed during the Reporting Period.

The Office saw an increase in Family Court cases, particularly Divorce. The Family Court has been convening on a more consistent basis and clients are more active in pursuing their applications. Petitions for Divorce continued to be the most common application filed by the Office.

The Director continued to take carriage of most family cases while Ms Akubor has had a few cases of her own, in which she appeared.

We have noticed that more Nauruans are utilizing this Office for family applications, seeing that family issues are often resolved by external relatives and is customarily a taboo subject.

Civil Cases

The Office has had a slight surge of civil matters as compared to the last Reporting Period. Clients often turned to our Office as a point of first contact due to conflict of interest with legal practitioners in the private bar or due to preference. Table 5 highlights the statistics of opened and disposed files during the Reporting Period.

Table 4 Family law cases

	July 2019 to June 2020
Number of Cases Opened	14
Divorce	10
Maintenance	3
Custody	0
Adoption	1
Number of Cases Disposed	11
Divorce	8
Maintenance	2
Custody	0
Adoption	1
Divorce Granted	7
Maintenance Granted	1
Property Granted	0
Adoption Granted	0
Withdrawal for Non-	3
Number of Cases Outstand-	23

Table 5 civil cases

	July 2019 to June 2020
Number of Cases Opened	20
Eviction	4
Contract Dispute	2
Land	3
Debt Recovery	1
Other	10
Number of Cases Disposed	21
Eviction	8
Contract Dispute	2
Land	5
Debt Recovery	4
Other	2
Appeals	4
Eviction	2
Land	2
Number of Cases Outstanding	23

The Director and Mr Tolenoa are the civil litigants in the Office.

Ms Akubor has commenced certifying and witnessing documents along with the preparation of Statutory Declarations, among other related matters insofar as civil matters are concerned. This has been a big boost for the Office as clients need no longer wait on the Director to conduct these tasks.

Concerns have been raised by the Nauru Law Society and the private bar on the Office taking up civil matters, since it is the primary source of revenue for the private bar. The implementation of the Application Form for the Means and Merits Test seeks to address these concerns in order to ensure that our Office helps those who cannot genuinely afford a private lawyer.

Awareness

Sometime in November 2019, the Office approached Nauru Media to enquire about the possibility of conducting awareness on local radio. Nauru Media were very accommodating and allocated about 5 minutes of air time for information about the Office to be dispersed to the general public. Ms Akubor was tasked with

dispersing information on air, as well as answering pre-recorded questions in Nauruan.

The 5 minute recording was played on the radio throughout the month of December 2019. This has resulted in many inquiries on legal advice and representation, with most inquirers claiming that they sought legal assistance after hearing about the Office on the radio.

Capacity Building

Ms Akubor attended the Annual Session Council Meeting for the International Seabed Authority (“ISA”) in Kingston, Jamaica from 17th to 21st February 2020. It was the 26th Session and is to be held in two Parts, with Part Two being postponed to October 2020.

Ms Akubor was part of the Republic’s delegation to the Pacific Islands Law Officers Network (PILON) meeting held in Apia, Samoa in November 2019.

There were other trainings, workshops and meetings planned during the Reporting Period but have been sidelined due to the COVID-19 pandemic. The need for capacity building is always welcome as the global landscape is ever-changing, even more so during the COVID-19 pandemic.

A future goal for the Office is to liaise with the Directors of regional Legal Aid offices to conduct an annual workshop, similar to the Pacific Prosecutions Association.

Achievements and Challenges

There were challenges highlighted by the Office during the last Reporting Period, namely:

- ✦ More personnel;
- ✦ Awareness;
- ✦ Capacity building.

The above challenges have all been met in this Reporting Period and have resulted in the provision of more efficient service.

One challenge the Office still faces is the lack of Commissioner for Oaths available to witness our documents. It has also been difficult to get Commissioner for Oaths to accompany us to the Correctional Centre at Top-Site, to witness client affidavits.

There is also the need for more personnel to assist and provide service more efficiently.

The expectation on the Office is tangible and the onus is on all officers to maintain and improve the expected standard.

LEGISLATIVE DRAFTING SECTION

The Legislative Drafting Section team comprises of 2 lawyers, 2 Pleaders and a paralegal.

The development of legislation is a collaborative process, and the instructing Departments are as critical as the drafters to the quality of the end product. The Section has resumed legislative consultation sessions which have been well received by eager attendees.

The Department of Justice through the Section is the frontliner for legislation supporting the Government through legislative drafting and access to legislation. The Department of Justice is mandated to draft Bills and subsidiary legislation; educate and disseminate information pertaining to Bills or written laws to the public; provide explanation or information to the Cabinet or the Members of Parliament in relation to any Bill or written law; publish written laws including Bills for the purposes of updating and maintaining RONLAW or any other website; perform functions as directed by the Minister; and cause gazettal of written laws after certification by the Speaker of approval by the Cabinet or any other person.

Legislative drafting is a highly specialised field and while our team members have a keen sense of the significance of our work, there is room for improvement in areas including workload stress management, consultative process and workplace health.

2019 – 2020 highlights

The Section drafted and published a number of meaningful legislation during the year, including the *Legal Practitioners Act 2019*, *Law Revision and Consolidation Act 2019*, *Public Enterprises Act 2019*, *Trademarks Act 2019* and the *Copyright Act 2019*.



34 Bills passed



38 subordinate legislation made

Consolidated Constitution of the Republic published

It is intended that the booklets of the Constitution of the Republic will be made available to the public and disseminated to the high schools. This is part of the Department’s public awareness program on access to justice. of the Department’s public awareness program on access to justice.

Law Revision and Consolidation Project



The Cabinet in June 2020 approved the Department’s law revision and consolidation project which is managed by the Section. This project will result in the entire Republic’s laws being updated, consolidated and readily accessible.

One is presumed to know the law. Up-to-date legislation that is easily accessible and comprehensible to the public may be regarded as part of the basic infrastructure of the society, as essential as roads or a reliable telecommunications system, and without which everyday functioning of society is more difficult.

Per Geoff Lawn, ‘Improving Public Access to Legislation’ (2004) 6 UTS L Rev 49, 60

Future plans**Improving the development of policies before drafting any law:**

Policy development is essential. It is important that administering Departments prepare a policy in writing before the drafting of a law commences. This is to better inform the drafting process and the legislation.

Improve consultation of Bills and Regulations:

To ensure that consultation of the public or affected groups take place at each stage of policy making.

Setting and maintaining drafting standards.

To ensure the drafting and the resulting legislation are of high standards and quality to ensure the integrity of the laws of the Republic.

2019 Acts

Bills that were introduced	Purpose of these Bills
Copyright Act 2019	<ul style="list-style-type: none"> Encourage authors, music composers, singers, artists to create original piece of works by granting them exclusive rights Stop the misuse of copyrights Protect the rights of the person who holds the copyright Provide methods of acquiring copyright Provide for economic rights and use of copyright Provide civil and criminal remedies when there is copyright infringement
Deputy Ministers Act 2019	Establish and make provision for Deputy Ministers, their appointments, assignment of responsibilities, powers and for relates purposes
District Court (Amendment) Act 2019	Amended Section 6 of the District Court Act allowing lay magistrates to hear and determine: <ul style="list-style-type: none"> traffic offences contained under the Motor Traffic (Traffic Infringement Notices) Regulations 2018; bail applications for offences for which the maximum term of imprisonment is 12 months; matters for which jurisdiction is vested in the District Court under Section 14 (g) of the Act such other matters which the Chief Justice may from time to time assign or vest to lay magistrates
Electoral (Amendment) Act 2019	Amended several provisions of the Electoral Act 2016
Electoral (Amendment) No. 2 Act 2019	Amended a few provisions of the Electoral Act 2016
Law Revision and Consolidation Act 2019	To provide for the revision and consolidation of written laws of the Republic, for the establishment of the Office of the Law Revision Commission and for the authorised publication and distribution of revised and consolidated laws in print and electronic formats and for related purposes
Legal Practitioners Act 2019	<ul style="list-style-type: none"> Provide for the regulation of the legal profession and the practice of law Prescribe requirements for the admission of practitioners and the rights and obligations of practitioners Provide for the engagement, admission and appearance of foreign practitioners Establish the Nauru Law Society Regulate the holding of trust accounts for the purposes of practice as a practitioner as required by the Act or under any other written law Provide for the fixing of a scale of professional fees and costs and monitoring compliance of professional service delivery Establish a Legal Practitioners Disciplinary Tribunal to deal with any act of professional misconduct Establish and enforce the Professional Conduct Rules for Legal Practitioners
Legal Practitioners (Amendment) Act 2019	This Act amends the Legal Practitioners Act 2019

Maritime Security Act 2019	<ul style="list-style-type: none"> Enhance security on Nauruan ships and in Nauru waters Safeguard maritime operations against unlawful acts Protect persons, property and the environment from dangers arising from unlawful acts Comply with Nauru's international maritime security obligations, particularly under SOLAS and SUA
Naoero Citizenship (Amendment) Act 2019	This Act amends the Naoero Citizenship Act 2017
Naoero National Anthem Emblem and Flag Protection (Amendment) Act 2019	This Act amends the Naoero National Anthem Emblem and Flag Protection Act 2018
Nauru Superannuation (Amendment) Act 2019	This Act amends the Nauru Superannuation Act 2018
Nauru Tourism Corporation Act 2019	<ul style="list-style-type: none"> Establish a legal and administrative framework to promote tourism development in the Republic Establish the Nauru Tourism Corporation, its functions and powers Empower the Corporation to carry out and promote the sustainable development of tourism in the Republic through effective planning and promotion Ensure the participation of relevant government and community stakeholders in the development of tourism policies and the resolution of issues arising as a result of tourism development
Nauru Utilities (Amendment) Act 2019	This Act amends the Nauru Utilities Corporation Act 2011
Parliamentary Salaries and Allowances (Amendment) Act 2019	This Act amends the Parliamentary Salaries and Allowances Act 2008
Port Authority (Amendment) Act 2019	This Act amends the Port Authority Act 2006
Ports and Navigation Act 2019	<ul style="list-style-type: none"> Ensuring and improving safety, security and efficiency Protecting persons, property and the environment Implementing Nauru's obligations under international conventions
Public Enterprises Act 2019	To provide for the regulation and governance of public enterprises according to public enterprise principles
Public Service (Amendment) Act 2019	This Act amends the Public Service Act 2016
Rescue and Fire Service Act 2019	To provide for the prevention, suppression and control of fires, for emergency rescue and for related purposes
Sea Boundaries (Amendment) Act 2019	This Act amends the Sea Boundaries Act 1997
Supreme Court (Amendment) Act 2019	This Act amends the Supreme Court Act 2018
Trademarks Act 2019	<ul style="list-style-type: none"> Provide a framework for the registration of trademarks Provide protection for registered trademarks Provide for the scope of rights protected by registered trademarks Provide for the management, ownership and use of trademarks Protect consumers from being deceived by counterfeit goods and services marked with trademarks of the quality and origin of goods and service Provide remedies, offences and penalties for breach of trademarks

2020 ACTS

Bills that were introduced	Purpose of these Bills
Coastal Fisheries and Aquaculture Act 2020	
Crimes (Amendment) Act 2020	Amends the Crimes Act 2016
Criminal Procedure (Amendment) Act 2020	Amends the Criminal Procedure Act 1972
Electoral (Amendment) Act 2020	Amends the Electoral Act 2016
Employment and Services Tax (Amendment) Act 2020	Amends the Employment and Services Tax Act 2014
Interpretation (Amendment) Act 2020	Amends the Interpretation Act 2011
National Disaster Risk Management (Amendment) Act 2020	Amends the National Disaster Risk Management Act 2016
Nauru Superannuation (Amendment) Act 2020	Amends the Nauru Superannuation Act 2018
Ports and Navigation (Amendment) Act 2020	Amends the Ports and Navigation Act 2019
Public Service (Amendment) Act 2020	Amends the Public Service Act 2016
Supreme Court (Amendment) Act 2020	Amends the Supreme Court Act 2018

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 2018	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 retrospectively	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

Administrative Arrangements Order 2020	1	17 th January 2020	17 th January 2020	Administrative Arrangements Act 2011	Section 4 (1)	No. 14/2020	GN No. 36/2020
Liquor Control (Trading Hours) Regulations 2020	2	27 th January 2020	27 th January 2020	Liquor Control Act 2017	Section 96	No. 20/2020	GN No. 46/2020
Price Control Order No. 1 2020	3	2 nd March 2020	2 nd March 2020	Prices Regulation Act 2008	Section 6	No. 52/2020	GN No. 145/2020
National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19) Regulations 2020	4	19 th March 2020	19 th March 2020	National Disaster Risk Management Act 2016	Section 86	No. 67/2020	GN No. 197/2020
Prices Regulation (Prohibition of Hoarding and Price Inflation) Order 2020	5	21 st March 2020	21 st March 2020	Prices Regulation Act 2008	Sections 10 and 11	No. 75/2020	GN No. 218/2020
Liquor Control (Trading Hours) (Amendment) Regulations 2020	6			Liquor Control Act 2017	Section 96	No. /2020	GN No. /2020

CORRECTIONAL SERVICE

The Correctional Service is established under the *Correctional Service Act 2009*. The administrative responsibility for the Service is assigned to the Secretary for Justice. The operational control of the Correctional Centre is vested in the Chief Correctional Officer.

The Correctional Service is responsible for providing safe, secure and humane custodial services of prisoners consistent with the requirements of the United Nations Convention Against Torture ("CAT") and inculcating domestic Nauruan cultural and traditional values. These values are more centred around the care each other gives as part of family members. Breaking away from tradition, recently all the cells are now fitted with a ceiling fan and power point. It is intended that the prisoners will abide by the standards for the much more comfortable accommodation.

The Correctional Centre accommodates high, medium and low security risk male and juveniles. Prisoners are provided with development dress their other needs. It is intended to acquire the skills to enable them to become their own into oriented so- A mandatory training is still in the their actions of their even in case fights after with alcohol. For instance, training is also given to refrain from drinking alcohol if it becomes a cause of a social evil for them.



that the prisoners the safety stand-purposes of a comfortable accom-

ditional Centre ac-in separate facili-dium and low prisoners includ-adults, women

provided with programs to ad-behavioural and It is intended to prisoners with ble them to over-unwanted behav-more community-cialisation skills. training is in-prisoners that affect the victims crimes. This is of assaults or being intoxicated

Staff

The Correctional Centre comprises of:

- 1 Chief Correctional Officer;
- 2 Superintendents;
- 10 male senior officers;
- 1-woman senior officer'
- 24 male correctional officers;
- 5 women officers; and
- an administrative officer.



Correctional Centre strives to become self sufficient

The Correctional Centre at any given time has over 30 serving prisoners. There is a growing tendency in the prisoners serving a longer period of time in the Correctional Centre. While this is not an encouraging issue for the community but, from the Correctional Centre perspective, it gives an opportunity to the dedicated staff to put in programs for rehabilitation. This is in addition to the normal Sunday prayers, visits by families or in house exercise and weight training programs.

After the relocation of the Correctional Centre, the Centre has more space to undertake other work. With the assistance of the Taiwan Government, the Correctional Centre has begun a vegetable farm. Vegetables such as cabbages, tomatoes, sweet potatoes, sweet corn and bok choy are all planted and looked after by the prisoners with the assistance of specialised officers from the Taiwan mission in Nauru.

A chicken shed has been built. The intention is to grow chickens locally for eggs. The program will have 100 chicken layers. It is anticipated that up to 200 eggs will be collected per day which will supplement the food supply for the Correctional Centre.

In addition to the poultry farm, a piggery is also established at the Correctional Centre. Pork is a staple food in the Republic. This provides an opportunity for the prisoners to learn to raise pigs for commercial and subsistence farming. The initial intention is to commence the farming with the processed food for the piglets. However, the future intention is to sup-

plement that food with coconut, breadfruit and waste food supply from restaurants or the Correctional Centre itself. The responsibility will be given to the prisoners to collect the food supply as part of the rehabilitation program.

The fishing program has been reintroduced. The Correctional Service has acquired 2 new fishing nets. On a weekly basis, the prisoners are allowed to go out to the sea to catch at least 20kg of fish. This is already in place.

On the health aspect of the prisoners, the prisoners are required to undertake activities outside their cells. This includes the cleaning of the cemeteries around the country. A schedule has already been prepared to have a continuous cleaning of the cemeteries program. Other programs for the prisoners also include cleaning public areas such as the area around the Government Buildings in Yaren. This is in addition the regular 1 hour exercise per day which the prisoners are required to undertake.

Future planning

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

Training and Capacity building for Officers.

- To securely and humanely manage people ordered by the Court to serve a community based or prison sanction and to provide them with opportunities to lead law-abiding and

productive lives.

- Better manage individual case files.
- Provide a better Correctional facility.
- Provide rehabilitation programs and training to inmates to prepare them for their reintegration back to society
- Provide public confident through natural justice proceedings practices



The Minister for Justice enjoying his vegetarian meal fresh from the Correctional farms. In picture are the High Commissioner of Taiwan, Secretary for Justice and the Chief correctional officer

Correctional Centre official visitors

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

Resident Magistrate – 14th March 2019

The old Correctional Centre at Yaren was visited and inspected by the Resident Magistrate.

Dietic and Nutrition Department - 19th November 2019

Dietician Felila Peter visited the Correctional centre to inspect kitchen and inmates’ meals preparation, and any issues relating to inmate’s complaint of meals served. A Report was provided confirming that the dietary requirements of all inmates were consistent with the health and hygiene standards.

Visit by His Excellency – 4th November 2019

His Excellency visited the new correctional complex for a tour and also to following up on his vision when he was Assistant Minister for Justice.

Visit by His Excellency, Minister for Justice and Secretary for Justice - 10th July 2020

The Correctional Service received His Excellency, Minister for Justice and Secretary for Justice as part of the Taiwan mission team reports and updates on the farming crops program.

Visit by Minister for Justice, Secretary for Justice and Deputy Solicitor General- 24th July 2020

The Minister, Secretary and Deputy Solicitor General were received as part of Taiwan mission team agriculture and farming program update to witness the first harvest Chinese cabbage and preparation in the kitchen

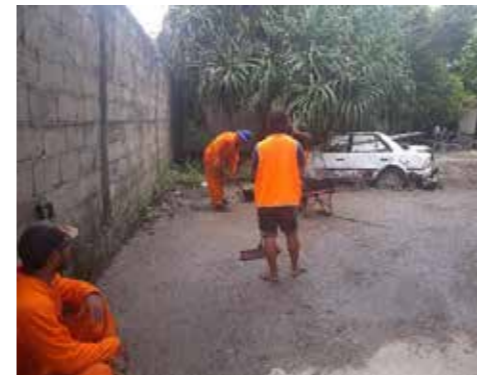


Corrections displays its new uniforms

Capacity building

- ◆ July 2019 10 officers were attached with the NPF on 2weeks operation safety training
- ◆ July 9 – 12 2019 Pacific Correction Executives Roundtable held in Vanuatu
- ◆ September 2019 – Asian and Pacific Conference of Correctional Administrators

Inmate activity [2019/2020 – Feb]



Rehabilitation with cleanliness is a very basic starting point

- * Inmates have on a weekly basis family 2hrs
- * Depending on weather and request inmates provide community services such as cleaning cemeteries
- * An hour per day gym exercise
- * Every Sunday church services from different denominations provided
- * Independence celebration sporting games

Inmates cleaning mud outside the old correctional centre after weeks of rain



Correctional Centre teaches new skills to prisoners for rehabilitation and reform

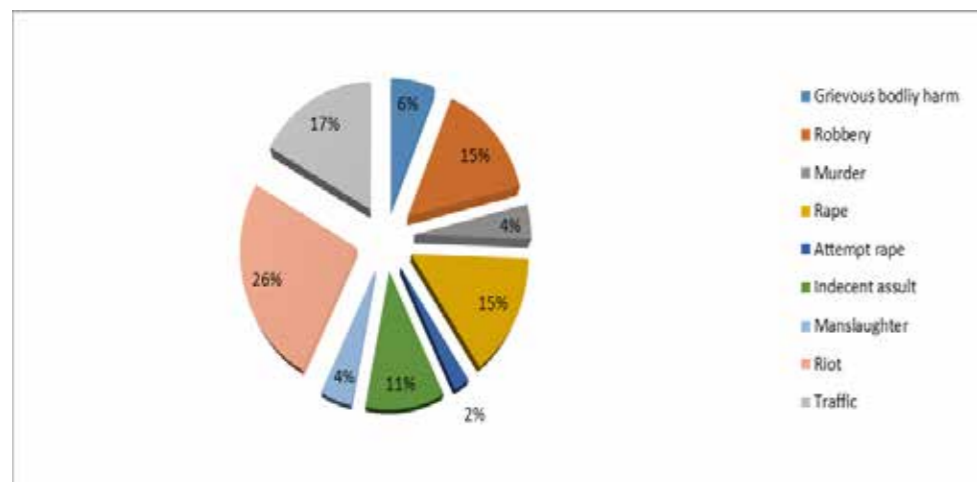
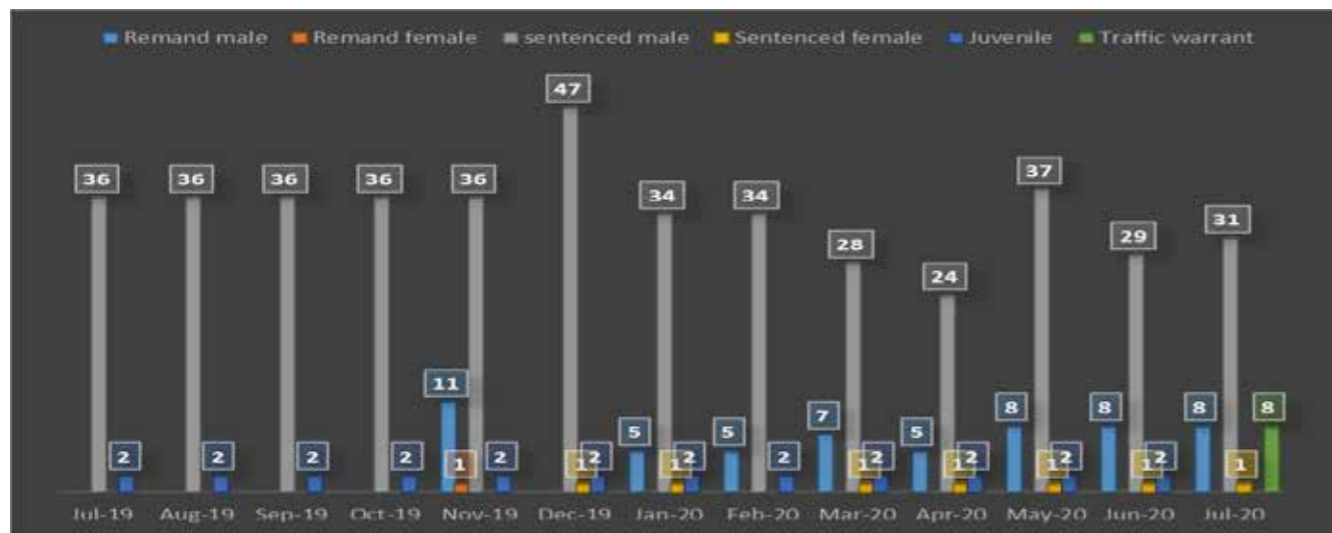
A basic for food security



Taiwan Government assists in the new vegetable, poultry for eggs and piggery farm for enhancing food security and healthy living in prison

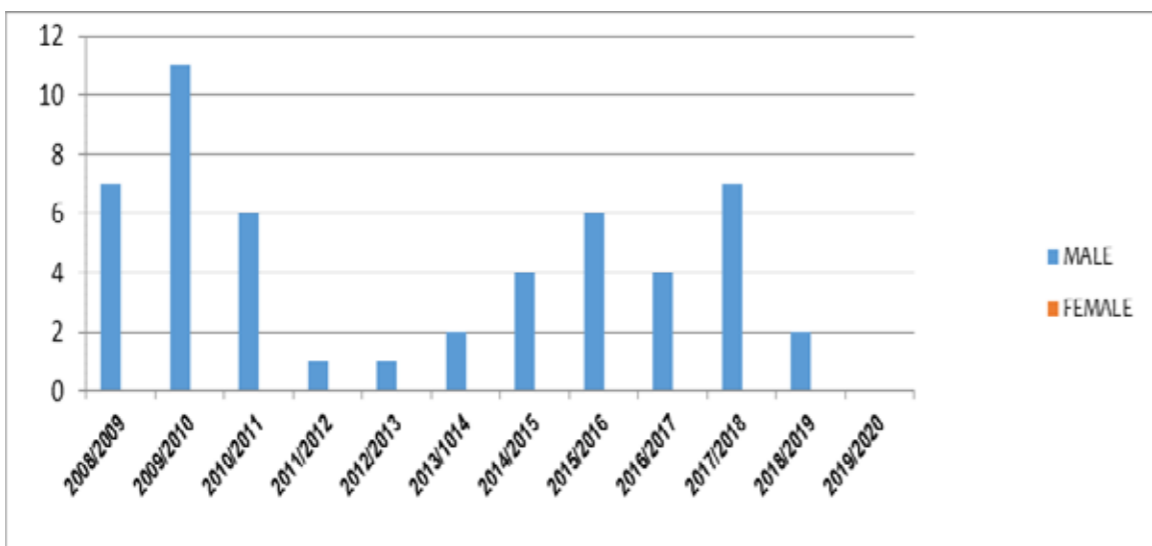


The table below shows the incarceration records of the remand and other prisoners. This records depicts the number of people in incarcerated at any given time over the reporting period.

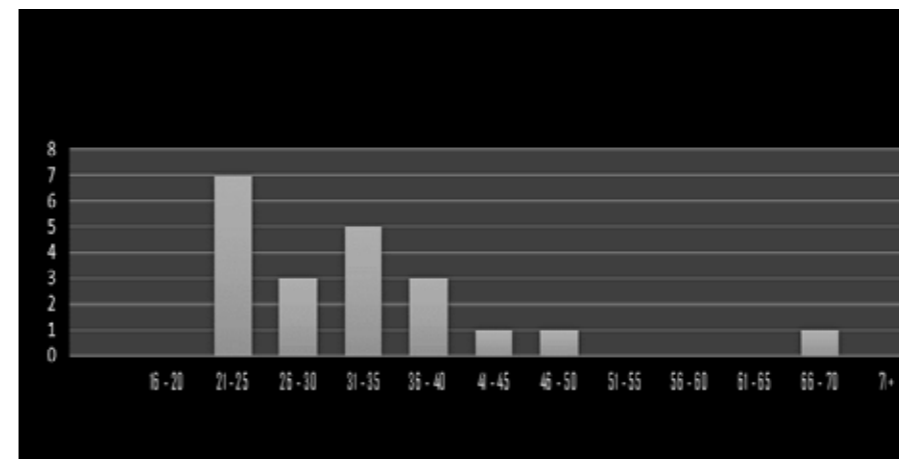


This chart shows the nature of offences for which prisoners are sentenced to imprisonment

History of escapes from prison. Every effort made to reduce this now.

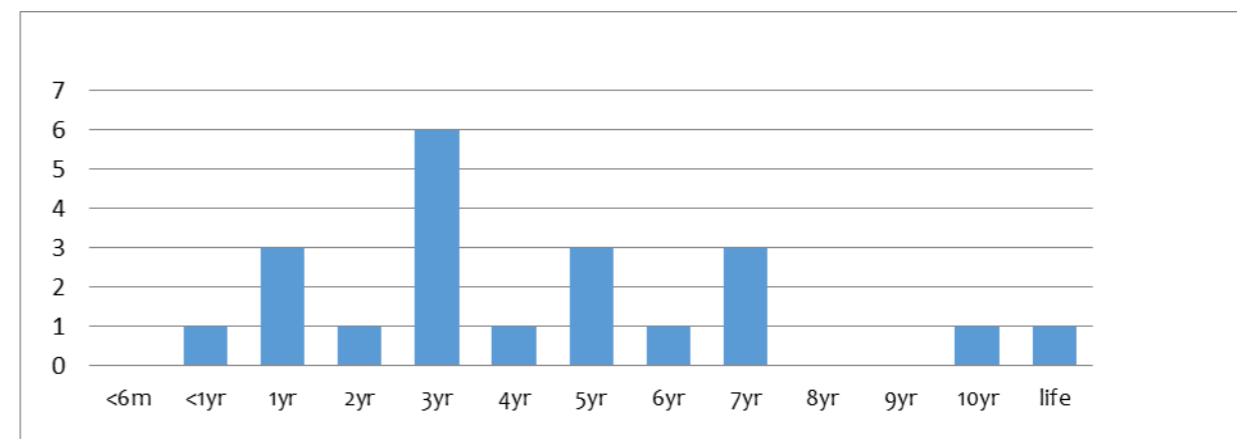


Prisoners by age

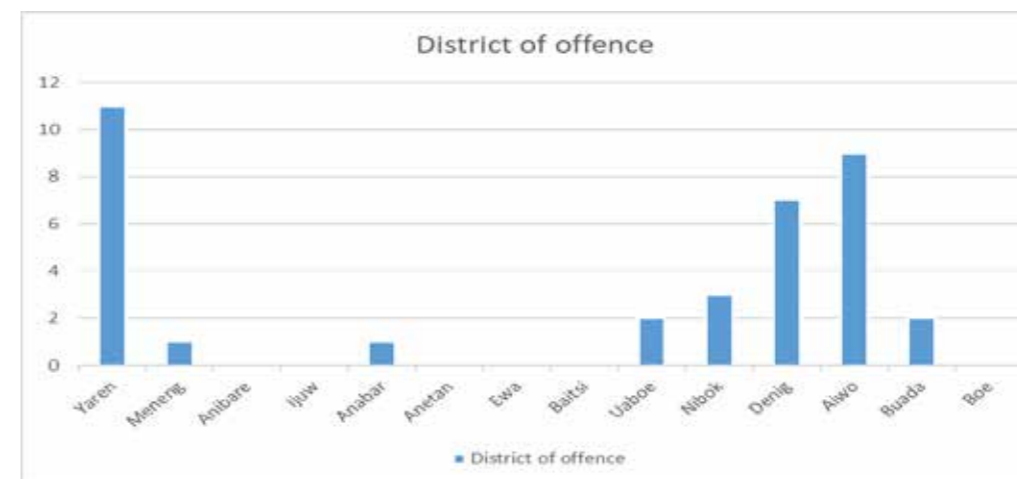


- It is notable that the age group between 21 to 25 are highest in number.
- Thereafter it is 31 to 35
- The alarming fact for concern is the offences committed between 66 to 70

Length of sentences imposed by court. Note one third is remitted after good behaviour.



Prisoners by District



Yaren and **Aiwo** Districts have the highest number of crimes. Community needs to look in to this.

The Correctional Service remains committed to working in partnership with APPCCA International Committee of the Red Cross, UN agencies and community groups to ensure a safe and secure correctional system and that prisoner of all racial identity and offender programs reflect the principles of community safety and rehabilitation.

QUARANTINE SECTION

Nauru Quarantine 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 vessels and cargos, providing conditions, requirements and procedures to ensure the safe movements of live plants and animals and plant and animal products. Due to COVID-19 being declared a global pandemic by the World Health Organisation, there is an increased health risk for border control Officers. Quarantine is working alongside the other border control agencies, Health and the COVID-19 Taskforce to ensure the safety of Nauruans and minimizing the risks of COVID-19 at the borders.

Section structure

The Quarantine Section structure is divided into four subdivisions:

- Seaport Operations
- Airport Operations
- Trade Unit
- Surveillance/Dog Unit

Major Challenges and Issues

COVID-19 being a global pandemic.

- Due to strict regulations in safe guarding the health of Nauruans against COVID-19, resulted in disruption and delays of incoming cargo ships which resulted in expired food stuff, infested and rotten fruits and vegetables.
- Public awareness and understanding of Quarantine duties.
- Amendment and better understanding of Quarantine Acts and Regulations.

Awareness Programs

The Section continues with its ongoing programs for public awareness which are:

- house-to-house dog surveys with a view to encouraging licencing, desexing and removing unwanted dogs;
- yellow crazy ants surveys; and
- fruit-fly surveys.

Achievements

The section has reached some milestones but to a large extent its work has been hampered by the Corona virus COVID 19

Dog Management Project

Project Leader- Dr Wendy Brown, University of New England
Volunteer Vets- Dr Stephen Cutter and Dr Fiona Wallace
Research Student- Brooke Kennedy University of New England
Quarantine Officers- Sheba Hubert, Chamrock Agir and Zack Detenamo

The program aimed to:

- Provide free de-sexing and humane euthanasia to help achieve a sustainable reduction in Nauru’s dog population.
- Build capacity for Quarantine Officials and Dog Control Officers
- Collaboratively investigate and address current dog management issues.

Expand the knowledge of dog behavior in the community. In the absence of veterinary services, dogs have been overpopulated on Nauru and there are frequent reports of dog attacks. Aiming to provide a sustainable solution to dog population management, the first ever dog de-sexing program was conducted in Nauru from November 2018 to November 2019. Their last visit which should be conducted on February of 2020 was canceled due COVID-19 strict travel bans. Therefore the program has been postponed to a later date. From 20th – 27th November 2019, public awareness was carried out, 92 dogs were de-sexed.

Staff Training

- Department of CIE conducted a **Pest Diagnostics workshop** for Quarantine officers. The program aims to better educate and the officers in understanding and identifying pests and diseases.
- Department of CIE conducted a workshop for Food Safety.
- Health conducted Health and Safety measures in Food Safety.
- Health and COVID-19 Taskforce conducted weekly workshops in awareness of COVID-19 and keeping safe especially for frontline officers at the borders.
- Attending to and clearing incoming flights and ships with full precaution.

Future activities

- In order to meet and achieve the objective of safe import and export animals, plants or animal and plant products, the Section’s long term goal is to:
- build capacity for operational and administrative skills;
- practice high ethical standards;
- respect and protect the environment;
- meet the changes required to ensure safe imports and exports on the island;
- ensure that the operations are within the allocated budget including the expected revenue;
- provide more awareness to the people of Nauru, exporters and importers.

Quarantine Revenue/Fees

The Quarantine Section is also a revenue earner for the Republic. For the reporting period, the revenue is as follows:

Vessel Clearance	\$2,200.00
Phytosanitary Certificates	\$800.00
Import Permit Single	\$3,200.00
Import Permit Multiple	\$12,500.00
Disposal/ Incineration of Materials	\$1,738.63
Dog License	\$600.00
Vehicle Examination	\$4,000.00
Container Examination	\$16,000.00

Future activities

- In order to meet and achieve the objective of safe import and export animals, plants or animal and plant products, the Section’s long term goal is to:
- build capacity for operational and administrative skills;
- practice high ethical standards;
- respect and protect the environment;
- meet the changes required to ensure safe imports and exports on the island;
- ensure that the operations are within the allocated budget including the expected revenue;
- provide more awareness to the people of Nauru, exporters and importers, of the Quarantine measures that are provided for by law; and
- repeal and replace the Acts and Regulations have

NAURU DOG LICENCE TAG AND NUMBERS



DOG LICENSING—A PROBLEM

A continuous contravening of Dog Licensing requirements by the pet owners is a grave concern. The dogs are not safe for the public. Not only that your pets are subjected to attacks by other dogs. Leaving your dogs to live a free ranger life is the cause of the rapid rise of dog population on the island.

“ LOVE YOUR PET, SAVE YOUR PET.”



A licensed and leashed dog

DOG PENALTIES

- fine not exceeding \$10,000 or term of imprisonment not exceeding 2 years or both.
- allowing diseased dog to leave home - fixed penalty of \$1,000.
- fine not exceeding \$10,000 or term of imprisonment not exceeding 2 years or both.
- allowing diseased dog to leave home - fixed penalty of \$1,000.

IMMIGRATION SECTION

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

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

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

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

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

will be improved drastically.

The Section's overall functions have improved by reducing delays in visa issuance at the same time ensuring to maintain compliance and integrity. Appreciation has been received from various stakeholders including ABF since the Immigration team was able to support them with urgent visa requests and immigration matters during critical situations associated with RPC. There is still scope of improvement to meet and exceed the expectations of the public and users of our services.

Achievements

- Successfully completed training on the visa types, requirements and processing using the new visa software to the Brisbane consulate staff. This will enable Brisbane consulate staff to address the visa queries and also process Resident & Visitor visa requests submitted to the consulate.
- Completed training to Nauru airlines staff in Brisbane on usage of new visa software to check the visa status of passengers. This will improve the security check for airlines staff during the check in and passenger screening process.
- Implemented new COVID-19 visa type to support the people stranded in Nauru due to Coronavirus and related border restrictions.

Main challenges identified

- Delay in implementing the passport scanning system due to de-

pendency on other stakeholders like ICT & DCA

- Passenger screening during COVID-19 crisis and ensuring safety of the officers

Initiatives to manage the challenges

- Due to change in management in ICT department in September 2019, the passport scanner implementation project plan had to restart. Took initiative to work closely with ICT leadership team and explain them about the requirement, plans and significance of the project. New ICT team is fully supportive and making best efforts to complete their part of setting up the servers and required network connectivity to the immigration booths. The Section will work closely with ICT to get this implemented at the earliest possible date. In addition, the Section is in consultation with the Department of Civil Aviation for their support on the infrastructure at airport to implement the system.
- Immigration officers have been briefed and insisted frequently on the importance of following the safety protocols. Also the immigration officers have been refrained from boarding vessels to verify the crew/passenger documents. During the pandemic, it has been advised to conduct the screening of travel documents for vessel crew and passengers at the port and not by boarding vessel. This is to ensure safety of officers by avoiding contact with the crew.

Strategies and linkages to National Sustainable Development Strategy Goals

Strategies:

- Strengthening visa documents screening
- Tightening the passenger screening process
- Additional focus on visa compliance and enforcing the immigration norms
- Accuracy in maintaining data of the visa and passenger records

Outcomes:

- Improved Visa compliance and Border security
- Additional revenue generation through penalties
- Promoting awareness of mandate for visa compliance
- More accurate & reliable database for reporting and analysis

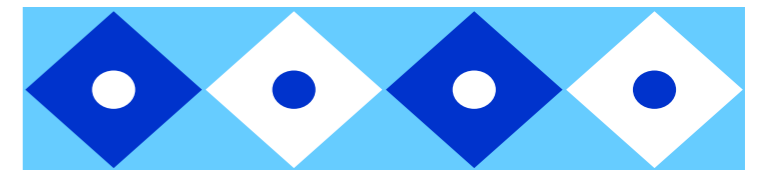
Summary of key activities:

- Thorough review of required documents before issuing visas based on checklist
- Detailed screening of the incoming & outgoing passengers to Nauru by verifying the travel documents, travel history, interviewing, etc.
- Constant review & audit of visa status of foreign nationals in the country to ensure visa compliance
- Timely visa rectifications and enforce visa compliance by imposing penalties
- Tracking over stayers closely and imposing overstay penalties
- Automated the visa process by implementing new visa software. In process of automating the passenger tracking system using passport scanners in airport

Outcomes:

The overall outcomes for the section are:-

- Improved Visa compliance & Border security
- Additional revenue generation through penalties
- Promoting awareness of mandate for visa compliance
- More accurate & reliable database for reporting and analysis



No. 101 20th May, 2020 Nauru G.N.No. 320/2020 (Cont'd)
Cabinet makes the following Regulations under Section 33 of the Immigration Act 2014:

1 Citation

These Regulations may be cited as the Immigration (*Coronavirus (COVID-19) Visa*) Regulations 2020.

2 Commencement These Regulations come into effect on the day they are notified in the Gazette.

3 Interpretation

In these Regulations: 'declared disease' means Coronavirus (COVID-19) which is also declared as a quarantinable disease under the provisions of the Quarantine Act 1908; 'Secretary' means the Secretary for Justice and Border Control; 'visa' means a Coronavirus (COVID-19) visa issued under these Regulations.

4 Application of Regulations

- These Regulations shall apply to non-Nauruan persons already in Nauru and have not been able to depart due to travel restrictions imposed as a consequence of the declared disease.
- For avoidance of doubt, this class of visa shall not apply to any person who is lawfully in Nauru under any other class of visa. (3) A person in subregulation (2) shall ensure that his or her visa remains current under the respective class of visa which he or she holds.

5 Coronavirus (COVID-19) visa

- A person who has been restrained from departing Nauru or is unable to depart as a direct consequence of travel restrictions resulting from the declared disease, shall apply for a visa to lawfully remain in Nauru.
- An application under subregulation (1) shall contain the following details:
 - full name;
 - residential address in Nauru; -
 - telephone;
 - email;
 - date of most recent entry to Nauru; (
 - purpose of visiting Nauru;
 - means of support in Nauru or name of employer, if employed;
 - passport;
 - copy of departure ticket (if available); and
 - proof of payment of visa fee.
- A visa granted under these Regulations is valid for 6 months unless extended by the Secretary.
- The holder of a visa must not behave in a manner prejudicial to the peace and good order of Nauru.
- A visa may be granted subject to any other reasonable condition that the Secretary considers necessary or desirable.

6 Employment of holder of visa

- Subject to sub regulation (4), the holder of a visa granted under these Regulations may engage in employment.
- The holder of the visa shall immediately inform the Secretary of the:
 - name of the employer;
 - nature of employment or work; and
 - duration of such employment or work.
- The employer shall provide to the Secretary a letter confirming the employment of the holder of the visa.
- No person shall be granted, permitted or engaged to work in the Regional Processing Centre and Settlements or by any approved commercial service provider under the Nauru (RPC) Corporation Act 2017, under this class of visa. -

7 Visa extension

A holder of a visa may, where necessary, apply for extension of his or her visa.

8 Rectification of status

A non-Nauruan person who has been in Nauru unlawfully for more than 12 months and has no or never held a visa to enter and remain in Nauru, may apply for this class of visa to rectify his or her status of remaining in Nauru.

9 Fees

The following fees apply:

- visa fee - \$150; and
- processing fee - \$50.

PASSPORTS SECTION

The Passports Section is established under the *Passports Act 2011*. It has 4 staff and is headed by the Senior Passports Officer.

Donation by Government of Australia

The Passports Section is indeed very grateful for the very generous contribution by the Government of Australia in providing a passport shredder. This machine has been very useful in that all passports not in use or which may have some errors are shredded and destroyed. This is necessary to ensure that passports are not fraudulently used



First Secretary, Ms Sonya Grey and Secretary for Justice, Jay Udit demonstrating how the passport is shredded.

Activities

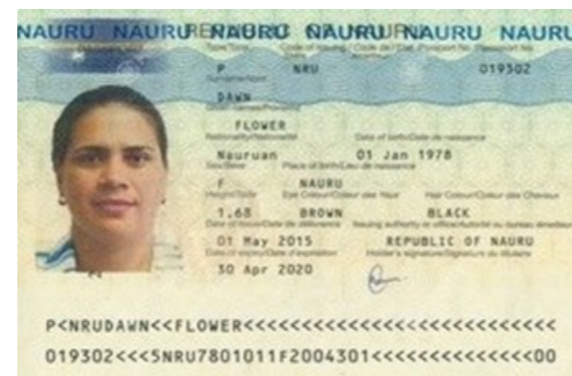
The Passports Section processes all requests for travel documents. This includes:

- issuing new passports for first time travellers (all travellers regardless of age);
- renewing expired passports;
- replacing lost and damaged passports;
- issuing travel documents for Refugees and Stateless persons; and
- issuing Certificates of Identity for non-Nauruans such as the Asylum seekers for medical treatment abroad, deportees, foreigners with expired passports and urgently wanted to return to their coun-

try of origin for example, a Tuvaluan married to Nauruan.

Achievements

- Minister for Finance and those Ministers with him at the final Budget meeting are in support of the change of the current Passport system (MRP) to that of Electronic Passport system (ePassport) but due to COVID-19, this will be deferred to 2021;
- New diletta passport printer has been purchased and will arrive after lockdown is uplifted;
- Approval of new staff - Customer Service Officer commencing July 2020;
- Blank passports are now securely stored at the office of the Secretary for Justice and Border Control; and
- There are sufficient numbers of blank passports to avoid shortage of any travel documents. It is anticipated that any further purchase will be more geared towards the ePassports.



Passports issued for the year

THE LOWER NUMBER OF PASSPORTS ISSUED IS DUE TO CORONA VIRUS COVID19

PASSPORT/REMARK	QUANTITY
Official issued	62
Official cancelled -error	2
Diplomatic issued	55
Diplomatic cancelled -error	6

Passports Revenue as of July 2019 to June 2020

PASSPORT/REMARK	QUANTITY	FEE	AMOUNT
Local	1527	\$60.00	\$91,620.00
Lost/damaged	32	\$160.00	\$5,120.00
Emergency fees	69	\$100	\$6,900
NCIB	4	\$10,000	\$40,000
NCIB (Alex Polukhin)	\$17,000	\$17,000	\$17,000
Refugee	11	\$40.00	\$440.00
Non citizen	41	\$30.00	\$1,230.00
Certificate of identity	9	\$30.00	\$270.00
			\$162,580.00

Future activities

- Legal Identity – Nauru like the rest of the developing nations needs to include legal identity among its Sustainable Development Goals by 2021. This requires mandatory birth registrations as certificate of identities.
- There is a need for “No Criminal Records” (NCR) requirements for passport applications. The Criminal Conviction Records are now required to kept by the Department of Judiciary. The Passports Regulations 2011 must be amended to make the provision of NCRs compulsory.
- All photocopies of documents submitted to Passport Office in support of the passport application form must be certified by a Commissioner for Oaths or any other commissioned officers.
- **Major Challenges and Issues**
- The Section needs bigger office space to be able to engage more staff. Also, it needs to ensure that it has enough secured space for safe keeping of passports. This is to meet the requirements of the International Civil Aviation Organisation.

To work closely with the Registrar of Births Deaths and Marriages to rectify errors in the records of the passports issued. The name in the birth registration and birth certificate must be the same as the name in the passport.

The Process of personalization of Passport. – All State Travel Document Issuing Authority (TDIA) are familiar with these steps but standards must be reviewed to eliminate any requirements which are irrelevant. For example, the Section is considering omitting colour of hair and height for infants.

On a routine basis of 2 to 3 years, passports securities should be updated as recommended by International Civil Aviation Organisation. This span of time will coincide with new printed booklets. For this, most states made orders every 2 to 3 years to be up to date with security features.

Goals in accordance to the NSDS

Nauru to join the rest of the more developed nations in implementing ePassport in 2021. This is a cross cutting sector goal to strengthen Justice and Border Control.

To maintain international credibility and integrity of Passports issued under the Passport Act 2011 to strengthen Laws, Justice, and Border Control.

Requirements and processes for issuance or renewal of a travel document

Passport application requirements

- Old passport (for renewals)
- Birth certificate (compulsory)
- 2 recent passport size photographs – it has to be a clear, ears visible, no smile, moderate makeup, hair pulled back from face showing

(Continued for passport sections)

HUMAN RIGHTS SECTION

In December 2019, the Human Rights Section of the Department of Justice was revived after it being closed down in 2017. It is now manned by the Pleader for Human Rights as the Head of Section, the Human Rights Officer and in time will be joined by the Country Focal Officer (CFO) for the Pacific Community's (SPC) Regional Rights Resource Team (RRRT).

The Human Rights Section is responsible for treaty report writing and implementation planning including coordination efforts relating to the Universal Periodic Review (UPR) process. The operations of fulfilling treaty obligations are guided by a contextualized mechanism of monitoring, implementation, reporting and follow up on which the work of the human rights is centered upon. The human rights section is also involved in human rights related law reforms on which it takes the lead. Nauru has ratified 4 out of the 9 core human rights treaties of which DJBC is the focal department for 1 as shown in Table 1 below.

Treaty	Date of Signature (S)/ Ratification (R)/ Accession (A)	Latest report submitted	Reporting status as of Feb, 2017	Focal Department
CEDAW (Convention on the elimination of all forms of discrimination against women)	23/06/2011 (A)	13/01/2016	Next report due in 2021	Women's Affairs
CRC (Convention on the Rights of Children, 1989)	27/06/1994 (A)	11/01/2016	Next report due in 2021	Child Protection Services
OP-CRC-AC (Optional Protocol on children in Armed Conflict)	9/2000 (S)	N/A	N/A	N/A
OP-CRC-SC (Optional Protocol on the Sale of Children)	9/2000 (S)	N/A	N/A	N/A
CRPD (Convention on the Rights of Person with disabilities)	27/06/2012 (A)	None	Final Draft in 2020	Home Affairs
CAT (Convention against torture and other cruel, inhuman or degrading treatment or punishment, 1984)	26/09/2012 (A)	None	Preliminary Draft	DJBC
CAT-OP (Optional Protocol for CAT)	24/01/2013 (A)	None	Not available	DJBC

both ears.

- Marriage certificate (if married)
- Adoption documents (if legally adopted)
- Name change Certificate (if name have changed)
- Citizenship certificate (If naturalized)
- Parents consents (if applicants are under the age of 16yrs old)

Application forms are available at Customer's Service counter and also at all Nauru Consulates for those living abroad. To complete the application forms, customers must sign in the presence of the passport officer then invoice is issued, payable at Revenue office and receipt submitted to Passport office.

Applicable fees:

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

Collection time – Passports are ready for collection 48 hours from the time application was lodged. Emergency travel document will be ready same day if application received before lunch.

CRPD (Convention on the Rights of Person with disabilities)	27/06/2012 (A)	None	Final Draft in 2020	Home Affairs
CAT (Convention against torture and other cruel, inhuman or degrading treatment or punish-ment)	26/09/2012 (A)	None	Preliminary Draft	DJBC
CAT-OP (Optional Protocol for CAT)	24/01/2013 (A)	None	Not available	DJBC

Achievements

The Implementation Status on the Domestic Violence and Family Protection Act 2017

In January, 2020, the Human Rights Section completed the 'Implementation Status on the Domestic Violence and Family Protection Act 2017' upon instruction of the Presidential Office. It awaits the endorsement of the Secretary for Justice and Border Control for its publication.

The Initial State Report on the Convention on the Rights of Persons with Disabilities

In February, 2020, the final draft of the Initial State Report on the Convention on the Rights of Persons with Disabilities (CRPD) for the Republic of Nauru was complete and submitted to the Secretary for Justice and Border Control for endorsement. This treaty report is 6 years overdue. At current it is undergoing revision for some minor amendments and will be submitted through the Department of Foreign Affairs and Trade to the United Nations Secretary General.

Human Rights Commission Bill

In June 2020 the Human Rights Commission Bill was completed by the Legislative Drafting Section to which the Human Rights Section participated in. It was presented to Cabinet and now awaits approval status. Efforts towards establishing a National Human Rights Institution (NHRI) for Nauru have been ongoing since 2017.

Initial State Report on the Convention Against

cal departments of international treaties to follow and utilise for ease of tracking and efficient treaty report writing.

Memorandum of Agreement (MOA) between the Department of Home Affairs and the Nauru Police (NPF)

In April, 2020, the Human Rights Section was invited by the Department of Home Affairs to participate in the construction of the Memorandum of Agreement (MOA) between the Department of Home Affairs and the Nauru Police Force to which its contribution was instrumental and saw the finalization of the MOA.



The 2nd Cycle Universal Periodic Review Recommendations Implementation Plan for the Republic of Nauru (UPR RIP)

In March, 2020 the Human Rights Section documented the recommendations given to the Republic of Nauru at the 2nd Cycle UPR into the 'The 2nd Universal Periodic Review Recommendations Implementation Plan (UPR RIP) for the Republic of Nauru'. After its completion, it was endorsed by the Secretary for Justice and Border Control. The UPR RIP was the main implementation tool for UPR consultation utilized to collect information from relevant departments and agencies. This presents a model implementation and reporting tool for other fo-

Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) for the Republic of Nauru

In July 2020 the work on the Initial State Report on the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) for the Republic of Nauru has commenced. It is envisaged that this will be completed and submitted to the United Nations before the submission of the 3rd UPR National Report for the Republic of Nauru as the

submission of all delayed human rights treaty reports is a UPR recommendation that has rolled over since the 1st Cycle UPR of Nauru.

Challenges

National Monitoring Implementation Reporting and Follow up (NMIRF) and the Universal Periodic Review

The NMIRF system is developing at a gradual pace by which the Working Group on Treaties (WGT) and the focal ministries or departments on particular human rights treaties work closely together. WGT holds the role of monitoring and follow-up whilst the relevant department implements and reports. More often than not these roles are confused with each other however WGT is still at its initial stage of

setting up a systematic mechanism that discourages the use of ad-hoc practices. This impacts the operations of the human rights section as it is the focal office for the collection and analysis of data for the Universal Periodic Review (UPR).

Data Management and Data Access

In turn, this flows into the issues of data management and data access whereas in the absence of an electronic application, manual collection is achieved through lengthy face to face consultations where most departments identify this as a capacity building opportunity therefore send trainees and other irrelevant personnel to attend. This defeats the purpose of the exercise as minimal amount of information is gathered as a result.

3rd Cycle Universal Periodic Review (UPR) Consultation

In May, 2020, the 3rd Cycle Universal Periodic Review (UPR) Consultation commenced according to the following schedule:

Table 2: - Universal Periodic Review Recommendation Implementation Plan (UPR RIP) Department Specific

Department	Date	Time
Department of Commerce, Industry and Environment (CIE)	25 th May, 2020	11:00am – 12:00pm
Department of Home Affairs (DHA)	25 th May, 2020	3:00pm – 4:00pm
Department of Foreign Affairs and Trade (DFAT)	26 th May, 2020	11:00am – 12:00pm
Department of Education (DOE)	26 th May, 2020	3:00pm – 4:00pm
Department of Multicultural Affairs (DMCA)	27 th May, 2020	11:am – 12:00pm
Department of Finance	27 th May, 2020	3:00pm – 4:00pm
Department of Health and Medical Services (DHMS)	28 th May, 2020	11:00am – 12:00pm
Department of Infrastructure	28 th May, 2020	3:00pm – 4:00pm
Department of Transport	29 th May, 2020	11:00am – 4:00pm

Way forward

	Specific Work Required	Time Frame
UPR National Report	Complete and Submit for endorsement	July, 2020
UNCRPD	Complete revision and Submit	End of August, 2020
UNCAT	Commence report writing	November, 2020
NMIRF	Setting up a system for the Human Rights Section	December, 2020

The Human Rights Section is building its work system so there is efficiency in human rights treaty report writing. Since its revival in December, 2019 it is progressively implementing tools for information gathering and management to improve data access for effi-

cient treaty report writing.

The Office has been involved in many efforts relating to domestic violence and human rights treaty implementation planning working closely with the Department of Home Affairs (DOHA), the Nauru Police Force (NPF) and The De-

partment of Foreign Affairs and Trade (DFAT).

It is envisaged that by the end of 2020, the Human Rights Section will ensure that all human rights treaty reporting obligations are to date and the 3rd Cycle UPR National Report meets its deadline.

FINANCIAL INTELLIGENCE UNIT

The Financial Intelligence Unit's main aim is to take Nauru through a successful Mutual Evaluation (ME) in 2022 and joining the EGMONT Group of Financial Intelligence Units. Both these 2 important tasks are governed by required process and whereby the country is assessed on compliance of the Financial Action Task Force ('FATF') 40 Recommendations to prevent Money Laundering (ML) and Terrorist Financing (TF). Nauru is a member of APG and thus a member of FATF. All members need to comply with the recommendations.

Activities

The FIU is working closely with the Asia Pacific Group on Anti-Money Laundering ('APG') to review the Republic's anti-money laundering legislative framework. Meetings are held with the APG directly for Gap Analysis. APG has engaged a Consultant to provide technical assistance to the Republic to prepare for the mutual evaluation in 2022. The FIU will take this opportunity to ensure that the Republic's legislative framework for AML and TF is internationally acceptable and compliant. Not only that, practical trainings be undertaken to implement the law. This will require public awareness and education.

The FIU is in discussion with AUSTRAC to ensure that our reporting framework is working and reporting entities are filing suspicious transaction reports ('STRs'). The arrangement is to commence with an informal working relationship. This informal arrangement will enable AUSTRAC to release some information and dissemination reports for STRs reported by Bendigo Bank. At the same time AUSTRAC will engage with the Australian Federal Police and APG to measure the work undertaken on our legislative framework so that both APG and AUSTRAC can assist Nauru to join the EGMONT Group.

Once the above has been attained we will then request APG to review the new legislation and the legislative framework to be favourable to meet Mutual Evaluation Requirements. Once this is achieved, FIU will then commence awareness on these legislation, ML/TF and the need for entities to report suspicious transactions.

To achieve all the above NFIU has commenced networking with the Departments and agencies who are responsible for protecting Nauru. They would then form the AML/TF working group. The intended members of the group will include representatives from Customs, Immigration, Passports, Bendigo Agency, Ports, Fisheries, Nauru Revenue Office, Office of the Director of Public Prosecutions, Justice and Nauru Police Force. The role of the working group will include sharing typologies and dis-

cussing ways to protect our borders and sharing information with each other. The working group will further review AML/CFT legislation and provide comments or suggestion on how their own respective legislation can be strengthened.

It is intended that there shall be a Money Laundering and Terrorist Financing Executive Committee be established. This will be headed by the Secretary for Justice as Chair and co-chaired by the Secretary for Finance. Other members will include the Commissioner of Police and any member appointed by the Chair for the Governance of the Nauru ML/TF Framework. This Executive Committee will report to the Minister.

The FIU Supervisor who comes with intelligence training background has commenced hands on Intelligence training for FIU and Police intelligence including the TCU with assistance provided by the Australian Federal Police ('AFP') as well to the Nauru Police Force. The FIU will strengthen the information sharing capacity amongst the stakeholders as well. AUSTRAC has confirmed that in 2021 they will commence a Financial Intelligence Analysis Training for Pacific FIUs and staff of FIU will be included in the training. This is an opportunity which will be extended for capacity building.

The FIU will further lobby with the Pacific Capacity Building program run by AUSTRAC and APG for FIU and TCU Officers attachments to a suitable Pacific FIU and TCU or a larger jurisdiction such as New Zealand. This is for capacity building and training officers in managing intelligence as well effective management of an FIU.

The FIU will further participate in upcoming Technical Assistance and Training workshops to ensure that Nauru as a small island jurisdiction receives the required technical assistance to ensure Nauru meets the APG and FATF requirements to be a successful FIU. The Technical Assistance and Training is a forum governed by the Palermo Convention whereby developed countries need to assist developing countries.

The FIU will further seek to enhance the investigation capability of the Law Enforcement Agencies by ensuring that the officers get opportunities to attend workshops and trainings locally and abroad. This can be sourced directly through Technical Assistance and Training forum or even on Memorandum of Understanding with supporting countries such as Australia. FIU will lobby to have such workshops conducted in Nauru by international agencies. The FIU will seek the Technical Assistance and Training forum and mechanism for training and enhancing the prosecution and judiciary related capacity.

The FIU will further seek the enhancement of the capabilities of the FIU to conduct due diligence of people, products, countries and investors to ensure that genuine investors show interest in Nauru and are not

those who are sanctioned or deal in sanctioned goods, being from a sanctioned country.

Staffing

The FIU has an establishment of 3 staff. It is headed by the FIU Supervisor. It has a Manager-FIU and an Assistant Manager-FIU. Currently there are 2 staff managing the FIU.

Recent activity

The FIU issued a circular in relation to online scams for collection of donations for COVID-19. The FIU will continue to keep the public informed of such scams to ensure that people are not unnecessarily defrauded.

- *Currently, a review of Nauru's AML/CFT-related laws is being undertaken. This requires a review of the following legislation:*
- *Anti-Money Laundering Act 2008*
- *Proceeds of Crime Act 2004*
- *Counter Terrorism and Transnational Organised Crime Act 2004*
- *Extradition Act 1973*
- *Mutual Assistance in Criminal Matters Act 2004*
- *Crimes Act 2016*
- *Banking Act 1975*
- *Customs Act 2014*
- *Corporations Act 1972 (and any other laws that regulates/registers offshore companies)*
- *Beneficial Ownerships Act 2017*
- *Nauru Trustee Corporation Act 1972*
- *Other laws as identified by the supplier or Nauru in the course of completing*

Challenges

The third staff member needs to be recruited when the framework is completed as the compliance officer. The NFIU office needs to be properly equipped with the required tools such as copier, printer scanner etc. Once the new building is in place, FIU Office to be secured with entry and exit restricted access. The Office needs to be secured with an entry and exit door.

There is a need for a secured FIU Database and a secured folder on the Justice Server where all FIU records can be securely maintained. The database will eventually become the secured storage facility. The FIU Website to be created by ICT or we can request assistance for this as well. The website will assist financial institutions through awareness and greater excess of information such as publication of AML/CFT Laws, case laws, regulations, guidelines etc.

CURATOR

The office of the Curator of Intestate Estates is currently staffed by the Curator and a Clerical Officer. The Curator now is mainly supervising receipts of payments of the recent deceased and to make payments of the recent deceased according to the terms stated in their gazette.

Receipts of money received by the Curator are mainly from the Treasury and other instrumentalities of the Republic such as: Ronphos Corporation, Nauru Utilities Corporation, Eigigu Holding Corporation and Nauru Rehabilitation Corporation.

Records of all the transactions of the Curator's office are kept in electronic form. In addition, a hard copy of all records is maintained. Their tasks are described as below:

- Receive confirmation deposit of cash into Curator Account with Bendigo Bank from RONPHOS, Nauru Utilities Corporation, Nauru Rehabilitation Corporation, Government (for land rentals, land leases, aerodrome land rentals and final entitlements (if any),

royalties and land rentals.

- Sending Curator Notices to Gazette Officer for publication
- Ledger (Posting of deposits / withdrawals)
- Updating Curator PV Register Book
- Corresponding with Instrumentalities of the Republic concerning rents, royalties and final entitlements (if any)
- Preparing of cash payments through FMIS to concern beneficiaries after 21 days of gazettal.
- Filing
- Any other duties assigned by Secretary for Justice or Deputy Solicitor General.

Achievements

Total of deposits of cash through Bendigo Bank

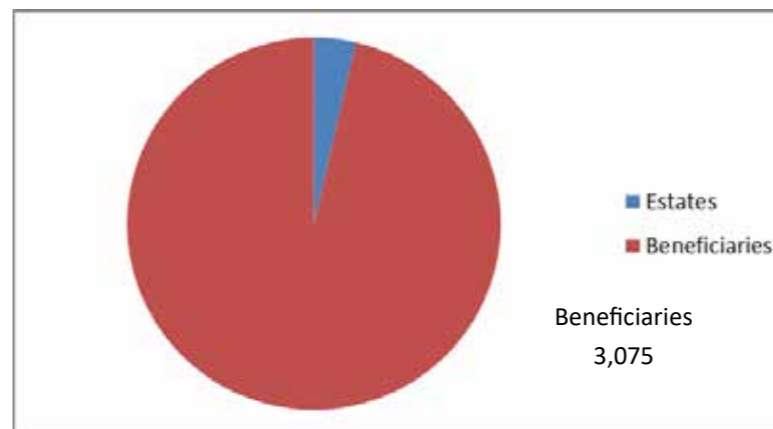
- \$ 108,242.24

Total of payments made to concerned estates

- \$ 15,000.00

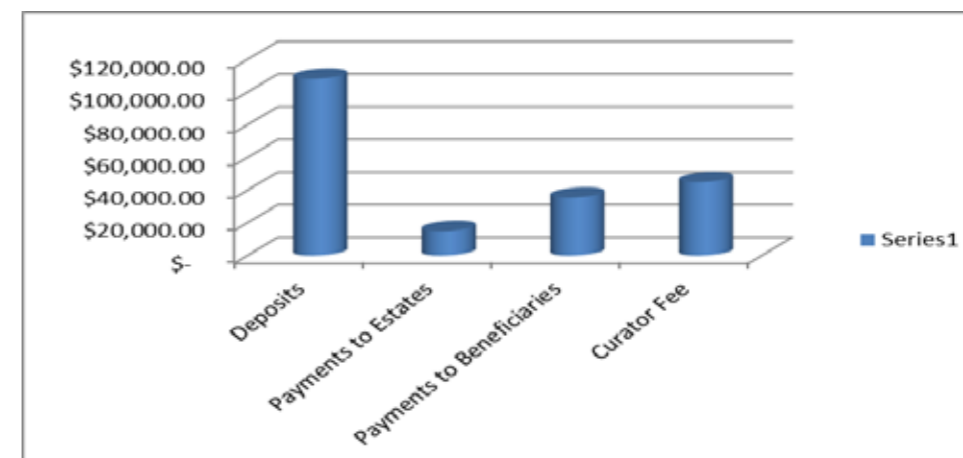
Total of payments made to concerned beneficiaries

- \$ 35,576.00



The margin for deceased estates with Curator does not remain the same all the time. Once the estate is gazetted, the Curator distributes all the monies to the beneficiary(ies) in accordance with the Gazette notice and close off the said account. The said margin rises each month when new deceased (death list) is published in the Government Gazette.

There are pending payments for several estates due to active litigation.



BUSINESS LICENCES

During the reporting year, the Section has implemented initiatives to improve communications with the public and to strengthen our business registration and licensing inspection framework.

The Section has also begun to turn its focus to ensuring that applications lodged at the office are processed in a timelier manner.

Public Notices

The Section, with the help of the Government Information Office (email and facebook), continues to publish monthly public notices, which has proven to provide business proprietors with the opportunity to be informed of the status of their businesses. Public notices appears to be one of the most effective ways to reach the most people.

Weekly Reports

The Section commenced submitting its weekly reports to the Secretary for Justice in June 2020. The weekly reports informs the Secretary on the number of business names registered, new business licences issued, business licences renewed, new corporations incorporated, corporations renewed, new security licences issued, partnership registered, security licences renewed, citizenship applications received, beneficial ownership registered.

Business Inspections

Due to resource constraints, the Section's authorised officers have not been able to conduct consistent business inspection during the reporting year.

With the resignation of Aidan-Luke Atto, it was incumbent that another authorised officer be appointed to assist Kosak Kosam in business inspection. On 12th June 2020, the Minister for Justice appointed Wylie Detenamo as the second authorised officer in place of Aidan. Both Wylie and Kosak were also appointed by the Minister as authorised officers for the purposes of the *Partnership Act 2018*.

Future Plan

The Section is reviewing its current procedure and exploring new enforcement approaches while continuing to ensure equal treatment of every customer it deals with.

- Building greater awareness on business laws for the business community.

- Business Registration and Licensing Section website. Any person will be able to access checklists, guidelines and other relevant documents and information from the Section's website. Further, business laws will be freely accessible on the website.
- Joint inspection - the Section, in conjunction with the Legislative Drafting Section, is working on a Memorandum of Understanding to enable the facilitation and coordination of information sharing and joint inspection between the Department of Justice and the Nauru Revenue Office. Further, the Memorandum of Understanding is aimed at minimising risks as well as allowing the gathering of information in compliance with Nauru's legislative requirements. The Memorandum of Understanding will also address the overlapping issue relating to tax identification number under Nauru's tax and business laws.

- Submitting of Business Licences (Notices) Regulations - the Section, in conjunction with the Legislative Drafting Section, drafted a Business Licences (Notices) Regulations. The Regulations will assist in the work of authorised officers when undertaking inspections of businesses. The Regulations includes forms which can be issued if the authorised officer finds that a business proprietor has contravened the *Business Licences Act 2017*. The Regulations will encourage progressive warnings, administrative fines and out of court settlements. This will ensure that the court will be used as the final resort not only for the offender but for the Registrar of Business Licences as well. The Section staff will undergo training to familiarise themselves with the requirements under the new Regulations.

- Inspection – random inspections, facilitation of higher compliance, checklists, toolkits, consistent inspection, coordinated inspection.

Data on revenue earned during the reporting year

	Issued	Revenue
Business Licences	561	\$186,985
Business Names	173	\$34,600
Security Licences	47	\$23,500
Transfer/Variation of licences	54	\$17,400
Beneficial Ownership (PARTNERSHIP)	29	\$2,175
Penalised business licences	4	\$4,800
Late Submission Fee	43	\$7,700
Duplicate/Certified copy of licences	22	\$1,075
RPC Special business licence	4	\$50,000
Total Revenue		\$328,235

Business Licences

Renewed licences	353	
New licences	208	
Corporations	53	
Nationality	Nauruan	374
	Chinese	120
	Refugees	53

Security Licences	47
Partnerships	23
Beneficial Ownership Registrations	29

Variation of Licences	21
Transfer of Licences	33
Penalised Businesses	4
Late Submission Fees	43
Cancellation of Business Licences (permanent)	17 licences that have permanently ceased operation.
Cessation of Business Licences (temporary)	6
Duplicate/Certified Copy of licences	15 certified copy of licences 7 duplicate copy of licences

Business Names

Business names	169	
Nationality	Nauruan	162
	Chinese	5
	Refugees	4

Other applications

INTELLECTUAL PROPERTY

There are four types of intellectual property rights; **trademarks, copyrights, and trade secrets**. The informal establishment of the Intellectual Property Office will now be formalised into a Section in the Department as the Republic's Intellectual Property Office. In late last year, the Cabinet approved the accession to the Berne Convention, the treaty establishing the World Intellectual Property Organisation and the World Intellectual Property Organisation Copyright Treaty. In addition, the Republic also applied to become a member of the World Intellectual Property Organisation.

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The Intellectual Property Office will be headed by a legal practitioner. The *Copyright Act 2019* and the *Trademarks Act 2019* have already been enacted last year. There is also work in progress for enacting a new Patents Act. The different Registers will be established for Trademarks and Patents.

The registration Regulations have already been drafted and will be submitted to the Cabinet in due course once the machinery for the registration process is put in place. It is anticipated that with an extensive publication, Nauru will be able to register trademarks and patents. This will be an added revenue stream for the Republic.

The Department will request the World Intellectual Property Organisation to convene at least one of its meetings in the Republic once travel restrictions have eased off.

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A THOUGHT ON INTELLECTUAL PROPERTY

"I think intellectual property is more like land, and copyright violation is more like trespass. Even though you don't take anything away from the landowner when you trespass, most people understand and respect the laws that make it illegal. The real crime in copyright violation is not the making of the copies, it's the expropriation of the creator's right to control the creation."

Brad Templeton

PAROLE BOARD

The Parole Board established under the *Criminal Justice Board 1999* has not been active for a considerable period of time. On 1st April 2020, the Cabinet appointed new members to the Parole Board. The current members of the Parole Board are:

- Chairman - Deputy Solicitor General, Ms. Bhavna Narayan
- Member - Secretary for Justice, Ex-Office or his/her nominee
- Member - Mr. Camalus Reiyetsi
- Member - Reverend Roger Mwareow
- Member - Mr. Raymond Akubor

The Parole Board has met twice. It has drafted Guidelines for its operations. In the last week of the reporting period, an application has been made on behalf of a prisoner for parole. Currently, all the evidence and documents are being collated to be put before the Parole Board for its hearing and consideration.

The Parole Board in future intends to:

- make Regulations or Guidelines for its operations including the Parole requirements;
- undertake a public awareness program on the functions of the Parole Board;
- make public awareness on the effect of parole of a prisoner in particular, considering the plight of the victims of the offences committed by the respective prisoner; and
- provide a written Guide to educate a prisoner seeking parole on his or her conduct once he or she is allowed to be discharged from prison on parole. This is important to ensure that the parole mechanism allows for the re-integration of the prisoner into the community and the reunion with the family.

DOG MANAGEMENT AUTHORITY

On 12th June 2020, the Cabinet transferred all the responsibilities for the management of dogs from the Nauru Police Force to the Department of Justice. The Authority is established under the *Dog Management and Control Act 2017*. Currently, the Dog Management Unit is with the Quarantine Section.

Due to the demand from the public to eradicate stray or unwanted dogs, the Government has now directed that a more aggressive licensing regime needs to be put in place to ensure the pet owners take responsibility for their dogs. In addition, the ever increasing dog population needs to be arrested forthwith.

The Department has devised a strategy to ensure this work is given priority and specialised focus. For that

reason, submission will be made to the Minister for the Public Service with the concurrence of the Minister of Justice for the establishment of a Section within the Department of Justice. The Section will be headed by the Authority. It is anticipated that the initial staffing may take some time as such there will be grafting of staff from Quarantine and Immigration Sections to assist the Dog Management Authority in the licensing of dogs. Furthermore, as was the practice in the past, the services of the Correctional Services will be engaged.

The Section will have 2 full time dog catchers. The Section is provided with a vehicle. The Department is ordering 10 dog traps from Australia to ensure increasing the number of dogs trapped per day. The destroying of dogs is intended to be by euthanising. For that

purpose, para-vets are considered to be trained to overcome the issue of having a specialised veterinary officer on island full time.

The baiting of dogs in isolated areas including the rubbish dump site will become a regular monthly program.

The desexing program provided in conjunction with the University of England from Melbourne, Victoria will continue. With the hope of travel restrictions being uplifted, the team is ready to travel to Nauru.

Since the transfer of responsibilities, the Dog Licensing Authority has been able to capture and destroy 8 dogs. In addition, 15 licences have been issued.

ASSETS RECORD OF DEPARTMENT OF JUSTICE AND BORDER CONTROL

Assets	Sec- reta- riat	Pros- ecuti- on	Defend- er	Im- migr- ation	Pass- port	Quaran- tine	Correc- tions	Total
Chairs	56	11	9	13	4	18	20	131
Desks	25	6	5	10	3	6	8	63
Counter	1				1			2
Conference Table	1					1		2
Cabinets	42	3	4		2			51
Drawers	10	4	2		3			19
Shelves	7	2	1		2			12
Computers	21	5	5	17		3	2	51
Laptops	5		2	6				13
Printers	5	2	2	4		2	1	16
Passport Scanner				5			2	2
Passport printer							2	2
Dongle Keys							3	3
Safe							1	1
UPS	30			4				34
Photocopier	4	1	1	1			1	8
Shredder	2				1	1		4
Portables Walls	11		1					12
Air Condi- tions	11	1	3		2		15	32
Ladders	2							2
White Boards	6	3						9
Televisions	2							2
Couch		1						1
Coffee Ta- ble	1		2					3
Vehicles	17	3	2	4	1	3	5	35
Motorbike			1				5	6
Fridge	1			1		1	2	5
Deep Freez- er							1	1
Oven							1	1
Wifi Modem	1				2		1	4
Bush knives							3	3
Grass cutter							5	5
Rake							1	1
Shovel							18	18
Rubbish	10						20	30

FIVE YEARS ACHIEVEMENTS

