



REPUBLIC OF NAURU

CRIMES (AMENDMENT) BILL 2020

No. of 2020

A Bill for an Act to amend the *Crimes Act 2016*.

Certified: []

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Crimes (Amendment) Act 2020*.

2 Commencement

This Act commences on certification of the Speaker.

3 Amendment of the Crimes Act 2016

The *Crimes Act 2016* is amended by the provisions of this Act.

4 Insert new Section 55A

55A Attempt to murder

A person commits an offence, if the person:

(a) attempts to kill another person; or

(b) does any act which is capable of or likely to endanger human life or kill another person.

Penalty: life imprisonment.

5 Amendment of Part 12

The title of Part 12 is deleted and substituted as follows:

‘PART 12 – CRIMES AGAINST THE REPUBLIC AND PARLIAMENT’

6 Amendment of Section 238

Section 238 is deleted and substituted as follows:

238 Interference with members of Parliament

A person commits an offence, if the person engages in any conduct, which interferes or is capable of interfering with the exercise or performance of any of the powers, duties or responsibilities of a member of Parliament.

Penalty: 10 years imprisonment.

7 Amendment of Section 239

Section 239 is deleted and substituted as follows:

239 Disturbing Parliament

- (1) A person commits an offence if the person:
- (a) engages in conduct in the immediate view and presence of Parliament when it is sitting; or
 - (b) engages in conduct when the Parliament is in session; and
 - (c) does so with the intention of:
 - (i) disrupting the proceedings of the Parliament; or
 - (ii) impeding the function, power or authority of the Parliament.
- (2) For the purposes of this Part, the meaning of ‘*session*’ or ‘*sitting*’ in *Article 81* of the *Constitution* applies.

Penalty: 10 years imprisonment.

8 Amendment of Section 240

Section 240 is deleted and substituted as follows:

240 Unlawful possession of offensive weapon in precincts of Parliament

- (1) A person commits an offence if the person has unlawful physical possession of an offensive weapon in the precincts of Parliament.

Penalty: 5 years imprisonment.

- (2) In this Section:

‘offensive weapon’ includes any object that is capable of being used to cause injury or incapacitate a person;

‘physical possession’ is where a person has ‘physical possession’ of a weapon if the person has the weapon on the person’s body, including in something carried or worn by the person; and

‘precincts of Parliament’ means the Chamber and offices of the Parliament and all places provided for the use or accommodation of members, officers or strangers, and includes, while the Parliament is sitting, and subject by exceptions made by the direction of the Speaker, the entire building in which the Chamber of the Parliament is situated, and any forecourt, yard, garden enclosure or open space

adjoining or appertaining to that building and used or provided for the purposes of the Parliament.

9 Insert new Part 12A

PART 12A SEDITION

243A Seditious offences

(1) A person commits an offence if the person with seditious intention:

(a) does or attempts to do, or makes any preparation to do, or conspires with any person to produce any seditious material;

(b) utters or livestreams any seditious words or information including through the media or any other digital or electronic device or means;

(c) prints, publishes, posts or messages any seditious words in the media in print, digital or electronic form; or

(d) imports, sells, offers for sale, transmits, distributes or reproduces any seditious printing, publication, posts or messages by any device, equipment, digitally, electronically or by any other medium or form of communication.

Penalty: 10 years imprisonment.

(2) For the purposes of proving the commission of any offence under this Section, the intention of the person charged shall be deemed to be irrelevant if such person's actions, words, publication or material, had a seditious intention.

(3) A person commits a summary offence if without lawful excuse the person stores in any print, electronic, digital or any other form or means has in his or her possession any seditious publication.

Penalty: 12 months imprisonment.

(4) In this Section:

'media' includes livestreaming, audio or video recorded messages, Facebook, Twitter, Instagram,

IMO, messenger, podcasts, Whatsapp, Viber or other social or mass media, print, television or radio;

'seditious' when applied or used in respect of any act, uttering, speech, words, publication or in any manner whatsoever, means having a seditious intention;

'seditious material' means any document, picture, diagram, photograph, caricature, sketch, audio or video recording in print or digital or electronic form which has a seditious intention.

243B Seditious Intention

Seditious intention means an intention to effect any of the following:

- (a) to bring into hatred or contempt or to incite disaffection against the Government or the Constitution of the Republic as established by law or against the administration of justice;
- (b) to incite the citizens of or the persons ordinarily resident in the Republic to attempt to procure the alteration of any matter in the Republic as by law established;
- (c) to raise discontent or disaffection amongst the citizens or the persons ordinarily resident in the Republic; and
- (d) to promote feelings of ill-will and enmity between the different communities or classes of persons in the Republic.

243C Innocent intentions

It is lawful for any person to:

- (a) in good faith show that the Government of the Republic has been mistaken or misled in any of its measures taken;
- (b) point out in good faith errors or defects in the Government or Constitution of the Republic as by law established or in legislation or in the administration of justice, with a view to the reformation of such errors or defects;

- (c) persuade the citizens or the persons ordinarily resident in the Republic to procure by lawful means the alteration of any matter established in the Republic by law; or
- (d) point out in good faith with a view to their removal any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of persons in the Republic.

243D Extended jurisdiction for offences under this Part

A person commits an offence against the provisions of this Part:

- (a) whether or not the conduct constituting the alleged offence occurs in the Republic; and
- (b) whether or not a result of the conduct constituting the alleged offence occurs in the Republic.

243E Definition of Seditious Conspiracy

For the purposes of this Part:

- (a) a conspiracy under this Part means an arrangement entered into by one or more persons with the intention of carrying out a seditious act;
- (b) seditious words are words expressive of a seditious intention; and
- (c) the term '*seditious publication*' includes anything intended to be read, and any sign or visible representation, which is expressive of a seditious intention.

10 Amendment of Section 245

Section 245 is amended by deleting and substituting the penalty as follows:

'Penalty: 10 years imprisonment.'