

REPUBLIC OF NAURU
CRIMES (AMENDMENT) NO. 2 BILL 2020

SECOND READING SPEECH

Honourable Maverick Eoe MP

22 October 2020

Mr Speaker Sir,

I have the responsibility of introducing to the House today the Crimes (Amendment) No. 2 Bill 2020.

Mr Speaker, in 2016 the former Government took initiative to repeal the old *Criminal Code 1899*. This was a colonial legislation and rightly so was repealed. Since 2016, the *Crimes Act* has been in force and over this period, it has been noted that some offences and sentences need to be reconsidered. The Bill revisits some of them which include intimidation, threat or causing harm to police officers during the course of their duties. There has also been an increase in the number of sexual offences. The current sentences imposed by the court are not deterrent. As such, this Bill also reviewed the penalties for sexual offences. Recently, there have also been prosecutions regarding possession of firearms. There is no law which allows for the possession of firearms. The current provision of the Act needs to be looked at in light of a recent decision of the District Court in which the offender was acquitted because there is no law which makes the possession of a firearm unlawful.

Mr Speaker, there is an increase in the number of sexual offences. These are moral offences and as leaders and community members, it is our duty to ensure that the vulnerable, the weaker and more so the children, are protected from the perpetrators of such crime. Often, children of very tender age are victims of crime and more so are put into very difficult positions of testifying in court. The court by any means is not a place where our children should be at that age even as witnesses. This can only happen if the perpetrators of the crimes and those who intend to commit such offences, do know that the penalty for such crime will be grave and the best part of their lives will need to be served in prison. This action is necessary on the part of the Legislature to ensure that the Judiciary is equipped with the necessary jurisdiction and power to impose sentences which will serve as deterrence. The new sentences in this Bill are very severe for this reason. In the explanatory memorandum, there is a table which sets out the relevant provisions of the Crimes Act, current penalties and the new penalties in the Bill. Our women and children must enjoy their freedom and their liberty given to them not only by the Constitution, but as we have always enjoyed as a society.

Sir, for the information of this House, I refer to the facts of some cases, intentionally not making reference to any names of the parties and the nature of the sentences given by the

court to demonstrate the reason why it is time for this august House to rectify this. The facts are as follows:

- In 2019, an offender was charged with committing indecent acts. He was found guilty, and his penalty was a fine of \$800 despite the statutory penalty for indecent acts – if aggravating circumstances apply, 8 years imprisonment and in any other case, 5 years imprisonment.
- An offender charged with rape and indecent treatment of a girl under 17 years was found guilty and sentenced to 6 years imprisonment. The maximum sentence for rape is, if aggravating circumstances apply, 25 years imprisonment; in any other case, 20 years imprisonment;
- A number of offenders charged with indecent acts pleaded guilty and sentenced to probation for either 2 and a half years or 12 months with conditions. The maximum sentence for indecent acts is, if aggravating circumstances apply, 8 years imprisonment; in any other case, 5 years imprisonment;
- Another offender charged with indecent assault was found guilty and sentenced to 18 months imprisonment. The maximum sentence for indecent acts is, if aggravating circumstances apply, 8 years imprisonment; in any other case, 5 years imprisonment;
- An offender charged with indecent acts on child under 16 years was found guilty and sentenced to 100 hours community service under supervision. No conviction recorded. The maximum sentence for this offence is, if the child is under 13 years old or aggravating circumstances apply, 15 years imprisonment; in any other case, 12 years imprisonment;
- In another case, the offender was charged for committing indecent acts. He was found guilty, and sentenced to 18 months imprisonment – 6 months to be served and 12 months on probation.
- An offender charged with rape and taking images of private parts without consent pleaded guilty and was sentenced to 3 years' probation, 100 hours community service and quarterly counselling.

This is not what the society expects. I humbly ask this honourable House to support this Bill as our society deserves better.

Sir, whilst on the subject of the protection of the society, I may further add that the Nauru Police Force is at the forefront of community protection and enforcement of the laws. However, there have been many instances in which they have not been spared. They have been threatened or actually physically assaulted. Such irresponsible behaviour from the offenders does not assist the Police in collating all the evidence to ensure that crimes committed under our laws are actually prosecuted.

Mr Speaker, the explanatory memorandum details the provisions of the Bill. Sir, I request that the explanatory memorandum be read and recorded in the Hansard Reports.

I commend the Bill to the House.