



REPUBLIC OF NAURU

COUNTER TERRORISM AND TRANSNATIONAL ORGANISED CRIME (AMENDMENT) BILL 2020

No. of 2020

A Bill for an Act to amend the *Counter Terrorism and Transnational Organised Crime Act 2004*.

Certified: []

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Counter Terrorism and Transnational Organised Crime (Amendment) Act 2020*.

2 Commencement

This Act commences on certification of the Speaker.

3 Amendment of the Counter Terrorism and Transnational Organised Crime Act 2004

The *Counter Terrorism and Transnational Organised Crime Act 2004* is amended by the provisions of this Act.

4 Amendment of Section 2

Section 2(1) is amended by:

(a) deleting and substituting the definitions for the following terms:

'property' includes:

- (a) assets of every kind, including financial assets and economic resources, whether corporeal or incorporeal, moveable or immoveable, tangible or intangible;
- (b) legal documents or instruments in any form including electronic or digital, evidencing title to, or interest in, such assets, including but not limited to bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts and letters of credit;
- (c) any interest, dividends or other income on or value accruing from or generated by such assets; and
- (d) any other asset which potentially may be used to obtain funds, goods or services;

'terrorist group' means a group of persons that:

- (a) commits or attempts to commit a terrorist act;
- (b) participates as an accomplice in a terrorist act;
- (c) organises or directs others to commit a terrorist act; or
- (d) contributes to the commission of a terrorist act by acting with a common purpose where the contribution is made intentionally

and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act;

'terrorist property' means any property that is:

- (a) the proceeds of terrorism financing or a terrorist act;
 - (b) used in, intended or allocated for use in terrorism financing or a terrorist act; or
 - (c) used by, intended or allocated for use by a terrorist group;
- (b) inserting the following term and its definition in alphabetical order:

'terrorist' means a natural person who:

- (a) commits or attempts to commit a terrorist act;
 - (b) participates as an accomplice in a terrorist act;
 - (c) organises or directs others to commit a terrorist act; or
 - (d) contributes to the commission of a terrorist act by a group of persons acting with a common purpose, where the contribution is made intentionally and with the aim of furthering the terrorist act, or with the knowledge of the intention of the group to commit a terrorist act; and
 - (e) includes a terrorist fighter.'
- (d) deleting the term **'specified entity'** and its definition.

5 Amendment of Section 3

Section 3 is deleted and substituted as follows:

'3 Definition of terrorist act

- (1) For the purposes of this Act, **'terrorist act'** means:
- (a) an act which constitutes an offence within the scope of and as defined by a counter terrorism convention;
 - (b) any other act intended to cause any one or more of the outcomes specified in subsection (2), when the purpose of such act, by its nature or context is to:
 - (i) intimidate a civilian population or a section of a civilian population; or

- (ii) compel or coerce a domestic or foreign government or an international organisation to do or abstain from doing any act.

(2) For the purposes of subsection (1), an outcome is:

- (a) the death of or serious bodily injury to one or more persons, other than a person carrying out the act;
- (b) a serious risk to the health or safety of a population;
- (c) destruction of or serious damage to property of great value or importance;
- (d) major economic loss or environmental damage, if likely to result as a consequence of 1 or more outcomes specified in paragraphs (a), (b) or (c);
- (e) serious interference with, or serious disruption to, an infrastructure facility, if likely to endanger human life;
- (f) introduction or release of a disease-bearing organism, if likely to devastate the national economy of a country; or
- (g) acquire finance or property to perpetuate or perpetrate, to further achieve the objectives in subsection (1).

(3) An act does not fall within subsection (1), if it occurs in a situation of armed conflict and is, at the time and in the place that it occurs, in accordance with rules of international law applicable to the conflict.

(4) For the avoidance of doubt, the fact that a person engages in any protest, advocacy, dissent, strike, lockout or other industrial action, is not, by itself, a sufficient basis for inferring that the person is carrying out an act with an outcome, specified in subsection (2) or terrorist act.'

6 Amendment of Part 2

Part 2 is repealed.

7 Amendment of Section 10

Section 10 is deleted and substituted as follows:

'10 Terrorism financing