

A Screwdriver and a Rubber Hammer: Setting Up a New Law Library in Nauru

Lorraine Weinman

Principal Librarian, Lionel Murphy Library,
Attorney-General's Department, Canberra



In September 1993 the then Secretary of the Attorney-General's Department, Alan Rose, together with Chris Hodges, Principal Government Lawyer, attended the Pacific Islands Law Officers' Meeting (PILOM) in Nauru.

During the course of the meeting the law library twinning project was discussed, and several participants described it very enthusiastically. The Nauruans were quick to indicate that they had no "twin". They also pointed out that the Department of Justice had lost its library in the 1988 fire that had destroyed the whole administration block.

The Secretary for Justice, William Halm, showed the Australian delegation through his library room. It was found to be crammed full of boxes, books, files and papers, in random piles, on shelves that were falling apart. At this point, the offer of twinning with the Lionel Murphy Library was made and accepted, and I acquired my third "twin" (The others are the two law libraries in Western Samoa).

Preliminary Work

Shelves

It was very useful to be able to discuss things with Chris Hodges, who had actually been in the country and seen the situation at first hand. I gathered from him that it would be impossible to try to re-use the existing shelving.

I made first contact by telephoning the Principal Legal Officer, Natha Sivahumaran. I needed to establish whether shelving of any sort, wooden or metal, was available locally. I was advised by him that there was only one hardware shop, and they had no shelves. Shelves would have to be either imported or constructed. The latter option was quite impossible, because the only wood available in Nauru was plywood or chipboard.

I obtained quotes from two shelving suppliers in Australia. My requirements were somewhat unusual, in that I wanted standard library shelving, but it had to be shipped to a very remote location, and it had to be easily assembled by an amateur (myself), using very basic tools.

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I found the S&M Supply Company very helpful, and their shelving proved to be excellent. Jane Hall in Canberra personally checked every item to ensure no problems would be encountered at the other end. She organised the packing (a National Gallery painting box was used). The quote included freight and all paper-work. The consignment met the once-a-month shipping deadline. A total of 17 bays of shelving was ordered, in single and double-sided configurations. The room was small, only 21 square metres.

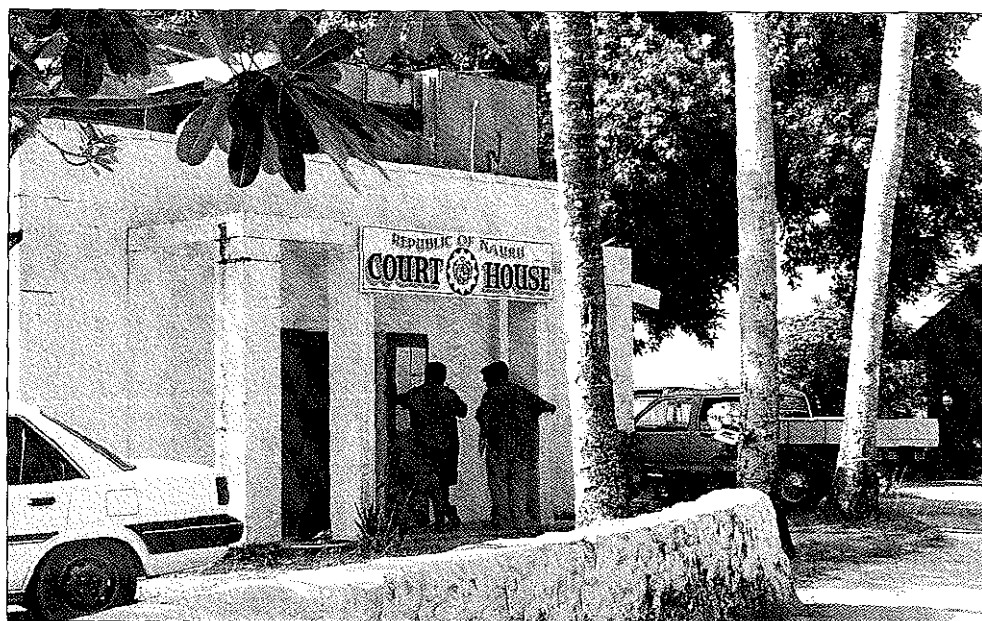
At this point I sent a fax to William Halm, asking if he could have the room clear when I arrived, as I would need to lay the shelf posts on the floor for the initial construction. I had recurring nightmares of having to lay the posts out on the gravel outside, in 45 degree heat.

Books and Freight

An arrangement was made at the start of the process, to send boxes of books freight-free through Air Nauru. The airline is government-owned, and as the books we were sending were a government-to-government gift, we arranged with the Minister for Justice to have freight charges waived.

A full set of *Commonwealth Law Reports* (second-hand), was purchased by Alan Rose as a gift. I had been collecting recently-superseded texts. A total of 16 boxes of texts and reports were sent out prior to my visit.

On 16 April 1994 Chris Hodges and I travelled to Nauru. Chris was to work on the Honiara Declaration and the Nauru Consolidation of Laws project, and to help me with the library whenever he had time to spare. We had five working days to complete our work.



The Court House contains the District Court and the Supreme Court. The court library is at the rear of the building.

Office of the Secretary for Justice

The new administration block is well laid out, airy and cool. The two long wings of the building are beside the sea, and run parallel and close to the main road, which itself runs parallel and close to the aircraft runway. The Justice Department is in the second, rear wing. Adjacent to this wing and scarcely half a metre away are the ruins of the burnt-out block. The Justice Department is in pleasant accommodation, well air-conditioned, clean and freshly painted.

The Secretary for Justice is currently the only user of the library, because the principal legal officer and two legal officer positions are all vacant. There are five administrative and clerical staff. This severe shortage of legal staff meant that William Halm wore several hats - Secretary for Justice, Registrar of Animals, Director of Public Prosecutions, Registrar of Companies - in addition to being the chief and sole prosecutor.

Work done in the Library

Reagan Moses, the clerical officer, was detailed to assist with the library work, and be trained in basic library procedures. He provided invaluable help. There was no assistance from prisoners, as there had been in other Pacific jurisdictions. (There were only three persons in the gaol at the time, two of them were illegal immigrants).

To give the lie to my nightmare, we found the library room totally clear, except for the packages of shelves. They were quite easy to put together, but it was excellent to have Chris Hodges' help. All the shelves were constructed by the end of the first day; had I been working by myself I would probably have taken more than double the time. A rubber hammer, two screwdrivers and a spanner were all the tools required, however I was glad to have had childhood experience with a Meccano set.

The next step was to unpack all the boxes we had sent, shelve the *CLR* and the catalogued texts, and then sort and shelve all the rest of the material that was there.

It soon became very apparent that the clear space in the library had been achieved by filling every available space in the three empty offices. It was perhaps lucky that there were no lawyers at work. The three unoccupied rooms were chock-full of books, files, legislation and assorted papers. Everything was in neat piles, but there was a great deal of it, on top of the desks and underneath them, on shelves, tables and cabinets.

I had estimated I would find perhaps 150 texts. In fact, there were over 450. The task of cataloguing and classifying these books, which included hand-writing and filing over 1,400 cards, was far greater than I had expected. Creating an author/title and subject catalogue was to occupy all the rest of my time.

Chris Hodges worked tirelessly to bring out all the library material, and sort it out on the new shelves in some coherent order (In the process he discovered much of the legislation he had been missing for the consolidation work) He had the brilliant idea of borrowing a trolley from a supermarket. This was a great help in moving the masses of material into the library. It was interesting to have a lawyer involved in the project this time instead of another librarian - apart from having different ideas about the organisation of the materials, he was very reluctant to throw anything away. It seems all lawyers - Australian or Pacific Islander - are loath to part with superseded books!

Everyone in the Office was very helpful, although they were all very busy. Reagan Moses was particularly attentive and keen to learn. He paid great attention to Chris's explanations, and by the end of the week he had absorbed a great deal. I taught everyone in the Office, and particularly Reagan, how the classification worked, how to use the catalogue, and how to re-shelve the books.

The Collection

The library collection is small. There is very little legislation. Nauruan laws are incomplete, Australian legislation is patchy. The completion of the Nauru Consolidation of Laws project will make a big difference to the lawyers.

There is only one complete set of reports - the *Commonwealth Law Reports* that we had sent. The other sets are the Lauterpacht *International Law Reports*, and a large chunk of recent *International Court of Justice Reports*.

This unmistakable emphasis on international law is carried on into the text book collection. It is an unexpectedly large and good collection, containing over 450 books, most of them in reasonably new editions. There is also a quantity of material from the law extension course at the University of the South Pacific, a good set of *Commonwealth Law*



Chris Hodges and Reagan Moses with the borrowed supermarket trolley, which was brilliant for moving material into the library

Bulletins, and other Commonwealth Secretariat, South Pacific Commission, and United Nations publications.

The Reference section is unexpectedly well stocked. There are two sets of *Stroud's Judicial Dictionary*, two sets of the *Encyclopaedia of Forms and Precedents*, plus some dictionaries and other reference items.

Supreme Court

I paid a quick visit to the Supreme Court Library which is at the rear of the Court House, and just beside the Department of Justice.

The Judiciary in Nauru consists of two members -

- the Chief Justice, Sir Gavin Donne, from New Zealand, who visits quarterly, and
- the Magistrate, Mr N Chaturvedi, from Delhi in North India. Mr Chaturvedi was the Magistrate in Nauru some years ago, when Mr Ian Thompson was Chief Justice; he has recently returned for a second term.

Mr Chaturvedi was clearly proud of the library, and I could see a lot of work had gone into putting the collection together.

As a working court collection, it had a good range of law reports, digests and journals, with just a few texts. There were the 3rd and 4th editions of *Halsbury's Laws*, a set of the (Authorised) *Law Reports*, the *English Reports*, the *All England Law Reports*, *New Zealand Law Reports*, *Commonwealth Law Reports*, *Victorian Reports*, *Queensland State Reports*, and piles of unbound copies of the *Weekly Law Reports*.

However, like the Supreme Court Library in Western Samoa, most of these sets of reports were out of date, having ceased in the mid-1980s. The only sets still current were the *All England Law Reports* and the *New Zealand Law Reports*.

It was unfortunate, with such an extensive collection, that the physical conditions in the Library were not as good as they might have been. The room was well air-conditioned, and the presence of a clerical officer ensured the library had both care and security; however, the lighting was very dim, and many of the books were almost inaccessible because of several boxes and a large roll of carpet that were lying in the aisles between the shelves.

The most serious problem was the way the books themselves were shelved. Many of the sets ran from right to left, again like the court library in Samoa. Some sets ran across the room from left to right and turned to run back

again from right to left, rather like a game of snakes and ladders. This misshelving caused such confusion that both William Halm and the Magistrate told me that the *English Reports* were unusable because the Index volumes were missing. Both volumes were actually there, I found them in a totally wrong position.

I had no time to address these problems. I made hasty notes and will make a rudimentary Holdings List to send back. Re-shelving the collection must be a priority task for a future trip, if someone goes back in a couple of years.



The handover of the Library. Left to right - the Hon Derog Gioura, Minister for Justice, William Halm, Secretary for Justice, and Lorraine Weinman

Project Conclusion

All work in the Justice Library was completed. Two informal hand-over ceremonies were held. The first was on Wednesday 20 April 1994, when the Minister for Justice, the Hon Derog Gioura, was shown around the Library. We explained what we were doing and what we had given the Department, and he thanked us and took possession on behalf of the Government of Nauru. The second hand-over was on the Friday afternoon, when Chris Hodges and I handed over the Library and its newly organised contents to William Halm.

Law and Lawyers in Nauru

There are very few lawyers in Nauru. Prosecutions are carried out by the Legal Officers of the Department of Justice - currently the Secretary for

Justice is the only lawyer and sole prosecutor. There is no private legal profession, no Law Society, no Public Defender. Defence work is conducted by paralegal officers called "pleaders". No-one is currently studying undergraduate law, nor is anyone known to be interested in enrolling in the new law course at the University of the South Pacific.

Nauruan law is a combination of traditional customary law, and "introduced law" deriving from the Constitution, legislation and the common law.

There has been no consolidation of Nauruan law since Independence in 1968. In some instances Australian law forms the basis of Principal Acts and subsequent local amendments. Taking criminal law as an example, in 1934 the then existing *Criminal Code* of Queensland was adopted, but no provision was made to pick up later changes. Nauruan amendments were made from time to time, but the actual current state of the criminal law is fairly murky. I took with me two bound copies of the Queensland *Criminal Code* from the 1936 Queensland consolidation, and they were seized upon with joy, not only by William Halm, but by Mr Chaturvedi. Completion of the Consolidation of Laws project that Chris Hodges is currently working on, will be of very great benefit to the whole country.

There is a four-volume set of *Nauru Law Reports* covering the years 1969-1982. These were compiled by the then Chief Justice, Mr Ian Thompson. They are divided by subject - Part A comprises civil actions, civil appeals, constitutional references and miscellaneous causes; Part B is land appeals; Part C consists of criminal cases; and the fourth volume is an Index.

Day to day judicial work is carried out in the District Court by the Resident Magistrate and Coroner. Under the Constitution, the most significant court is the Supreme Court, which finally determines questions like the interpretation or effect of the Constitution, and appeals from the Lands Committee. There is a seldom-used provision for appeals in civil and criminal matters to go to the High Court of Australia.

The Country

Following many travellers' tales that I heard before I went out to Nauru, I expected to suffer an uncomfortable week in a difficult environment. I expected unbearable heat in a country with no topsoil, no trees, no beaches, and no fresh water.

It is true there are no beaches, and that beer is cheaper than drinking water. The phosphate-mined area on what the Nauruans call "topside" does resemble a Martian landscape. However, I also found a country with an abundance of tropical vegetation around the coastal rim, a mass of coconut, breadfruit, frangipani and poinciana trees, and ferns, vines and creepers worthy of any



It was surprising to find such an abundance of tropical vegetation

tropical island. There are spectacular coral formations along the edge of the sea, and a fringing reef that one can walk out to at low tide, and literally peer over into the depths that fall a sheer 3,000 metres

The island is small - only 19 kilometres around. Because it has been uplifted from one of the great Pacific troughs, the continental shelf is a mere 100 metres wide. This allows the phosphate carriers to anchor in deep water just off-shore while the huge cantilever arms swing the ore from the conveyor belts straight into the ships. It also means that since the short aircraft runway has been extended as far as possible to the very edge of the shelf, if your plane does not lift off in time it would fall into very, very deep water.

We stayed at the Menen Hotel, recently re-furbished for the South Pacific Forum leaders' meeting last year, the meeting at which Paul Keating announced the Australian compensation package for Nauru. The hotel was very comfortable, and superbly situated right by the water - high tide had Pacific rollers crashing 10 metres from my room.

There were two restaurants in the hotel, both excellent. One served the best sashimi I have ever eaten, fresh tuna from Tarawa in Kiribati - no fishing is done in Nauru. There was however the usual South Pacific problem - "cereal of your choice" for breakfast, but your choice was limited to one of 52 packets of All Bran. There are tiny Chinese eating places scattered all over the island, serving delicious meals of fish, chicken, squid, or pork and rice at the absurd price of AU\$2.50. They had wonderful names like *Dang Dang Restaurant*, *Floyd Boyd*, and *Star Twinkle*.

The people I met were friendly, and pleased to have the contact and the assistance. There was a great sense of personal and professional achievement for me, in being able to leave behind a proper working law library, and an Office whose staff now know us well enough to ring or fax us if they need any reference material.

Some Articles on the Pacific Twinning Project, and Law Libraries in the Pacific in General

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