

**REPUBLIC OF NAURU**  
**DISTRICT COURT (AMENDMENT) BILL 2020**  
**SECOND READING SPEECH**  
**Honourable Maverick Eoe MP**  
**22 October 2020**

Mr Speaker Sir,

I introduce to the House today the *District Court (Amendment) Bill 2020*.

Mr Speaker, this Bill also partly relates to the issue of tendering evidence in court and the availability of interpreters from outside the jurisdiction for the purposes of a court proceeding from outside the Republic through audio visual link.

Sir, the District Court is one of the most busiest court in the hierarchy of the court system. The majority of the cases are dealt with by this court. There is one Resident Magistrate currently managing the court, although there are provisions to have two Resident Magistrates.

This Bill firstly deals with the issue of the appointment of a Resident Magistrate. Section 7 of the Act currently provides for this. The Bill clarifies the appointment process for Resident Magistrate and also for acting Magistrates. There is no law which provides for fixing the salary or remuneration of a magistrate, although it is presumably done under the *Public Service Act*. The Bill now provides for it. The salary and remuneration of a Resident Magistrate will be fixed by the President acting in consultation with the Chief Secretary and approval of the Cabinet.

The duration of the employment contract for the Resident Magistrate is also clarified. The retirement age for a Resident Magistrate is 70 years, consistent with international practice.

There is no process for dealing with any disciplinary issues regarding a Resident Magistrate. This has been an issue for some time and was raised also in the

Universal Periodic Review Report in the second cycle of the Report. In that Report, those who attended the meeting, agreed to attend to this. The third cycle of the Report has just been sent and it is important now that this issue is addressed. A Judicial Complaints Tribunal is established. The tribunal is to consist of a legal practitioner with at least 10 years legal practice. He or she will be appointed by the Chief Justice if and when needed. This will not be a full time position. The Chief Justice will make rules governing the jurisdiction, powers and procedure.

Clause 5 of the Bill provides for the transfer of cases from the District Court to the Supreme Court. This is in particular relating to issues on the interpretation or effect of the Constitution. The process is now clarified further. A clear guide is important to avoid cases being delayed on considering the jurisdiction of the court. Section 30 of the Supreme Court Act provides for the procedure for stating cases. The proposed Bill supplements this process.

Clause 6 of the Bill provides for the jurisdiction and power and the manner in which evidence by audio visual link may be adduced in the District Court.

Mr Speaker, the legal year in English law, which extends to other common law jurisdictions including ours, is the calendar year during which the Judges must sit in Court. The legal year is marked by a ceremonial opening and closing of the legal year. Normally this vacation is for 30 days. In the United Kingdom, the Supreme Court, the Court of Appeal and the High Court have judicial vacation for the period between the closing and opening of the legal year. The Crown Court, County Court or Magistrates Court in the United Kingdom do not go on judicial vacation. The Registries of those courts remain open daily but only for a limited period ordinarily from 10.00am to 1.00pm.

In Nauru, a similar practice is followed for the Supreme Court and the Nauru Court of Appeal. The District Court has ordinarily remained opened for its normal business. The Registry for the Supreme Court and the Nauru Court of Appeal is open from 10.00am to 1.00pm daily. This amendment is to clarify that the judicial vacation does not apply to the District Court. The current Act allows the Chief Justice to declare judicial vacation for the District Court as well.

The District Court has original jurisdiction in many different matters, particularly traffic and criminal matters. This allows the District Court to preside over any charges filed during the judicial vacation. Also, this will allow offenders to apply for bail and equally the prosecution to seek remand where necessary. In addition, the court must remain open if the Police were to detain a person for more than 24 hours if necessary for completing an investigation.

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.