

REPUBLIC OF NAURU
SUPREME COURT (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 *Supreme Court (Amendment) No. 2 Bill 2020*.

Mr Speaker, I have moved a number of Bills relating to the tendering of evidence in court and the operations of the court. This Bill is partly related to the same issues. Other proposed amendments are only for clarification of the existing provisions.

Sir, the proposed Bill is made in anticipation of the difficulties arising out of exceptional and urgent circumstances. The proposed amendment to the Supreme Court Act, is to allow for Judges to hear or make orders for a cause or matter from outside the Republic in ‘exceptional or urgent circumstances’ to which I have already alluded to when moving other Bills. The Registrar of Courts will determine what falls under ‘exceptional or urgent circumstances’ which will require a Judge to hear or make orders for a cause or matter from outside the Republic. In this day and age, a virtual courtroom is the new norm as a result of COVID-19 and the Republic is preparing to follow suit.

We have been fortunate that Judges have been able to sit throughout this period. I take this opportunity to thank and show my appreciation to the Judges of the Supreme Court for having gone through the travel restrictions including spending time in the various Designated Residences in Nauru or quarantine in other countries.

Sir, this Bill addresses a number of issues. In Clause 4, the Supreme Court has a number of divisions. Following the decision of the Court of Appeal in 2018, a new division is included which is ‘constitutional and administrative law’. This is just establishing a division and does not affect the jurisdiction of the Court at all, which in any event is under the *Constitution*. In Clause 7 of the Bill, the appeal provision to the Supreme Court from the District Court is also clarified. The right of appeal from the District Court to the Supreme Court in criminal cases needs clarification. It does not change the current practice.

Clause 9 of the Bill makes provisions for ‘exceptional or urgent circumstances’ for the sitting of the Court.

Clause 10 provides for the recording of evidence given through audio visual link. Record keeping of evidence through audio visual means is important for the purposes of appeal, apart

from the requirement for the Registrar of Courts to keep a record of all proceedings. The Registrar is authorised to record proceedings which automatically forms the record of the Court. It is absolutely necessary to ensure systems are put in place so that no one else is able to record proceedings without permission from the Registrar. I am informed that technology in virtual courts allow for this. Contempt proceedings for breach of court orders or directions in virtual hearings is also provided for.

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.