

**REPUBLIC OF NAURU**

**NAURU COURT OF APPEAL (AMENDMENT) 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 *Nauru Court of Appeal (Amendment) Bill 2020*.

Mr Speaker, the Bill deals with the sitting of the Nauru Court of Appeal and is one which has become necessary. The global pandemic Coronavirus (COVID-19) has affected our daily lives including the operations of the judiciary. The end to this pandemic is still unpredictable. It is time now for us to reorganise and adapt the way we work to ensure that all arms of the Government machinery are operational including the Judiciary. As the Minister responsible, it is my duty to ensure that the court operations are not affected for any longer than necessary. Whilst Coronavirus may be an immediate impediment to be taken care of, our laws must be a living one, to take care of all such unforeseen or unpredictable circumstances for the future. This Bill precisely does this.

Mr Speaker, the Nauru Court of Appeal has been affected the most as a result of travel restrictions due to Coronavirus (COVID-19). The full Court has not been able to sit once this year. There are appeals pending including appeals against sentences for criminal cases. The Court consists of 3 Justices of Appeal. Getting 3 Justices through different borders and quarantine is extremely difficult. It is important that this Court be able to sit even from outside the jurisdiction.

I am informed that the Judiciary will have all mechanisms in place to ensure that the proceedings do take place through audio visual link in open court. The Justices will preside from their respective countries and will be fully robed for the proceedings. The Registrar of Courts will be managing the Court during the sitting. The legal practitioners will be able to attend the sitting in the courtroom in the Republic in the ordinary manner and make submissions.

In the administration of the justice system, priority must be given by the Chief Justice to ensure that every court must sit in the Republic. This amendment is not for convenience. It is for circumstances where it is necessary for the justice system to continue to serve its fundamental requirements of fair trial and expeditious disposal of cases.

The question of what constitutes 'exceptional and urgent circumstances' will be a matter for the Registrar of Courts to consider. Furthermore, the Chief Justice may also make rules in respect of this sitting arrangement to ensure that the practice and procedure of the Court is complied with.

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.