

REPUBLIC OF NAURU
CRIMINAL PROCEDURE (AMENDMENT) BILL 2016

SECOND READING SPEECH

Honourable David Adeang MP

12 May 2016

Mr. Speaker Sir,

I have the pleasure of introducing to the House today a Bill for the *Criminal Procedure (Amendment) Act 2016*.

Mr. Speaker and Honorable Members, this Bill aligns with the provisions proposed through the new criminal law which is a significant step for Nauru. It is significant because we replace the old Criminal Code of 1899 with a Crimes Bill that will serve Nauru well in addressing the emerging trends of criminal behaviour as well as protecting the more vulnerable groups in our communities, the women and children.

There is, therefore, a need to streamline the processes of the Criminal Justice System so that access to justice and the determination of matters is done within a reasonable time. The Bill establishes by legislation an office of the Public Legal Defender who according to policy guidelines will be able to assist Nauruans who cannot afford the services of a Pleader or Lawyer in criminal matters or other legal proceedings as directed by the Courts. Till now, the Defender's office does not have a legal basis so the amendment will formalize what up until now has been an office which is a creature of public policy.

Another important provision in this Bill is the removal of the Preliminary Inquiry provisions in the Criminal Procedure Act 1972. Often referred to as "committal proceedings", their removal will ensure a more efficient and streamlined justice system as cases are not held up unnecessarily in lengthy preliminary procedures when it is clear there is prima facie evidence warranting that the accused be put on trial. This amendment will thus avoid duplicating procedures which are not warranted in a country as small as Nauru.

The Bill also sets out a standard criteria for the Courts to consider when dealing with the issue of bail in criminal matters. This consideration not only legislates the criteria for bail but provides a just basis which is fair on an accused as well and which also considers the interests of the Republic and the community.

Mr. Speaker, there is a detailed explanatory memorandum accompanying this Bill which explains the provisions in more detail.

Mr. Speaker, I commend the Bill to the House.