

**REPUBLIC OF NAURU**  
**LEGAL PRACTITIONERS BILL 2019**  
**SECOND READING SPEECH**  
**Honourable David Adeang MP**  
**14 June 2019**

Mr. Speaker Sir,

Over the past 5 years, at every opening and closing of the legal year, the Chief Justice, the Secretary for Justice, the President of the Law Society and subsequently, the Assistant Minister for Justice have expressed the need for a law to regulate the conduct of legal practitioners and the practice of law. It is our commitment to ensure that the legal profession and the services provided meets the standards expected of any professional organisation in its modern and current context. This Government had committed itself to reviewing the 50 year old Legal Practitioners Act, which has resulted in the present Bill and which Mr Speaker I am about to introduce to this House.

Mr Speaker, I am pleased to introduce to the House today the *Legal Practitioners Bill 2019*.

Mr Speaker, the legal profession is one of the oldest professions but a noble one. This profession carries with it a professional, social and a very responsible obligation to the people and constitutional governance.

The fulfilment of this role requires an understanding by legal practitioners of their duty and relationship to those who need such services. A core tenet of legal practice is the duty to the court. As guardians of the law and servants of justice, legal practitioners must conduct themselves to the highest professional and ethical standards.

Mr Speaker, the Bill, as you will note, firstly, provides for reforms in the areas of admission and practice. Secondly, it introduces a category for the registration of foreign legal practitioners. The categories for admission are for barristers and solicitors, Pleaders, temporary admission and foreign practitioners. Thirdly, it introduces measures for the complaints and disciplinary framework. For the first time, a Legal Practitioners Disciplinary Tribunal is established to deal with complaints for professional misconduct against legal practitioners. In order to ensure that the legal practitioners adhere to a code of conduct, the Bill in the Schedule provides for the *Legal Practitioners (Professional Conduct) Rules*, which sets out the rules of professional conduct of legal practitioners.

For long we have heard of the Nauru Law Society. The fact is, the Law Society currently does not have any statutory or administrative standing. This Bill now establishes the Nauru Law

Society. This establishment no doubt requires a better organisation, accountability and functioning of the profession so that the community is able to benefit from it. This allows the people of Nauru to formally register complaints against legal practitioners including the professional fees. The Bill requires the Chief Justice in consultation with the Law Society to establish a scale of fees. Not only that, the Bill allows for the legal practitioners and their clients to enter into professional fee agreements. In order to avoid the legal practitioners taking advantage of innocent people, the Bill has procedures for allowing the Court to review the fee arrangement or agreement.

There have been complaints about legal practitioners not providing reasonable standards of legal services. In order to overcome this problem, the Bill imposes a limitation on the right of a legal practitioner to commence private practice on their own accord. A new practitioner must work under the supervision of a barrister and solicitor having more than 5 years' experience before he or she may be permitted to operate a law practice. Not only that, the practitioner will only be allowed to operate on his or her own accord if the Chief Justice approves the same in consultation with the Law Society and a mandatory written report from the supervising practitioner. The supervising practitioner is required to certify the competence of the practitioner, and any misreporting or recklessness in certifying the competence may result in the supervising practitioner being subjected to disciplinary proceedings under the Bill.

Under the Bill, a legal practitioner is required to renew his or her practicing certificate on or before 14 February each year. The Registrar of the Courts is required to publish in the Gazette on an annual basis the list of all practitioners with current practicing certificates. This will now eliminate legal professionals practicing without any practicing certificate.

The Bill retains the appointment of Commissioners for Oaths and Notaries Public.

Mr Speaker, I am pleased to inform this House there is currently a Pleders program being undertaken which I am informed will complete in July. The graduation of more than 20 pleaders is timely for this Bill to be approved by the House. The increasing number of legal practitioners is a legacy which this Government wants to leave behind to ensure that those in need of legal assistance have access to legally trained professionals. It is not only about the quality of representation but it also allows this Government to accord the basic rights of people to have access to legal representation of their choice.

This Bill was widely consulted with members of the legal profession in the public sector, private sector, members of the current Law Society, members of the Judiciary. The honourable Chief Justice who is responsible for the enforcement of most parts of this Bill has also given his approval.

Mr Speaker, the explanatory memorandum details the provisions of the Bill.

I commend the Bill to the House.