

**REPUBLIC OF NAURU**

**BAIL BILL 2018**

**SECOND READING SPEECH**

**Honourable David Adeang, MP**

**10 May 2018**

Mr. Speaker Sir,

Today, I have the honour to present a Bill which is a vital part of our system of justice. However, its purpose is not about a preliminary determination of guilt or punishment. The decisions on bail, in criminal proceedings, represent an important stage in the prosecution process. The results of these decisions can have far reaching consequences for victims of crime and the public in general.

The role of bail is about ensuring the accused person attends court when required. It is also about protecting the community and preventing someone from committing further offences or interfering with victims and evidence. These two policies need to be balanced against the fundamental mainstay of the criminal justice system - the presumption of innocence.

Mr Speaker, deprivation of liberty is a serious consequence, particularly for someone who has not been found guilty. The fact that a person does or does not get bail will not affect the final determination of guilt or innocence that will, in the end, be made by a court.

The Bail Bill is timely. The Police Officers and our Courts are being called upon to decide on bail daily. It is important that we establish clear and principled procedures for how bail should be determined. The Bail Bill ensures this.

This Bail Bill if passed into law will be the first Bail Act of the Republic of Nauru. Historically the Nauru Courts operated on bail provisions provided in the Criminal Procedure Act 1972 and its subsequent amendments. Often the courts have to look to other jurisdictions for guidance on the application of bail principles. There exists no concise Act that principally deals with the issue of bail for the Police, the Prosecution, Legal Practitioners and the Courts.

This Bill therefore captures the bail principles that the Nauru Courts have historically applied, drawing from the experiences of the Courts in several jurisdictions. It provides the necessary principles, considerations and procedure that the Nauru Courts must follow when dealing with the issue of bail for any accused person.

The Bill provides for:

- the presumption of the right to bail in all offences except for Murder, Treason and now recently, Contempt of Court. This ties in with the universal standard of the presumption of innocence that every Nauruan citizen and resident enjoys;
- the principles and considerations for bail that the police and the Court must apply when dealing with minors or offenders under the age of 18 years old;
- the principles and considerations the police and the Court must apply when generally dealing with bail for accused persons and also those who have been convicted and wish to apply for bail;
- breach of bail offences and the penalty procedures; and
- the repeal of all the provisions of the Criminal Procedure Act 1972 and its subsequent amendments that deals with bail.

Mr Speaker, the Bill will deliver a better-structured, clearer, more accessible law, drafted in simple language. The Bill is accompanied by an explanatory memorandum explaining the Bill in more detail.

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