

**Criminal Procedure (Amendment) Bill 2012**

**SECOND READING SPEECH**

Hon Dominic Tabuna MP

6 November 2012

Mr Speaker,

It gives me great pleasure to introduce to the House today a Bill for an amendment to the *Criminal Procedure Act 1972*.

This is a straightforward Bill to enable an effective and efficient approach to be taken to the commencement of criminal proceedings by police under that Act.

Currently, to commence criminal proceedings police may act under section 51 or 53, with section 51 required to be used in most cases. Under section 51 police must attend before a Magistrate to make a complaint by submitting a formal charge. The Magistrate may then issue a summons or warrant under section 52 to compel the accused person to attend Court in answer to the charge. This process can be time consuming and resource intensive causing delays and inefficiencies for both police and the Magistrate and it adds an extra layer of bureaucracy to a process that may be simplified in line with other jurisdictions.

Section 53 provides such a simplified process for police to initiate criminal proceedings, including the issuing of a summons, however, its use is limited in 2 ways. Firstly, the use of section 53 is limited to a relatively small class of offences, being those punishable only by a fine or by imprisonment, with or without a fine, for a term not exceeding 3 months. Secondly, proceedings issued by police under section 53 must be served within 14 days after the date of the alleged offence. Both of these limitations restrict considerably the ability of police to institute proceedings without requiring the processes of the Magistrate and the Court.

This Bill proposes to amend section 53 to remove those limitations to enable police to institute proceedings under that section in any case that they think is appropriate. This reform will have the result of reducing the burden on the Magistrate and the Court in processing and issuing summons for the majority of criminal proceedings commenced in Nauru. In addition, this reform will enable the resources of police to be more effectively and efficiently used in areas where they are needed most.

Mr Speaker, the explanatory memorandum describes in detail each provision of the Bill.

I commend the Bill to the House.