

Republic of Nauru – 20th Parliament
Courts Legislation (Amendment) Bill 2011
SECOND READING SPEECH

Hon Mathew Batsiua, MP

16 August 2011

Mr Speaker,

I have introduced to the House today a Bill for an Act to amend the *Courts Act* and the *Family Court Act* to extend the payment of fees and allowances to lay magistrates and members of the Family Court who also hold a public office.

The *Courts Act 1972* currently provides for the payment to lay magistrates of such fees and allowances as the Minister may direct by *Gazette* notice. Similarly, the *Family Court Act 1973* provides for the payment to Family Court members of such fees and allowances as the Minister may direct by *Gazette* notice. However payment may not be made where the lay magistrate or Family Court member is also a public officer.

Mr Speaker, the District Court and the Family Court both need motivated and educated people to occupy positions as lay magistrates and Family Court members. Often, the most suitable candidates for such positions will hold another public office of some kind, and indeed some of our current lay magistrates and Family Court members are also public servants. For the District Court in particular it is desirable that, when a Clerk of Court is recruited, that person also be appointed as a lay magistrate. The Clerk of Court will be familiar with Court procedures and can assist the other lay magistrates in this respect.

Mr Speaker, the current prohibition on paying sitting fees to lay magistrates and Family Court members who are public officers constitutes an undesirable disincentive to public officers to hold such positions. The Bill would amend the *Courts Act* and the *Family*

Court Act to remove this prohibition. However, the amendments specify that the resident magistrate is not eligible to receive a sitting fee, which is appropriate as the resident magistrate already draws a salary for the position. In contrast, other members of the Family Court and lay magistrates do not receive a salary for the positions, so the only form of compensation is the sitting fee, which is currently \$35 per sitting.

Mr Speaker, it is in the interests of every person who appears before the District or Family Court that the most qualified people hold these important positions. The amendments made by the Bill I have introduced today will ensure we can retain our current appointees and attract the best candidates to the positions in the future.

I commend the Bill to the House.

Thank you, Mr Speaker.