

**REPUBLIC OF NAURU**

**CRIMINAL PROCEDURE (AMENDMENT) NO. 2 BILL 2020**

**SECOND READING SPEECH**

**Honourable Maverick Eoe MP**

**22 October 2020**

Mr Speaker Sir,

I have the responsibility of introducing to the House today the *Criminal Procedure (Amendment) No. 2 Bill 2020*.

Mr Speaker and honourable members, our Republic may be small and geographically isolated but we are an integral part of the global community. Technology, as it has developed, has made geographical barriers meaningless for immediate audio or visual communication purposes. As we all have noted that during this Coronavirus COVID-19 period, digital technology has brought us even closer. The buzz words are ‘Zoom’ ‘Microsoft Group’ ‘webex’ and so forth. I am sure this is just the beginning and the technology, dynamic as it is, will continue to improve. These have now become virtual tools, replacing the physical meetings, with a result no different to that of ordinary face to face meetings. In the modern world today, it is time for the Republic to consider and resolve some of its perennial problems of the attendance of interpreters, in particular those speaking Mandarin or Cantonese, and also of expert witnesses from outside the jurisdiction for the purposes of a hearing or trial in court.

I stress that, in many instances, the trials have been prolonged or ultimately withdrawn by the Director of Public Prosecutions or dismissed by the court. None of these meets the objectives of a criminal justice system enshrined in our *Constitution*. That is, there is a duty to have a fair trial and any such trial must be held within a reasonable time. While this serves the offender, our criminal justice system is also based partly on retribution. That being the case, the victims of a crime should not be overlooked as on many occasions they are silent sufferers. Allowing interpreters or expert witnesses to testify, through technology, where necessary, no doubt gives the victims of crimes a real chance of a hearing or trial to be held. No doubt the Office of the Director of Public Prosecutions and the Police will have to ensure that the witnesses are available when so required.

Honourable members, I have been informed that our court system is equipped, to some extent, to be a virtual courtroom and is progressing rapidly to accommodate this change. It is progress which we should cherish for the 21st century and ensuring that not only the people but our beloved Republic, as a nation, is not left behind, while the global community moves on.

In this Coronavirus COVID-19 crisis, certain lessons have also been learnt in respect of remand or serving prisoners and the requirements to attend court to answer charges. The various laws made for the purposes of Coronavirus COVID-19 forbid the attendance of such

accused persons from attending the court in person. This amendment will now allow the remand or serving prisoners to participate in their court proceedings from the correctional centre itself without the need to be present physically in court. This is a temporary measure but one that needs to be explored for the future for administrative efficiency.

Sir, the Bill introduces a new Part 5A. This is specifically linked to evidence by audio visual link. It makes provision for the witnesses to testify from outside the jurisdiction. Also, interpreters can interpret from outside the jurisdiction through audio visual link. If it eventuates, provision is also made for remand or serving prisoners to be linked from the correctional centre to the court. To ensure a fair trial is held, Clause 149D also provides the power to the court to adjourn proceedings as a result of the failure of internet services for one reason or another.

The procedural rules for implementing this has always been through rules of the court. The Chief Justice has been given the power to make rules under the *Nauru Court of Appeal Act*, *Supreme Court Act* and the *District Court Act*.

Mr Speaker, the explanatory memorandum details the provisions of the Bill. Sir, I request that the explanatory memorandum be read and recorded in the Hansard Reports.

I commend the Bill to the House.