

**REPUBLIC OF NAURU**  
**CRIMINAL PROCEDURE (AMENDMENT) BILL 2018**

**SECOND READING SPEECH**

**Honourable David Adeang MP**

**5 June 2018**

Mr. Speaker Sir,

I rise to introduce the Criminal Procedure (Amendment) Bill 2018.

This Bill seeks to amplify the provisions with respect to legal aid in Article 10 of the Constitution of the Republic.

The Constitution provides that a person charged with an offence:

- 1) shall be permitted to defend himself in person;
- 2) by a legal representative of his own choice at his own expense;
- 3) have a legal representative assigned to him.

The office of the Public Legal Defender is relatively new. Initially it was a creature of policy. It was only given statutory recognition by Parliament in 2016.

The office comprises of 2 full time lawyers and one pleader serving in principle a population of roughly 11,000 people.

The office having just been established has a big vision, but only very modest resources. They not only manage criminal, but other cases including property, matrimonial and civil matters.

To date, Parliament has never made specific budgetary provision for legal aid payments other than payment of staff salaries.

What this Bill does for the first time is to allocate funds for legal aid and clarify in more detail the legal fees that can be paid out by that office for each case. This has never been done before, so this is a start.

This Bill is consistent with the Constitution and reinforces the legal aid provisions in it.

Critics may query the sums allocated for handling cases to legal representative's assigned briefs by the Public Legal Defender as being paltry and inadequate.

I concede that the payments or ceiling for payments are modest but as I just mentioned, this is only the beginning.

The coffers of government are not unlimited. Indeed, to be fair they are stretched as the demand for government's services is increasing. There is a need for fiscal austerity and belt tightening given our recent history which members will be all too familiar with.

Nauru is not a rich country and unless we learn from our history we are doomed to repeat it. We now have to deal with our profligate spending in the past.

As the economy improves however, Government will be willing to revisit the ceilings provided in the Bill, so the possibility of some increases in legal fees exists in the future.

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

I commend the Bill to the House.