

Republic of Nauru – 20th Parliament

Interpretation (Consequential Amendments) 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 make amendments to various Acts following the enactment of the *Interpretation Act 2011*.

Mr Speaker, in June this House passed the *Interpretation Act 2011*. The Act repeals the current *Interpretation Act 1971* and provides a comprehensive, modern set of rules and principles about the interpretation and operation of legislation, all contained in a single, clearly drafted Act. The *Interpretation Act 2011* commences on 1 September 2011.

As with all major legislative initiatives, it is necessary to make consequential amendments to other Acts as a result of the differences between the new and old Interpretation Acts. The consequential amendments fall into 3 categories.

The first category of amendments relates to terms used in Acts that were defined in the 1971 Act and are defined differently, or not defined, in the 2011 Act. For example, the 1971 Act defined ‘applied statute’ to mean an Act of another country applied to Nauru by a Nauru Act. The 2011 Act changes the term to ‘adopted Act’ but gives it a similar meaning. As a result, the Consequential Amendments Bill replaces a reference to an ‘applied statute’ in the *Criminal Procedure Act 1972* with the new term, ‘adopted Act’.

The second category of amendments relates to terms used in Acts that were not defined in the repealed Act but are defined in the new Act. For example, the 1971 Act contained only one definition relating to legal practitioners – ‘barrister and solicitor’ was defined to mean a person entitled to practice as a barrister and solicitor in Nauru (that is, a person who is both admitted as a barrister and solicitor under the *Legal Practitioners Act 1973* and holds a

practising certificate under that Act). The new Act retains this definition but also defines 'lawyer' to mean a person admitted to practice as a barrister and solicitor under section 3 of the Legal Practitioners Act (but not necessary holding a practising certificate) and defines 'pleader' to mean a person entitled to practice as a pleader under section 10 of that Act. The new definitions are important, because it is often necessary for Acts to refer to a legal practitioner who may not hold a practising certificate as a barrister and solicitor – for example, a person may be eligible to witness a document or hold a position on a board if they are a pleader or a lawyer who is admitted but does not hold a practising certificate. The Consequential Amendments Bill amends the Electoral Act to make use of the new defined terms 'lawyer' and 'pleader' in the context of persons qualified to make a statutory declaration about a person's District of residence.

The third category of amendments updates obsolete cross-references to the repealed Act. For example, a reference to the *Interpretation Act 1971* in the *Civil Aviation Act 2011* is replaced with a reference to the *Interpretation Act 2011*.

In the course of drafting the consequential amendments, a number of outdated provisions in our current laws were revealed. As a result, the Bill makes a number of amendments that update these provisions. For example, in a number of laws the term 'infant' or 'minor' is used. These terms were defined in the old Interpretation Act to mean a person under the age of 21. The new Act does not define the term, but defines 'child' to mean a person under the age of 18. References to 'infant' and 'minor' in a number of laws are replaced with 'child'. This reflects the modern convention that a person has legal capacity in most respects when they turn 18.

Mr Speaker, the Bill I have introduced today makes small but important changes to our laws so that they operate in a way that is consistent with the new Interpretation Act. These amendments are a necessary step in the transition to the new Act.

I commend the Bill to the House.

Thank you, Mr Speaker.