

**REPUBLIC OF NAURU**

**(Act No.12 of 2009)**

**AN ACT**

To amend the *Criminal Justice Act 1999* to alter the composition of the Parole Board, to alter eligibility for consideration of parole applications, and to make provision for applications to the Parole Board

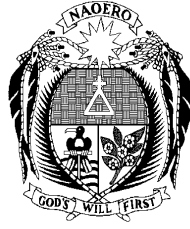
(Certified: 15 October 2009)

**REPUBLIC OF NAURU**  
**CRIMINAL JUSTICE (AMENDMENT) ACT 2009**

(No.12 of 2009)

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## REPUBLIC OF NAURU

### An Act

(No.12 of 2009)

To amend the *Criminal Justice Act 1999* to alter the composition of the Parole Board, to alter eligibility for consideration of parole applications, and to make provision for applications to the Parole Board

(Certified: 15 October 2009)

Enacted by the Parliament of Nauru as follows:

### Short Title and Commencement

- (1) This Act may be cited as the *Criminal Justice (Amendment) Act 2009*.
- (2) This Act shall come into force on the date on which it receives the certificate of the Speaker.

### Principal Act

- (1) The *Criminal Justice Act 1999* is the principal Act.
- (2) The principal Act as amended by this Act may be cited as the *Criminal Justice Act 1999-2009*.

### **Amendment of section 32 of the principal Act**

3. Section 32 of the principal Act is amended by -

(a) repealing paragraph (a) of subsection (2) and replacing it with the following paragraph –

‘(a) A person, appointed by the Minister, who is a non-Nauruan resident in Nauru, and who is not a judicial officer in Nauru, with tertiary qualifications in medicine, law, psychology, criminology or other discipline deemed by the Minister to be relevant, who shall be the Chairman; and’; and

(b) inserting in subsection (3) immediately after the words ‘A member referred to in subsection’ the words ‘(2)(a) and’ and inserting immediately after the words ‘shall be appointed for a term of’ the words ‘up to’.

### **Amendment of section 34 of the principal Act**

4. Section 34 of the principal Act is amended by -

(a) deleting from subsection (2) the words ‘undergoing imprisonment for life, and as to the release of an offender undergoing imprisonment whose case the Board is requested to consider under subsection (7)’ and replacing them with the words ‘who has applied for parole under subsection (3)’;

(b) repealing subsections (3), (4), (5), (6) and (7); and

(c) inserting new subsections (3), (4), (5) and (6) as follows:

‘(3) Application for parole may be made to the Parole Board -

(a) in the case of an offender serving a sentence of imprisonment for life, no earlier than 10 years from the date on which he commenced serving such sentence, and no more than once in every period of 12 months thereafter; and

(b) in the case of an offender serving a sentence of 12 months or more, other than a life sentence, no earlier than the date on which he has served one half of his sentence and no more than once in every period of 12 months thereafter.

(4) For the purposes of subsection (3), sentence means the sentence imposed by the court, and does not mean the effective sentence calculated under the provisions of the *Correctional Service Act 2009*.

(5) No application shall be made to the Parole Board and no application for parole may be entertained by the Parole Board other than applications made in accordance with subsection (3), and all applications shall comply with any requirements as to form and content prescribed by the Minister on the advice of the Parole Board and published in the Gazette.

(6) An offender who has applied for parole under subsection (3) shall be given an opportunity to appear before the Board and to state his case in person, and for that purpose the Board shall visit the prison in which the offender is detained or have the offender brought before it.’

### **Amendment of section 36 of the principal Act**

5. Section 36 of the principal Act is amended by –
  - (a) deleting from subsection (1) the words ‘the maximum term for which he is liable to be imprisoned under’; and
  - (b) deleting subsection (3).

I hereby certify that the above is a fair print of a Bill for an Act entitled ***Criminal Justice (Amendment) Act 2009*** that has been passed by the Parliament of Nauru and is now presented to the Speaker for his certificate under Article 47 of the Constitution.



Clerk of Parliament  
15 October 2009

Pursuant to Article 47 of the Constitution, I, Riddel Akua, Speaker of Parliament, hereby certify that the ***Criminal Justice (Amendment) Act 2009*** has been passed by the Parliament of Nauru



Speaker of Parliament  
15 October 2009