




REPUBLIC OF KIRIBATI
(No.4 of 2016)

I assent,

Beretitenti
28/09/2016

AN ACT TO AMEND THE CONSTITUTION OF KIRIBATI

Commencement:.....

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti

Short Title:

1. This Act may be cited as the Constitution (Amendment) Act 2016.

Amendment of Section 40

2. Section 40 of the Constitution, as amended by the Constitution (Amendment Acts (No. 1) 1995 and 2013) is further amended by
 - a) repealing the word “eleven” and substituting the word “twelve”,
 - b) repealing the words “and the Attorney General” after the word “Ministers”, and
 - c) substituting the comma with a fullstop after the word “Ministers”.

Amendment of Section 53(1)(c):

3. Section 53(1)(c) of the Constitution is amended by repealing it.

Amendment of Section 59(7):

4. Section 59(7) of the Constitution is amended by repealing the words "or Attorney General" at the end of the sentence and substituting the comma with a fullstop.

Amendment of Section 113(5):

5. Section 113(5) of the Constitution is amended by repealing the words in the bracket "(if he is not a elected member of the Maneaba)".

Amendment of Section 115(2) and 115(3)(c):

6. Section 115(2) of the Constitution is amended by repealing the words “or Attorney General” and substituting the comma with a fullstop after the word “Minister”.
7. Section 115(3)(c) of the Constitution is amended by also repealing the words “or Attorney General” after the word “Minister” and before the word “or”.

Amendment of Schedule 1(2):

8. Schedule 1(2) of the Constitution is amended by repealing the words “and Attorney General” and also repealing the words in the square bracket “[Attorney General]” at the end of the Oath,

Purpose of the Act:

9. The Purpose of this Act is to remove the Attorney General from the Cabinet and Maneaba ni Maungatabu and to make room for the establishment of the Ministry of Justice. It will increase the number of Ministers from 11 to 12.

EXPLANATORY MEMORANDUM

This Act amend Sections 40, 53(1)(c), 59(7), 113(5), 115(2), 115(3)(c) and Schedule 1(2) of the Constitution. The Ultimate aim of these amendments is the removal of the Attorney General from membership of the Cabinet and the Maneaba ni Maungatabu; to facilitate the establishment of the Ministry of Justice; and to put the direction of legal policies in the hands of an elected Member of the Maneaba ni Maungatabu, Minister of Justice. The number of Ministers will further increase to 12.

The Office of the Attorney General will remain but as a government official, whose job is to advise on legal matters, but not to be involved in legal policy making. That will free the Attorney General from political bias.

The following related provisions of the Constitution to the Attorney General Position will remain: Section 42; 60; 88; and 117.

Natan Teewe Brechtefeld
Attorney General

**CERTIFICATE OF THE CLERK OF THE MANEABA NI
MAUNGATABU**

This printed impression of the Constitution (Amendment) Act 2016 has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 8th September 2016 and is found by me to be a true and correctly printed copy of the said Bill.



Eni Tekanene
Clerk of the Maneaba ni Maungatabu

Published by exhibition at the Maneaba ni Maungatabu this 28 day of
September 2016.



Eni Tekanene
Clerk of the Maneaba ni Maungatabu