



KIRIBATI

Commonwealth Parliamentary Association
Benchmarks for Democratic Legislatures

FINAL REPORT

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1. Summary

“To be an effective and transparent Parliament that ensures respect for human rights, democracy and good governance under a regime of the Rule of Law”¹

The Kiribati legislature is an effective parliament. The people of Kiribati should take pride in how they represent and govern the nation.

Overall, the Parliament meets many of the Commonwealth Parliamentary Association (CPA) recommended benchmarks and considerable praise should be given to the Speaker, Members and senior parliamentary staff for working so hard to achieve these standards.

The Parliament has operated under the auspices of Kiribati’s Constitution, and it has a suite of acts and rules that clearly set out how the Parliament operates. These include the Rules of Procedure (as at 19 December 2022), the *Privileges, Immunities and Powers of the Maneaba ni Maungatabu Act 1986*, the *Kiribati Audit Act 2017*, the *Election Act 2019*, the *Leaders Code of Conduct Act 2016*, and the *Salaries and Allowances of Members of the Maneaba ni Maungatabu and Salaries Tribunal Act 2021*.

Background

The CPA is an international community of 180 parliaments and legislatures working together to deepen the Commonwealth’s commitment to the highest standards of democratic governance. Founded in 1911, the CPA brings together Members of Parliament and parliamentary staff to identify benchmarks of good governance and implement the enduring values of the Commonwealth. It offers vast opportunity for parliamentarians and parliamentary staff to collaborate on issues of mutual interest and to share good practice. In 2018, the CPA undertook a consultation and review process that resulted in the adoption of updated Recommended Benchmarks for Democratic Legislatures. The Benchmarks provide a minimum standard and guide on how a parliament should be constituted and how it should function. They play an important role in developing the effectiveness of parliamentary institutions across the 180 parliaments and legislatures of the CPA and contribute to the implementation of the Sustainable Development Goals. In February 2024, the Legislative Assembly of Kiribati (Mauneaba ni Maungatabu) became the 31st Commonwealth legislature to use this framework to conduct an assessment against the Benchmarks. The Assessment was approved by the Speaker, Hon Lord Tangariki Reete, and organised by parliamentary staff. CPA International Secretariat Headquarters appointed Tom Duncan (Clerk, Legislative Assembly for the Australian Capital Territory) and Carly Maxwell (Deputy Clerk, New South Wales Legislative Assembly) to undertake this assessment from 14-22 February 2024. The Assessment took place as part of the CPA’s Good Governance Project – an initiative part-funded by the UK’s Foreign, Commonwealth and Development Office. During their time in

¹ Maneaba ni Maungatabua Corporate Strategic Plan 2010-2015, p 5.

Tarawa, Carly and Tom met the Speaker and other MPs from the Kiribati Legislative Assembly. They also had discussions with the Clerk of the Parliament, and various senior parliamentary staff, as well as holding meetings with a wide range of external stakeholders including: the Auditor General; the Electoral Commissioner; the Chairman of the Leadership Commission; CEO of the Broadcasting Publication Authority; and representatives of both civil society and the media. These meetings took place alongside a review of certain key documents including: the Constitution of Kiribati, the Rules of Procedure for the Kiribati Legislative Assembly, as well as other related parliamentary materials. The report below is a summary of the main findings of the Assessment.

Acknowledgements

The Maneaba ni Maungatabu (Legislative Assembly of Kiribati) proactively chose to assess itself against the CPA Benchmarks. As such, Speaker Reete and Clerk of the Parliament, Mr Eni Tekanene, should be praised for both their willingness and enthusiasm to undertake this important piece of work. Their doing so demonstrated a positive approach to the CPA assessment, which was consistent throughout Carly's and Tom's time in Tarawa, and this commitment to continued learning and improvement is admirable. The CPA would also like to place on record its sincere thanks to all stakeholders who participated in this assessment and draw particular attention to the invaluable efforts of George Mackenzie (Parliamentary Counsel, Kiribati Legislative Assembly) for coordinating an excellent programme of meetings, facilitating key logistical arrangements, and providing such warm hospitality for the duration of Carly and Tom's visit to Tarawa. George, along with several other colleagues, are all a credit to the Maneaba, and its continued efforts to grow and improve parliamentary democracy for the people of Kiribati.

Support and follow-up

Following the publication and consideration of the findings of this report, and within the boundaries of financial constraints, the CPA is committed to supporting the Kiribati Legislative Assembly in further strengthening its democratic processes.



(L-R) Mr Tom Duncan, Clerk of the ACT Legislative Assembly; Ms Carly Maxwell Deputy Clerk, New South Wales Legislative Assembly; The Hon Tangariki Reete Speaker, Maneaba; Mr Eni Tekanene, Clerk of the Maneaba

Political, economic and social context

Kiribati is in the southwestern Pacific Ocean and has a current population of approximately 135,230². It comprises around 32 low lying atolls and the raised phosphate island of Banaba which straddle the equator in the mid Pacific Ocean. Kiribati has three groups of islands – the Gilbert Islands (16 populated atolls), the Phoenix islands (8 atolls unpopulated other than a government outpost on Kanton and the Line Islands in the East (9 of the atolls are part of Kiribati and two – Palmyra and Jarvis Islands are US Territories³. Tarawa is the country’s capital, largest and most populous city. Kiribati is surrounded by Nauru to the west, Hawaii and the Marshall Islands to the north, and Tokelau and Tuvalu to the south.

Gilbertese is the country’s language, but English is also taught in schools and widely spoken across the capital Tarawa. Kiribati has few natural resources and Kiribati’s remote location,

² www.worldometers.info. (n.d) Kiribati Population (2023).

³ Department of Foreign Affairs and Trade, Kiribati Country Brief, p2.

infrastructure gaps and susceptibility to climate change pose challenges for economic growth and development, as the country's low-lying atolls are vulnerable to rising sea levels, storm surges, coastal erosion, and saltwater intrusion⁴. Most of Kiribati's atolls are less than two metres above sea level. Higher ocean surface temperatures may disrupt tuna fisheries – the country's largest economic resource – with a direct impact on fiscal revenues, the current account, and growth⁵. Approximately 75% of Tonga's population live in rural areas and, as such, Agriculture is key to the country's economy. Squash, coconuts, bananas and vanilla beans constitute the main cash crops, while timber production, livestock and fishing also contribute towards economic activity.

Kiribati achieved independence from the United Kingdom on 12 July 1979. It has a 45-member unicameral parliament, 44 members of which are elected, and one is appointed (the member chosen by the Rabi Council to serve the interests of those I-Kiribati originally from Banaba, but who now live on the Fijian island of Rabi). Members are elected in single seat and multi seat electorates (seven with one seat, eleven with two seats and five with three seats) for a term of four years.

The most recent Kiribati election was held in April 2020, with the Tobwaan Kiribati Party (TKP) securing 13 out of 44 seats, with the Boutokaan te Koaua (BTK) and the Kiribati Moa Party (KMP) merged to form the Boutokan Kiribati Moa (BKM) and take government. In June 2020 the country elected Taneti Maamau to his second term as President. Earlier, the Assembly elected Ms Tangariki Reete to be the first woman to be elected Speaker of the Kiribati House of Assembly. The Leader of the Opposition is also a woman, with Ms Tessie Lambourne performing that role in the current Parliament since May 2020.

The Kiribati Parliament is due to have national elections in August 2024.

⁴ International Monetary Fund, IMF Country Reports 23/329, September 2023, p 4.

⁵ Ibid, p4.

2. General

Elections

Elections and voting

National elections in Kiribati are held every four years, unless dissolved earlier by a vote of no confidence.⁶ The Maneaba has a single chamber and 46 elected Members. Voters elect their Members of the Maneaba from single and multi-member electorates across the country using the first-past-the-post system. Recent national elections in Kiribati have met international standards for genuine and transparent elections.⁷

Kiribati voters also directly elect the *Beretitenti* (President) after each election. Candidates for the position are chosen by the Members of the Maneaba from a minimum of three and a maximum of four nominated Members.⁸ The Beretitenti chooses who forms their cabinet from the elected Members of the Maneaba.

Members of the Maneaba elect their Speaker, who is not a Member and does not vote in the Maneaba.

Voter eligibility

Members of the Maneaba are elected by direct and equal suffrage. All citizens of Kiribati who have attained the age of 18 years and have resided within an electoral district for a continuous period of 12 months are entitled to be registered to vote.⁹ The only exceptions are persons certified insane or of unsound mind, or those serving a prison sentence of 12 months or more.¹⁰

Management of elections

Under Section 62 of the Constitution the Electoral Commission has responsibility for supervising elections in Kiribati.¹¹ The Electoral Commission is comprised of a Chief Electoral Commissioner and not less than two or more than four Commissioners, appointed by the Beretitenti on the advice of the Cabinet.¹²

The Electoral Commission also has responsibility for the conduct of the election of the Beretitenti, under the supervision of the Chief Justice.¹³ Under section 63 of the Constitution, the Electoral Commission is responsible for reviewing and making

⁶ The Constitution of Kiribati – section 78. Available at: [Constitution | Maneaba ni Maungatabu \(parliament.gov.ki\)](http://parliament.gov.ki/Constitution%20|%20Maneaba%20ni%20Maungatabu)

⁷ The US State Department reported that observers considered the election to be free and fair. See: [Kiribati - United States Department of State](http://www.state.gov/secret/epr/r/2015/04/141117.htm)

⁸ [The Presidency and the Cabinet | Maneaba ni Maungatabu \(parliament.gov.ki\)](http://parliament.gov.ki/The-Presidency-and-the-Cabinet-%7C-Maneaba-ni-Maungatabu).

⁹ The Constitution of Kiribati – section 64(1). Available at: [Constitution | Maneaba ni Maungatabu \(parliament.gov.ki\)](http://parliament.gov.ki/Constitution%20|%20Maneaba%20ni%20Maungatabu)

¹⁰ The Constitution of Kiribati – section 64(2).

¹¹ The Constitution of Kiribati – section 63.

¹² The Constitution of Kiribati – section 62.

¹³ The Constitution of Kiribati – section 63(2).

recommendations to the Maneaba for approval on the number and boundaries of electoral districts and the number of elected Members.

Campaign finance laws

There are currently no campaign finance laws in Kiribati to regulate the manner and extent to which candidate or political parties receive monetary contributions for their election campaigns. There is also no official monitoring of election expenses of candidates or political parties. The current unregulated campaign finance environment in Kiribati is a potential corruption risk.

Some stakeholders expressed a view that the Electoral Commission and Chief Electoral Officer should have a role in monitoring and regulating campaign donations and expenditure. There were reports of candidates raising and spending significant sums of money without a transparent disclosure regime to track donations and provide transparency. There is also no requirement to monitor and limit expenditure to create a more equal contest.

Recommendation 1

That the Maneaba consider introducing campaign finance laws to:

- regulate the manner and extent to which political parties and candidates can receive monetary contributions from individuals and corporations.
- monitor the election expenses of parliamentary candidates and political parties.

(Benchmark 1.1.4 There shall be legislation to ensure that campaign finance laws are in place to regulate the manner and extent to which political parties and candidates may receive monetary contributions from individuals and organisations.

Benchmark 1.1.5 An independent Electoral Commission or similar authority shall be established for the management of the conduct of elections and its tasks shall include monitoring the election expenses of parliamentary candidates and political parties.)

Candidate eligibility

Participation by marginalised groups

There are no restrictions on candidate eligibility based on religion, gender, ethnicity, race or disability.¹⁴ There are also no formal measures (Constitution, law, policies) that mandate or encourage the political participation of marginalised groups in Kiribati elections.

¹⁴ The Constitution of Kiribati – sections 55 and 56. Available at: [Constitution | Maneaba ni Maungatabu \(parliament.gov.ki\)](http://Constitution | Maneaba ni Maungatabu (parliament.gov.ki))

While not a formal requirement, the Maneaba holds a *Kiribati Women’s Practice Parliament* prior to every election, drawing in women from across Kiribati to visit the Maneaba and participate in a weeklong information and training program. This program is actively supported and promoted by the current Speaker. There are also various *Youth Parliament* programmes and various outreach activities aimed at youth engagement. There are currently no programmes encouraging other diverse groups, such as persons with disabilities, to run for election to the Maneaba.

Female representation

Levels of female representation in the Maneaba are low, with only four female Members elected in 2020. This means that programmes to encourage female representation are particularly important and the current Speaker and the parliamentary administration should be commended for their support and promotion of the *Kiribati Women’s Practice Parliament*. Consideration could also be given to additional measures and initiatives in the periods between elections to encourage more participation by diverse and under-represented groups. It is vital for Parliaments to encourage and promote the participation of marginalised groups to ensure a thriving democracy that reflects and represents all citizen’s voices.

Recommendation 2

That the Maneaba continue to encourage political participation of women and young people and extend its programmes to encompass other marginalised groups within Kiribati.

(Benchmark 1.2.2 – Measures to encourage the representative political participation of marginalised groups shall be drawn to accomplish precisely defined objectives.)

Incompatibility of Office

Oath of office

No elected Member of the Maneaba is required to take a religious oath against his or her conscience to take their seat. Schedule One of the Constitution allows for Members to either swear or affirm allegiance to Kiribati and that they will faithfully carry out their duties as a Member.

Separation of powers

A legislator cannot simultaneously serve as both a Member and a civil servant of the Executive branch. Section 56(f) of the Constitution provides that a person is disqualified from being elected as a Member where they hold any public office.

There has been some controversy in Kiribati relating to the appointment of the Attorney General (also an ex-officio member of the Maneaba) as acting Chief Justice in 2022. Concerns were expressed about the separation of powers and the requirement in the Constitution for ‘an independent and impartial’ court system. The Acting Chief Justice has since stood down from the role of the Attorney General.

Freedom of speech immunity

Freedom of speech and immunity from legal liability for words spoken or acts done while participating in parliamentary proceedings is one of the most fundamental elements of parliamentary privilege. It is essential for a strong democratic legislature.

Following a committee inquiry into corruption in public office and the publication of a number of allegations of wrong-doing and adverse comments about individuals, in 2013 the Maneaba removed section 5 of the *Privileges, Immunities and Powers of the Maneaba ni Maungatabu Act 1986*. Section 5 previously provided:

Immunity from proceedings

5. No member, stranger or other person shall be liable to civil or criminal proceedings for –

- (a) any act done under the lawful authority of the Maneaba or an order of the Maneaba or a committee; or*
- (b) words spoken or used or a document or writing or printing made or produced under the lawful authority of the Maneaba or a committee.*

[Repealed by No.9 of 2013]

While some stakeholders considered that there may still be a common law protection for freedom of speech, this has not been tested in the courts. It is possible that a court would conclude that the common law protection had been extinguished, given the Maneaba has specifically removed the statutory protection. For clarity and certainty, it would be prudent for the Maneaba to consider amending the *Privileges, Immunities and Powers of the Maneaba ni Maungatabu Act 1986* to re-insert section 5 ‘Immunity from proceedings’.

While freedom of speech immunity is undoubtedly an important parliamentary principle, it is also important that a Legislature have protections against its misuse.

Sub judice rule

Rule 44(2) of the Maneaba’s Rules of Procedure prevents the discussion of certain information that is being adjudicated before a court or tribunal (the *sub judice* rule). It provides, that ‘Reference shall not be made to a case pending in a court of law in such a way as might in the opinion of the Speaker prejudice the case.’

Citizens’ right of reply

There are currently no rules or processes which allow for a person to respond to adverse references made about them in the course of proceedings. Some jurisdictions have provision for a Citizens’ Right of Reply, which allows citizens that have been subject to allegations under privilege an opportunity to have a response to those allegations which is published in

the records of the forum in which they were made. Including a provision for a Citizens' right of reply may alleviate some of the previous concerns about unfettered freedom of speech for Members.

Remuneration and benefits

Recommendation 3

That the Maneaba re-insert a statutory protection for the freedom of speech immunity into the Kiribati Constitution, and the Maneaba's Rules of Procedure be amended allow for a right of response to adverse references made in the course of proceedings.

(Benchmark 1.4.1 – The Legislature is protected by the freedom of speech immunity. The immunity shall protect persons from legal liability for words spoken or acts done while participating in or directly facilitating the Legislature's proceedings and shall restrict the judicial branch's use of such words or acts as evidence in judicial proceedings.)

(Benchmark 1.4.4 The Legislature shall have mechanisms for persons to respond to adverse references made to them in the course of the Legislature's proceedings.)

Salaries and allowances for Members are provided under the *Salaries and Allowances of Members of the Maneaba ni Maungatabu and Salaries Act*, as most recently amended in 2021¹⁵. The Act provides for remuneration of Beretitenti and Members, including reimbursement of parliamentary expenses. Salaries and allowances are administered by the staff of the Maneaba ni Maungatabu on a non-partisan basis.

Independent tribunal

There is an independent Tribunal which makes recommendations to the Maneaba about the remuneration, benefits and other statutory entitlements of legislators. Various stakeholders indicated that the recommendations of this Tribunal have not been accepted by the government, and that approved amendments have been put forward which are not in line with the Tribunal's recommendations. Stakeholders indicated that contrary to previous recommendations of the Tribunal, the Leader of the Opposition is not eligible for any additional salary, staff, allowances or benefits. It is a strength of the Parliament to have the independent tribunal, but it is important that it has the appropriate authority. Consideration could be given to empowering the Tribunal to determine remuneration and benefits for Members, rather than making recommendations which may be rejected by the government.

¹⁵ *An Act to amend the Salaries and Allowances of Members of the Maneaba ni Maungatabu and Salaries Tribunal 2021*, see [Salaries Allowances of MnM and Salaries Tribunal Amendment Act 2021.pdf \(president.gov.ki\)](#)

Professional Development

New Member induction

The staff of the Maneaba should be commended for organising an extensive induction programme for new Members. Feedback from stakeholders about the induction programme was very positive.

Some stakeholders mentioned that an updated Members' Handbook would be of assistance to new and current Members by providing written advice and guidance about the rules and operation of the Maneaba. Maneaba staff indicated that they are in the process of updating the current Handbook in advance of the general election later in the year.

On-going professional development

The Maneaba has a strong 'twinning' relationship with the Australian Capital Territory (ACT) parliament. The two parliaments work together to exchange ideas, knowledge and support. The members of a number of committees have recently travelled to Canberra for professional development activities, and this strong practice of collaboration between the two Parliaments should be continued moving forward.

The Maneaba may wish to consider the promotion of further on-going professional development opportunities, such as the *CPA Parliamentary Academy* which has been developed by the Commonwealth Parliamentary Association (CPA). The Academy comprises a series of online courses to assist Members and parliamentary staff to increase their knowledge and skills in the performance of their parliamentary duties. There is no cost associated with the completion of these courses, and they incorporate video briefings, lessons, reading materials and tests. It is important for the Parliament to prioritise the learning and development of Members and parliamentary staff throughout the election cycle and not just at the beginning of a new parliamentary term.

Recommendation 4

That Maneaba staff should extend their induction programme by considering opportunities to promote on-going professional development to Members and parliamentary staff, such as the Commonwealth Parliamentary Association Academy courses and other on-going training opportunities.

(Benchmark 1.6.2 The Legislature shall take measures to assist legislators to increase their knowledge and skills in the performance of their parliamentary duties.)

Resignation

Members of the Maneaba have the right to resign in accordance with the Constitution. Section 57(c) provides that Members can resign their seat in writing addressed to the Speaker.¹⁶

Natural Justice

The *Rules of Procedure of the Maneaba ni Maungatabu* broadly reflect the principles of natural justice. The provisions in relation to contempt of the Maneaba are contained in Part 3 the *Privileges, Immunities and Powers of the Maneaba Act*. In relation to prosecution for contempt offences, section 35 provides that:

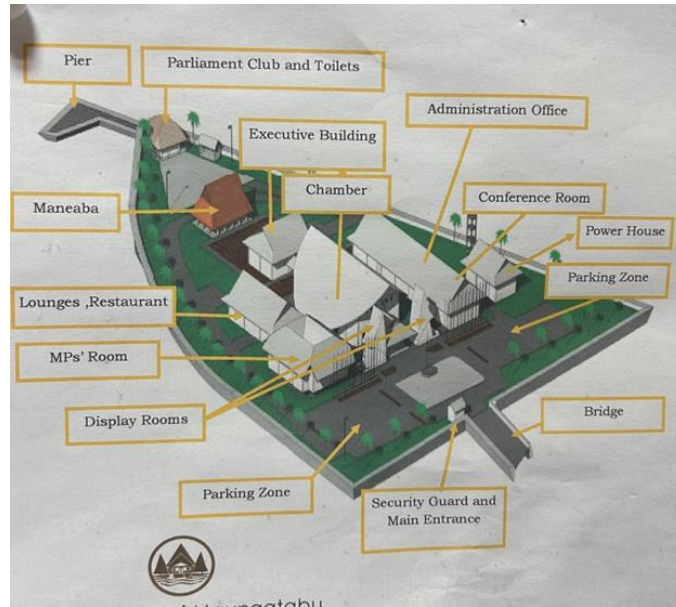
No prosecution for an offence under this Act shall be commenced without the sanction of the Attorney General given after consultation with the Speaker and the Privileges Committee of the Maneaba established under the Rules of Procedure.

Punishments for contempt include fines of up to \$400 or imprisonment for up to six months.

Parliamentary infrastructure

The Maneaba ni Maungatabu is a purpose-built legislative chamber. As well as the main chamber, it has three lounges available for the main political party groupings, with two desk top computer terminals available for members to use in each of the rooms. Members also each have an individual small office/room. There is a separate annex for the Executive government, as well as a purpose-built hearing room for the Public Accounts Committee and two conference rooms to accommodate other Committee activity. There is a parliamentary library and wifi is available throughout the precinct. Members receive an annual communications allowance which can be used to purchase IT equipment such as mobile phones and computers.

¹⁶ The Constitution of Kiribati – section 64(2). Available at: [Constitution | Maneaba ni Maungatabu \(parliament.gov.ki\)](http://parliament.gov.ki)



Map of the Maneaba



Maneaba Chamber – Carly Maxwell and George MacKenzie, Parliamentary Counsel

3. Organisation of the legislature

Procedures and sessions

Rules of procedure

The legislature of Kiribati is well organised, with the constitution of Kiribati setting out, in Chapter V, the establishment of the Maneaba ni Maungatabu, its composition and its power to make laws and Rules of Procedure. These Rules of Procedure have been updated from time to time, with the last revision occurring in December 2022. It is commendable that the Rules of Procedure have recently been updated, but the Parliament should try to implement a regular review period. In addition, there are a range of other Acts (outlined earlier in this report) that strengthen the way that the legislature operates.

Presiding Officers

There are clear procedures for electing a Speaker with the Constitution (at s 71) and the Rules of Procedure (Rule 6) setting this out. In Kiribati, the Speaker must be a person who is not a Member. Noting the demands placed on the Speaker in sitting weeks, the Maneaba in recent years created a new Rule 6A that provides for the election of a Deputy Speaker who is able to assist the Speaker in chairing the Maneaba.

Convening sessions and setting the agenda

The Maneaba normally meets for six weeks per calendar year. Rule 14 stipulates that there shall be at least three meetings of the Maneaba each year and each meeting shall sit for two weeks, with the Rule also stipulating that the House meet during the months of March/April, August/September and November/December.

There is no annual parliamentary calendar to promote transparency and the organisation of the work of the Maneaba. Rather, the Speaker consults the Executive and once dates have been set, the Clerk provides a notice of meeting to all Members at least twenty-one clear days before the meeting is to commence (Rule 14(3)).

Given the distance between the electorates across the very large country, the sitting pattern appears reasonable. However, the lack of an annual parliamentary calendar was seen by many as a disadvantage in terms of not allowing citizens, and all involved in it, to be aware of the legislature's work. By publicising an annual calendar, it allows for greater transparency in the work of the parliament. It also means members of the public, civil society groups and local media can engage better with the work of the legislature as they are better informed of the institution's upcoming work. It is vital that the Parliament seeks to address this by producing and publicising an annual parliamentary calendar.

Recommendation 5

That the Speaker work with the Executive and all Members to produce and publicise an annual parliamentary calendar, which should include the expected sitting dates.

(Benchmark 2.4.4 – There shall be an annual parliamentary calendar to promote transparency.)

Petitions

Provisions exist in the Rules of Procedure (Rule 25) for petitions to be presented to the Maneaba, but the procedure appears to be underutilised.

The ability to petition parliament is a fundamental right of constituents and allows them to directly engage with the political process while, on occasions, venting any grievances they may have. The Maneaba should produce and publish on its website material relating to the petitions process. This could be done by various means including, but not limited to, informative fact sheets, explanatory videos, and examples of previous petitions that have been successfully considered by Parliament.

Recommendation 6

That the Maneaba introduce various means of promoting the petitions process and ensure that members of the public can easily access this information.

(Benchmark 2.71 – The Legislature shall have procedures to allow for the meaningful consideration of petitions.)

Committees

Organisation

The Maneaba has a robust committee system with three standing committees – Privilege, Public Accounts and a Business Committee. In addition, there is an ability to establish select committees, and the Maneaba has two – Kiribati's National ID and Improving Health Services. Each select committee has five Members, with the Public Accounts Committee (PAC) having three Members. Each Standing committee has a secretary, and for the select committees a secretary has had to be sourced from outside the Parliament. Given the wide range of duties of a committee secretary – administrative, research and procedural – there is scope to augment the support to the important work that committees perform.

Recommendation 7

That the research and administration work of the Parliament's committees be enhanced by additional research/administration officers for each standing committee.

(Benchmark 3.1.1 – The Legislature shall have the right and sufficient resources to form permanent and temporary Committees.)

The *Commonwealth Association of Public Accounts Committees Handbook* (August 2020) states:

It is a long-standing tradition and it is considered a standard of good practice in many parliaments of the Commonwealth, that the PAC chairperson be a member of the Opposition. Such an attribute underlines the non-partisan tradition that underpins the work of the PAC and the willingness of the system to promote transparency through independent scrutiny.¹⁷

The assessment team was made aware that in a previous parliament there existed a practice that, in accordance with best practice, the chair of the PAC was an opposition MP.

Recommendation 8

That the chair of the Standing Committee on Public Accounts be an Opposition Member, in accordance with good practice across the Commonwealth.

The assessment team also became aware that, when committee reports are tabled in the Maneaba (in accordance with Rule 68(15)), minutes of the meeting that were instrumental to the production of the report are not regularly tabled.

Tabling minutes of committee proceedings will enhance the important work of committees and increase levels of transparency.

Recommendation 9

That minutes of committee meetings be tabled along with committee reports.

(Benchmark 3.1.5 – All committee votes and substantive decisions, and the committee's reasons for them, are made public in an accessible manner.)

¹⁷ Wehner J, *Best Practices of Public Accounts Committees*, p 7.

Benchmark 3.1.4 states that “Once established, committees shall meet regularly in a timely and effective manner”.

The assessment team became aware that committees were meeting daily to carry out their work which appeared to be driven by the way committee sitting allowances are administered in Kiribati. This does not seem to be an effective use of time, and this practice should be addressed.

It is suggested that committees could be more effective if they met when and if required, as this would free up time for both the Members and the Secretary.

Recommendation 10

That committees meet when and if required, and that instead of remunerating committee members on days when the committee meets, the salaries and allowances of Members of the Maneaba ni Maungatabu and the Salaries Tribunal Act be amended to provide for a percentage allowance of salary (say 10-15 percent) to provide for a more effective method of remuneration.

(Benchmark 3.1.4 – Once established, committees shall meet regularly in a timely and effective manner.)

Benchmark 3.2.5 states that “Committees shall seek and receive submissions from the public about the business before them and provide reasonable time for written submissions to be prepared”. The assessment team noted the excellent work of both the standing committees, i.e. Public Accounts and Business, in terms of providing scrutiny of executive actions. The Business Committee requests information from the various ministries and meets with mayors from various regions to establish whether issues raised during questions and motions in the Maneaba have been followed up and implemented.

This could be enhanced by allowing the public of Kiribati to lodge submissions to the various committees and for public hearings to be held so that public can participate in important committee work. Committees are a vital tool for public engagement and members of the public should be actively encouraged to participate in the committee process. This will not only boost public engagement, but it will enhance the committee process in Kiribati as it will provide better and more diverse evidence to any inquiry process. Furthermore, it is best practice for Committees to meet in public, unless there is a clear reason that they should meet in private, and this should be the case in Kiribati.

Recommendation 11

That committees should advertise their committee inquiries on the Assembly website and seek submissions and public input into their work by holding public hearings.

(Benchmark 3.2.5 – Committees shall seek and receive submissions from the public about the business before them and provide reasonable time for written submissions to be prepared.)

Political parties, party groups, cross-party groups and the opposition

Benchmark 4.4.1 states that “The Legislature shall ensure adequate facilities and allocation of resources for the Opposition, including the Leader”. The assessment team noted that a lounge in the parliamentary precincts has been allocated to the Opposition party but considers that other additional resources could be allocated.

Recommendation 12

That the Leader of the Opposition should be provided with a staff member and a salary commensurate to a minister’s salary to reflect the importance of that position.

(Benchmark 4.4.1 – The Legislature shall ensure adequate facilities and allocation of resources for the Opposition, including the Leader.)

Benchmark 4.1.2 states that “The public and private funding of political parties and candidates shall be transparent and accountable”. Currently, there are no laws in Kiribati that require such funding for candidates to be made public or disclosed.

The regular reporting and publishing of candidate/party funding promotes a more transparent and accountable electoral process.

Recommendation 13

That the [Elections Act 2019](#) be amended to ensure public and private funding of candidates/parties are regularly reported and published.

(Benchmark 4.1.2 – The public and private funding of political parties and candidates shall be transparent and accountable.)

Parliamentary staff

Benchmark 5.4.1 states that “The head of the parliamentary service shall have a form of protected status defined in legislation or in the Constitution to prevent undue political pressure”. Currently, there is no such protection for the Clerk, nor for the other staff of the Maneaba. In order to give frank and fearless advice, such protection is warranted.

Recommendation 14

That the Clerk and staff of the Maneaba be given protection from undue political pressure and this could be set out clearly by a law passed by the Parliament.

(Benchmark 5.4.1 – The head of the parliamentary service shall have a form of protected status defined in legislation or in the Constitution to prevent undue political pressure.)

4. Functions of the legislature

Legislative function

Legislative process

Under the Kiribati Constitution, the approval of the Maneaba is required for the passage of all legislation, including budgets.¹⁸ Members of the Maneaba are supported to draft amendments to legislation and can access the Parliamentary Counsel to assist them. The Rules of Procedure for the Maneaba allow for the adoption of motions or resolutions that provide for the non-binding expression of the will of the Maneaba.¹⁹

The Maneaba has been working with the Attorney Generals' office on a template for legislative drafting which includes equality impact assessments and measurement against sustainable development goals. It is hoped that this will be in place for the first sitting of the Maneaba after the election later this year.

The Maneaba does not have the authority to determine or approve its own budget and the budget for the Maneaba is included in the general budget bills. It would be more appropriate for it to have a separate appropriation bill, with input from the Speaker and parliamentary administration. This will be a vital step to achieving a greater level of parliamentary independence, as the parliament would have greater say over their financial destiny.

Notice

Rule 52 provides that bills and explanatory memorandum must be submitted at least 25 days before they are presented to the Maneaba. The only exception is budget bills, which are required to be provided three days before they are presented. Copies of the bills must be lodged with the Clerk in paper and electronic form at the time of submission. Immediately after a bill is published, copies are sent by the Clerk to each Member in both paper and electronic form.

Bill workshops

To enable Members to understand the contents of the bills and seek clarification about any of the provisions, the Maneaba can convene briefing meetings for Members.²⁰ These briefings are scheduled prior to each sitting week. The Maneaba should be commended for this process, which received positive feedback from all stakeholders. It was reported that the sessions are well attended and result in useful information for Members and assist them in their own consultations with their constituents on proposed legislation. It is important to ensure that information disseminated to Members during these briefing meetings are fair and impartial.

¹⁸ The Constitution of Kiribati – sections 66 and 109. Available at: [Constitution | Maneaba ni Maungatabu \(parliament.gov.ki\)](http://parliament.gov.ki)

¹⁹ Rules 37 and 38, *Rules of Procedure of the Maneaba ni Maungatabu*.

²⁰ Rules 52A, *Rules of Procedure of the Maneaba ni Maungatabu*.

Public input

There are limited formal options for public input into the legislative process, including the budget process. However, stakeholders did report that Members regularly canvass the views of their constituents about proposed legislation outside of official parliamentary processes. There are physical noticeboards across Kiribati as well as Facebook pages and a mailing list to the outer islands to ensure that information about matters before the Maneaba is available. The Maneaba is currently working with the United National Development Programme (UNDP) to update its website, and this is a positive action by the Parliament. As part of this process, consideration should be given to the establishment of a public database for bills to provide more public transparency around the legislative process. It is hoped that the updating of the website will include further details on Members, committees and the parliament as a whole, as often the website is the first interaction a citizen can have with a parliament.

Delegated or Subordinate legislation

The Maneaba currently does not have rules, laws or practices that allow for the scrutiny or approval of delegated or subordinate legislation. Regulations and other subordinate legislation are not required to be tabled in the Maneaba and the government gazette is not operational. Stakeholders indicated that it was difficult to determine what Regulations were in force and that there was no form of scrutiny of Regulations or Orders. The Maneaba should consider options to require the tabling of delegated and subordinate legislation to provide for transparency and scrutiny by Members and citizens.

Recommendation 15

That the Maneaba introduce requirements for delegated or subordinate legislation to be tabled in the Maneaba and to be subject to scrutiny.

(Benchmark 6.1.3 – The Legislature shall scrutinise secondary, delegated or subordinate legislation including its authority and scope.)

Oversight function

Cabinet

The Kiribati Constitution limits the size of the Cabinet so that it is in proportion to the number of Members of the Maneaba. Section 40 provides that the Cabinet consists of: the Beretitenti (President), the Kauoman-ni-Bereetitenti, not more than 10 other Ministers, and the Attorney-General.

Provision of information

There are a number of parliamentary rules and procedures which Members of the Maneaba can use to gain information from the Executive. For instance, there are procedures for the asking of questions (Rules 27-34) and the tabling of papers (Rule 26). The Public Accounts

Committee has the authority to examine state-owned enterprises and state-owned enterprises are also required to submit reports to the Maneaba.

However, the Maneaba does not currently have effective oversight of international treaties and obligations, including international human rights instruments and the Sustainable Development Goals (SDG). The Maneaba should consider whether there should be a requirement for International Treaties to be tabled in the Maneaba to encourage transparency and scrutiny.

Independent bodies

Instead of a range of independent anti-corruption and ombudsman agencies, the Maneaba has an independent Leadership Commission and an anticorruption unit within the Public Service Commission. This is appropriate given the size and resources of the Maneaba and Kiribati public service. The Leadership Commission is required to table its annual reports in Parliament and the Maneaba should consider whether it would be appropriate for one of its committees to inquire into and scrutinise these reports.

Financial and Budget Oversight

Appropriation bills

There are detailed procedures in the Maneaba for the consideration and debate of the budget. A Minister must submit Appropriation Bills and explanatory memoranda three days before they are presented to the Maneaba, and copies are then provided to all Members (Rule 60(1)). After introduction, an Appropriation bill cannot be debated until the following day (Rule 60(2)). There is then an extensive debate and the Committee of the Whole procedure to consider appropriation bills (Rules 60 and 61).

Committee financial oversight

Committees have also been effective in scrutinising the budget and spending of the government. The Maneaba has an active and diligent Public Accounts Committee to scrutinise government spending. The Business Committee has also taken on an additional role to scrutinise public infrastructure expenditure by visiting and inspecting significant public infrastructure projects to check on progress and verify completion.

Audit Office

The Kiribati Audit office is an independent, non-partisan organisation with adequate funding to carry out its functions. The Auditor-General produces approximately eleven reports per year which are tabled in the Maneaba. One report focuses on the central government, and the others on island councils. The Auditor General reported that he is able to access the documents and information he needs to complete his role.

The Public Accounts Committee reviews all reports of the Auditor-General, which has resulted in a back-log of reports spanning over many years and a significant workload for the committee. To ensure timely and effective reporting, the Public Accounts Committee should

consider prioritising for substantive inquiry only those reports which contain significant and recent issues.

Recommendation 16

That the Public Accounts Committee prioritise the in-depth review of only those reports of the Auditor General which raise significant and recent issues.

(Benchmark 7.2.9 – All reports of the Supreme or National Audit Office shall stand referred to the Public Accounts committee, or a designated Committee, for further report)



Meeting with the Auditor-General of Kiribati

No confidence

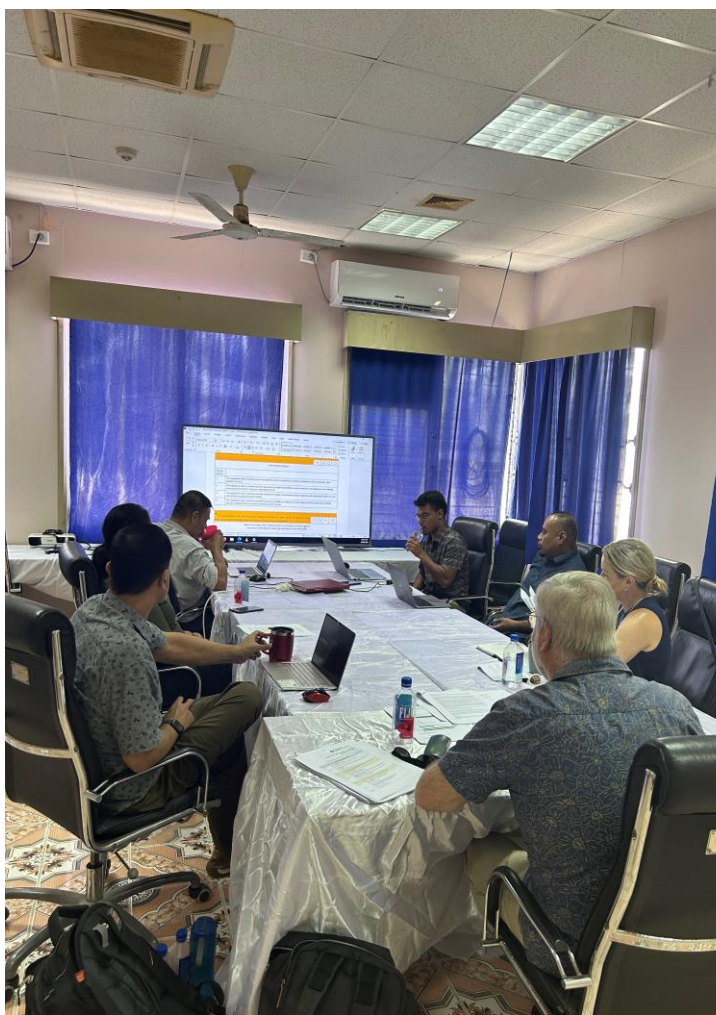
Section 78 of the Constitution provides for motions of no confidence being moved in the government or the Beretitenti. If a no confidence motion passes, the Maneaba dissolves and a general election is called within three months of dissolution.

Parliamentary assistance, networking and diplomacy

Development assistance

The Maneaba is able to seek development assistance to strengthen its role. It has a ‘twinning’ relationship with the Australian Capital Territory (ACT) Legislative Assembly which involves regular exchanges of information, ideas and knowledge. It has partnerships with the UNDP on activities such as member induction and webpage infrastructure. It is also an active member of the Commonwealth Parliamentary Association, and members regularly attend conferences, training and events.

Commonwealth connections



Benchmarking workshop



Meeting with disability advocates

5. Values of the legislature

Accessibility, openness and engagement

Public engagement

The review team met with a representative of the media who indicated that, through his long association with the work of the Parliament, he had established good working relationships with Members of the Maneaba. There was not a strong media presence in Kiribati which meant there was limited capacity for scrutiny of the Executive.

In terms of accessibility to Parliament for persons with disabilities, it was noted that as the parliamentary precinct was all on one level, access was reasonable. The staff of the Parliament were reminded of the opportunity to apply for funding from the CPA Commonwealth Parliamentarians with Disabilities Fund, which could support the building of disabled friendly toilet facilities in the precinct.

The Parliament has a dedicated Education Officer, who's role is to engage with members of the public, including school children, on the work of the Assembly. The Assembly's Education Officer has been undertaking a significant amount of work on an outreach programme for school age children to the various islands of Kiribati. For example, on Commonwealth Day each year the Officer organises a series of events to mark the occasion. It is important that this work continues and is strengthened where possible.

All the Assembly proceedings are broadcast on radio in Kiribati, and feedback is that many Kiribati constituents follow these proceedings with a keen interest. There are discussions about whether proceedings should be televised and webcast and the assessment team considered that this would promote the work of the Parliament even more.

The assessment team was told that in October 2023, another practice parliament for women was held. The one week workshop had 45 participants, and the Parliament is to be commended for undertaking these workshops once a term. In discussions with the National Disability Association of Kiribati it became clear that they were not aware of the practice parliament. Given that the Association represents over 5,000 disabled persons in Kiribati (Census 2020), as mentioned previously, there may be benefit in promoting this workshop more widely, and perhaps including disabled persons.

Ethical governance

Transparency and integrity

Kiribati has a [Leaders Code of Conduct Act 2016](#) which sets out that the Maneaba declares and recognises the right of the people of Kiribati to a responsible and an ethical government. As part of that commitment, the Act requires that a leader (which the Act defines as any Member) must lodge with the Leadership Commission before the end of January every year, a statement of assets and liabilities in and out of Kiribati, and that of their immediate family, including a list of properties and their estimated values.

Whilst the text of the leadership code sets out a laudable code of conduct, the assessment team was made aware that only a small number of Members adhered to the requirement to lodge returns and, even when returns are lodged, they are not publicly available.

Recommendation 17

That the [Leaders Code of Conduct Act 2016](#) be amended to ensure that returns are published on a website or otherwise made available.

(Benchmark 11.1.3 – Legislatures shall require legislators to periodically, fully and publicly disclose their financial and other relevant interests.)

Freedom of Information (FOI)

There is currently no freedom of information regime in Kiribati to give the public access to information held by public authorities. Discussions with a media representative by the assessment team confirmed that an FOI regime would be welcome.

Recommendation 18

That a freedom of information regime be established.

(Benchmark 11.2.1 – There shall be an effective FOI regime to give the public access to information held by public authorities.)

6. Stakeholders

Members of Parliament

The Hon Tangariki Reete
Speaker, Kiribati Legislative Assembly

Hon Tauanei Marea
Chair, Standing Committee on Public Accounts

Hon Taoaba Kaiea
Chair, Business Committee

Hon Iakoba Karutake MP

Hon Batoromaio Kiritian MP

Hon Ieremia Tabai GCMG AO

Hon Vincent Tong

Statutory Office Holders

Mr Eriata Tauma Manaima
Auditor-General

Mr Uriam Timiti
Chairman of Leadership Commission

Mr Tarataake Teannaki
CEO Broadcasting Publication Authority

Ms Takiakia Maatia
Chief Electoral Officer

Civil Society Contacts

Members of the National Disability Association

Parliamentary Staff

Mr Eni Tekanene
Clerk

???
Deputy Clerk

George MacKenzie
Parliamentary Counsel

Naumata Tiika
Committee Secretary, Business Committee

Kauae Been
Committee Secretary, Public Accounts Committee

???

IT Officer

Media

Rimon Rimon