

PRIVILEGES, IMMUNITIES AND POWERS OF THE MANEABA NI MAUNGATABU ACT 1986

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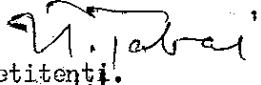
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SCHEDULES

THE REPUBLIC OF KIRIBATI
(No. 15 of 1986)

I assent,


Beretitenti.
21/11/1987

AN ACT TO PROVIDE FOR THE PRIVILEGES, IMMUNITIES
AND POWERS OF THE MANEABA NI MAUNGATABU AND OF
THE MEMBERS AND COMMITTEES OF THE MANEABA AND
FOR CONNECTED PURPOSES.

Commencement:
21/11/1987

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

PART I
PRELIMINARY

- Short title 1. This Act may be cited as the Privileges, Immunities and Powers of the Maneaba ni Maungatabu Act 1986,
- Interpretation 2. In this Act, unless the context otherwise requires -
- "Adviser" means a person authorised by the Speaker to act as a confidential adviser to members on parliamentary matters, and includes any person purporting or holding himself out to act in such capacity in the Maneaba;
- "broadcast" includes rebroadcast;
- "Chairman" means the Chairman of a committee and any other member of a committee selected by the committee to act as Chairman;
- "the Chamber" means a room or place in which the Maneaba is sitting at anytime;
- "the Clerk" means the Clerk of the Maneaba and includes an Assistant Clerk;
- "Committee" means any standing, sessional, select or other committee of the Maneaba and includes the committee of the whole Maneaba

"conviction" means conviction by a court of competent jurisdiction;

"document" includes a part of a document;

"interpreter" means a person authorised by the Speaker under section 25 of this Act;

"the Maneaba" means the Maneaba ni Maungatabu;

"member" means a member of the Maneaba and includes the Speaker;

"officer of the Maneaba" means -

- (a) the Clerk; or
- (b) an interpreter; or
- (c) any other employee of the Maneaba; or
- (d) any other person authorised by the Speaker to be an officer of the Maneaba; or
- (e) any police officer on duty within the precincts of the Maneaba;

"precincts of the Maneaba" means the Chamber and offices of the Maneaba and the entire building in which are situated such Chamber, the offices of the Maneaba, the galleries and places provided for the use or accommodation of strangers, members of the public or representatives of the press and any forecourt, yard, garden, enclosure or open space or area adjoining or appurtenant to such building as set out and described in Schedule 3 to this Act and used or provided for the purposes of the Maneaba;

"Rules of Procedure" means the rules of procedure of the Maneaba for the time being in force;

"stranger" means any person other than a member or officer of the Maneaba;

"tribunal" means any person or body (other than a court or a committee) having power to examine witnesses on oath, including any Commission of Inquiry established under or by law;

Saving of powers

3. This Act -

- (a) is subject to the Constitution; and
- (b) does not limit the powers of the Maneaba, a committee or the Speaker under the Constitution and the Rules of Procedure or any other law and its provisions are in addition to and not in derogation of any such power or authority.

PART II
PRIVILEGES AND IMMUNITIES

Freedom from arrest

4. No member shall be arrested or detained -

(a) for any civil cause or matter on any day -

(i) on which the Maneaba meets;

(ii) on which a committee of which that member is a member meets; or

(iii) which is within 5 days before or 5 days after a day referred to in sub-paragraphs (i) and (ii) of this section; or

(b) within the precincts of the Maneaba for any criminal offence on any day -

(i) on which the Maneaba meets; or

(ii) on which a committee of which that member is a member meets.

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.

Jurisdiction of the Court in respect of officers of the Maneaba

6. Neither the Speaker nor any officer of the Maneaba shall be subject to the jurisdiction of a court in respect of the exercise of a power conferred on or vested in him by or under this Act.

Immunities from arrest and attendance

7. (1) No member shall be required to attend before a court or a tribunal on any day -

(a) on which the Maneaba meets;

(b) on which a committee of which that member is a member meets; or

(c) which is within 5 days before or 5 days after a day referred to in paragraphs (a) or (b) of this section.

(2) No officer of the Maneaba shall be -

(a) required to attend before a court or tribunal; and

(b) arrested or detained in a civil cause or matter,

on any day -

- (c) on which the Maneaba or a committee upon which that officer is required to attend meets; or
- (d) which is within 5 days before or 5 days after a day referred to in paragraph (c).

(3) No person who is required to attend before the Maneaba or a committee on a day shall be -

- (a) required to attend before a court or tribunal; and
- (b) arrested or detained in a civil cause or matter,

on that day.

(4) Except as provided by this section, a member, an officer of the Maneaba and a person required to attend before the Maneaba or a committee has no immunity from compulsory attendance before a court or tribunal or from arrest or detention, in a civil cause or matter by reason of being a member or such an officer or person.

PART III CONTEMPT AND LIKE MATTERS

Contempts of the Maneaba

8. A member, stranger or other person who -

- (a) by force, threat of force or threatening or insulting words -
 - (i) compels or seeks to compel a member to vote or declare himself for or against any motion or proposal pending or likely to be moved or brought before the Maneaba or a committee; or
- (b) interferes with, resists or obstructs an officer of the Maneaba in the execution or performance of any act authorised or ordered by -
 - (i) the Maneaba;
 - (ii) a committee; or
 - (iii) under this Act; or
- (c) by act or words disturbs the proceedings of the Maneaba or a committee or counsels or procures, another person to disturb such proceedings; or
- (d) induces or compels a person called or to be called to give evidence before the Maneaba or a committee -
 - (i) to give false testimony;
 - (ii) to withhold true testimony; or
 - (iii) to refuse or fail to attend before the Maneaba or a committee for the purpose of giving evidence,

is guilty of an offence and shall on conviction be liable to a fine not exceeding \$400 or to imprisonment for a term not exceeding 6 months.

Publication of
contempts

9(1)

9(1) Subject to subsection (2) of this section, a person who publishes any words, orally or in writing, or a cartoon, drawing or other pictorial representation tending to bring the Maneaba into hatred or contempt or ridicule is guilty of an offence and shall be liable to a fine not exceeding \$400 or imprisonment for a term not exceeding 6 months.

(2) An offence against subsection (1) of this section is not committed if the publication concerned was such that, had the material published been defamatory, it would have been protected, justified or excused under the general law relating to defamation.

Publication, etc.
contrary to order
of the Maneaba

10. Notwithstanding anything in this Act, where the Maneaba has ordered that any words or matter published in the Maneaba shall not be printed or published, a person who prints or publishes any report of those words or that matter or part thereof outside the Maneaba is guilty of an offence and shall on conviction be liable to a fine not exceeding \$400 or imprisonment for a term not exceeding 6 months.

Unauthorised
disclosure of
Maneaba proceedings

11. A member, officer or employee, or a former member, officer or employee, of the Maneaba who, except with the prior consent of the Speaker, discloses to any court or tribunal, or to any person who has a duty to inquire into or investigate any matter, the contents of -

- (a) any evidence given before the Maneaba or a committee; or
- (b) a report of the debates and proceedings of the Maneaba that has not been published with the authority of the Maneaba; or
- (c) a manuscript or document laid before the Maneaba or a committee of the Maneaba that has not been published with the authority of the Maneaba, is guilty of an offence and shall on conviction be liable to a fine not exceeding \$400 or imprisonment for a term not exceeding 6 months.

Disclosure of
confidential
information, etc

12. An officer or adviser, or a former officer or adviser of the Maneaba, who, except with the prior consent of the member concerned or of the Speaker, reveals to another person any confidential information or other matter given to him, in his capacity as such, by a member is guilty of an offence and shall on conviction be liable to a fine not exceeding \$400 or imprisonment for a term not exceeding 6 months.

Printing false copy
of Act, etc.

13(1)

Subject to subsection (2) of this section, a person who -

(a) prints or causes to be printed a document purporting

(i) to be a copy of an Act, or of a report, paper, notice-paper, minutes, votes or proceedings of the Maneaba or part thereof of a committee or part thereof; and

(ii) to be printed by the Government Printer or by or under the authority of the Maneaba, a committee the Speaker or the Clerk of the Maneaba; or

(b) tenders in evidence such a document, knowing the documents not to be so printed,
is guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding 3 years.

(2) If the court in any civil or criminal proceedings for publishing the document referred to in subsection (1) of this section is satisfied that the document was published bona fide and without malice, it shall enter judgment or verdict, as the case may be, for the defendant or accused.

PART IV
PRECINCTS OF THE MANEABA

Serving of
process within
the precincts

14(1) A person who, on a day in respect of which this section applies, and within the precincts of the Maneaba -

(a) serves, tenders or service or executes any writ, summons, warrant, order or other process issued by or with the authority of any court or otherwise in accordance with any law; or

(b) except as authorised by section 16 arrests another person,
is guilty of an offence and shall on conviction be liable to a fine not exceeding \$400 or imprisonment for a term not exceeding 6 months.

(2) This section applies in respect of -

(a) a day fixed by the Speaker or by resolution of the Maneaba or otherwise to be a day on which the Maneaba will sit; and

(b) a day fixed by a committee to be a day on which the committee will sit.

Stranger not
entitled to enter
or remain in
Maneaba

15. No stranger shall be entitled, as of right, to enter or to remain within the precincts of the Maneaba.

Removal of
persons from
the precincts

(1)

16(1) The Speaker may direct that a member whom the Maneaba has ordered to be excluded or removed from the Chamber be excluded or removed from the Chamber.

(2) The Speaker may, at any time and whether the Maneaba is sitting or not, direct that a stranger be removed from the precincts of the Maneaba.

(3) In the exercise of his powers under subsections (1) and (2) of this section, the Speaker may require a person to exclude or remove by reasonable force the person whom the Speaker has directed to be excluded or removed.

(4) The Speaker and any person acting under his direction is not liable in any legal proceedings for any act done under this section.

Directions of
Speaker

17(1) Where the Speaker has directed the exclusion of a person from the precincts of the Maneaba, no such person shall -

(a) refuse or fail to leave the precincts of the Maneaba; or

(b) re-enter or attempt to re-enter the precincts of the Maneaba while the direction is in force.

(2) Any person who contravenes subsection (1) of this section is guilty of an offence and shall on conviction be liable to a fine not exceeding \$400 or to imprisonment for a term not exceeding 6 months.

PART V WITNESSES

Power to order
attendance of
witnesses

18. The Maneaba or a committee may order a member, stranger or other person to attend before the Maneaba or before a committee and to give evidence or to produce any paper, book, record, document or article in the possession or under the control of such person.

Summons to
witnesses

19(1) An order under section 18 of this Act -

(a) to attend before the Maneaba or a committee to give evidence before the Maneaba or a committee as the case may be; or

(b) to produce to the Maneaba or a committee, as the case may be, any paper, book, document, or article shall be issued by way of summons under the hand of the Speaker in the case of the Maneaba or in the case of a committee, the Chairman.

(2) A summons issued under subsection (1) of this section -

(a) shall be in Form 1 or Form 2 as set out in Schedule 1 to this Act;

(b) shall be served by an officer of the Maneaba or a police officer; and

(c) shall be served personally on the person to whom it is directed.

Warrant in case
of disobedience
to summons

20(1) If a member, stranger or other person whom a summons issued under Section 19 has been served refuses or fails, after the tender of expenses in accordance with a scale determined by the Speaker and approved by the Maneaba under section 23 of this Act, to appear or to continue in attendance in obedience to the summons, the Speaker or, in the case of a committee, the Chairman may issue a warrant for his arrest.

(2) A warrant under subsection (1) shall be in Form 3 as set out in Schedule 1 to this Act, and shall authorise -

- (a) the arrest of the person to whom it relates; and
- (b) his being brought before the Maneaba or a committee to give evidence; and
- (c) his detention in custody for the purpose of paragraph (b) until he is released by order of the Speaker or of the Chairman, as the case may be.

(3) A warrant issued under this section may be executed by a police officer.

(4) The person executing the warrant may, with or without assistants, if reasonably necessary so to do under the circumstances break and enter any building, place or ship or aircraft for the purpose of executing the warrant.

(5) The Speaker, or the Chairman issuing a warrant for the arrest of a person under this section may, if he thinks fit by endorsement on the warrant direct that the person named in the warrant be released after arrest on his entering before a Judge or Magistrate, into such recognizance, for his appearance before the Maneaba or a committee in accordance with the summons as is required in the endorsement.

Taking of
evidence

21(1) The Maneaba or a committee that has been empowered to order the attendance of witnesses may -

- (a) require that any facts, matters or things relating to the subject of the inquiry by the Maneaba or by a committee be verified or ascertained by the oral examination of witnesses; and
- (b) cause a witness to be examined on oath.

(2) The Clerk of the Maneaba or the member presiding at a meeting of a committee may administer an oath to a witness appearing before a committee empowered under subsection (1) of this section to cause such witness to be examined on oath.

(3) Where, in accordance with a summons under section 20 a person attends before the Maneaba or a committee -

(a) to give evidence; or

(b) to produce a book, paper, document or article specified in the summons,

he shall not be compelled to answer a question except by, or with the consent of, the Speaker or the Chairman of that committee.

Offences by witnesses, etc

22(1) Subject to section 23 of this Act, a person who is served with a summons under section 19 of this Act and who -

(a) refuses or fails without reasonable excuse, to appear at the time and at the place specified in the summons; or

(b) refuses to be sworn or to make an affirmation; or

(c) refuses or fails, without reasonable excuse, to answer a question put to him by, or with the consent of, the Speaker or the Chairman; or

(d) refuses or fails without reasonable excuse, to produce to the Maneaba or to a committee any book, paper, document or article specified in the summons; or

(e) gives false evidence or makes a statement that is false in any material particular; or

(f) presents to the Maneaba or a committee a document that is to his knowledge false,

is guilty of an offence and shall on conviction be liable to a fine not exceeding \$400 or imprisonment for a term not exceeding 6 months.

(2) It is a defence to a prosecution for an offence against subsection (1)(c) of this section that the answer to the question that the defendant is charged with having refused or failed to answer would tend to exonerate him of an offence.

Witness' expenses

23. A witness appearing before a committee -

(a) to give evidence; or

(b) to produce any book, paper, document or article shall be paid such witness' fees and travelling expenses as the Chairman thinks fit to allow, in accordance with a scale determined by the Speaker and approved by the Maneaba.

Claim of privilege

24(1) Where a person attends before the Maneaba or a committee -

(a) to give evidence; or

(b) to produce any book, paper, document or article he may object -

(c) to answering any question put to him; or

(d) to producing any book, paper, document or article on the ground that to answer the question or to produce the book, paper, document or article would be contrary to the public interest.

(2) Where a person objects, under subsection (1) of this section, to answering a question or to producing a book, paper, document or article, the Maneaba or the committee shall, until the end of the period of 72 hours referred to in subsection (3) of this section, desist from requiring an answer to the question or the production of the book, paper, document or article, and the Speaker or the Chairman, as the case may be -

(a) shall immediately report to the Cabinet -

(i) the objection taken; and

(ii) the nature of the question asked or the book, paper, document or article required to be produced; and

(b) shall ask the Government whether the objection is supported.

(3) When an inquiry is made under subsection (2)(b) of this section, the Beretitenti, acting in accordance with the advice of Cabinet may, within 72 hours, deliver or refuse to deliver to the Speaker or to the Chairman a certificate under his hand, certifying that the answer to the question or the production of the book, paper, document or article would be contrary to the public interest.

(4) If a certificate referred to in subsection (3) of this section is delivered the Speaker or the Chairman shall not require the question to be answered or the book, paper, document or article to be produced.

(5) If -

(a) the Beretitenti acting in accordance with the advice of the Cabinet, refuses to deliver a certificate referred to in subsection (3) of this section; or

(b) at the end of the period of 72 hours referred to in subsection (3) of this section he has failed to deliver such a certificate,

the objection made by the person under subsection (1) of this section shall be deemed to have been disallowed and the person may be then required by the Speaker or the Chairman -

(c) to answer the question concerned; or

(c) to produce the book, paper, document or article concerned.

PART VI
INTERPRETERS

Interpreters'
oaths

25(1) The Speaker may authorise any person to be an interpreter in the Maneaba.

(2) Before entering on the duties of his office, an interpreter shall take an oath or make an affirmation in the form set out in Schedule 2 to this Act.

Duty of inter-
preters

26(1) An interpreter who translates, in the course of his duties, any matter for the Maneaba or for a committee or a member shall to the best of his ability, correctly translate it.

(2) Any person who contravenes subsection (1) of this section is guilty of an offence and shall on conviction be liable to a fine not exceeding \$200 or imprisonment for a term not exceeding 3 months.

Protection of
interpreters

27. Except as provided in section 26 of this Act, no action, civil or criminal, lies against an interpreter in respect of the translation by him, in the course of his duties, or any matter for the Maneaba or a committee or a member.

PART VII
PUBLICATION OF CERTAIN MATTERS

Publication of
documents and
evidence

28. The Maneaba may authorise the publication of any document laid before it or of any evidence given before it.

Authority for
certain public-
ations

29(1) When the Maneaba has ordered a document or evidence to be printed, the Maneaba shall be deemed, unless the contrary intention appears in the order, to have authorised the Speaker to publish the document or evidence.

(2) The Maneaba shall be deemed to have authorised the Clerk of the Maneaba to publish -

(a) The notice-paper and the minutes of the proceedings in the Maneaba; and

(b) the report of the debates and proceedings of the Maneaba.

Protection of
authorised
publication

30(1) No action, suit or proceedings, civil or criminal, shall lie against a person for publishing any document or evidence published under an authority given under section 28 of this Act or deemed to have been given by virtue of section 29 of this Act, the defendant may bring before the court in which the action or prosecution is pending or before a Judge or magistrate of that court, after giving 24 hours' notice of his intention to do so to the plaintiff, complainant, informant or prosecutor -



- (a) a certificate under the hand of the Speaker or the Clerk of the Maneaba on the direction of the Speaker stating that the document or evidence in respect of which the action or prosecution has been commenced was published under that authority; and
- (b) an affidavit verifying the certificate, and the court, Judge or magistrate -
- (c) shall stay the action or prosecution; and
- (d) may order the plaintiff, complainant, informant, or prosecutor to pay the defendant his costs or defence.

PART VIII
BROADCASTING OF THE MANEABA'S PROCEEDINGS

Broadcasting of proceedings

- 31(1) No person shall broadcast any proceedings of the Maneaba or part thereof or of a committee or part thereof except -
- (a) by the authority of the Maneaba and in accordance with such conditions as are determined by the Maneaba; or
 - (b) subject to section 10, in accordance with a determination by a committee.


(2) Any person who contravenes subsection (1) of this section is guilty of an offence and shall on conviction be liable to a fine not exceeding \$400 or imprisonment for a term of 6 months.

(3) No action, civil or criminal, shall lie against any person for broadcasting any debates or proceedings of the Maneaba or part thereof as permitted by subsection (1) of this section.

Official interpretation, etc

32. For the purposes of -
- (a) this Act; and
 - (b) the general law relating to defamation, a person broadcasting any debates or proceedings of the Maneaba or part thereof as permitted by section 31 of this Act is entitled to rely, without question, on the accuracy of -
 - (c) a translation or interpretation of those debates or proceedings or part thereof made for the purposes of the Maneaba by a person authorised by the Speaker to act as an interpreter in the Maneaba; and
 - (d) a tape-recording or other record of these debates or proceedings or part thereof made or kept under the authority of the Speaker, and is not responsible for any defect, in the translation, interpretation, tape-recording or record, as the case may be.

PART IX
MISCELLANEOUS



Admission of
certain documents
in evidence

33. On an inquiry concerning the privilege, immunities or powers of the Maneaba or of a member, a copy of any document printed or purporting to have been printed -

(a) by the Government Printer; or

(b) by the authority of the Speaker or the Clerk on the direction of the Speaker; or

(c) otherwise by or under the authority of the Maneaba, is, in all courts and before all Judges and other persons evidence of the proceedings.

Certificates
relating to
proceedings

34. For the purposes of this Act, a certificate signed by or on behalf of the Speaker or Chairman stating that -

(a) a particular document was prepared for the purpose of submission, and submitted to the Maneaba or a committee;

(b) a particular document was directed by the Maneaba or a committee to be treated as evidence taken in camera;

(c) certain oral evidence was taken by the committee in camera;

(d) a document was not published or authorised to be published by the Maneaba or a committee;

(e) a person is or was an officer of the Maneaba;

(f) an officer is or was required to attend upon the Maneaba or a committee;

(g) a person is or was required to attend before the Maneaba or a committee; or

(h) a day is a day on which the Maneaba or a committee met or will meet;

is evidence of the matters contained in the certificate.

Authority for
prosecution

35. 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.

Speaker to
signify authority
of Maneaba

36. Except as otherwise expressly provided for in this Act the authority of the Maneaba shall be signified by or under the hand of the Speaker.

SCHEDULE 1

REPUBLIC OF KIRIBATI

Privileges, Immunities and Powers of the Maneaba ni Maungatabu Act

Section 19

FORM 1

SUMMONS TO WITNESS BEFORE THE MANEABA

The Maneaba ni Maungatabu

To

WHEREAS the Maneaba is concerned to inquire into
you are required by this
summons to attend, setting all other business aside, before the
Maneaba on , 19 at a.m./p.m.
and then and there to give evidence concerning the subject matter
of that inquiry, and then and there to produce the following books,
papers, documents and articles:

Dated this day of 19 .

SPEAKER

REPUBLIC OF KIRIBATI



Privileges, Immunities and Powers of the Maneaba ni Maungatabu Act

Section 19

FORM 2

SUMMONS TO WITNESS BEFORE COMMITTEE

The Maneaba ni Maungatabu

To

You are required by this summons to attend, setting all other business aside, before the Committee of the Maneaba appointed to inquire and report to the Maneaba on
at 19 at a.m./p.m. and
then and there to give evidence concerning the subject-matter of that inquiry,
and then and there to produce the following books, papers, documents and articles:

Dated this

day of

19 .

Chairman of (Name of Committee)

REPUBLIC OF KIRIBATI



Privileges, Immunities and Powers of the Maneaba ni Maungatabu Act

Section 20

FORM 3

WARRANT FOR THE APPREHENSION OF A WITNESS WHO HAS DISOBEYED A SUMMONS

WHEREAS (insert name, address and occupation of witness) has been summoned to appear before the Maneaba (or as the case may be), but has failed to appear in obedience to the summons :

These are to command and authorise you to arrest (insert name of the witness) without delay, and to bring him before the Maneaba (or as the case may be) to give evidence, and to detain him in custody for that purpose until he is released by order of the Speaker (or the Chairman, as the case may be).

Dated this

day of

19 .

Speaker (or Chairman, as the case
may be)

To (insert description of persons to whom it is addressed).

SCHEDULE 2

Section 25

Privileges, Immunities and Powers of the Maneaba ni Maungatabu Act

INTERPRETER'S OATH AND AFFIRMATION

O A T H

I, _____ do swear by Almighty God that I will well and truly serve the Independent and Sovereign Republic of Kiribati and that I will do the best of my ability correctly interpret any matter that I am required to interpret as interpreter of the Maneaba ni Maungatabu.

So help me God.

A F F I R M A T I O N

I, _____, do solemnly and sincerely affirm that I will well and truly serve the Independent and Sovereign Republic of Kiribati and that I will do the best of my ability correctly interpret any matter that I am required to interpret as interpreter of the Maneaba ni Maungatabu.

SCHEDULE 3

Section 2

PRECINCTS OF THE MANEABA

All that piece of land situated at Bairiki, Tarawa Atoll, Kiribati Group described as Lot.BA.35 (Maneaba ni Maungatabu site) containing an area of land of 0.767 acres or thereabouts bounded by a line commencing at point being the site of the beacon E551 along a grid bearing of 187 degrees 48 minutes for 74.85 metres to E552; thence along a grid bearing of 94 degrees 59 minutes for 39.87 metres to E549; thence along a grid bearing of 9 degrees 45 minutes for 68.28 metres to E550; thence along a grid bearing of 9 degrees 45 minutes to the High Water mark; thence westwards along the High Water mark to a point where the extension of the line E552 to E551 intersects the High Water mark; thence along a grid bearing of 187 degrees 48 minutes to E551 the point of commencement.

Points E549, E551, and E552 are all concrete beacons with a metal stud locating their centres. Their coordinates, from which the grid bearings and distances are calculated, are all referred to the Tarawa Local Grid. The coordinates of the points and parameters defining the grid are held by the Lands and Survey Division of the Ministry of Home Affairs and Decentralisation.

The said area is particularly delineated and marked red on the plan deposited in the Lands and Survey Division as Registered Plan number E43.

THE PRIVILEGES, IMMUNITIES AND POWERS OF THE MANEABA
NI MAUNGATABU ACT 1986

EXPLANATORY MEMORANDUM

The principal object of this Act is to provide for the privileges, immunities and powers of the Maneaba ni Maungatabu. The source of the authority of the Maneaba to enact such legislation is to be found under section 76 of the Constitution itself. That section reads as follows:

"76(1) Subject to the provisions of this section the Maneaba ni Maungatabu may determine the privileges, immunities and powers of the Maneaba and of its members.

(2) No civil or criminal proceedings may be instituted against any member of the Maneaba for words spoken before, or written in a report to, the Maneaba or a committee of the Maneaba, or by reason of any matter or thing brought by him in the Maneaba, or in a committee of the Maneaba.

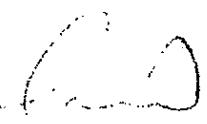
(3) No process issued by any court in the exercise of the civil jurisdiction shall be served or executed within the precincts of the Maneaba while the Maneaba is sitting."

This section therefore empowers the Maneaba ni Maungatabu to determine its own privileges, immunities and powers and that of its members, its committees and any other connected purposes which is the principal purpose of this Act.

Further it would appear to be the intention under the said section of the Constitution that the Maneaba and its members should at all times enjoy freedom of speech, freedom from arrest and immunity from any civil process of a court while the Maneaba is sitting. In short this means that these particular parliamentary privileges and immunities are enshrined in our Constitution. Thus it would appear that the operation of any future legislative enactment by the Maneaba including this Act purporting to provide for or amend the privileges, immunities and powers of the Maneaba is subject or limited to these enshrined and inherent privileges, immunities and powers of the Maneaba in a sense that their enjoyment by the Maneaba and its members etc. will not depend on the existence or coming into operation of any such legislative enactment including this Act.

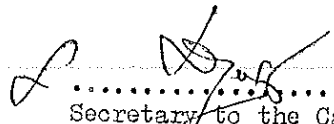
In view of the above it is to be noted this Act does not deal with any of the inherent or enshrined privileges, immunities and powers of the Maneaba. Instead it spells out in some detail certain important matters which appear not to have been clearly defined or covered by the said section 76 of the Constitution.

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 17th day of December, 1986, and it is found by me to be a true and correctly printed copy of the said Bill.

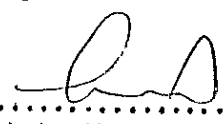

.....
Clerk to the Maneaba ni
Maungatabu.

Published by exhibition -

(a) at the Public Office of the Beretitenti
this 21st day of Jan 1987.


.....
Secretary to the Cabinet

(b) at the Maneaba ni Maungatabu
this 21st day of Jan 1987.


.....
Clerk to the Maneaba ni
Maungatabu.

EXPLANATION OF SECTIONS

Part I - Preliminary

Section 1 : Short title

Section 2 : Interpretation

This section provides for the definition necessary for the Act. "Committee" is defined to cover all committees of the Maneaba including a committee of the whole Maneaba.

"Member" is defined for the purpose of this Act to also cover the Speaker who is not a member of the Maneaba. This means however that the privileges and immunities which are to be enjoyed by the members will also be enjoyed by the Speaker.

"precincts of the Maneaba" is defined to cover the Chamber (the main room or place where the Maneaba is sitting at any time), the entire Maneaba building and offices within such building, galleries and places within such building provided for the use of members of the public etc. and any open space outside such building as set out in Schedule 3 to this Act.

Section 3 : Essentially this section is a saving of power provision. As such it provides that

- (a) this Act is subject to the Constitution, and
- (b) the power of the Maneaba, a committee or Speaker under the Constitution and Rules of Procedure of the Maneaba are not in any way limited or affected by the provisions of this Act.

Part II - Privileges and Immunities

Section 4 : Freedom from Arrest.

This section provides that a member shall enjoy

- (a) freedom from civil arrest five days before and five days after the Maneaba meets or met or Committee of the Maneaba of which that member is a member; and
- (b) freedom from criminal arrest on any day whilst such member is within the precincts of the Maneaba and while the Maneaba or a committee of the Maneaba of which that member is a member meets.

- Section 5 : This section provides that any person shall be immune from any civil or criminal proceedings for
- (a) any act done under the lawful authority of the Maneaba or a committee of the Maneaba; or
 - (b) words spoken or used etc. under the lawful authority of the Maneaba or a committee of the Maneaba.

Section 6 : Jurisdiction of the Court in respect of officers of the Maneaba.

This section provides that the Speaker and any officer of the Maneaba are not subject to the jurisdiction of the Court with regard to the exercise of their powers under this Act.

Section 7 : Immunities from arrest and attendance of a court or tribunal. This section provides that any member of the Maneaba shall not be required to attend before a court or tribunal on the same basis as provided under section 4 of this Act. The same protection extends and applies also to officers of the Maneaba who are not required to attend before a court or tribunal or arrested in respect of any civil case or matter 5 days before or 5 days after the Maneaba meets or met. This protection however operates only when their attendance is actually required by the Maneaba or a committee of the Maneaba which meets otherwise such protection is not available. The rationale behind this is that an officer of the Maneaba is very much part of the Maneaba as a member in that without its officers the Maneaba would not be able to perform its functions and discharge its duties under the Constitution.

Part III - Contempt and Like Matters

Section 8 : Contempts of Maneaba.

This section provides for the various kinds of contempt of the Maneaba such as forcing or threatening members to do or not to do anything in the Maneaba and generally any act which interferes with members and officers and the proper functioning of the Maneaba. Any of this act when committed are offences under this Act punishable on conviction with a fine of \$400 or imprisonment not exceeding 6 months.

Section 9 : Publication of Contempt.

Sub-section (1) provides for the publication of any writing, cartoon, drawing, etc., tending to bring the Maneaba into hatred or contempt or ridicule to be an offence punishable on conviction with a fine of \$400 or imprisonment for a term not exceeding 6 months.

Sub-section (2) provides that it is a defence against a charge under sub-section (1) if the publication concerned is protected justified or excused under the general law relating to defamation

Section 10 : Publication contrary to order of the Maneaba.

This section provides that any publications contrary to the Order of the Maneaba is contempt of the Maneaba punishable on conviction with a fine of \$400 or imprisonment for a term not exceeding 6 months.

Section 11 : This section provides that any unauthorised disclosure of proceedings of the Maneaba is an offence under this Act.

Section 12 : This section provides that any disclosure of confidential information by an officer or adviser of the Maneaba is an offence under this Act.

Section 13 : This section provides that printing false copy of Act, report or paper, minutes, notes, etc., of the Maneaba or a committee of the Maneaba is an offence.

Part IV - Precincts of the Maneaba

Section 14 : This section provides that it is an offence to serve any court process within the precincts of the Maneaba on any day while the Maneaba or a committee is sitting.

Section 15 : This section provides that no stranger is entitled to enter or to remain within the precincts of the Maneaba and a stranger is defined as "any person other than a member or officer of the Maneaba,".

Section 16 : This section provides for the Speaker to be able to direct the removal of a member after being ordered by the Maneaba or a stranger from the Chamber or the precincts of the Maneaba as the case may be.

Section 17 : This section provides that any direction given by the Speaker under section 16 must be obeyed otherwise any person who contravenes such direction commits an offence under this Act.

Part V - Witness

Section 18 and 19 : These sections provide for the Maneaba or its committee to be able to order the attendance by way of a summons of a member, stranger or other person before the Maneaba, or its committee to give evidence or to produce documents. The form of a summons is in Form 1 or Form 2 as set out in Schedule 1 to this Act.

- Section 20 : This section provides for the issue of a warrant of arrest by the Maneaba or its committee for any person (witness) who had disobeyed a summons issued under section 19.
- Section 21 : This section provides that the Maneaba or its committee can examine a witness on oath. Such witness however shall not be compelled to answer a question except with the consent of the Speaker or Chairman of a committee as the case may be.
- Section 22 : This section creates a number of various offences that may be committed by a witness appearing before the Maneaba or a committee.
- Section 23 : This section provides for a witness fee and travelling allowance to be paid by the Maneaba in accordance with what the Chairman sees fit to allow but based on the scale of fees and travelling expenses as determined by Speaker pursuant to this section.
- Section 24 : This section provides for any witness appearing before the Maneaba or a committee to be able to refuse or object to give evidence or produce any document required by the Maneaba or a committee on the ground that such evidence or document is privileged or the giving of such evidence or production of such document is contrary to the public interest (Section 24(1)). It is further provided under this section that where a witness objects under sub-section (1) of this section the Speaker or the Chairman as the case may be shall immediately report to the Cabinet the objection taken and the nature of the question asked or the document required to be produced and shall ask the Government whether or not the objection is supported (section 24(2)). Once the report is before the Cabinet the Beretitenti acting in accordance with the advice of the Cabinet may, within 72 hours deliver a certificate under his hand to the Speaker or Chairman certifying that the answer to the question or the production of the document would be contrary to the public interest (section 24(3)). Upon receipt of the certificate under section 24(3) the Speaker or Chairman shall not require the question to be answered or the document to be produced (section 24(4)).

Where the Beretitenti acting in accordance with the advice of the Cabinet refuses or fails to deliver a certificate referred to under sub-section (3) within 72 hours of receipt of the report referred to under sub-section (2) then it shall be assumed that the objection has been disallowed and thus the Speaker or Chairman shall require the person objecting to answer the question or produce the document concerned.

Note: Some consequential amendments to the Rules of Procedure of the Maneaba ni Maungatabu will be necessary particularly the rules relating to the taking of evidence by the committees of the Maneaba.

Part VI - Interpreters

Sections 25,
26 and 27

These sections provide that the Speaker may authorise any person to be an interpreter of the Maneaba, who is required to take an oath or to affirm, to correctly translate any matter for the Maneaba to the best of his ability otherwise he commits an offence. An interpreter however is immune from any civil or criminal proceedings in respect of matters translated by him in the course of his duties as an interpreter of the Maneaba.

Part VII - Publication of Certain Matters

- Section 28 : This section provides that the Maneaba may authorise the publication of any document laid or evidence given before it.
- Section 29 : This section provides that an order or authority under section 28 implies that the Speaker shall be deemed to have been authorised to publish the document concerned. It is further provided under this section that the Clerk of the Maneaba is deemed to have been authorised to publish the notice paper and minutes of the proceedings and the report of debates and proceedings of the Maneaba.
- Section 30 : This section provides that any person publishing any evidence or document under sections 28 and 29 of this Act is immune from any civil or criminal proceedings whatsoever.

Part VIII - Broadcasting of the Maneaba's Proceedings

- Sections 31 and 32 : These sections provide that-
- (a) the broadcasting of proceedings of the Maneaba or its committee is prohibited unless authorised by the Maneaba or its committee;
 - (b) it is an offence to contravene (a) unless authorised as required;
 - (c) where the broadcasting of the proceedings of the Maneaba, etc., is authorised under this section then any person concerned is immune against any civil or criminal proceedings.

Part IX - Miscellaneous

- Section 33 : This section provides that any copy of a document printed or purporting to have been printed by the Government Printer, by the authority of the Speaker, or Clerk is evidence of the proceedings for the purposes of any judicial proceedings.
- Section 34 : This section provides that for the purposes of this Act a certificate signed by or on behalf of the Speaker or Chairman of a committee relating to the various matters set out in paragraph (a) (a document was in fact submitted to the Maneaba), (b) (a document was directed by the Maneaba to be treated as evidence taken in camera), (c) (certain oral evidence was taken by the committee in camera), etc., is evidence of the matters contained in the certificate.

- Section 35 : This section provides that any prosecution under this Act can only commence with the sanction of the Attorney General given after consultation with the Speaker and the Privileges Committee. It is anticipated that after the passing by the Maneaba of this Act a Privileges Committee will be established by the Maneaba to deal with any matters relating to the privileges, immunities and powers of the Maneaba as provided for by the Constitution and this Act.
- Section 36 : This section provides that the authority of the Maneaba shall, unless the contrary intention appears in this Act be signified by the Speaker.

Michael Neaua Takabwebwe
The Attorney General

LEGAL REPORT

I hereby certify that in my opinion none of the provisions of the above Act conflict with the Constitution and that the Beretitenti may properly assent to the Act.

Michael N. Takabwebwe
The Attorney General
17th December, 1986