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## Law Council concern for separation of powers in Kiribati

The Law Council of Australia continues to monitor troubling developments in Kiribati and is concerned that the Government of Kiribati has appointed its Attorney-General as Acting Chief Justice. It is not yet known whether the Acting Chief Justice has resigned from the position of Attorney-General.

To hold both offices simultaneously would be inconsistent with the separation of powers, which requires that the judiciary be independent of the executive arm of government.

This distinction is also enshrined in the Constitution of Kiribati, in which the Attorney-General is vested with executive authority as a member of cabinet, serves as the principal legal advisor to the Government, and is empowered to bring, intervene in and continue criminal proceedings on behalf of the Government. These functions are incompatible with service as a judicial officer.

It is essential that the people of Kiribati are served by an independent judiciary empowered to interpret and apply the laws and Constitution of Kiribati without fear or favour.

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