

IN THE HIGH COURT OF KIRIBATI)
CIVIL JURISDICTION)
HELD AT BETIO)
REPUBLIC OF KIRIBATI)

High Court Civil Case 24 of 2000

BETWEEN: **BINATAAKE TAWAIA** PLAINTIFF

AND: **ATTORNEY GENERAL** DEFENDANT

FOR THE PLAINTIFF: IN PERSON
FOR THE DEFENDANT: MR DAVID JAMES

DATE OF HEARING: 24 AUGUST 2000

J U D G M E N T

On the 27th June I gave leave to the applicant to apply for Mandamus or alternatively Certiorari. He made the application on the 6th July seeking:-

An order to compel an (sic) Attorney General to determine according to law an application by Applicant as under Rule 3(2) Lawyers' Admission Rules 1992 for a certificate of qualification as lawyer;

And or in the alternative

An order to remove proceedings in respect of not issuing a certificate of qualification for the purpose of being quashed and to compel Attorney General to issue such a certificate.

I have received an affidavit sworn on the 9th August 2000 by the Honourable the Attorney General to which is exhibited a letter which the Attorney wrote to the applicant on the 19th July. The letter is marked "Confidential" and I shall not set it out except for this sentence, "I do not consider that you are a fit and proper person to practise law in Kiribati".

From the letter it is clear that the Attorney has considered the application and has determined it. To that extent the applicant has had his remedy.

As to the alternative remedy sought, I have to say that I am not prepared even to consider compelling the Attorney to issue a certificate of fitness pursuant to the **Admission Rules**. Whether or not a person is fit to practise law is a matter upon which the Attorney must decide. It is his responsibility, not mine. I am not prepared to interfere.

Rather than allow the matter to continue I dismissed the application on the 24th August. I publish these reasons to explain why I did so.



THE HON ROBIN MILLHOUSE QC
CHIEF JUSTICE