

BILL NO. 24 OF 2018

A BILL

FOR AN ACT TO AMEND THE PARLIAMENTARY RETIREMENT ALLOWANCES ACT 1989

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Parliamentary Retirement Allowances (Budget Amendment) Act 2018.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Parliamentary Retirement Allowances Act 1989 is referred to as the “Principal Act”.

Section 6 amended

2. Section 6 of the Principal Act is amended by—

(a) in subsection (1)—

(i) deleting paragraph (a) and substituting the following—

2 *Parliamentary Retirement Allowances (Budget Amendment)— of 2018*

“(a) his or her aggregate period of reckonable service is—

(i) for the period from 10 October 1970, not less than 4 years;
or

(ii) for the period from 6 October 2014, not less than 3 years
and 6 months; and”; and

(ii) in paragraph (b) of the proviso after “;”, deleting “or”; and

(b) in subsection (3), deleting “section 6(2)(a) and (b)” and substituting
“subsection (2)”.

Section 18 amended

3. Section 18 of the Principal Act is amended by deleting “the date hereunder” and substituting “22 September 1989”.

June 2018

**PARLIAMENTARY RETIREMENT ALLOWANCES
(BUDGET AMENDMENT) BILL 2018**

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

1.1 The Parliamentary Retirement Allowances Act 1989 (**‘Act’**) was promulgated to provide for the payment of allowances to persons who have ceased to be holders of a qualifying office, including their widows and widowers.

1.2 Section 2(1) of the Act defines a qualifying office as any of the following—

- (a) a member of Parliament;
- (b) the Prime Minister except if he or she opts for an annual pension or allowance under any other law;
- (c) the Attorney-General;
- (d) a Minister;
- (e) an Assistant Minister;
- (f) the Speaker of Parliament;
- (g) the Deputy Speaker of Parliament;
- (h) the Leader of the Opposition;
- (i) the Leader of the Government in Parliament;
- (j) the Opposition Whip; and
- (k) the Government Whip,

including the following past offices—

- (i) a member of the House of Representatives;
- (ii) a member of the Senate;

- (iii) the Deputy Prime Minister;
- (iv) a Minister of State;
- (v) the Speaker of the House of Representatives;
- (vi) the Deputy Speaker of the House of Representatives;
- (vii) the President of the Senate;
- (viii) the Vice-President of the Senate;
- (ix) the Deputy Leader of the Opposition;
- (x) the Leader of Government Business; and
- (xi) an Advisor on the President’s Council of Advisors, and includes the following in any government after 10 October 1970 other than in the Council of Ministers of the Fiji military government—
 - (A) the Prime Minister except if he or she opts for an annual pension or allowance under any other law;
 - (B) the Attorney-General;
 - (C) a Minister;
 - (D) an Assistant Minister;
 - (E) the Deputy Prime Minister; and
 - (F) a Minister of State.

- 1.3 Section 6 of the Act states that a person who has ceased to be a member of a qualifying office is entitled to receive an allowance if, *inter alia*, his or her aggregate period of reckonable service is not less than 4 years. This minimum requirement took into account the tenure of members of the Senate and the House of Representatives under the 1970, 1990 and 1997 Constitutions, which ranged between 4 to 6 years.
- 1.4 The term of Parliament under section 58 of the Constitution of the Republic of Fiji (**‘Constitution’**) is 4 years from the date of its first meeting after a general election of members of Parliament (**‘first meeting’**). However, the President may, acting on the advice of the Prime Minister, dissolve Parliament by proclamation, after a lapse of 3 years and 6 months from the first meeting.
- 1.5 The requirement to have an aggregate period of reckonable service that is not less than 4 years is inconsistent with section 58 of the Constitution where Parliament can be dissolved as early as 3 years and 6 months from the first meeting.
- 1.6 The Parliamentary Retirement Allowances (Budget Amendment) Bill 2018 (**‘Bill’**) seeks to, *inter alia*, amend section 6 of the Act to remedy the inconsistency.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends section 6(1) of the Act by replacing paragraph (a) to specify that the required aggregate period of reckonable service for the period from 10 October 1970 is not less than 4 years, and for the period from 6 October 2014 is not less than 3 years and 6 months. Clause 2 also deletes an additional “or” in paragraph (b) of the proviso to section 6(1) and simplifies the cross-reference in section 6(3).
- 2.3 Clause 3 of the Bill amends section 18 to clarify that the Act came into force on 22 September 1989.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Prime Minister.

A. SAYED-KHAIYUM
Attorney-General