

BILL NO. 21 OF 2023

A BILL

FOR AN ACT TO AMEND THE LOCAL GOVERNMENT ACT 1972

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the Local Government (Amendment) Act 2023.
- (2) This Act comes into force on a date appointed by the Minister by notice in the Gazette.
- (3) In this Act, the Local Government Act 1972 is referred to as the “Principal Act”.

Section 35 amended

2. Section 35(5) of the Principal Act is amended by deleting “55” and substituting “60”.

Section 35A

3. The Principal Act is amended by deleting section 35A.

Application of section 2

4. For the avoidance of doubt, section 2 of this Act does not apply to a person who has reached the age of 55 years before the commencement of this Act.

Section 78 amended

5. Section 78 of the Principal Act is amended by deleting subsection (2) and substituting the following—

“(2) Any rates that are overdue will bear interest at a rate prescribed by regulations.”.

September 2023

LOCAL GOVERNMENT (AMENDMENT) BILL 2023

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 Local Government (Amendment) Bill 2023 (**‘Bill’**) seeks to amend the Local Government Act 1972 (**‘Act’**) to increase the retirement age of officers appointed to municipal councils from 55 years to 60 years.
- 1.2 Increasing the retirement age of officers appointed to municipal councils from 55 years to 60 years aligns with the Government’s policy on retirement and the retirement age of civil servants.
- 1.3 Furthermore, the Bill seeks to amend the Act to remove the requirement of calculating interest on overdue rates using the compound interest method. It also removes the interest rate as this would be prescribed by regulations moving forward.

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 appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends section 35 of the Act to increase the retirement age of officers appointed to municipal councils from 55 years to 60 years.
- 2.3 Clause 3 of the Bill deletes section 35A of the Act which will be obsolete given the amendment in section 35 of the Act to the retirement age.
- 2.4 Clause 4 of the Bill clarifies the amendment made to section 35 of the Act and provides that the change in retirement age from 55 years to 60 years will not apply to those who have already turned 55 years old before the commencement of the amending legislation.

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2.5 Clause 5 of the Bill amends section 78 of the Act to remove the interest rate of 11% charged on overdue rates and provides that such rates of interest will be prescribed by regulations. The amendment also removes the requirement for overdue rates to be calculated using the compound interest method.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister responsible for local government.

S. D. TURAGA
Attorney-General