

BILL NO. 8 OF 2025

A BILL

FOR AN ACT TO AMEND THE ACCIDENT COMPENSATION ACT 2017

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Accident Compensation (Amendment) Act 2025.

(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 Accident Compensation Act 2017 is referred to as the “Principal Act”.

Long title amended

2. The Principal Act is amended in the long title by deleting “AN ACCIDENT” and substituting “A MOTOR VEHICLE ACCIDENT”.

Section 2 amended

3. Section 2 of the Principal Act is amended by deleting the definition of “accident” and substituting the following—

““accident” means an accident caused by a motor vehicle in Fiji;”.

Section 22 amended

4. Section 22 of the Principal Act is amended by deleting subsection (2) and substituting the following—

“(2) Any person who is aggrieved by a decision of the Commission under this Act has the right to appeal that decision to the High Court on a question of law.”.

Section 35 amended

5. Section 35(2) of the Principal Act is amended by deleting paragraphs (h) and (i).

Section 36 deleted

6. The Principal Act is amended by deleting section 36.

Schedule deleted

7. The Principal Act is amended by deleting the Schedule.

Revocations

8.—(1) The Accident Compensation (Employment Accidents) Regulations 2018 is revoked.

(2) The Accident Compensation (School Accidents) Regulations 2018 is revoked.

Transitional

9. Any proceeding, claim or action for compensation for personal injury or death as a result of an accident which is pending before the commencement of this Act must be dealt with in accordance with the Principal Act and any other law applicable at the time of the accident, provided however, that any compensation payable in respect of any such proceeding, claim or action for accidents arising out of and in the course of employment or occurring on any school premises or during a school event or activity must be paid out of the Work Care Fund established under the Work Care Act 2025.

Consequential amendment

10. The Accident Compensation (Medical Assessment) Regulations 2017 is amended by deleting regulation 3(3).

April 2025

ACCIDENT COMPENSATION (AMENDMENT) BILL 2025

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 Accident Compensation Commission Fiji (**'ACCF'**) was established under the Accident Compensation Act 2017 (**'Act'**) with the intention to make provisions for compensation under the no fault compensation scheme with minimum exclusion in respect of persons who suffer personal injury or death as a result of an accident in Fiji.
- 1.2 Apart from the no fault compensation scheme, ACCF was also established to overcome the struggles of those who were required to pursue a civil claim under common law for compensation. From 1 January 2019, the role of ACCF also expanded beyond compensation for cases of motor vehicle accidents to also cover compensation for school accidents and accidents that occur in the course of employment.
- 1.3 To further ensure effective and efficient processing of claims for compensation, the Accident Compensation (Amendment) Bill 2025 (**'Bill'**) seeks to amend the Act to accommodate the facilitation of compensation under the no fault compensation scheme for employment and school accidents by the Ministry of Employment, Productivity and Workplace Relations as proposed under the Work Care Bill 2025.

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 the long title of the Act by deleting the general reference to an accident and substituting the specific reference to a motor vehicle accident to reflect that the Act will only address compensation for personal injury and death that result from motor vehicle accidents.

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- 2.3 Clause 3 of the Bill amends section 2 of the Act by deleting the definition of “accident” and substituting a new definition which is limited to an accident caused by a motor vehicle in Fiji.
- 2.4 Clause 4 of the Bill amends section 22 of the Act by deleting and replacing subsection (2) to allow for appeals of the decisions of the ACCF.
- 2.5 Clause 5 of the Bill amends section 35(2) of the Act by deleting references to accidents arising out of and in the course of employment and on school premises.
- 2.6 Clause 6 of the Bill amends the Act by deleting section 36 to delete powers of the Minister to amend the Schedule since the Schedule is being deleted.
- 2.7 Clause 7 of the Bill amends the Act by deleting the Schedule.
- 2.8 Clause 8 of the Bill revokes the Accident Compensation (Employment Accidents) Regulations 2018 and Accident Compensation (School Accidents) Regulations 2018.
- 2.9 Clause 9 of the Bill comprises the transitional provisions for existing applications that are pending assessment at the time that the new legislation comes into force.
- 2.10 Clause 10 of the Bill consequentially amends the Accident Compensation (Medical Assessment) Regulations 2017 by deleting regulation 3(3) which is obsolete given the removal of employment and school accident compensation matters from the Act.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Minister responsible for justice.

G. E. LEUNG
Attorney-General