



I assent.

[L.S.]

K. K. T. MARA

President

[19 September 1994]

AN ACT

TO PROVIDE FOR THE PAYMENT OF PENSIONS TO PERSONS WHO HAVE SERVED AS PRIME MINISTERS AND TO THE WIDOWS AND CHILDREN OF SUCH PERSONS AND FOR MATTERS CONNECTED THERETO.

ENACTED by the Parliament of Fiji—

Short title

1. This Act may be cited as the Prime Minister's Pensions Act, 1994.

Interpretation

2. In this Act—

“child” includes—

- (a) posthumous child;
- (b) an adopted child, adopted in a manner recognised by law, before the Prime Minister ceased to be Prime Minister;

“entitled child” means a person who, being a male has not attained the age of twenty-one years or being a female, has neither married while under the age of twenty-one years nor attained the age of twenty-one years;

"Prime Minister's pension" means the pension payable under this Act to a person who has ceased to be Prime Minister;

"salary" means the emoluments provided in the estimates of expenditure of the Government of Fiji, exclusive of duty allowance, entertainment allowance or any other allowance whatever.

Prime Minister's right to pension

3.—(1) Every person who having been appointed as Prime Minister on or after the 10th day of October, 1970, ceases at any time after such appointment to be Prime Minister shall be paid a Prime Minister's pension with effect from the date on which he ceases to be Prime Minister and the pension shall continue to be paid during the lifetime of that person.

(2) The Prime Minister's pension shall, if the person to whom it is payable becomes a Member of Parliament or is again appointed as Prime Minister, cease to be payable during the period in respect of which the person is a Member of Parliament or holds the office of the Prime Minister, as the case may be.

(3) Where the rate of the Prime Minister's pension exceeds the rate of salary as a Member of Parliament, nothing in sub-section (2) shall prevent the payment of the Prime Minister's pension to the extent of such excess.

Pension payable to Prime Minister

4. The Prime Minister's pension under this Act shall be payable in accordance with the following formula—

- (a) where a Prime Minister has held office for not more than two years, 20 percent of salary payable upon retirement;
- (b) where he has held office for more than two years—
 - (i) 20 percent of salary payable in respect of the first two years;
 - (ii) thereafter, an additional 10 percent for each succeeding year for three years; and
 - (iii) where he has held that office for more than five years, for each completed year of service after the first five years, an additional 5 percent of salary up to a maximum of 75 percent of salary.

Right to choose

5. Notwithstanding Section 4 of this Act, every person who ceases to be Prime Minister and who qualifies for pension payable to a Prime Minister or a member of Parliament under any other law and that his entitlement if he were to receive that pension would be greater than the entitlement under this Act, shall have the option to receive annual pension under this Act or to receive any pension or allowance under any other law.

Gratuity payment

6.—(1) A person to whom a pension is payable under this Act shall, where he has exercised his option as herein provided, but not otherwise, be paid in lieu of the pension, pension at the rate of three-fourths of the pension, together with a gratuity equal to twelve and a half times the amount of the annual reduction so made in the pension.

(2) The option referred to in subsection (1) shall be exercisable, and where it has been exercised, may be revoked, not later than the day immediately preceding the date of such person ceasing to be in office; but the Cabinet may, where it appears equitable to do so, allow him to exercise the option or revoke an option previously exercised at any time between that date and the actual date of the first payment of any pension under this Act.

(3) Subject to subsection (2), where such person has exercised the option referred to in subsection (1), his decision shall be irrevocable so far as concerns any pension paid to him under this Act.

(4) Where a person who has not exercised the option dies after he has ceased to be Prime Minister but before a pension has been paid under this Act, there shall be granted to his legal personal representatives a gratuity and a reduced pension as provided for in subsection (1) as if that person before his death had exercised the option therein referred to, so, however, that such pension shall not be paid in respect of any period later than the date of the death of such person and shall not exceed in the aggregate the total amount due and payable to him on the said date.

(5) The date of the exercise of the option by such person shall be deemed to be the date of the receipt of his written notification addressed to the Secretary to the Cabinet.

(6) A person in receipt of a pension under this Act who again becomes Prime Minister or who is acting temporarily as Prime Minister, as the case may be, is not entitled to receive and shall not be paid pension under this Act—

(a) during such time as he is Prime Minister or is acting temporarily as Prime Minister; and

(b) in respect of any period during which he became or again became Prime Minister or acted temporarily as Prime Minister, respectively.

Widow's pension

7.—(1) When a person dies while that person is entitled to receive a Prime Minister's pension and has left a widow, the widow shall be paid a pension at an annual rate equivalent to 60 percent of the Prime Minister's pension that would have been payable to him had he otherwise ceased to hold office on the date of his death.

(2) Where a person dies while holding the office of the Prime Minister and he leaves a widow, the widow shall be paid—

(a) a gratuity of an amount equivalent to twelve and one half times one quarter of his pensionable emoluments at the date of his death; and

- (b) a pension equivalent to 60 percent of his pensionable emoluments at the date of his death.

(3) Where a person dies while he is holding the office of Prime Minister, and he does not leave a widow, a gratuity of an amount equivalent to twelve and one-half times one quarter of 60 percent of his pensionable emoluments shall be paid to his legal personal representatives on account of the deceased person's estate.

- (4) A reference in this Act to "widow" includes a reference to "widower".

Children's pension

8. Where a person dies whilst he is Prime Minister or while he is entitled to receive the Prime Minister's pension, leaving entitled children, each of such children shall be paid, until he dies or ceases to be an entitled child, such pension at such rate as the Prime Minister shall determine; so however that—

- (a) where there is one entitled child, the annual rate of pension shall not exceed one-sixth of the annual rate specified in section 4; or
- (b) where there is more than one entitled child, the aggregate rate of pension payable shall not exceed one-third of the annual rate specified in Section 4.

Other benefits

9.—(1) The following additional benefits shall apply to a person in receipt of a pension under this Act until his demise provided that such person had completed five years service:—

- (i) provision for the installation, connection, maintenance and rental of a telephone in any private residence of his, and to meet the cost of all charges in respect of local calls originating from such telephone;
- (ii) provision for a Ministerial-type vehicle and a driver, including free travel on scheduled trips of Government ships;
- (iii) medical treatment, hospitalisation, drugs and all other hospital services locally;

Provided that where local specialist treatment and medical treatment overseas including the cost of treatment, accommodation and air travel are necessary, such expenditure may be incurred at the discretion of the Prime Minister;

- (iv) the provision of an annual budgetary allocation of an amount of \$30,000 per annum and subject to periodic adjustments, to enable the person in receipt of a pension, to hire personal staff as required; and
- (v) provision of security protection at the discretion of the Prime Minister.

(2) The additional benefits specified in subsection (1) of this Section shall not apply to a surviving widow or children of a person in receipt of a pension under this Act.

Further allowances

10. The Cabinet may authorise the payment to a person entitled to a pension under this Act, of such further allowances as the Cabinet may deem fit:

Provided that the allowance payable to any person under this Section which may be payable as a capital sum, shall not form part of the person's entitlement to a pension under this Act, unless Cabinet so directs.

Source and method of payment of pensions

11. Any pension payable under this Act—

- (a) shall be a charge on the Consolidated Fund; and
- (b) shall be paid fortnightly in arrears free of taxation.

Protection of pension

12. Any pension payable under this Act shall not—

- (a) be assignable or transferrable except for the purpose of satisfying a debt due to the State or an Order of any court for the payment of periodical sums of money towards the maintenance of the wife, former wife, or child being a minor child of the person to whom the pension is payable;
- (b) be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due to the State or any sum recoverable pursuant to such order or any court as is mentioned in paragraph (a).

Passed by the House of Representatives this Tenth day of August, in the year of our Lord one thousand, nine hundred and ninety-four.

Passed by the Senate this Eighth day of September, in the year of our Lord one thousand, nine hundred and ninety-four.