



I assent.

[L.S.]

K. K. T. MARA
President

[17.September 1998]

AN ACT

TO AMEND THE FIJI NATIONAL PROVIDENT FUND ACT

ENACTED by the Parliament of the Fiji Islands—

Short title and interpretation

1.—(1) This Act may be cited as the Fiji National Provident Fund (Amendment) Act, 1998.

(2) In this Act, “principal Act” means the Fiji National Provident Fund Act (Cap.219).

Commencement

2.—(1) Subject to subsection (2), this Act comes into force on publication in the *Gazette*.

(2) Sections 3(b), 3(c), 5, 8, 9, 10, 18 and 21 of this Act shall come into force on 1st July, 1999.

Interpretation

3. Section 2 of the principal Act is amended—

(a) in the definition of “contribution” by deleting “23, 26,”;

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- (b) in the definition of "date of entitlement" by repealing paragraph (e);
- (c) in the definition of "entitled member" by deleting "(e)".

Accounts and audit

4. Section 12 of the principal Act is amended—

- (a) in subsection (1) by deleting "the Auditor-General" and substituting "an international firm of Chartered Accountants represented in the Fiji Islands by public practising members of the Fiji Institute of Accountants and appointed by the Board";
- (b) in subsection (2) by deleting "Auditor General thereon" and substituting "auditors appointed under subsection (1)";
- (c) by inserting after subsection (2) the following new subsection—
“(3) The Auditor General must review the report prepared under subsection (2) and report the results of any such review as required by that section.”.

Payment of contributions

5. Section 13 of the principal Act is amended in subsection (3)(a) by deleting "14" and substituting "16".

Surcharge on late payments

6. Section 14 of the principal Act is amended by deleting "or any amounts which such employer is required to pay under the provisions of subsection (1) of section 23,".

Unpaid contribution deemed to be paid in certain circumstances

7. Section 15 of the principal Act is amended by deleting "or any amounts which such employer is required to pay under the provisions of subsection (1) of section 23,".

Voluntary contributors

8. Section 16 of the principal Act is amended—

- (a) in subsection (2)—
 - (i) by repealing paragraph (a);
 - (ii) in paragraph (b) by deleting "paragraph 4" and substituting "paragraphs 4 and 5";
 - (iii) in paragraph (c) by adding at the end "the amount standing to their credit on any of the grounds referred to in paragraphs (a), (c), (d) and (f) of the definition of 'date of entitlement' ”;
- (b) by inserting after subsection (3) the following new subsection—
“(4) A voluntary contributor may not pay contributions after the date on which he attains the age of 65 years.”.

Contributions to be paid into fund and credited to members

9. Section 18 of the principal Act is amended—

(a) in subsection (2)—

- (i) by deleting “subsections (3) and (4)” and substituting “subsection (3)”;
- (ii) by deleting “13, 16, 23 and 26” and substituting “13 and 16” in line 2;
- (iii) in paragraph (a) by deleting “one-seventh” and substituting “one eighth”; and
- (iv) in paragraph (b) by deleting “sixth-sevenths” and substituting “seventh-eighths”;

(b) in subsection (3) by deleting “not an entitled member of the Fund” and substituting “a re-entered member of the Fund, having withdrawn the amount standing to his credit on any of the grounds referred to in paragraph (a), (c) or (f) of the definition of ‘date of entitlement’, ”;

(c) by repealing subsection (4).

Re-employment and continuation in employment after age 55 or withdrawal

10. Section 20 of the principal Act is amended—

(a) in subsection (5)—

- (i) by replacing the full stop at the end with a colon; and
- (ii) by adding the following proviso—

“Provided that no contributions are payable in respect of an employee after the date on which he attained the age of 65 years.”;

(b) in subsection (9) by adding “, but subject to the proviso to subsection (5)” after “time” in line 4;

(c) in subsection (11)—

- (i) by deleting “at any time” and substituting “before 1st July 1999”;
- (ii) by deleting everything after the semi-colon;

(d) in subsection (12) by adding “, but subject to the proviso to subsection (5),” after “(2)” in the second line;

(e) in subsection (13) by deleting everything after “Fund” in paragraph (b) and substituting “on or after attaining the age of 55 is void.”.

Public officers electing to contribute to the Fund

11. Section 26A (2) of the principal Act is amended in subsection (2) by deleting everything after “Fund” in the penultimate.

Payment to the Fund under s.51(ii) of Pensions Act

12. Section 26B of the principal Act is amended by deleting “, as if it were so placed to his credit in accordance with section 26” from the penultimate.

Officers and soldiers of the Republic of Fiji Military Forces

13. Section 26C of the principal Act is amended—

- (a) by replacing “Royal” with “Republic of” whenever it appears in the section; and
- (b) in subsection (4) by deleting “as if it were so placed to his credit in accordance with section 26”.

Exemptions

14. Section 29 of the principal Act is amended in paragraph (b) by deleting “will be entitled under a scheme established outside Fiji” and substituting “is a contributing member of a scheme established outside the Fiji Islands and will be entitled under that scheme”.

Application for housing finance and assistance

15. Section 39 is amended in subsection (2)(a) by deleting “at least \$1,000 standing to his credit in the Fund” and substituting “an eligibility of at least \$1,000 after taking into consideration all previous transactions, if any, under section 30 or section 38(1)”.

Offence, penalties and proceedings

16. Section 49 of the principal Act is amended in subsection (1) by repealing paragraphs (d), (e) and (i).

Notice of unpaid contributions

17. Section 50 of the principal Act is amended by adding, “or of any officer, servant or agent of the Board authorised in writing for the purpose by the General Manager” after “General Manager”.

Further powers of court

18. Section 51 of the principal Act is amended by deleting “(e)”.

Evidence in proceedings

19. Section 55 of the principal Act is amended by adding, “or of any officer, servant or agent of the Board authorised in writing for the purpose by the General Manager” after “General Manager”.

Certificate by General Manager

20. Section 60 of the principal Act is amended by adding, “or of any officer, servant or agent of the Board authorised in writing for the purpose by the General Manager” after “General Manager”.

Second Schedule

21. The Second Schedule to the principal Act is amended in paragraph 1 by replacing “14” with “16”.

Passed by the House of Representatives this 13th day of August, 1998.

Passed by the Senate this 3rd day of September, 1998.