

EXTRAORDINARY



GOVERNMENT OF FIJI GAZETTE

PUBLISHED BY AUTHORITY OF THE FIJI GOVERNMENT

Vol. 15

FRIDAY, 3rd OCTOBER 2014

No. 106

[1176]

GOVERNMENT OF THE REPUBLIC OF FIJI

PARLIAMENTARY REMUNERATIONS DECREE 2014
(DECREE NO. 29 OF 2014)

TABLE OF CONTENTS

SECTIONS

PART 1—PRELIMINARY

1. Short title and commencement
2. Interpretation

PART 2—DETERMINATION OF REMUNERATION

3. Parliament to determine by resolution
4. Scope of determinations
5. Principles to be applied when setting salaries
6. Principles to be applied when setting allowances and benefits
7. Countervailing economic conditions, if any, to be taken into account
8. Parliament may require information and obtain independent advice
9. Parliament may appoint a committee
10. Submissions to Parliament
11. Commencement, term and expiry of determinations
12. Amendment of determinations
13. Separate determinations
14. No deviations from determinations
15. Publication of determinations
16. Suspension of salary for suspension from Parliament

PART 3—MISCELLANEOUS

17. Transitional
- SCHEDULE

IN exercise of the powers vested in me as the President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009 and section 165(2) of the Constitution of the Republic of Fiji, I hereby make the following Decree—

A DECREE TO PROVIDE FOR THE DETERMINATION OF THE REMUNERATION OF THE PRESIDENT, THE PRIME MINISTER, OTHER MINISTERS AND ASSISTANT MINISTERS, THE LEADER OF THE OPPOSITION, THE SPEAKER, THE DEPUTY SPEAKER AND MEMBERS OF PARLIAMENT

PART 1—PRELIMINARY

Short title and commencement

1. This Decree may be cited as the Parliamentary Remunerations Decree 2014 and shall come into force on the date of its publication in the *Gazette*.

Interpretation

2.—(1) In this Decree, unless the context otherwise requires,—

“Constitution” means the Constitution of the Republic of Fiji;

“determination” means a determination made by Parliament under this Decree;

“Parliament” means the Parliament of the Republic of Fiji;

“publicly available”, in relation to a document, means that the document—

- (a) is available, at all reasonable times, on the websites of Parliament and the Fijian Government;
- (b) is available, at all reasonable times, for viewing at Parliament; and
- (c) has been published in one or more newspapers circulating in Fiji, at least twice, at intervals of not less than seven days;

“remuneration” includes salaries, allowances and benefits; and

“Speaker” means the Speaker of Parliament.

(2) Terms used and not defined in this Decree but defined in the Constitution have the same meaning as in the Constitution.

PART 2—DETERMINATION OF REMUNERATION

Parliament to determine by resolution

3. Parliament shall, by resolution, determine the remuneration payable to the President, the Prime Minister, other Ministers and Assistant Ministers, the Leader of the Opposition, the Speaker, the Deputy Speaker and members of Parliament.

Scope of determinations

4. Subject to sections 5 to 8, for the purposes of making a determination, Parliament may do one or more of the following—

- (a) fix ranges of rates of remuneration;
- (b) fix alternative forms of remuneration within a remuneration package for any person or group of persons to whom the determination applies;
- (c) fix scales of salaries and scales of allowances;
- (d) determine, in relation to any person or to any member of any group of persons to which the determination applies, the nature and extent of the allowances and benefits that may be paid in addition to a salary, including—
 - (i) that no allowances or benefits be paid to him or her other than a salary;
 - (ii) that only a particular allowance or benefit or class of allowance or benefit be paid to him or her in addition to a salary; or
 - (iii) the rates of any allowance or benefit or class of allowance or benefit that may be paid to him or her in addition to a salary or the criteria by which, or the limits within which, those rates are to be fixed; and
- (e) prescribe rules governing the application of any of the matters described in paragraphs (a) to (d).

Principles to be applied when setting salaries

5.—(1) When setting the remuneration to be prescribed in a determination that relates to salaries, Parliament must have regard to the following principles—

- (a) the need to achieve and maintain fair relativity with the levels of remuneration received by persons in the private sector;
- (b) the salaries must be competitive so that persons of the right calibre are not deterred from stepping forward to lead the country;

- (c) the salaries should reflect the ethos of political service which entails making sacrifices;
- (d) the salaries must be transparent with no hidden components or perks; and
- (e) the need to be fair to the—
 - (i) person or persons whose salary is being prescribed; and
 - (ii) taxpayer.

(2) When setting the remuneration to be prescribed in a determination that relates to salaries for any particular person or group of persons, Parliament must also take into account—

- (a) the requirements of the position concerned; and
- (b) the nature of the entitlements enjoyed by the person or group of persons compared with those enjoyed by persons or members of any group of persons whose conditions of service or employment are comparable with those of the person or members of the group of persons whose remuneration is being prescribed.

Principles to be applied when setting allowances and benefits

6. When setting the remuneration to be prescribed in a determination that relates to allowances and benefits, Parliament must also have regard to the following principles—

- (a) that the allowances and benefits payable should be determined in a way that—
 - (i) recognises the need for public understanding of the work of those persons and, in the case of members, their parties and the services they require to enable them to carry out their roles and functions;
 - (ii) facilitates the delivery of those services in an efficient and effective manner;
 - (iii) recognises the need to be fair to the taxpayer;
 - (iv) promotes transparency in relation to the allocation and use of public money to provide the services necessary for persons and, in the case of members, parties to carry out their respective roles and functions; and
 - (v) maintains the confidence in and integrity of Parliament.
- (b) that entitlements to any services should be determined in a way that has regard to the particular requirements of any member of Parliament or officer of State with physical or sensory impairments; and
- (c) that entitlements to any services should be—
 - (i) clearly defined so that decisions about whether a person is eligible for an entitlement can easily be made;
 - (ii) determined in a way that is consistent with the objectives of efficient and effective delivery of services; and
 - (iii) simple to administer.

Countervailing economic conditions, if any, to be taken into account

7. When setting the remuneration to be prescribed in a determination, Parliament—

- (a) must take into account any prevailing economic conditions, based on evidence from an authoritative source; and
- (b) may set the remuneration at a rate lower than it would otherwise have set.

Parliament may require information and obtain independent advice

8. Parliament may, at any time in the course of preparing a determination,—

- (a) require the Secretary-General, the Speaker, the President, the Prime Minister, Leader of the Opposition or a member of Parliament to provide information that it considers necessary for the purposes of making decisions in relation to the determination;

- (b) require any other person to provide information concerning salaries or other conditions of service or employment, or both, for any positions, whether or not those positions are subject to this Decree;
- (c) obtain advice from persons whose background or experience Parliament considers may assist it in making decisions in relation to the determination; or
- (d) obtain advice from the Chief Executive Officer of the Fiji Revenue and Customs Authority.

Parliament may appoint a committee

9.—(1) Parliament may, by resolution, appoint a committee which shall provide advice to Parliament on the determination of remuneration.

(2) Any committee appointed under subsection (1) must—

- (a) prepare a report as soon as it has completed its considerations and deliberations;
- (b) table the report in Parliament; and
- (c) be made available for members to access.

(3) The Secretary-General must—

- (a) publish the report in the *Gazette* not later than 14 days after the date on which the report is tabled in Parliament; and
- (b) ensure that a copy of the report is made publicly available within 15 days after publication in the *Gazette*.

Submissions to Parliament

10.—(1) Where Parliament is considering making a determination in relation to the remuneration of any person or group of persons, representatives of the members of each category of those persons are entitled to make written or oral submissions to Parliament, at a time and place and in a manner to be determined by Parliament.

(2) Any other person or organisation is entitled to make written submissions to Parliament in relation to the making of the determination.

Commencement, term and expiry of determinations

11.—(1) A determination must specify the date on which it expires, however, despite the expiry of a determination, it continues in force until it is superseded by another determination.

(2) Parliament may make a determination before or after the date on which that determination is to come into force.

(3) No determination, or any part of it, may come into force earlier than the date of the expiry of the determination that it replaces in whole or in part.

Amendment of determinations

12. Parliament may amend a determination at any time while it is in force to—

- (a) remedy any defect or remove any ambiguity;
- (b) deal with any new matter that was not dealt with at the time at which the determination was made;
- (c) ensure the adequacy of one or more services; or
- (d) amend the specified term of the determination, if Parliament is satisfied that in all the circumstances there are particular and special reasons that justify the amendment.

Separate determinations

13. Parliament may issue separate determinations at different times for different positions.

No deviations from determinations

14.—(1) No person may act contrary to a determination or fail to observe any criteria or limits specified in a determination.

(2) Subject to any other enactment, no person may receive remuneration in excess of that specified in respect of the person (or group of persons to which the person belongs) in a determination.

Publication of determinations

15.—(1) The Secretary-General must, after a determination is made by Parliament,—

- (a) give each of the following persons, at the same time, a copy of the determination—
 - (i) the President;
 - (ii) the Prime Minister;
 - (iii) the Speaker;
 - (iv) the Leader of the Opposition;
 - (v) the leader of any other parties represented in Parliament; and
 - (vi) any independent member of Parliament; and
- (b) publish the determination in the *Gazette* not later than 14 days after the date on which a copy of it is given to the persons specified in paragraph (a).

(2) The Secretary-General to Parliament must ensure that a copy of the determination is publicly available within 15 days after publication in the *Gazette*.

Suspension of salary for suspension from Parliament

16. If a member is suspended from Parliament, the member will not be paid any salary or benefit for the period of suspension.

PART 3—MISCELLANEOUS

Transitional

17. Notwithstanding any other provision contained in this Decree and until such time Parliament by resolution, determines any remuneration under this Decree, the remuneration of the President, the Prime Minister, other Ministers and Assistant Ministers, the Leader of the Opposition, the Speaker, the Deputy Speaker and members of Parliament shall be as prescribed in the Schedule.

Given under my hand this 3rd day of October 2014.

E. NAILATIKAU
President of the Republic of Fiji

SCHEDULE
(Section 17)

PART A—SALARY

FLAT BASE SALARY INCLUSIVE OF ALL ALLOWANCES	
PRESIDENT	\$130,000.00 (Not taxable)
PRIME MINISTER	\$328,750.00
MINISTER FOR FINANCE	\$235,000.00
MINISTERS FOR HEALTH, EDUCATION, INFRASTRUCTURE & TRANSPORT	\$200,000.00
OTHER MINISTERS	\$185,000.00
ASSISTANT MINISTERS	\$90,000.00
SPEAKER	\$150,000.00
LEADER OF THE OPPOSITION	\$120,000.00
MEMBERS OF PARLIAMENT	\$50,000.00 (plus accommodation, travelling and sitting allowances)

PART B—ALLOWANCES AND BENEFITS

PRESIDENT

1. Housing – free furnished residence with all services and staff.
2. Transport – Official car with driver.
3. Telephone – At official residence, completely free fixed telephone (including installation) and official mobile phone.
4. Internet – Internet connection at residence.
5. Superannuation – FNPF Contribution.
6. Leave – 4 weeks per annum, which must be compensated if not utilised.
7. Local Travel – Free accommodation and meals for all local travel.
8. Overseas Travel – First class travel and may be accompanied by spouse.
9. Overseas Travelling Allowance – UNDP subsistence allowance plus 50% together with \$300 per day incidental allowance.
10. Medical Benefits – All costs to be reimbursed for local or overseas medical treatment as required.

PRIME MINISTER

1. Housing – free furnished residence with all services and staff.
2. Transport – Official car with driver.
3. Telephone – At official residence, completely free fixed telephone (including installation) and official mobile phone.
4. Internet – Internet connection at residence.
5. Superannuation – FNPF Contribution.
6. Leave – 4 weeks per annum, which must be compensated if not utilised.
7. Local Travel – Free accommodation and meals for all local travel.
8. Overseas Travel – First class travel and may be accompanied by spouse.
9. Overseas Travelling Allowance – UNDP subsistence allowance plus 50% together with \$300 per day incidental allowance.
10. Medical Benefits – All costs to be reimbursed for local or overseas medical treatment as required.

CABINET MINISTERS

1. Transport – Official car with driver.
2. Telephone – Official mobile phone.
3. Internet – Internet connection at residence.
4. Superannuation – FNPF Contribution.
5. Leave – 4 weeks per annum, which must be compensated if not utilised.
6. Local Travel – Free accommodation and meals for all official local travel.
7. Overseas Travel – Business class travel for official meetings.
8. Overseas Travelling Allowance – UNDP subsistence allowance plus 50% together with \$250 per day incidental allowance.

ASSISTANT MINISTERS

1. Transport – Official car with driver.
2. Telephone – Official mobile phone.
3. Internet – Internet connection at residence.
4. Superannuation – FNPF Contribution.
5. Leave – 4 weeks per annum, which must be compensated if not utilised.
6. Local Travel – Free accommodation and meals for all official local travel.
7. Overseas Travel – Business class travel for official meetings.
8. Overseas Travelling Allowance – UNDP subsistence allowance plus 50% together with \$200 per day incidental allowance.

SPEAKER

1. Transport – Official car with driver.
2. Telephone – Official mobile phone.
3. Internet – Internet connection at residence.
4. Superannuation – FNPF Contribution.
5. Leave – 4 weeks per annum, which must be compensated if not utilised.
6. Local Travel – Free accommodation and meals for all official local travel.
7. Overseas Travel – Business class travel for official meetings.
8. Overseas Travelling Allowance – UNDP subsistence allowance plus 50% together with \$150 per day incidental allowance.

LEADER OF THE OPPOSITION

1. Transport – Official car with driver.
2. Telephone – Official mobile phone.
3. Internet – Internet connection at residence.
4. Superannuation – FNPF Contribution.
5. Leave – 4 weeks per annum, which must be compensated if not utilised.
6. Local Travel – Free accommodation and meals for all official local travel.
7. Overseas Travel – Business class travel for official meetings.
8. Overseas Travelling Allowance – UNDP subsistence allowance plus 50% together with \$150 per day incidental allowance.

MEMBERS OF PARLIAMENT (including Deputy Speaker, Government/Opposition Whip, and Leader of the House and excluding the Prime Minister, Ministers and Assistant Ministers, Speaker and the Leader of Opposition)

1. Accommodation Allowance – For meetings of Parliament or Committee, if the member permanently resides at any place more than 30 kilometres away from the place of the meeting of Parliament or Committee, then the member shall be entitled to—
 - (a) an allowance of \$150.00 per day, only if the member stays at a hotel at the place of the meeting of Parliament or Committee; or
 - (b) an allowance of \$50.00 per day, if the member does not stay at a hotel at the place of the meeting of Parliament or Committee.
2. Travelling Allowance – For meetings of Parliament or Committee, if the member permanently resides at any place more than 30 kilometres away from the place of the meeting of Parliament or Committee, then the member shall be entitled to cost of travel by the most direct route to and from the meeting.
3. Committee Sitting Allowance – For Committee sittings on days other than the sitting of Parliament, the member shall be entitled to an allowance of \$80.00 per day; provided however that the total amount payable as Committee Sitting Allowance in any one year to a member shall not exceed \$15,000.
4. Superannuation – FNPF Contribution.
5. Overseas Travel – Economy class travel for official meetings, as approved by the Speaker.
6. Overseas Travelling Allowance – UNDP subsistence allowance plus 50% together with \$100 per day incidental allowance.