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FIJI

ACT NO. 21 OF 1994



I assent.

[L.S.]

J. N. TAVAIQIA

Acting President

[8 November 1994]

AN ACT**FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FIJI NATIONAL COUNCIL FOR DISABLED PERSONS; ITS FUNCTIONS, STRUCTURE, FUNDING AND RELATED MATTERS:**

ENACTED by the Parliament of Fiji.

PART 1—PRELIMINARY*Short title and commencement*

1.—(1) This Act may be cited as the Fiji National Council for Disabled Persons Act, 1994.

(2) This Act shall enter into force on a date appointed by the Minister and published in the *Fiji Republic Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires—

"disabled persons" means persons, who as a result of physical, mental or sensory impairment are restricted or lacking in ability to perform an activity in the manner considered normal for human beings;

"Minister" means the Minister responsible for social welfare.

Establishment of Council

3.—(1) There is established a Council to be known as the Fiji National Council for Disabled Persons which shall be a body corporate and by that name, shall have perpetual succession and a common seal with power to acquire, purchase, take, hold and enjoy real and personal property of every description and may, subject to the provisions of this Act, convey, assign, surrender and yield up, charge, mortgage, transfer or otherwise dispose of or deal with any real and personal property vested in it upon such terms and conditions as it thinks fit.

(2) The Council may sue and be sued in respect of matters, whether relating to contract, or otherwise, arising in connection with the exercise of its powers and functions or the carrying on of its operations under the provision of this Act.

PART II—FUNCTIONS OF COUNCIL, MEMBERSHIP
AND ADMINISTRATION

Functions of Council

4. The functions of the Council shall be to—

- (a) be a co-ordinating body for all organisations dealing with the care and rehabilitation of the disabled;
- (b) formulate a national policy that would ensure that services are provided to all disabled persons in Fiji;
- (c) draw up a national plan of action for rehabilitation services and implement such a plan;
- (d) seek financial assistance from government and aid donors for itself and registered organisations providing service to disabled persons;
- (e) maintain a register of all the organisations providing service to disabled persons and ensure that the independence of such organisation is maintained;
- (f) organise national seminars and workshops relating to the problems and needs of disabled persons and assist in the training of personnel involved in the care, training, education and rehabilitation of disabled persons;
- (g) create public awareness of the problems and the aspirations of disabled persons through educational media;
- (h) regularly inform the appropriate Ministries of the government of the problems and needs of disabled persons and seek solutions to such needs;
- (i) work towards the elimination of causes of disability;
- (j) establish a National Rehabilitation Fund the purpose of which will be to attract national and international contributions in terms of funds, expertise, material and equipment to be used in implementing a national rehabilitation plan; and
- (k) periodically review the national policy and national plan of action for the purpose of determining their continuing relevance to local, regional and international realities.

Register of Organisations

5.—(1) The Council shall establish a register of organisations providing service to disabled persons.

(2) The Council may on application by the organisation cause the name of the organisation to be entered into the register as an organisation providing service to disabled persons, if it is satisfied that the organisation has complied with the qualifications for entry into the register as determined by the Minister.

(3) In making any such registration the Council may impose any conditions which it considers necessary, but the imposition of conditions shall not affect the validity of any registration for the purposes of this Act.

(4) The Council, subject to the approval of the Minister, may cause the name of any organisation to be removed from the register if it ceases for any reason to function or to be authorised to function as an organisation providing service to disabled persons or if it fails for two consecutive years to obtain such reasonable standard of efficiency as may be determined by the Council as proper in the circumstances.

(5) No name shall be removed from the register until written notice of the circumstances has been given to the offending organisation providing service to disabled persons and the Council has considered the representations (if any) made in that matter.

Ministerial direction

6. In carrying out its functions the Council shall act in accordance with any policy directions (not inconsistent with this Act) in the national interest given to it from time to time in writing by the Minister.

Membership of Council

7.—(1) The Council shall consist of:

- (a) a Chairperson who shall be appointed by the Minister;
- (b) the Chairpersons of the Divisional Committees of the Council;
- (c) at least four but not more than seven members representing organisations providing services to disabled persons;
- (d) the Permanent Secretaries or their representatives for Health, Education, Labour and Finance, and the Director of Social Welfare; and
- (e) the Executive Director.

(2) The members of the Council shall be appointed by the Minister and shall hold office for a term of two years, and shall be eligible for reappointment.

(3) The Minister may from time to time appoint as co-opted members of the Council any person or persons who in the opinion of the Minister possess expert or special knowledge or experience that will be advantageous or beneficial to the Council in the exercise of its functions and every such co-opted member shall be deemed to be members of the Council for the specific purpose of their appointment and with such voting powers as the Council may determine.

(4) A majority of the members of the Council shall form a quorum, and in determining a quorum co-opted members shall not be counted.

(5) Names of persons appointed to the Council shall upon first appointment or reappointment be published in the *Fiji Republic Gazette*.

(6) The Council may subject to the provisions of this Act make rules governing its procedures.

Advisory Committees

8.—(1) There shall be established an Advisory Committee for each of the following matters—

- (a) health;
- (b) education;
- (c) legal;
- (d) housing, transport and environment;
- (e) vocational training and employment; and
- (f) sports and recreation.

(2) An Advisory Committee shall consist of a Chairperson, a Secretary, and six other members, all of whom shall be appointed by the Minister on the recommendation of the Council and who shall hold office for a period of two years, and shall be eligible for reappointment.

(3) The Minister may from time to time appoint to each Advisory Committee co-opted members on the recommendation of the Council.

(4) If any member of the Committee is without the permission of the Committee absent for more than four consecutive meetings of the Committee or without such permission is absent from the Republic of Fiji for a period exceeding one year he shall cease to be a member of the Committee.

(5) An Advisory Committee shall have the functions of—

- (a) advising on, and assisting in, the implementation of; and
- (b) examining and recommending suitable activities, projects and research to be undertaken on, any matters to which the Committee is responsible for.

Divisional and District Committees

9.—(1) There shall be established four Divisional Committees one each for the Western, Northern, Central and Eastern Divisions, and such Committee's may in consultation with the Council establish District Committees.

(2) Each Divisional and District Committee shall have a Chairperson, a Secretary and such other members all of whom shall be appointed by the Minister on the recommendation of the Council and who shall hold office for a period of two years, and shall be eligible for reappointment.

(3) The Minister may from time to time appoint to each Divisional and District Committee co-opted members on the recommendation of the Council.

(4) The Divisional and District Committees shall have the functions of making recommendations and proposals to, and giving advice on needs, problems and activities of the Council to the Council.

Executive Director

10.—(1) There shall be an Executive Director who shall be appointed by the Minister in consultation with the Council.

(2) The Executive Director shall devote the whole of his services to the Council and shall not, without the written approval of the Minister, occupy any other office or employment whether remunerated or not, except that he may act as a member of any board, committee or commission established by the Government.

(3) The Executive Director shall—

- (a) serve as a Chief Executive Officer of the Council responsible to it for its management and the execution of its policy; and
- (b) subject to the provisions of this Act and to any resolution passed at a meeting of the Council do all things necessary or convenient to be done in connection with, or incidental to, the performance of his duties under this Act or any other written law dealing with disable persons.

(4) The Executive Director and such officers or staff shall be paid such salary as is determined from time to time by the Council and where the salary limit demands by the Higher Salaries Commission.

Allowances for members

11. The members of the Council, Advisory Committees and Divisional Committees may be given allowances and benefits as is determined from time to time by the Council and subject to the approval of the Minister.

Members exemption from liability

12. The members of the Council shall be exempted from liabilities for any act or default of the Council done or omitted to be done in good faith in the course of operation of the Council.

Accountability of employees

13. The employees of the Council are accountable for the management of the resources of the Council and shall be liable for any damage caused to or misuse of the resources of the Council.

PART III—FINANCIAL PROVISIONS

Funds of the Council

14.—(1) The funds of the Council shall comprise of:

- (a) all money received by the Council out of money appropriated by Parliament for the purpose of this Act;
- (b) all money that may be contributed or donated to the Council or that may otherwise be lawfully payable to the Council;
- (c) all money raised locally and overseas;
- (d) all money borrowed, subject to Section 15 of this Act; and
- (e) all accumulations of money belonging to the Council.

(2) The income of the Council from whatever source shall with the approval of the Cabinet be exempt from tax.

Borrowing Powers

15.—(1) The Council may, with the consent of the Minister in consultation with the Minister of Finance and upon such terms and conditions as the Minister may approve, raise loans, either by charge or mortgage or by the creation and issue of debentures, debenture stock, bonds or otherwise, for the purpose of carrying out its functions under the provisions of this Act or any other written law or provide necessary working capital:

Provided that no such consent or consultation shall be required in respect of any loan not exceeding \$50,000 obtained from a bank.

(2) The repayment of moneys borrowed or loan raised under the provisions of this Section and the payment of interest thereon may be guaranteed by the Government.

PART IV—MISCELLANEOUS PROVISIONS

Accounts and Annual Report

16.—(1) The Council shall keep proper accounts and other records in respect of its operations and shall not later than the 31st of March cause a statement of accounts to be prepared in respect of the preceding financial year.

(2) The annual statement of accounts of the Council shall present a true and fair view of the financial position of the Council and of the results of the operations of the Council of the year to which it relates.

(3) The accounts of the Council shall be audited by the Auditor-General or such auditors as the Auditor-General shall appoint from time to time.

(4) The Minister shall cause copies of the accounts and reports to be printed and laid before Parliament as soon as practicable thereafter.

Regulations

17. The Minister may, acting on the advice of the Council, make regulations for the purposes of carrying out the provisions of this Act in respect of any matter which may be considered necessary or desirable for the furtherance of the functions conferred on the Council by this Act.

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

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