



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 GOVERNORS-GENERAL AND PRESIDENTS OF FIJI AND FOR MATTERS INCIDENTAL THERETO

[1 February 1983]

“Governor-General” means a Governor-General of Fiji appointed under Section 27 of the 1970 Constitution of Fiji but excludes any person who acted as Governor-General under Section 28 of the 1970 Constitution;

(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.

"President" means the President of the Republic of Fiji appointed under Section 4 of the Appointment of Head of State and Dissolution of Fiji Military Government Decree 1987 Section 2 of the Head of State and Executive Authority Decree 1988 and Section 31 of the 1990 Constitution of Fiji, but excludes any person who acted as President under Section 33 of the 1990 Constitution.

Pension payable to Governor-General and President

3.—(1) Every person who, on or after 1st February 1983, ceases to be Governor - General and every person who ceases at any time to be President, other than by virtue of his removal from office under Section 35 of the Constitution, shall be paid an annual pension in respect of his service as Governor-General or President, as the case may be, in accordance with the following formula:

- (a) where he has been Governor-General or President for not more than two years, 20% of the basic salary payable to him at the time he so ceases to be Governor-General or President, as the case may be;
- (b) where he has been Governor-General or President for more than two years but not more than five years, the aggregate of the following—
 - (i) 20% of the basic salary payable to him at the time he so ceases to be Governor-General or President, as the case may be; and
 - (ii) 10% of such basic salary for each complete year following the expiration of the first two years;
- (c) where he has been Governor-General or President for more than five years but not more than ten years, the aggregate of the following -
 - (i) 50% of the basic salary payable to him at the time he so ceases to be Governor-General or President, as the case may be; and
 - (ii) 5% of such basic salary for each complete year following the expiration of the first five years;
- (d) where he has been Governor-General or President for more than ten years, 75% of the basic salary payable to him at the time he so ceases to be Governor-General or President, as the case may be.

(2) Where a person has held the office of Governor-General and subsequently succeeded to the office of the President, the periods during which he held the two offices shall be aggregated for the purpose of calculating the yearly rate of pension payable to him under this Section.

Right to choose

4. Notwithstanding Section 3 of this Act every person who ceases to be President, other than by virtue of Section 35 of the Constitution, and who had previously served in

the office of Prime Minister for a term that could qualify him for pension payable to a Prime Minister 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 the annual pension in relation to that person's service as Prime Minister in place of the pension payable under this Act.

Gratuity payment

5.—(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 President; 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 President 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 President or who is acting temporarily as President, 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 President or is acting temporarily as President; and
- (b) in respect of any period during which he became or again became President or acted temporarily as President, respectively.

Gratuity payable to legal personal representatives

6.—(1) Where the President dies while he is holding office and does not leave a widow, a gratuity of an amount equivalent to twelve and a half times one-quarter of the

60 percent of his annual pension shall be paid to his legal personal representatives on account of the deceased person's estate.

(2) Notwithstanding anything contained in any law, a gratuity payable under subsection (1) is exempt from the payment of estate duty under the Estate and Gift Duties Act.

Pension payable to surviving widow of a President

7.—(1) Where a person dies holding the office of President and he leaves a widow, the widow shall be paid—

- (a) a gratuity of an amount equivalent to twelve and a half times one quarter of his pensionable emoluments at the date of his death; and
- (b) a pension at an annual rate equivalent to 60 per cent of his pensionable emoluments at the date of his death.

(2) Where a person dies after having retired from the office of President, there shall be granted to his widow an annual pension equivalent to 60 percent of the annual pension to which that person was entitled.

(3) In this Section a reference to "widow" includes a reference to "widower".

Other benefits

8.—(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 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

9. 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 an 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

10. 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.

Repeal of Act

11. The Governor-General (Pensions) Act is repealed.

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.