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FIJI

ACT NO. 16 OF 1997



I assent.

[L.S.]

K.K.T. MARA
President

[17 October 1997]

AN ACT

TO PROVIDE FOR A PERSONAL ACCIDENT COMPENSATION SCHEME FOR
MEMBERS OF PARLIAMENT

ENACTED by the Parliament of Fiji.

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Personal Accident Compensation For Members of Parliament Act, 1997.

Commencement

2. This Act shall come into force on a date appointed by the Minister responsible for finance and published in the *Fiji Republic Gazette*.

Interpretation

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

“accident” includes exposure resulting from a mishap to an aircraft or vessel in which the Member is travelling;

“bodily injury” means bodily injury which—

- (a) is caused by an accident; and
- (b) solely and independently of any other cause, except illness directly resulting from or medical or surgical treatment rendered necessary by such injury, occasions, the death or disablement of the Member which can be conclusively proved to have resulted directly from that accident;

“capital sum” means—

- (a) in the case of a Member of the House of Representatives or a member of the Senate, twice the total annual Parliamentary and office salary payable at the time of the accident giving rise to a claim under this Act,
- (b) in the case of the Attorney-General, if a Member of the Senate, twice the total annual Parliamentary and office salary payable at the time of the accident giving rise to a claim under this Act;

“loss of limb” means loss of use or physical separation of a hand at or above the wrist or of a foot at or above the ankle;

“medical expenses” means expenses properly incurred by a Member for medical, surgical, manipulative, massage, therapeutic, X-Ray or nursing treatment including the cost of medical supplies, ambulance hire and the cost of board and lodging;

“Member” means a Member of the Senate, House of Representatives, Prime Minister, Minister, Attorney-General, Speaker and Deputy Speaker whether elected or not, and shall for the purposes of this Act be regarded as a Member from the time he or she becomes entitled to a salary as a Member until he or she ceases to be entitled to a salary as a Member;

“Minister” means the Minister responsible for finance;

“partial disablement” means disablement which prevents a Member from attending to a substantial part of his or her business as a Member of Parliament as well as a substantial part of his or her other usual occupations and duties of any and every kind;

“permanent” means lasting twelve calendar months and at the expiry of that period being beyond hope of improvement;

“total disablement” means disablement which entirely prevents a Member from attending to his or her business as a Member of Parliament as well as his or her other usual occupations and duties of any and every kind;

“travel by air” means being in or on or boarding an aircraft for the purpose of flying therein or alighting therefrom after a flight.

**PART II—COMPENSATION FOR PERSONAL INJURY.
EXCEPTIONS AND CONDITIONS**

Payment of compensation to Member who sustains bodily injury

4. Subject to the provisions of this Act, if a Member sustains bodily injury as defined under Section 3, the Government of Fiji will pay such Member or the Member's Executors or Administrators or nominated beneficiary such sums in accordance with the Schedule of Compensation in the Schedule to this Act within sixty days after the total claim has been substantiated in accordance with the provisions of this Act:

Provided always that—

- (a) compensation shall not be payable in respect of one accident to any one Member —
 - (i) under more than one items of the Schedule of Compensation except for any compensation payable hereunder in respect of temporary partial disablements preceding or following temporary total disablement; or
 - (ii) until the total amount thereof has been agreed;
- (b) the total sum payable under this Act in respect of any one accident to any one Member shall not exceed in all the capital sum as defined in Section 3, except that the Government will in addition pay medical expenses up to but not exceeding fifteen per cent of the total of any claim admitted under items 37 and 38 of Category B in the Schedule of Compensation.

Exceptions

5. This Act shall not apply to any event which —

- (a) is directly or indirectly attributable to or consequential upon—
 - (i) intentional self injury or suicide (whether felonious or not) or any attempt thereat;
 - (ii) venereal disease;
- (b) in the case of women, is attributable wholly or in part to childbirth or pregnancy notwithstanding that such event may have been accelerated or induced by accident.

Conditions relating to payment of compensation

6. On the occurrence of any event to which this Act apply—

- (a) immediate written notice containing full particulars of the event in respect of which a request for payment is to be made shall be given to the Minister but in any case not later than twenty-one days of —
 - (i) the sustaining of the bodily injury; or
 - (ii) the commencement of any other herein specified cause for disablement;
- (b) all certification and evidence required by the Minister shall be furnished at the expense of the Member or any claimant hereunder and shall be in such form and of such nature as the Minister shall prescribe;
- (c) a Member shall as soon as possible after an accident place himself or herself under the care of a duly qualified medical practitioner;
- (d) the Member as often as required by the Minister shall submit to medical examination at the expense of the Government;
- (e) the Government shall in the case of the death of a Member be entitled to have a post mortem examination at its own expense.

PART III—SETTLEMENT OF DIFFERENCES AND REGULATION

Settlement of differences

7. All differences arising out of this Act shall be referred to the decision of an Arbitrator to be appointed in writing by the parties in difference, or if they cannot agree upon a single Arbitrator to the decision of two Arbitrators one to be appointed in writing by each of the parties within seven days after having been required in writing so to do by either of the parties or where the Arbitrators do not agree of an Umpire appointed in writing by the Arbitrators before entering upon the reference. The Umpire shall sit with the Arbitrators and preside at their meetings. The making of an Award shall, subject to any relevant statutory provisions to the contrary, be a condition precedent to any right of action against the Government but if such action be not commenced within one year of the making of an Award, the right of action shall be deemed to be abandoned and released.

Regulations

8. The Minister may make regulations prescribing matters that are required to be prescribed under this Act and for the better carrying out of the provisions of this Act.

SCHEDULE

SCHEDULE OF COMPENSATION

(Section (4))

<i>Event</i>	<i>Compensation Payable</i>
Bodily injury caused solely and directly by violent accident and external and visible means and resulting solely and directly and independently of any other cause in	(Percentage of Capital Sum)
Category A	
Death	100
Category B	
1. Loss of two limbs	} 100
2. Loss of both feet	
3. Loss of both hands or of all fingers and thumbs	
4. Total loss of sight	
5. Total paralysis	
6. Injuries resulting in being bedridden permanently	
7. Any other injury causing permanent total disablement	
8. Loss of remaining eye by one-eye person	
9. Loss of remaining arm by one-armed person	
10. Loss of remaining leg by one-legged person	
11. Very severe facial disfigurement	
12. Loss of arm at shoulder ... ..	) 90
13. Loss of arm between elbow and shoulder	) 80
14. Loss of arm at elbow ... ..	) 70
15. Loss of arm between wrist and elbow ...	) 65
16. Loss of hand at wrist ... ..	) 60
17. Loss of four fingers and thumb or one hand	) 60
18. Loss of four fingers ... ..	) 35
19. Loss of thumb—	
(a) both phalanges ... ..	) 35
(b) one phalanx ... ..	) 12
(c) the pulp of the thumb ... ..	) 6

20.	Loss of index finger					
	(a)	three phalanges ...	...	...	)	10
	(b)	two phalanges ...	...	...	)	9
	(c)	one phalanx ...	...	...	)	3
	(d)	pulp of an index finger ...	...	...	)	2
21.	Loss of middle finger—					
	(a)	three phalanges ...	...	...	)	10
	(b)	two phalanges ...	...	...	)	9
	(c)	one phalanx ...	...	...	)	8
	(d)	pulp of a middle finger ...	...	...	)	2
22.	Loss of ring finger—					
	(a)	three phalanges ...	...	...	)	10
	(b)	two phalanges ...	...	...	)	9
	(c)	one phalanx ...	...	...	)	8
	(d)	pulp of a ring finger ...	...	...	)	2
23.	Loss of little finger—					
	(a)	three phalanges ...	...	...	)	10
	(b)	two phalanges ...	...	...	)	8
	(c)	one phalanx ...	...	...	)	4
	(d)	pulp of a little finger ...	...	...	)	2
24.	Loss of metacarpals—					
	(a)	first or second (additional)				3
	(b)	third, fourth or fifth (additional)				2
25.	Loss of leg above knee resulting in a stump less than 6 inches long	...	...	...	...	90
26.	Loss of leg above knee resulting in a stump more than 6 inches long	...	...	...	...	70
27.	Loss of leg below knee	...	...	...	...	45
28.	Loss of foot	...	...	...	...	40
29.	Loss of toes—					
	(a)	all of one foot ...	...	...	...	15
	(b)	great, both phalanges ...	...	...	...	8
	(c)	great, one phalanx ...	...	...	...	4
	(d)	other than great, each part with some loss of bone	...	...	...	1

30.	Loss of eye— eye out	...	...	...	...	...	40
31.	Loss of sight of eye	...	...	...	...	...	40
32.	Loss of lens of eye	...	...	...	...	...	30
33.	Loss of sight of, except perception of light						40
34.	Loss of hearing—						
	(a) both ears	...	...	...	...	...	70
	(b) one ear	...	...	...	...	...	30
35.	Total loss of natural Permanent Teeth—						
	(a) Anterior Teeth—						
	(i) Loss of 1, 2 or 3 Teeth						4
	(ii) Loss of 4, 5 or 6 Teeth						5
	(iii) Loss of 7 to 12 Teeth						6
	(b) Posterior Teeth—						
	(i) Loss of 1 tooth	...	...	...	...	...	1
	(ii) Loss of 2 to 5 teeth	...	...	...	...	...	2
	(iii) Loss of 6 to 16 teeth						4
36.	For any bodily injury not otherwise specified						4
37.	* Temporary total disablement						0.4% per week
38.	* Temporary partial disablement						0.2% per week

(* So long as such disablement continues after the Member has ceased to be a Member of Parliament).

Medical Expenses : Medical expenses will in addition be paid up to but not exceeding 15 per cent of the total of any claim admitted under items 37 or 38 of Category B.

Passed by the House of Representatives this second day of September, in the year of our Lord, One Thousand Nine Hundred and Ninety-Seven.

Passed by the Senate this thirtieth day of September, in the year of our Lord One Thousand, Nine Hundred and Ninety-Seven.