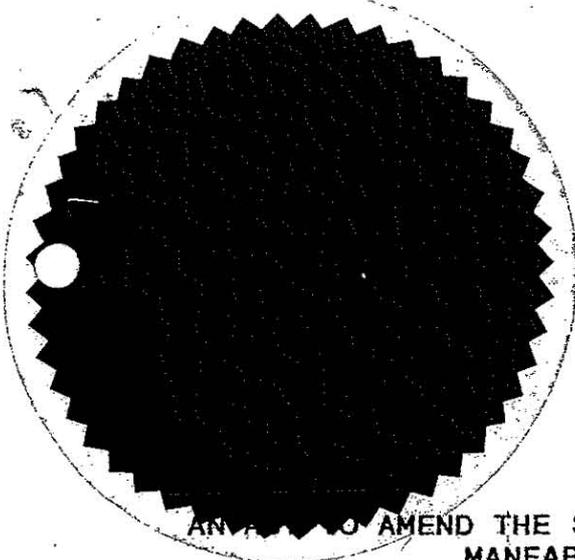


3/5



REPUBLIC OF KIRIBATI
(No. 8 of 1993)

I assent

[Signature]
Beretitenti
22/12/1993

AN ACT TO AMEND THE SALARIES AND ALLOWANCES OF MEMBERS OF THE
MANEABA NI MAUNGATABU (CAP. 92A)

Commencement:
1993

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title

1.(1) This Act may be cited as the Salaries and Allowances of Members of the Maneaba ni Maungatabu (Amendment) Act 1993.

(2) Section 7 shall be deemed to have come into operation on 1 January 1993.

(3) The other remaining sections shall be deemed to have come into operation on 1 August 1993.

Interpretation

2. In this Act unless the context otherwise requires, "the principal Act" means the Salaries and Allowances of Members of the Maneaba ni Maungatabu Act (Revised Edition 1992).

Amendment of long title

3. The long title of the principal Act is amended by adding the following to the end of the long title -

"and Salaries Tribunal; And for connected purposes"

Amendment of section 1

4. Section 1 of the principal Act is amended by inserting the words "and Salaries Tribunal" between the words "Maungatabu" and "Act" in the second line.

Amendment of section 2

5. Section 2 of the principal Act is amended by repealing the whole section and substituting the following section -

"2. In this Act unless the context otherwise requires -

"Member" means a Member of the Maneaba ni Maungatabu and includes the Beretitenti and Ministers unless the contrary intention appears; and

"Salaries Tribunal" means the Maneaba Members' Salaries Tribunal established by section 65 of the Constitution.

Amendment of section 3

6. Section 3 of the principal Act is amended by -

- (a) inserting the words "and a daily sitting allowance" between the words "allowance" and "of the amount" occurring in the fourth and fifth line; and
- (b) deleting the full stop at the end of the section; and
- (c) adding the words "and column 4."

Amendment of Schedule

7. The principal Act is amended in the Schedule by repealing the whole of the Schedule and substituting a new Schedule as follows -

"SCHEDULE

Office	Salary \$	Entertainment Allowance \$	Sitting Allowance \$
Beretitenti	11801	1884	
Kauoman ni Beretitenti	11121	1650	
Minister	10441	1344	
Elected Member	7041	600	
Chairman of Maneaba Members' Salaries Tribunal	-	-	30
Member of Maneaba Members' Salaries Tribunal	-	-	25"

Amendment of section 4

8. Section 4 of the principal Act is amended -

- (a) in subsection (4) by -
 - (i) repealing the words "twice each" in paragraph (ii) and substituting the words "once a"; and
 - (ii) (aa) repealing the words "two (2) occasions" in the second line of paragraph (b) and substituting the words "more than one occasion"; and

(bb) inserting the words "subject to availability of funds" between the words "shall" and "be entitled" in the second and third line.

(b) in subsection (5) -

(i) by repealing the words "twice each" and substituting the words "once a"; and

(ii) by repealing the word "(a)" at the beginning of subsection (5); and

(ii) by repealing paragraph (b) of subsection (5);

(c) in subsection (6) as follows -

(i) by inserting the words "Subject to subsection (7)" at the beginning of the said subsection (6); and

(ii) by repealing the words "two occasions" occurring in paragraph (b) and substituting the words "one occasion"; and

(iii) by inserting a new subsection (7) as follows -

"(7)(a) When the Beretitenti or a Minister is paying or making an official visit to his or her own island constituency he shall be entitled to be paid a subsistence allowance of \$10 per day in respect of such visit; and

(b) If the Beretitenti or a Minister is accompanied by his or her spouse during such official visit to his or her own island constituency such spouse shall be entitled to be paid a subsistence allowance of one half of the subsistence allowance payable to the Beretitenti or the Minister whichever is applicable under the circumstances in respect of such visit."

(d) by renumbering subsection (7) as subsection (8).

Amendment of section 6

9. Section 6 of the principal Act is amended -

(a) in subsection (3) by repealing the whole of subsection (3) and substituting a new subsection as follows -

"(3)(a) Subject to sections 4(7), 6(5) and 6(6), if -

- (i) the Beretitenti;
- (ii) a Minister; or
- (iii) a Member,

travels on official business within Kiribati he or she shall be entitled to be paid a subsistence allowance of \$45 per day.

- (b). Subject to section 4(4)(a)(ii) and (b) and (5)(a)(ii), where -

- (i) the Beretitenti;
- (ii) a Minister; or
- (iii) a Member,

travels on official business within Kiribati is accompanied by his or her spouse such spouse shall also be entitled to be paid one half of the subsistence allowance payable to the Beretitenti, a Minister or a Member whichever is applicable under the circumstances;

- (c) Subject to subsection (5), if -

- (a) the Beretitenti;
- (b) a Minister; or
- (c) a Member,

- (i) travels on official business within Kiribati apart from South Tarawa; and

- (ii) is not accommodated either in a rest house or a hotel,

he or she shall be entitled to be paid a subsistence allowance of \$10 per day only."

- (b) in subsection (4) by -

- (i) inserting the words "(i) Subject to subsection (4)(ii)" immediately before the words "A Member" in the first line;
 - (ii) repealing the figure "\$5" in the fifth line and substituting the figures "\$10"; and
 - (iii) adding a new subsection (4)(ii) as follows -

"(4)(ii) Subsection (4)(i) shall apply to a Minister who is -

(aa) a member; and

(bb) from the Electoral Districts of both Betio and Tarawa Teinainano."

(c) by adding a new subsection (5) as follows -

"(5)(a) If -

(i) the Beretitenti;

(ii) a Minister; or

(iii) a Member,

travels on official business to Christmas Island he or she shall be entitled -

(aa) to be paid a subsistence allowance of \$45 per day if he or she is not accommodated in a hotel; and

(bb) to have his or her accommodation and meals paid for from public funds in an amount not exceeding \$150 per day if he or she is accommodated in a hotel."

(b) Subject to section 4(4)(a)(ii) and (b) and (5)(a)(ii), if -

(i) the Beretitenti;

(ii) a Minister; or

(iii) a Member,

is accompanied by his or her spouse when travelling on official business to Christmas Island such spouse shall be entitled to one half of the subsistence allowance payable to the Beretitenti, a Minister or a Member whichever is applicable under the circumstances."

(d) by adding a new subsection (6) as follows -

"(6) All payment of subsistence allowance authorised under this Act in respect of any official business performed by the Beretitenti, a Minister or a Member within Kiribati shall be made as follows -

Days	\$
1-30	45 per day
31 or more	15 per day"

Insertion of a new section 7B

10. Section 7A of the principal Act is amended by inserting immediately after such section 7A a new section as follows -

"Residence of Minister

7B.(1) A Minister shall be entitled to reside at a suitable dwelling house provided by the Government.

(2) Where a Minister resides in a dwelling house referred to in subsection (1) he or she shall -

- (a) be entitled to free furnishing not lower than the furnishing scale of an "A" or "B" Grade Government dwelling house; and
- (b) be liable to pay a subsidised rent on the same terms as a public officer."

Add new section 12

11. The principal Act is amended by adding a new section as follows -

"Amounts in Schedule charged on Consolidated Fund

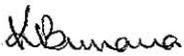
12.(1) All amounts specified in columns 2, 3 and 4 of the Schedule shall be charged on the Consolidated Fund as statutory expenditures.

(2) This section shall not apply to any other amounts payable under this Act."

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 13th December, 1993 and is found by me to be a true and correctly printed copy of the said Bill.


A. Clerk to the Maneaba
ni Maungatabu

Published by exhibition at the Maneaba ni Maungatabu this 22nd
day of December, 1993.


Clerk to the Maneaba
ni Maungatabu

SALARIES AND ALLOWANCES OF MEMBERS OF THE MANEABA NI MAUNGATABU
(AMENDMENT) ACT 1993

EXPLANATORY MEMORANDUM

1. The principal object of this Act is to amend the Salaries and Allowances of Members of the Maneaba ni Maungatabu Act (Revised Edition 1992) ("the Act") with a view to implementing the changes to that Act as recommended by the Maneaba Members' Salaries Tribunal ("Tribunal") in its May 1993 Report which was officially presented to the Maneaba during its May meeting this year.
2. One of the major changes that the Tribunal recommends relates to the salaries of the Beretitenti, Ministers and Members of the Maneaba. In its May 1993 Report the Tribunal has this to say about such salaries and I quote "since civil servants had been awarded a salary increase in 1 January 1993, members of the Maneaba ni Maungatabu deserve an increase also." The Tribunal therefore recommends that the salaries of the Beretitenti, the Kauoman ni Beretitenti, Ministers and Members of the Maneaba should be increased accordingly but in doing so one must take into account inflation in the cost of living and the present increase in the salaries of Secretaries and other senior officials in the public service. Having done so the Tribunal finally recommends the increases in the salaries of the Beretitenti, the Kauoman ni Beretitenti, Ministers and Members of the Maneaba which are now set out and specified in section 7 of the Act. In addition the Tribunal recommends that such increase in the salaries should be payable retrospectively from 1 January 1993. This is achieved in section 1(2) of the Act.
3. Another important change as recommended by the Tribunal relates to the subsistence allowance of Members of the Maneaba when travelling on official business within Kiribati. Following the current ruling of the Government as regards to public servants travelling on official business within Kiribati the Tribunal recommends that the entitlement of public servants now of \$45 payable per day should also be payable to all Members of the Maneaba. And all members in this context include the Beretitenti, the Kauoman ni Beretitenti, Ministers and all other Members of the Maneaba. This recommendation of the Tribunal, it will be seen, is embodied in section 9(a), (b) and (c) of the Act with some modifications.
4. A further change as also recommended by the Tribunal relates to the residence of Ministers whilst residing in South Tarawa. Presently only the Beretitenti and the Kauoman ni Beretitenti enjoy certain privileges with regard to residence. Ministers on the other hand enjoy no privileges at all as regards to residence. Consequently the Tribunal has seen fit to recommend that the Government should provide a dwelling house for Ministers, with

free furnishing and subsidised rent on the same terms as a public officer. This recommendation, it will be seen, is embodied in section 10 of the Act.

5. Other changes to the Act which the Tribunal has recommended relate to the frequency by which a spouse may be able to accompany the Beretitenti, Kauoman ni Beretitenti, a Minister or a Member while engaged on official business within Kiribati. In accordance with the recommendation of the Tribunal the frequency by which a spouse may be able to accompany the Beretitenti, Kauoman ni Beretitenti, Ministers and Members of the Maneaba ought to be limited to "a once a year" frequency rather than "a twice a year" frequency as is now the case (see section 4(4) and (5) of the Act). It will be seen therefore that this recommendation of the Tribunal is implemented in section 8 of the Act which also provides that when paying official visits to their own island constituency the Beretitenti and Ministers including their spouse will be entitled to subsistence allowance in the manner set out in section 8 of the Act. But in other cases of travelling on official engagement within Kiribati they would of course be entitled to be paid subsistence allowance including a spouse at half the rate payable to their husband or wife if accompanying them. (See section 9). This however is still subject to a "once a year" frequency rule (see section 8(a), (b) and (c)) and availability of funds if spouse of Beretitenti and Ministers accompanying them on official business within Kiribati more than one occasion per year. (section 8(a)(ii)).

6. Another matter which is also dealt with under the Act is the incorporation of the sitting allowances of the Chairman and Members of the Maneaba Members' Salaries Tribunal established by section 68 of the Constitution into the body of the Act (see sections 3, 4, 5 and the Schedule). This is considered necessary as from past experiences it appears that presently there is no law or statute that authorises the payment of sitting allowances of members of the Tribunal when sitting. This is remedied in the clauses and the Schedule referred to above.

7. Finally the Act seeks to resolve once and for all the highly disputed status of certain payments authorised under the provisions of the Salaries and Allowances of Members of the Maneaba ni Maungatabu Act (Revised Edition 1992). To remove any doubt all amounts as set out in the Schedule only must be regarded as statutory expenditures within the meaning of sections 108(2)(c) and 116(b) of the Constitution. (See section 11).

Michael N. Takabwebwe
Attorney General
13 August 1993

LEGAL REPORT

I hereby certify my opinion that none of the provisions of the above Act conflict with the Constitution and that the Beretitenti may properly assent to the Act.

Michael N. Takabwe
Attorney General
20 December 1993