

REPUBLIC OF KIRIBATI
(No. 6 of 1996)

I assent

Beretitenti
Assented: 8th January 1996

**AN ACT TO REPEAL ANY PROVISION IN ANY ENACTMENT PROHIBITING
THE PAYMENT OF ATTENDANCE ALLOWANCE TO PUBLIC OFFICERS**

Commencement
1996

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

Short title

1. Act may be cited as the Public Officers (Special Provisions) (Repeal) Act 1996.

Interpretation

2. In this Act unless the context otherwise requires –

“public officer” includes employees of Government-owned companies, corporations and other bodies established by any enactment.

Repeal

3. Where –

- (a) a commission, board, committee, council or other body is established by any enactment; and
- (b) such enactment provides that –
 - (i) membership in such commission, board, committee, council or other body shall consist of or include a public officer ex officio or to be appointed in accordance with the provisions of such enactment; and

- (ii) such public officer shall not be entitled to be paid an attendance allowance during any meeting of such commission, board, committee, council or other body by virtue of the fact that he is a public officer,

it is hereby declared that all provisions contained in any enactment prohibiting the payment of an attendance allowance to any public officer during any meeting of such commission, board, committee, council or other body shall be deemed to have been all repealed.

Public officer entitled to allowance

3. Subject to section 5, a public officer referred to in section 2 shall be entitled to be paid such an attendance allowance as may be prescribed by the Beretitenti acting in accordance with the advice of the Cabinet during any meeting of a commission, board, committee, council or other body referred to in section 2.

Commission, board, committee, etc., to pay allowance

4. Subject to section 5 a commission, board, committee, council or other body referred to in section 2 shall have power and it shall be lawful for them to pay such an attendance allowance as may be prescribed by the Beretitenti acting in accordance with the advice of the Cabinet during any meeting of such commission, board, committee, council or other body

When allowance payable

5. (1) The attendance allowance referred to in sections 3 and 4 shall be payable to a public officer only if a commission, board, committee, council or other body meets –

- (a) outside working hours;
- (b) on a public holiday; or
- (c) on Saturday and Sunday.

(2) In this section “working hours” means working hours as approved and authorised by the Government for the civil service of Kiribati to observe.

Application restricted

6. This Act shall not apply to the Commission of Inquiry Ordinance (Cap. 10)

THE PUBLIC OFFICERS (REPEAL) ACT 1996

EXPLANATORY MEMORANDUM

1. The principal object of this short Act is to allow public officers (government employees) and employees of Government-owned companies, corporations and other bodies who are appointed under any Act or Ordinance to be members of commission, board, etc., to be paid an attendance allowance during meetings of commission, board, etc.
2. Currently entitlement under various Acts and Ordinances to payment of attendance allowance to Government employees, etc., who are members of such commission, board varies quite considerably as in some Acts it is authorised whereas in other Acts it is not.
3. It is the policy of the present Government that an attendance allowance during meetings of such commission, board, etc, should be payable to Government employees, etc, who are members of a commission, board, etc. However such entitlement should be restricted to meetings of commission, board, etc., held outside working hours including public holidays, Saturday and Sunday (see section 5.)
4. It is intended under this Act to effect repeal of all provisions of Acts or Ordinances including regulations which prohibit the payment of an attendance allowance to Government employees once this Act is passed. (section 2.) It will therefore not be necessary to actually introduce an amending Bill to each and every Act containing such prohibition.
5. It will be seen therefore that section 2 seeks to repeal all provisions in any Act, Ordinance or Regulations (enactment) which contain the prohibition of payment of an attendance allowance.
6. Section 3 authorise the payment of an attendance allowance to Government employees but restricted to outside working hours, public holidays and Saturday and Sundays (see also section 5).
7. Section 4 authorises a commission, board, etc., to pay an attendance allowance which again is restricted to the period of times and days referred to in clause 5.
8. This Act will not apply to the Commission of Inquiry Ordinance (Cap. 10).

Michael N Takabwe
Attorney General
November 1995