

REPUBLIC OF KIRIBATI
(No. 24 of 1996)

I assent,

Beretitenti
Assented: 6th December 1996

**AN ACT TO PROVIDE FOR COMPULSORY RETIREMENT OF PUBLIC
OFFICERS AND FOR CONNECTED PURPOSES**

Commencement:
1996

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

Short Title

1. This Act may be cited as the Compulsory Retirement Act 1996.

Commencement

2. This Act shall come into operation on 1 January 1997.

Application

3. This Act applies only to a public officer whose appointment, removal and disciplinary control is or was made under and governed by Sections 99 and 100(1) of the Constitution.

Interpretation

4. In this Act, unless the context otherwise requires –

“Committee” means the Retirement Committee constituted under Section 7 of this Act.

Public officers to retire at age of 50

5. Subject to Section 101 of the Constitution and Section 13 of this Act, all public officers shall cease to hold their appointments upon reaching the age of 50 years.

Extension of retirement age

6. Subject to Section 13 of this Act no person who has reached the age of 50 years shall be eligible for appointment or re-appointment to any public office.

Retirement Committee constituted

7. There is hereby established a Committee which shall be called the Retirement Committee which shall consist of the following members ex officio –

- a. Secretary to the Cabinet, who shall be the Chairman of the Committee;
- b. Under-Secretary of the Public Service Division, who shall be the Deputy Chairman of the Committee;
- c. Commissioner of Labour appointed under Section 4(1) of the Employment Ordinance (Cap. 30);
- d. Secretary to Kiribati Trade Union Organisation;
- e. Any one person from any non-government organisation appointed by the Beretitenti, acting in accordance with the advice of the Cabinet; and
- f. a representative of the Kiribati National Council of Churches.

Functions of Retirement Committee

8. The Retirement Committee shall have the following functions –

- a. To receive applications from any Ministry, Department or Division of the Government, Statutory body or any public officer on his or her own behalf for extension of the Compulsory retirement age specified in Sections 5 and 6 of this Act to the age of 55 years.
- b. To consider each application, according to the matters set out in section 12 of this Act.
- c. To make such investigations or inquiries as the Committee considers are necessary for the due and proper consideration of any application.
- d. To make recommendations to the Public Service Commission or the Beretitenti

Meetings and procedure of the Committee

9. (1) Meetings of the Committee shall be held at such times and places as the Committee or its Chairman shall appoint.

(2) At any meeting of the Committee 3 members shall constitute a quorum.

(3) Subject to the provisions of this Act, the Committee may regulate its own procedure.

4) The office of the Beretitenti shall provide the Committee with secretarial and administrative services.

(5) If at any time the Chairman is absent from South Tarawa, the Deputy Chairman may act in all respects as if he were Chairman of the Committee.

Saving of the Commission members from liability

10. No member of the Committee shall be liable to any action or suit whatsoever in respect of any act, error or omission in the exercise of any function conferred or imposed on the Committee or any member thereof by this or any other Act.

Remuneration of members

11. (1) Every member of the Committee who is not a full-time salaried employee of the Government shall be paid such remuneration, travelling expenses and other allowances as may from time to time be fixed by the Cabinet.

(2) All payments made pursuant to this section shall be paid out of moneys appropriated by the Maneaba ni Maungatabu.

Matters to be considered in extension of retirement age

12. In considering an application for an extension of the retirement age the Public Service Commission and Retirement Committee shall take into account the following matters –

- a. The qualification and/or experience of the public officer to which the application applies;
- b. The health both mental and physical of the public officer; and
- c. The public officer's performance during his service as a public officer and or with any other employer; and
- d. The views regarding the extension of the retirement age of the Secretary of the Ministry or Department or the Secretary responsible for the Statutory

Corporation for which it is proposed that the public officer will be appointed during the extended period of service; and

- e. Any other matters which may be relevant to the employment of the Public Officer past the usual retirement age of 50 years.

Power to extend retirement age

13. (1) In the case of a public officer who is to be or has been appointed or re-appointed pursuant to section 99 of the Constitution, the Beretitenti, acting in accordance with the advice of the Public Service Commission may, subject to section 46(2) of the Constitution, upon receipt of a recommendation from the Retirement Committee with respect to a public officer and having considered the matters specified in section 12 of this Act, extend the retirement age of that public officer to 55 years of age and the public officer shall be eligible to continue to hold his or her appointment, or to be re-appointed, or to be appointed to a different public office, until he or she reaches the age of 55 years.

(2) In the case of a public officer who is to be, or has been appointed or re-appointed pursuant to section 100(1) of the Constitution, the Beretitenti, acting after consultation with the Public Service Commission, may upon receipt of a recommendation from the Retirement Committee with respect to a public officer and having considered the matter specified in section 12 of this Act, extend the retirement age of that public officer to 55 years of age and the public officer shall be eligible to continue to hold his or her appointment, or to be re-appointed, or to be appointed to a different public office, until he or she reaches the age of 55 years.

COMPULSORY RETIREMENT ACT 1996

EXPLANATORY MEMORANDUM

1. The purpose of this Act is to establish a compulsory retirement age for Public Officers.
2. The retirement age is under normal circumstances 50 years of age, however this may be extended to 55 years by the Public Service Commission in cases where a public officers has special qualifications or experience which is difficult or impossible to replace, and in all the circumstances of any given case to utilise those qualifications and experience for an additional 5 years is in the best interests of the Republic.

Michael N. Takabwe
Attorney General
8 October 1996