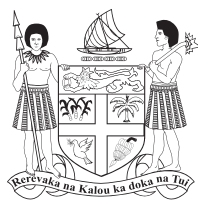


EXTRAORDINARY



GOVERNMENT OF FIJI GAZETTE

PUBLISHED BY AUTHORITY OF THE FIJI GOVERNMENT

Vol. 13

TUESDAY, 30TH OCTOBER 2012

No. 123

[1321]

GOVERNMENT OF FIJI

NATIONAL COUNCIL FOR OLDER PERSONS DECREE 2012
(DECREE NO. 63 OF 2012)

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IN exercise of the powers vested in me as the President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make the following Decree—

TO ESTABLISH THE NATIONAL COUNCIL FOR OLDER PERSONS FOR THE PURPOSE OF INCLUSIVITY, INSTILLING DIGNITY, RESPECT FOR HUMAN RIGHTS AND MEETING BASIC NEEDS THROUGH THE EMPOWERMENT OF OLDER PERSONS AND FOR RELATED MATTERS

PART 1—PRELIMINARY

Short title and commencement

- 1.—(1) This Decree may be cited as the National Council for Older Persons Decree 2012.
- (2) This Decree shall come into force on a date appointed by the Minister by notice in the *Gazette*.

Interpretation

2. In this Decree, unless the context otherwise requires—
 - “Committee” means the Advisory Committee established under section 14;
 - “Council” means the National Council for Older Persons established under section 3;
 - “Minister” means the Minister responsible for Social Welfare;
 - “older person” means a person who is 60 years or above 60 years of age;
 - “organisation” means any organisation registered under the Charitable Trusts Act (Cap. 67) or the Religious Bodies Registration Act (Cap. 68) providing services for the needs and concerns of older persons;
 - “Permanent Secretary” means the Permanent Secretary responsible for Social Welfare; and
 - “Register” means the Register of organisations as provided for under section 21.

PART 2—NATIONAL COUNCIL FOR OLDER PERSONS

Establishment of the National Council for Older Persons

- 3.—(1) This section establishes the National Council for Older Persons.
- (2) The Council shall operate as a body corporate with perpetual succession and a common seal, and may—
 - (a) sue and be sued;
 - (b) acquire, hold, possess, dispose of or otherwise deal with any property;
 - (c) enter into contracts; and
 - (d) do all other acts that may be done in law by a body corporate.

Objectives of the Council

4. The objectives of the Council are to—
 - (a) strengthen the partnership and collaboration between the Government, families, community based organisations, traditional village communities, non-governmental organisations, civil society organisations and the private sector, in creating an inclusive, protective, healthy and supportive environment for older persons; and
 - (b) represent the rights and interests of older persons in Fiji at all levels.

Functions of the Council

- 5.—(1) The functions of the Council are to—
 - (a) advise the Government on all aspects of ageing and the welfare of older persons, either on its own initiative or upon the request of the Minister, and in particular on—
 - (i) the measures to promote the health, wellbeing and social inclusion of older persons;
 - (ii) the implementation of the recommendations contained in the national policy on ageing;

- (iii) the methods of ensuring co-ordination between the public, private and community sectors at the national and the local level, in the planning and provision of services for older persons;
 - (iv) the means of encouraging greater partnership between statutory and voluntary bodies in the provision of services for older persons;
 - (v) meeting the needs of the most vulnerable older persons;
 - (vi) the means of encouraging positive attitudes to life after the age of 60 years and the process of ageing;
 - (vii) the means of encouraging greater participation by older persons in all aspects of national development; and
 - (viii) any action, based on research required to plan and develop services for older people;
- (b) assist in the development and implementation of national policies and strategies designed to produce health and social gain for older persons by—
- (i) undertaking research on the lifestyle and the needs of older persons in Fiji;
 - (ii) identifying and promoting models of good practice in the care of older persons and service delivery to them;
 - (iii) providing information and advice based on research findings to those involved in the development and implementation of policies and services pertaining to the health, wellbeing and autonomy of older persons; and
 - (iv) liaising with statutory, voluntary and professional bodies involved in the development and implementation of national and regional policies which have as their object, health gain for older persons;
- (c) promote—
- (i) the autonomy of older persons by supporting international conventions, and protocols on the rights of older persons;
 - (ii) respect, dignity and better understanding of ageing and older persons in Fiji;
 - (iii) the economic and financial security of older persons; and
- (d) regulate and monitor the activities of organisations providing services to older persons to ensure transparency and adherence to regional and national policies on ageing.

(2) The Council may, in relation to the performance of its functions, publish documents, organise conferences, support initiatives and establish informal networks to promote healthy, secure and industrious ageing.

Powers of the Council

6. The powers of the Council are to—

- (a) implement national policies on ageing;
- (b) revise and update the national policies on ageing as and when necessary;
- (c) advocate for the holistic wellbeing of older persons;
- (d) represent the status of older persons to Government and internationally;
- (e) liaise with international bodies which have functions similar to the functions of the Council; and
- (f) make grants to organisations registered by the Council for the purposes of providing improved services to older persons.

Composition of the Council

7. The Council shall consist of the following persons—

- (a) the Permanent Secretary;
- (b) one person appointed by the Minister with the understanding or knowledge of ageing and the elderly and who is capable of holding a specialised portfolio;
- (c) three members appointed by the Minister representing organisations providing services to older person;
- (d) the Permanent Secretaries for Health, Education and Labour or their representatives;
- (e) the Chief Executive Officer of the Council; and
- (f) at least one independent older person appointed by the Minister with expertise aligned to the care and support for older persons.

Term of office

8. Members of the Council appointed by the Minister shall hold office for a term of 3 years, and are eligible for re-appointment.

Chairperson of the Council

9.—(1) The Permanent Secretary shall be the Chairperson of the Council.

(2) The functions of the Chairperson are as follows—

- (a) uphold and promote the purposes of the Council;
- (b) ensure that the Council's business is carried out efficiently and with regard to the rights of members and the interests of older persons; and
- (c) promote—
 - (i) public involvement in the Council's activities; and
 - (ii) community leadership and social responsibility.

Co-opted members

10.—(1) The Council may co-opt such persons as necessary to participate in one or more of the Council's meetings if and when the need arises.

(2) A co-opted person shall be an expert or have special knowledge or experience to provide expert advice to the Council on any matter relating to older persons.

Vacation of office

11. The office of a member becomes vacant if that member—

- (a) dies;
- (b) is absent without the leave of the Council for 3 consecutive meetings of the Council; or
- (c) conducts him or herself in a manner which amounts to misconduct.

Resignation and removal

12.—(1) A member of the Council may resign from his or her office by giving one month's written notice to the Minister.

(2) The members may be removed by the Minister for inability to perform the functions of the Council, whether arising from infirmity of body or mind, absence, misconduct or any other cause, or may be otherwise removed by giving one month's notice or one month's remuneration in lieu of notice.

Chief Executive Officer of the Council

13.—(1) The Permanent Secretary may appoint a suitably qualified person as the Chief Executive Officer of the Council in accordance with other terms and conditions the Council may approve.

(2) The Chief Executive Officer may be appointed for a term of 3 years and is eligible for re-appointment.

(3) The Chief Executive Officer shall be remunerated as determined by the Council with the approval of the Minister.

(4) The Chief Executive Officer shall—

- (a) be responsible to the Council for its management and the execution of its policy; and
- (b) subject to the provisions of this Decree and to any resolution passed at a meeting of the Council, do all things necessary or convenient to be done in connection with, or incidental to, the performance of his or her duties under this Decree or any other written law dealing with older persons.

(5) The Chief Executive Officer in consultation with the Council may appoint such officers, servants or agents as it considers necessary for the efficient exercise, performance and discharge of its duties.

(6) Such officers, servants or agents appointed under subsection (5) shall be remunerated in a manner and at rates subject to terms and conditions determined by the Council.

Advisory Committee

14.—(1) This section establishes the Advisory Committee.

(2) The Advisory Committee shall—

- (a) encourage the holistic recognition of older persons;
- (b) uphold social and economic protection for older persons;
- (c) advise and assist the Council in the implementation of national policies concerning older persons;
- (d) conduct research and recommend suitable activities or projects relevant to improving the welfare of older persons;
- (e) protect the health of older persons; and
- (f) ensure the provision of a supportive environment for older persons.

(3) The Advisory Committee, appointed by the Council shall consist of—

- (a) a Chairperson who is a member of the Council;
- (b) a Secretary; and
- (c) four other members.

(4) All members of the Committee shall hold office for a term of 2 years, and shall be eligible for reappointment.

(5) The Council may from time to time appoint Advisory Committee co-opted members.

(6) The membership of a member of the Committee ceases if he or she—

- (a) is absent without the leave of the Committee for more than 3 consecutive meetings of the Committee; or
- (b) is absent without the leave of the Committee from Fiji for a consecutive period exceeding one year.

Divisional and District Committees

15.—(1) This section establishes four Divisional Committees each representing the Western, Northern, Central and Eastern Divisions, and such Committees may in consultation with the Council establish District Committees.

(2) Each Divisional and District Committee shall have a Chairperson, a Secretary and such other members all of whom shall be appointed by the Council and who shall hold office for a term of 2 years and shall be eligible for reappointment.

(3) The Council may from time to time appoint to each Divisional and District Committee co-opted members.

(4) The District Committees shall have the functions of making recommendations and proposals to and giving advice on needs, problems and activities of the older persons in their respective districts to the Divisional Committee who shall in turn assess these recommendations on a divisional level and advise the Advisory Committee of the same.

PART 3—ADMINISTRATION

Meetings of the Council

16.—(1) The Council shall convene at least four meetings in a year.

(2) Any issue raised or to be decided should be decided by a majority of the votes of the members present and voting, and in the event of equality of votes, the Chairperson shall have a casting vote.

Conduct of meetings

17. At least 4 members of the Council constitute an official quorum at a meeting.

Biennial General Assembly of older persons

18. The Council shall convene a meeting of older persons to be known as a “Biennial General Assembly of Older Persons” once every two years for the purpose of providing a platform for the exchange of ideas, views and concerns of older persons and those organisations or committees concerned with providing services to older persons.

Remuneration

19. Members of the Advisory Committee, the Council and co-opted members, other than members who are public officers, are entitled to remuneration determined by the Council and approved by the Minister from time to time.

Indemnity

20.—(1) The Council, the Committee nor any member of the Council, Committee or Divisional and District Committee, or any officer, co-opted member or staff engaged by the Council, Committee or Divisional and District Committee shall be held liable for any action, suit, proceeding, dispute or challenge in any court, tribunal or any other adjudicating body for or in respect of any act or omission done in the exercise or non-exercise of the powers conferred by or duties prescribed under the provisions of this Decree or any other written law.

(2) A member of the Council, Committee or Divisional and District Committee shall not act unilaterally using their membership advantage to personally gain from outside dealings apart from that which will benefit the Council, the Committee or the Divisional and District Committees.

PART 4—REGISTRATION

Register of organisations

21. – (1) This section establishes the Register of organisations which is to be maintained by the Council.

(2) The Register shall contain a record of all organisations established to provide services to older persons for the purpose of—

- (a) creating a community of service providers that can work together with the state and other relevant organisations to address the needs of older persons;
- (b) establishing an umbrella body to streamline and benchmark standards of operation in relation to international practice; and
- (c) affiliation of the Council to international agencies.

(3) The Register shall include in relation to each organisation on the Register—

- (a) the organisation’s full registered name and registered contact address;
- (b) the qualifications held by the organisation in providing services to older persons;
- (c) relevant qualifications obtained by the organisation after registration; and
- (d) any other information that the Council deems appropriate.

(4) Every organisation providing service to older persons or intending to provide service to older persons must be duly registered as provided by this Part.

(5) For the purposes of this Decree, an organisation shall not be registered on the Register unless—

- (a) they are fully functional as an organisation providing services to older persons; and
- (b) the organisation satisfies the Council as to why they should continue in existence.

Registration

22.—(1) An application to be registered under section 21(4) must—

- (a) be made to the Council in the prescribed form;
- (b) be accompanied by a fee prescribed by the Council and approved by the Minister; and
- (c) include any other documentary information required by the Council in order to enable the Council to determine the application.

(2) The Minister shall by way of Regulations prescribe such terms and conditions as the Minister deems fit and proper for registration of organisations.

(3) If the Council is satisfied that the prescribed criteria are complied with, the Council shall grant a certificate of registration to an applicant on such terms and conditions as the Council sees fit and including any such terms and conditions as may be prescribed by the Minister by Regulations.

(4) In the case where an application for registration is not accepted by the Council as per the set criteria, the decision of the Council must be given to the applicant in writing, stating the reasons why it is not accepted.

(5) The Council may, subject to the approval of the Minister, cause the name of any organisation to be removed from the Register if—

- (a) it ceases for any reason to function or to be authorised to function as an organisation providing service to older persons;
- (b) it fails to meet certain terms and conditions prescribed by the Minister; or
- (c) it fails to adhere to the requirements and standards being implemented by the Council through its national policy on ageing.

(6) Where the Council wishes to remove the name of an organisation from the Register for any reason stated under subsection (5) the Council must forthwith give written notice to the said organisation and consider any representation made in that matter.

(7) Any organisation providing services to older persons that is not registered in accordance with this section commits an offence and is liable on conviction to a fine not exceeding \$2,000.

PART 5—ACCOUNTS AND FINANCE

Funds of the Council

23. The funds of the Council shall comprise of—

- (a) any money appropriated by the Government for the purpose of this Decree;
- (b) any contribution or donation to the Council;
- (c) fees imposed by the Council under this Decree;
- (d) any money borrowed by the Council; and
- (e) any other money received by or on behalf of the Council.

Accounts, reports and audit

24.—(1) The Council must keep proper accounting records in relation to its financial affairs, and must have annual statements of accounts prepared in respect of each financial year.

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(2) The accounts must be audited at least once in every year by an auditor approved by the Auditor- General and appointed by the Council.

(3) The Council must, on or before the end of the financial year, deliver to the Minister a report on the administration of this Decree in relation to its responsibilities, and the work of the Council during the preceding financial year.

(4) The Minister must, within 28 days after receiving a report made under this section, have copies of the report laid before Cabinet.

PART 6—MISCELLANEOUS

Directions by Minister

25.—(1) The Minister may give such directions, not inconsistent with the provisions of this Decree, as to the performance of the functions and duties and exercise of its powers by the Council.

(2) The Council should give effect to any directions given under subsection (1).

Regulations

26. The Minister may make Regulations to give effect to the provisions of this Decree and in particular, may make Regulations in relation but not limited to—

- (a) fees and levies for the purposes of this Decree; and
- (b) any other matters required to be prescribed under the provisions of this Decree.

Given under my hand this 26th of October 2012.

EPELI NAILATIKAU
President of the Republic of Fiji