



REVISED EDITION OF THE LAWS ORDINANCE (CAP. 92)  
(Section 15(4))

SALARIES AND ALLOWANCES OF MEMBERS OF THE MANEABA NI  
MAUNGATABU AND SALARIES TRIBUNAL ACT

(REVISED EDITION 2002) NOTICE 2002

In exercise of the power conferred upon me by section 15(4) of the Revised Edition of the Laws Ordinance (Cap. 92) I hereby give notice that the booklet attached herewith and containing -

The Salaries and Allowances of Members of the Maneaba ni Maungatabu and Salaries Tribunal Act (Revised Edition 2002) (Cap. 92A)

shall be, without any question in all courts of justice and for all purposes whatsoever, the sole and only proper law of Kiribati in respect of the Salaries and Allowances of Members of the Maneaba ni Maungatabu and Salaries Tribunal Act.

Dated this <sup>nd</sup> 22 day of August, 2002.

TEBURORO TITO  
Beretitenti

Published by exhibition at the public office of the Beretitenti this <sup>nd</sup> 22 day of August, 2002.

Secretary to the Cabinet

## FOREWORD TO THIS BOOKLET

The Salaries and Allowances of Members of the Maneaba ni Maungatabu and Salaries Tribunal Act (Cap.92A) ("the Act") has been consistently revised up to 1996, by virtue of a Certificate signed by Te Beretitenti dated 17<sup>th</sup> January 1996. The Maneaba ni Maungatabu has over the years issued booklets incorporating amendments up to a particular year contained in a booklet for that year.

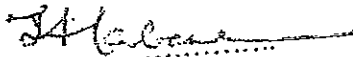
May I state here as a word of caution that those booklets purporting to be a Revised Edition of the Act for a particular year and purporting to contain amendments up to the year when those booklets are issued without a Certificate signed by Te Beretitenti are merely issued for convenience purposes only. The objective of this Revised Edition is to put in place a revised edition containing all amendments up to the May 2002 sitting. It will be the most update version of any laws in Kiribati.

Since the Revised Edition of 1996, 4 amendments have been passed - (1) No. 5 of 1996, (2) No.12 of 1997 (3) No.6 of 2001 and (4) No.3 of 2002. This Booklet updates the 1996 and incorporates the 4 new amendments. This require a straight forward insertion and deletion in the Act in line with what the said amendments contained. The exception is with the 2001 amendment where in the amendment to section 4(a)(iv) the words "in a sum equal to the amount payable to the Beretitenti" replace the words "on the same basis as a public officer". This is in respect of a subsistence allowance payable to the accompanying spouse of the Beretitenti travelling on official business overseas. This was the subject of a debate in the Maneaba ni Maungatabu at the next sitting following the enactment of the amending Act 2001, and the Beretitenti assenting to it. It was argued that when the amending Act 2001 was tabled as a Bill, it was explained, among other things, to the members that the amendment concerning the subsistence allowance for the spouses of the Beretitenti, Ministers and Members when accompanying them to travel on official business overseas is half the amount what the Beretitenti, Ministers or Members receive. When the Act 2001 received the Beretitenti's assent, the section concerning the Beretitenti's spouse subsistence allowance did not reflect what was discussed. It was certainly an oversight on those responsible including the members who debated the Bill.

I have looked at the Hansard, the record of proceedings of the Maneaba relating to the debate on the amending Act 2001 at the Bill stage and agree that error was due to an oversight and

that I can easily correct it relying on the powers conferred upon me by the Revised Edition of the Laws (Cap.92A). That correction is included in this Booklet.

I have prepared this booklet in accordance with the powers conferred upon me by sections 13, 14 and 15 of the Revised Edition of Laws Ordinance (Cap.92). The Clerk to the Maneaba ni Maungatabu has greatly assisted in this revision by preparing the initial booklet. I have transmitted the booklet to the Beretitenti to sign the Notice as required under section 15(4) of the Revised Edition of Laws Ordinance.



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Titabu Tabane  
Attorney General  
21 August 2002

LAWS OF KIRIBATI  
REVISED EDITION 2002

**SALARIES AND ALLOWANCES OF MEMBERS OF THE MANEABA NI MAUNGATABU  
AND SALARIES TRIBUNAL**  
(Incorporating amendments up to 30 May 2002)

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## SCHEDULES

An Act to make provision for the salaries, allowances and other financial privileges of the members of the Maneaba ni Maungatabu and Salaries Tribunal; And for connected purposes

*Commencement: Part I & II, 1 August 1979, Part III, 30 December 1997*

3 of 1980  
14 of 1986  
14 of 1990  
8 of 1993  
6 of 1995  
5 of 1996  
12 of 1997  
6 of 2001  
3 of 2002

## PART I PRELIMINARY MATTERS

### Short title

1. This Act may be cited as the Salaries and Allowances of Members of the Maneaba ni Maungatabu and Salaries Tribunal Act.

### Interpretation

2. In this Act unless the context otherwise requires -

"constituency visit" means a visit of the Beretitenti or a Minister to his home island constituency for the purpose of updating or informing his constituency on any matter decided or determined by the Maneaba ni Maungatabu or of any policy of Government;

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

"official business" means -

- (a) any business carried out by a member or members for which financial provision has been previously been made in any Appropriation Act; or
- (b) any other business carried out by a member or members which is determined by Cabinet to be official business;

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

"spouse" means a partner in marriage performed under the Marriage Ordinance or recognised by custom.

## PART II SALARIES, ALLOWANCES AND PRIVILEGES

### Salaries, entertainment and sitting allowances

3. The holder of the office specified in the first column of Schedule 1 shall be paid as applicable -

- (a) an annual salary;
- (b) an annual entertainment allowance; and
- (c) a daily sitting allowance,

of the amount specified in -

- (i) the second column (which relates to the salary);
- (ii) the third column (which relates to entertainment allowance); and
- (iii) the fourth column (which relates to daily sitting allowance)

of the Schedule.

### Travelling allowances and privileges

4. (1) When travelling on official visits overseas -

- (a) the Beretitenti shall be entitled -

- (i) to first class air travel;
- (ii) if the Government considers it necessary to do so, to be accompanied by his spouse on not more than 3 occasions per year;
- (iii) to first class air travel for his spouse when accompanying him;

- (iv) to be paid a subsistence allowance for his spouse when accompanying him in a sum equal to half the amount payable to the Beretitenti; and

- (b) a Minister shall be entitled -

- (i) to first class air travel;

- (iii) to first class air travel for his spouse when accompanying him;
- (iv) to be paid a subsistence allowance for his spouse when accompanying him in a sum equal to half the amount payable to the Minister; and
- (c) any other member shall be entitled -
- (i) to business class air travel;
- (ii) if the Government considers it necessary to do so, to be accompanied by his spouse on not more than one occasion during the term of his office;
- (iii) to business class air travel for his spouse if accompanying him; and
- (iv) to be paid subsistence allowance for his spouse if accompanying him in the sum equal to half the amount payable to the Member.
- (2) A Member who is in Tarawa for business he has been invited to attend, including a seminar, committee, and other business in addition to a meeting of the Maneaba ni Maungatabu, shall be entitled to free lunch and bus ticket within South Tarawa commencing from the arrival of the Member until the completion of the business.
- (3) When travelling on official business on any vessel within Kiribati, a Member (including his spouse if accompanying him) shall be entitled to free first class passages.
- (4) When travelling within Kiribati on official business the Beretitenti and a Minister shall be entitled:-
- (a) to free sea or air passage; and
- (b) twice a year to free sea or air passage for his spouse if accompanying him.
- (5) When any other Member travels to South Tarawa to attend a meeting of the Maneaba or within Kiribati on official business he shall be entitled -
- (a) to free sea or air passage;
- (b) once a year to free sea or air passage for his spouse if accompanying him.
- (6) Subject to subsection (5), when the Beretitenti or a Minister is on a constituency visit, he shall be entitled -
- (a) to free sea or air passage;
- (b) to be accompanied by his spouse on not more than two occasions per year;
- (c) to be accompanied by his children on not more than one occasion per year;
- (d) to free sea or air passage for his spouse when accompanying him;
- (e) to free sea or air passage for any of his children if accompanying him the total amount of which such sea or air fare in respect of such passage shall not exceed 2 adult sea or air fares; and

- (f) to stay or remain on his island constituency for such visit for a period of not more than 10 days.
- (7) (a) When the Beretitenti or a Minister is on a constituency visit he shall be entitled to be paid a subsistence allowance of \$10 per day in respect of such visit; and
- (b) Subject to subsection (6)(b), if the Beretitenti or a Minister is accompanied by his spouse during such visit, 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.
- (8) In this section "child" includes a stepchild or adopted child who has not attained the age of 18 years.

**Car allowance etc.**

5. (1) The Beretitenti shall be entitled to be provided with a free motor car and motor launch, fuelled, staffed and serviced at Government expense.
- (2) A Minister who owns a motor car and uses it on official business shall be entitled to an allowance of \$874 per year.
- (3) If a Minister does not receive a car allowance under subsection (2) he shall be entitled to a suitable official motor car for transport whenever he is engaged on any official business or duty of his office.

**Subsistence allowance**

6. (1) A Member travelling on official business overseas shall be paid a subsistence allowance on the same basis as a public officer entitled to Class A rate or on salary level 5 and above.
- (2) When travelling on official business overseas -
- (a) the Beretitenti and the Kauoman ni Beretitenti shall be entitled to be paid an allowance of \$25 per day;
- (b) a Minister shall be entitled to be paid an allowance of \$20 per day; and
- (c) a Member shall be entitled to be paid an allowance of \$15 per day.

in addition to the subsistence allowance payable under subsection (1).

- (3) (a) If the Beretitenti or a Minister travels on official business within Kiribati to a place other than South Tarawa he shall be paid -
- (i) where he is accommodated either in a licensed rest house or a hotel in a place other than Kiritimati Island, a subsistence allowance of \$45 per day;
- (ii) where he is accommodated either in a licensed rest house or a hotel in Kiritimati Island an amount equal to the costs of his accommodation and meals up to a maximum of \$150 per day;
- (iii) where he is not accommodated in a licensed rest house or a hotel and is not in Kiritimati Island, a subsistence allowance of \$20 per day;



- (iv) where he is not accommodated in a licensed rest house or a hotel and is in Kiritimati Island, a subsistence allowance of \$30 per day:

Provided that the Beretitenti or a Minister shall not be paid any subsistence allowance for travelling and staying at his island constituency if he is not visiting that island in the course of a ministerial tour.

- (b) If a member other than the Beretitenti or a Minister travels within Kiribati to a place other than South Tarawa and/or his island constituency, he shall be paid-
- (i) where he is accommodated either in a licensed rest house or a hotel in a place other than Kiritimati Island, a subsistence allowance of \$45 per day;
- (ii) where he is accommodated in a licensed rest house or a hotel in Kiritimati Island an amount equal to the costs of his accommodation and meals up to a maximum of \$150 per day;
- (iii) where he is not accommodated in a licensed rest house or a hotel and is not in Kiritimati Island, a subsistence allowance of \$30 per day;
- (iv) where he is accommodated in a licensed rest house or a hotel and is in Kiritimati Island, a subsistence allowance of \$30 per day:
- (c) If the Beretitenti, a Minister or a Member is accompanied by his spouse on a journey for which he is entitled to free air or sea passage for his spouse pursuant to section 4(4) of this Act, the spouse shall be entitled to be paid an allowance in a sum equal to half the amount payable to the Beretitenti, Minister or member as the case may be under paragraphs (a) and (b) of this subsection.
- (d) If a Member travels to South Tarawa to attend any meetings of the Maneaba ni Maungatabu or other official business and he is accompanied by his spouse subject to section 4(4)(b) and 4(5)(b) such Member shall be entitled to be paid a subsistence allowance of \$30 per day and the spouse shall be entitled to be paid a subsistence allowance of \$15 per day.
- (e) If a Member referred to in paragraph (d) is accommodated in a hotel or licensed rest house and the hotel and licensed rest house charges and expenses exceed that of his and his spouse subsistence allowance entitlement under paragraph (d) then such Member and his spouse shall be entitled to be refunded for any amount spent for a licensed rest house or hotel accommodation over and above their subsistence allowance entitlement.
- (4) (a) A Member from the electoral district of either Betio or Tarawa Teinainano apart from the Beretitenti and the Minister who -
- (i) actually attends a full day's sitting of the Maneaba ni Maungatabu or part thereof; and
- (ii) is not entitled to be paid any subsistence allowance under this Act, in respect of such attendance,
- shall be entitled to a meal allowance of \$15 per day or part thereof.
- (b) Notwithstanding anything contained in subsection (4)(a) a Member from the electoral district of either Betio or Tarawa Teinainano who -

- (i) is a Minister;
- (ii) actually attends a full day's sitting of the Maneaba or part thereof; and
- (iii) is not entitled to be paid any subsistence allowance under this Act, in respect of such attendance,

shall be entitled to a meal allowance of \$15 per day or part thereof

(5) Any Member appointed to a Standing or Select Committee shall be deemed to have been entitled to be paid a subsistence allowance of \$45 for each day during the period 1 October 1994 to 31 December 1995 on which the member attended a standing or select committee meeting and for which he or she was entitled to claim a subsistence allowance of \$15 per day under section 6 of this Act prior to this amendment.

(6) If a member—

- (a) is also a member of a Standing Committee of the Maneaba; and
- (b) occupies a Government or Housing Corporation dwelling house during a meeting of such standing committee such member shall be entitled to a housing subsidy paid by the Government to the Housing Corporation on the same terms as applicable to a public officer who is a Kiribati citizen.

#### Dissolution of the Maneaba and subsistence allowance

7. (1) When the Maneaba ni Maungatabu stands dissolved pursuant to section 78 of the Constitution—

- (a) the Beretitenti,
- (b) a Minister, and
- (c) a Member,

attending a meeting of the Maneaba ni Maungatabu during which a motion to dissolve the Maneaba has been passed by the Maneaba shall be entitled to be paid a subsistence allowance of \$20 per day commencing on the day the Maneaba ni Maungatabu is dissolved until such time as and when transport is available for them to return to their respective home island constituencies.

(2) If a person referred to in subsection (1) is accompanied by his spouse as provided by section 4(4)(b) and 4(5)(b) when the Maneaba is dissolved such spouse shall also be entitled to be paid a subsistence allowance of \$10 per day commencing on the day the Maneaba is dissolved until such time as and when transport is available for them to return to their home island constituency.

(3) This section does not apply to a member from the electoral district of Tarawa Teinainano and Betio unless such member is a Minister responsible for the Ministry of the Line and Phoenix in which case he shall be entitled to be paid such subsistence allowance as payable under this section.

#### Residence of Beretitenti

8. (1) (a) The Beretitenti shall be entitled to reside at the State House rent free and without charge for electricity.

(b) The State House shall be made available cleaned, maintained and staffed as provided for by the Annual Estimates, without charge to the Beretitenti.

(2) The Kauoman-ni-Beretitenti, whilst acting as Beretitenti may reside at the State House on the same terms as the Beretitenti.

#### Residence of Kauoman-ni-Beretitenti

9. (1) The Kauoman-ni-Beretitenti shall be entitled to reside at House Number A1, Bairiki rent free.

(2) Without prejudice to subsection (1) the Kauoman-ni-Beretitenti shall be entitled to -

- (a) free electricity up to \$150 per month,
- (b) free furnishing of the house referred to in subsection (1) not lower than the furnishing scale of an "A" Grade Government dwelling house,
- (c) a house cleaner,
- (d) free water supply up to \$40 per month

#### Residence of Minister

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

(2) Where a Minister resides in a dwelling house referred to in subsection (1) he shall be entitled to free furnishing not lower than the furnishing scale of an "A" or "B" Grade Government dwelling house.

#### Advances of salary

11. A Member shall be entitled to an advance of salary on the same basis as a public officer.

#### Clothing allowance

12. (1) A Member travelling overseas on official business shall be entitled to be paid a clothing allowance of \$600.

(2) Where such Member accompanied by his spouse, the spouse shall also be entitled to such allowance.

(3) The allowance referred to in this section shall be paid only once in every 3 years.

#### Letters and telegrams

13. (1) Subject to subsection (2) a member shall be entitled to use a telephone and to send letters and telegrams through official channels free of charge when a telephone call, the letters and telegrams are sent or made on official business to Island Councils, government departments, government owned companies and statutory bodies.

(2) The total number or cost of telephone calls which a Member is entitled to make under this section shall not exceed 600 calls or \$260 per year whichever is the less.

**Transport of body of deceased member, etc. to be provided**

14. (1) Where a member dies in the course of his attendance of a meeting of the Maneaba ni Maungatabu or performing other official business within Kiribati as a member away from his home island constituency then in such event the Government shall provide a free transport for the return of the body of such member to his home island constituency.
- (2) Where a transport is provided by the Government under subsection (1) a member of the family or a next of kin of such deceased member shall be entitled to accompany the body of such member on the transport provided by the Government free of charge.

**Allowances free from income tax**

15. All allowances and compensation payments provided for by this Act shall be paid free of income tax.

**Amounts in Schedule charged on Consolidated Fund**

16. (1) All amounts specified in columns 2, 3 and 4 of Schedule 1 shall be charged on the Consolidated Fund as statutory expenditures.
- (2) This section shall not apply to any other amounts payable under this Act.

**PART III  
COMPENSATION PROVISIONS****Interpretation**

17. (1) In this Part, unless the context otherwise requires -

"adopted" means adopted under the authority of an adoption order made by a court of competent jurisdiction;

"child" includes adopted child, grandchild, adopted grandchild, stepson and stepdaughter;

"compensation" means compensation as provided by this part of this Act;

"court" means the High Court;

"dependants" means those members of the family of a Member who were wholly or in part dependent upon his earnings at the time of his death, or would but for the incapacity due to the accident have been so dependent, and, where the Member, being the parent or grandparent of an illegitimate child, leaves such child so dependent upon his earnings, or, being an illegitimate child, leaves a parent or grandparent so dependent on his earnings, shall include such an illegitimate child or parent or grandparent respectively.

Provided that a person shall not be deemed to be a partial dependant of another person unless he was dependent partially on contributions from or made on behalf of that other person for the provision of the ordinary necessary of life;

"earnings" includes salary paid to the Member under this Act;

"maneaba" means a community hall of traditional design serving a village or cluster of households in a settlement area, where important decisions are made by traditional leaders;

"maneaba business" means-

- (a) a meeting or sitting of the Maneaba ni Maungatabu;
- (b) a meeting or sitting of a Committee of the Maneaba ni Maungatabu;
- (c) an overseas parliamentary meeting, or overseas conference or other overseas parliamentary related activity;
- (d) a formal periodic visit or call by a Member to a Maneaba within that Member's constituency for the purpose of informing or discussing with electors in that Member's constituency, bills, motions, questions, reports, statements, petitions, papers, announcements and other topics raised or to be raised in the Maneaba ni Maungatabu; or
- (e) in the case of the Beretitenti, the Kauoman ni Beretitenti, or other Ministers, the performance by the Beretitenti, Kauoman ni Beretitenti, or other Ministers, as the case may be, of the functions of his office.

"medical practitioner" means a medical practitioner or medical officer registered, or conditionally registered, as such under the provisions of the Medical Services Act 1996;

"Member" means the legal personal representative of the Member where that Member is deceased;

"member of a family" means wife or husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister, niece or nephew and shall include any child or children, not specifically mentioned, living with the deceased at the time of his death and wholly or mainly dependent upon his earnings and such other person as was at the time of his death and wholly or mainly dependent upon his earnings and such other person as was at the time of the injury living in the household of the Member and was wholly or mainly dependent upon his earnings;

"partial incapacity" means where the incapacity is of a temporary nature, such incapacity as reduces the earning capacity of a Member at the time of the accident resulting in the incapacity, and, where the incapacity is of a permanent nature, such incapacity as reduces his earning capacity in every paid employment which he was capable of undertaking at that time.

Provided that every injury specified in Schedule 2, except such injury or combination of injuries in respect of which the percentage or aggregate percentage of the loss of earning capacity as specified in the Schedule against such injury or injuries amounts to 100 per cent or more, shall be deemed to result in permanent partial incapacity;

"total incapacity" means such incapacity, whether of a temporary or permanent nature, as in practice is likely to prevent a Member obtaining any paid employment which he was capable of undertaking at the time of the accident resulting in such incapacity;

#### **Liability for compensation for death or incapacity of a Member resulting from accident**

18. (1) If a Member suffers personal injury by accident arising out of or in the course of official business, the Republic shall, subject as hereinafter provided, be liable to pay compensation to such Member in accordance with the provisions of this Act.

Provided that -

- (a) the Republic shall not be liable under this Act in respect of any injury, other than an injury which results in partial incapacity of a permanent nature, which does not incapacitate the Member for a period exceeding 7 days; and
  - (b) if it is proved that the injury to a Member is attributable to the serious and wilful misconduct of that Member, any compensation claimed in respect of that injury shall, unless the injury results in death or serious and permanent incapacity, be disallowed.
- (2) No compensation shall be payable under this Part in respect of any incapacity or death resulting from a deliberate self-injury.
- (3) An accident happening to a Member in or about the Maneaba ni Maungatabu shall be deemed to arise out of or in the course of official business and the Republic shall be liable to pay compensation if the accident happens while he is taking steps on an actual or supposed emergency at the Maneaba ni Maungatabu to rescue, succour or protect persons who are, or are thought to be or possible to be, injured or imperilled, or to avert or minimise serious damage to property.

#### Compensation in fatal cases

19. Where death results from the injury -

- (a) if the member leaves any dependants wholly dependent on his earnings, the amount of compensation shall be a sum equal to 48 months' salary or \$25,000 whichever is less:

Provided that where in respect of the same accident compensation has been paid under the provisions of section 20 or section 21 there shall be deducted from the sum payable under this paragraph any sums so paid as compensation;

- (b) if the member does not leave any dependants wholly dependent on his earnings, but leaves any dependants in part so dependent, the amount of compensation shall be such sum, not exceeding in any case the amount payable under paragraph (a), as may be agreed upon or, in default of agreement, as may be determined by the court to be reasonable and proportionate to the injury to the said dependants;
- (c) if the member leaves no dependants, the reasonable expenses of the burial of the deceased member and the reasonable expenses of medical attendance on the deceased member, not exceeding in all the sum of \$250 shall be paid by the Republic.

#### Compensation in the case of permanent total incapacity

- (1) Where permanent total incapacity results from the injury the amount of compensation shall be a sum equal to 48 months' earnings or \$25,000 whichever is less:

Provided that in no case shall the amount of compensation in respect of permanent total incapacity be less than \$5000.

Salaries and Allowances of  
Members of the Maneaba ni Maungatabu and Salaries Tribunal

- (2) Notwithstanding the provisions of subsection (1), where an injury results in permanent total incapacity of such a nature that the injured member must have the constant help of another person, additional compensation shall be paid amounting to one-quarter of the amount which is otherwise payable under the provisions of this section.

**Compensation in the case of permanent partial incapacity**

21. (1) Where permanent partial incapacity results from the injury the amount of compensation shall be -

- (a) in the case of an injury specified in Schedule 2, such percentage of the compensation which would have been payable in the case of permanent total incapacity as is specified therein as being the percentage of the loss of earning capacity caused by that injury; and
- (b) in the case of an injury not specified in Schedule 2, such percentage of the compensation which would have been payable in the case of permanent total incapacity as it proportionate to the loss of earning capacity permanently caused by the injury.

(2) Where more injuries than one are caused by the same accident, the amount of compensation payable under the provisions of this section shall be aggregated, but not so in any case as to exceed the amount which would have been payable if permanent total incapacity had resulted from the injuries.

**Artificial limbs and apparatus**

22. (1) Where an accident arising out of and in the course of his employment has caused loss of a limb or other mutilation and the supply of an artificial limb or limbs or apparatus (including dental appliances and artificial eyes) will allow the member to continue performing his duties as a member, such artificial limb or limbs or apparatus shall be provided at the expense of the Republic.

(2) The Republic shall be liable to pay for the replacement or repair of any artificial limb or limbs or apparatus belonging to a member, damaged as a result of an accident arising out of and in the course of Maneaba Business.

**Persons entitled to compensation**

23. (1) The compensation shall be payable to or for the benefit of the member, or, where death results from the injury, to or for the benefit of his dependants as provided for by this Act.

(2) Where there are both total and partial dependants nothing in this Act shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependants.

(4) Where a dependant dies before a claim in respect of death is made under this Act, or, if a claim has been made, before the payment of compensation has been made, the legal personal

representative of the dependant shall have no right to payment of compensation, and the claim for compensation shall be dealt with as if that dependant had died before the member.

#### Distribution of compensation

24. (1) Compensation payable where the death of a member has resulted from an injury shall be paid to the court, and the court may order any sum so paid in to be apportioned among the dependants of the deceased member or any of them in such proportion as the court thinks fit, or, in the discretion of the court, to be allotted to any such dependant, and the sum so allotted to any dependant shall be paid to him or be invested, applied or otherwise dealt with for his benefit in such manner as the court thinks fit.
- (2) Compensation payable under the provisions of section 20 or section 21 shall be paid to the court, and any sum so paid shall be paid to the person entitled thereto or be invested, applied or otherwise dealt with for his benefit in such manner as the court thinks fit.
- (3) Any other compensation payable under this Act may be paid to the member or to the court and when paid to the court shall be paid by the court to the person entitled thereto.
- (4) The receipt of the clerk of the court shall be sufficient discharge in respect of any amount paid to the court under the provisions of this Act.
- (5) Subject to section 89 of the Constitution, any order or directions of the court under this section shall be final and shall not be questioned in, nor shall any appeal lie therefrom to any other court whatsoever.

#### Requirements as to notice of accident and application for compensation

25. (1) Proceedings for the recovery under this Act for compensation for an injury shall not be maintainable unless notice of the accident has been given by or on behalf of the member as soon as practicable after the happening thereof, and unless the application for compensation with respect to such accident has been made within 6 months from the occurrence of the accident causing the injury or, in the case of death, within 6 months from the time of death.  
Provided that the failure to make an application within the period above specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by mistake or other reasonable cause.
- (2) Notice in respect of an injury under this section may be given orally or in writing.
- (3) Notice in respect of an injury under this section may be given to the office of the Speaker of the Maneaba ni Maungatabu and shall give the name and constituency of the member injured and shall state in ordinary language the cause of the injury and the date on which the accident happened.
- (4) The notice, if in writing, may be given by delivering the same or sending it by post in a registered letter addressed to the Speaker of the Maneaba ni Maungatabu.



- (5) Where the employer is a body of persons, corporate or unincorporated, the notice, if in writing, may also be given by delivering it or sending it by post in a registered letter addressed to the employer at the office, or if there be more than one office, any one of the offices of such body.
- (6) The member shall, if so required by the Speaker, supply to him such further particulars of the accident and of the injury, as the Speaker may reasonably require.

#### Medical examination and treatment

26. (1) Where a member has given notice of an accident he shall, if the Speaker, before the expiry of 7 days from the time at which notice has been given, offers to have him examined free of charge by a medical practitioner named by the Speaker, submit himself for such examination.
- (2) The member shall, when required, attend upon that medical practitioner at the time and place notified to the member by the Speaker or that medical practitioner, provided such time and place is reasonable.
- (3) In the event of the member being, in the opinion of any medical practitioner, unable or not in a fit state to attend on the medical practitioner named by the Speaker, that fact shall be notified to the Speaker, and the medical practitioner so named shall fix a reasonable time and place for a personal examination of the member and shall send him notice accordingly.
- (4) If the member fails to submit himself for such examination, his right to compensation shall be suspended until such examination has taken place, and if such failure extends for a period of 15 days from the date when the member was required to submit himself for examination under subsection (2) or subsection (3), as the case may be, no compensation shall be payable, unless the court is satisfied that there was reasonable cause for such failure.
- (5) The member shall be entitled to have his own medical practitioner present at such examination, but at his own expense.
- (6) Where the member is not attended by a medical practitioner he shall if so required by the Speaker, submit himself for treatment by a medical practitioner without expense to the member.
- (7) If the member has failed to submit himself for treatment by a medical practitioner when so required under the provisions of subsection (6), or having submitted himself for such treatment has disregarded the instructions of such medical practitioner, then if it is proved that such failure or disregard was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting incapacity shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the member had submitted himself for treatment by, and duly carried out the instructions of, such medical practitioner, and compensation, if any, shall be payable accordingly.
- (8) Notwithstanding the previous provisions of this section, where a claim for compensation is made in respect of the death of a member, then if the member failed to submit to examination

by a medical practitioner when so required under the provisions of this section, or failed to submit himself for treatment by a medical practitioner when so required under the provisions of this section, or having submitted himself for such treatment disregarded the instructions of such medical practitioner, and if it is proved that such failure or disregard was unreasonable in the circumstances of the case and that the death of the member was caused thereby, the death shall not be deemed to have resulted from the injury and no compensation shall be payable in respect of the injury.

- (9) The member shall, in addition to the compensation payable under sections 20 or 21, be entitled to a sum equal to the reasonable expenses incurred by him for medical or surgical attendance in respect of his injury.

#### Determination of claims

27. (1) If the Republic does not within 14 days after the receipt of the notice agree in writing with the member as to the amount of compensation to be paid, the member may make an application for enforcing his claim to compensation to the court.

(2) All claims for compensation under this Act, unless determined by agreement, and any matter arising out of proceedings thereunder, shall be determined by the court whatever may be the amount involved, and the court may, for that purpose, call upon any government officer or any independent medical practitioner to give evidence, if the court is of opinion that such officer or practitioner is, by virtue of his expert knowledge, able to assist the court.

#### Jurisdiction of the court

28. (1) Save as is provided in this Act and any rules made thereunder, the court shall, upon or in connection with any question to be investigated or determined thereunder, have all the powers and jurisdictions exercisable by the High Court in or in connection with civil actions in such court and the law, rules and practice relating to such civil actions and to the enforcement of judgments and orders of the court shall *mutatis mutandis* apply.

(2) Where in any proceedings under this Ordinance on a claim for compensation in respect of the death of a member, the court is satisfied that other or sufficient evidence as to the dependency on the deceased member of a person claiming to be a dependant, residing outside the district in which the proceedings are being taken, or as to the degree of such dependency, cannot be procured, or cannot be procured without undue hardship to the claimant or other party to the proceedings, a statement as to the dependency and as to the degree of dependency of the claimant signed by a magistrate of the district in which the claimant resides, whether within or outside Kiribati, shall be prima facie proof of the facts stated therein; and the signature of a magistrate shall be admitted without proof unless the court shall have reason to doubt the genuineness thereof.

in such proceedings any evidence is adduced which in the opinion of the court traverses the facts set out in such a statement, or if for any other reason the court thinks fit, the court may direct a magistrates' court having jurisdiction in the district in which a person claiming to be a dependant resides to investigate the fact of the dependency and the degree of the

dependency of such person; and the record of any such investigation including the finding of the court thereon shall be receivable as evidence in the proceedings, and a certificate signed by a magistrate shall be sufficient proof of such record and such signature shall be admitted without proof unless the court shall see reason to doubt the genuineness thereof.

### Appeals

29. (1) Subject to the provisions of this section and of section 14, an appeal shall lie to the Court of Appeal from an order of the court.

(2) No appeal shall lie in any case in which the parties have agreed to abide by the decision of the court or in which the order of the court gives effect to an agreement come to by the parties.

(3) No appeal shall lie after the expiration of 30 days from the date of the order of the court:

Provided that the Court of Appeal may, if it thinks fit, extend the time for appealing under this section notwithstanding that the time for appealing has elapsed.

### Remedies against both employer and stranger

30. Where the injury in respect of which compensation is payable under this Act was caused under circumstances creating a legal liability in some person other than the Republic to pay damages in respect thereof, the member may take proceedings both against that person to recover damages and where the Republic is liable to pay compensation under this Act, against the Republic for such compensation:

Provided that -

(i) if the member has recovered compensation under this Act before damages have been awarded in such proceedings, then the amount of such compensation shall be deducted from the damages to be so awarded;

(ii) if the member has recovered damages in such proceedings before compensation under this Act has been paid, then, notwithstanding the provisions of this Act, the amount of such compensation shall be abated by the amount of damages so recovered.

### Proceedings independently of the Act

31. (1) Where the injury was caused by the personal negligence or willful act of some person for whose act or default the Republic is responsible, nothing in this Act shall prevent proceedings to recover damages being instituted against the Republic in a civil court independently of this Act:

Provided that -

- (a) if damages are awarded after compensation has been paid the amount of damages awarded in such proceedings shall take into account the compensation paid in respect of the same injury under this Act;
- (b) a judgment against the Republic in such proceedings shall be a bar to proceedings under this Act in respect of the same injury at the suit of any person by whom or on whose behalf the proceedings against the Republic were taken.
- (2) If in proceedings independently of this Act or on appeal it is determined that the Republic is not liable under such proceedings, the court in which such proceedings are taken or the appellate tribunal shall, if the plaintiff so choose, proceed to determine whether compensation under this Act is liable to be paid to the plaintiff and shall assess the amount of compensation so payable, but may deduct from such compensation any extra costs which in the opinion of the court or appellate tribunal have been incurred by the Republic by reason of the proceedings having been taken independently of this Act.

#### **Compensation not be assigned, charged or attached**

32. Compensation payable under this Act shall not be capable of being assigned, charged or attached, and shall not pass to any other person by operation of law, nor shall any claim be set off against such compensation.

#### **Rules of court**

33. Subject to section 97 of the Constitution, the Chief Justice may make rules of court for regulating proceedings before the court under this Act, and for the fees payable in respect thereof.

#### **Compensation charged to Consolidated Fund**

34. All compensation payable under this Part shall be charged on the Consolidated Fund as statutory expenditures.

SCHEDULE 1  
(Section 16)*(Amended by 14 of 1986, 14 of 1990, 8 of 1993, 6 of 1995, 5 of 1996, 6 of 2001)*

(1) Office	(2) Salary \$	(3) Entertainment Allowance \$	(4) Sitting Allowance \$
Beretitenti	16500	1942	
Kauoman-ni-Beretitenti	15700	1700	
Minister	14900	1600	
Elected Member	11900	(a) 720 (members from South Tarawa and Betio); and (b) 660 (other members)	
Chairman of Maneaba Members' Salaries Tribunal			50
Member of Maneaba Members' Salaries Tribunal			45

SCHEDULE 2  
(Sections 17 and 21)  
(Schedule inserted 12 of 1997)

	Percentage of incapacity
Loss of two limbs .. .. .	)
Loss of both feet .. .. .	)
Loss of both hands or of all fingers and thumbs .. .. .	)
Total loss of sight .. .. .	) 100
Total paralysis .. .. .	)
Injuries resulting in being bedridden permanently .. .. .	)
Any other injury causing permanent total disablement .. .. .	)
Loss of remaining eye by one-eyed member .. .. .	)
Loss of remaining arm by one-armed member .. .. .	)
Loss of remaining leg by one-legged member .. .. .	)
Loss of arm at shoulder .. .. .	90
Loss of arm between elbow and shoulder .. .. .	80
Loss of arm at elbow .. .. .	70
Loss of arm between writ and elbow .. .. .	65
Loss of hand at writ .. .. .	60
Loss of four fingers and thumb or one hand .. .. .	60
Loss of four fingers .. .. .	35
Loss of thumb -	
both phalanges .. .. .	35
one phalanx .. .. .	12
the pulp of the thumb .. .. .	6
Loss of index finger -	
three phalanges .. .. .	10
two phalanges .. .. .	8
one phalanx .. .. .	4
pulp of an index finger .. .. .	2
Loss of middle finger -	
three phalanges .. .. .	10
two phalanges .. .. .	8
one phalanx .. .. .	4
pulp of a middle finger .. .. .	2
Loss of ring finger -	
three phalanges .. .. .	10
two phalanges .. .. .	8
one phalanx .. .. .	4
pulp of a ring finger .. .. .	2
Loss of little finger -	
three phalanges .. .. .	10
two phalanges .. .. .	8
one phalanx .. .. .	4
pulp of a middle finger .. .. .	2
Loss of metacarpals -	
first or second (additional) .. .. .	3
third, fourth or fifth (additional) .. .. .	2
Loss of leg above knee resulting in a stump less than 6 inches long .. .. .	90
Loss of leg above knee resulting in a stump more than 6 inches long .. .. .	70
Loss of leg below knee .. .. .	45
Loss of foot .. .. .	40
Loss of toes -	

all of one foot .. .. .	15
great, both phalanges .. .. .	8
great, one phalanx .. .. .	4
other than great, each part with some loss of bone .. .. .	1
Loss of eye -	
eye out .. .. .	40
Loss of sight of eye .. .. .	40
Loss of lens of eye .. .. .	30
Loss of sight of, except perception of light .. .. .	40
Loss of hearing -	
both ear .. .. .	70
one ear .. .. .	30
Facial disfigurement -	
Very severe .. .. .	100
Severe .. .. .	40
Moderate .. .. .	20
Minor .. .. .	5
Total loss of natural Permanent Teeth -	
(1) Anterior Teeth -	
Loss of 1, 2 or 3 teeth .. .. .	4
Loss of 4, 5 or 6 teeth .. .. .	5
Loss of 7 to 12 teeth .. .. .	6
(2) Posterior Teeth -	
Loss of 1 tooth .. .. .	1
Loss of 2 to 5 teeth .. .. .	2
Loss of 6 to 16 teeth .. .. .	4

Total permanent loss of use of member shall be treated as loss of member.

The percentage of incapacity for ankylosis of any joint shall be reckoned as from 25 to 100 per cent of the incapacity for loss of the part at that joint, according to whether the joint is ankylosed in a favourable or unfavourable position.

Where there is a loss of 2 or more parts of the hand, the percentage of incapacity shall not be more than for the whole hand. Where there are two or more injuries, the sum of the percentages for such injuries may be increased, and where such injuries are to the hand, the following basis for computing the increase shall be adopted, namely -

(a) where 2 joints have been injured, the sum total of the percentages shall be increased by 20 per cent of such sum total;

(b) where 3 joints have been injured, the sum total of the percentages shall be increased by 30 per cent of such sum total.

A one-eyed member who on becoming a member has failed to disclose the fact that he is one-eyed, to the Speaker, shall, if he loses his remaining eye, be entitled to compensation in respect of a degree of disablement of 10 per cent only.

For the purpose of this Schedule "one-eyed member" means a "member who has lost the sight of 1 eye."

## NOTES

1. The Salaries and Allowances of Members of the Maneaba ni Maungatabu and Salaries Tribunal Act commenced Part I and II 1 August 1979, Part III 30 December 1997.
2. The Revised Edition 2002 incorporates the following amendments:
  - (1) 14 of 1986  
Commencement: S.2(a)(i), (b)(i), (c)(i), (d)(i) - 1 January 1982  
S.2(a)(ii), (b)(ii), (c)(ii), (d)(ii) - 1 January 1983  
Remainder - 1 January 1987  
Assent date: 24 December 1986
  - (2) 14 of 1990  
Commencement: S.3(a)(i), (b)(i), (c)(i), (d)(i) - 1 January 1989  
S.3(a)(ii), (b)(ii), (c)(ii), (d)(ii) - 1 January 1991  
Remainder - 1 January 1991  
Assent date: 31 December 1990
  - (3) 8 of 1993  
Commencement: S.7 - 1 January 1993  
Remainder 1 August 1993  
Assent date: 22 December 1993
  - (4) 6 of 1995  
Commencement: 1 January 1985  
Assent date: 24 August 1995
  - (5) 5 of 1996  
Commencement: 1 January 1996  
Assent date: 8 January 1996
  - (6) 12 of 1997  
Commencement: 30 December 1997  
Assent date: 29 December 1997
  - (7) 6 of 2001  
Commencement: Section 3, 1 January 2001 remaining sections 1 January 2002 Assent date: 21 December 2001
  - (8) 3 of 2002  
Commencement: 30 May 2002  
Assent date: 29 May 2002