

ACCIDENT COMPENSATION ACT 2017  
(ACT NO. 40 OF 2017)

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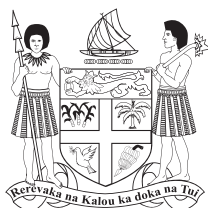
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SCHEDULE—ACCIDENTS

**ACT NO. 40 OF 2017**

I assent.

J. K. KONROTE  
President

[14 July 2017]

**AN ACT**

TO ESTABLISH THE ACCIDENT COMPENSATION COMMISSION FIJI AND TO  
MAKE PROVISION FOR COMPENSATION IN RESPECT OF PERSONS WHO  
SUFFER PERSONAL INJURY OR DEATH AS A RESULT OF AN ACCIDENT  
IN FIJI AND FOR RELATED MATTERS

ENACTED by the Parliament of the Republic of Fiji—

**PART 1—PRELIMINARY***Short title and commencement*

- 1.—(1) This Act may be cited as the Accident Compensation Act 2017.  
(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

*Interpretation*

2. In this Act, unless the context otherwise requires—  
“accident” means an accident which is set out in the Schedule;  
“Accident Compensation Fund” means the Accident Compensation Fund established under section 30;

“applicant” means a person who, whether on behalf of the person or another person, makes an application for compensation for any personal injury or death as a result of an accident in Fiji, and—

- (a) in the case of an application for compensation for personal injury suffered by a child, means the parent or legal guardian of the child;
- (b) in the case of an application for compensation for personal injury suffered by a person who is incapable of making an application because of a mental disorder, mental illness or being of unsound mind, means the legally appointed representative of that person;
- (c) in the case of an application for compensation for personal injury suffered by a person who is for some reason unable to make the application himself or herself, means the legally appointed representative of that person; and
- (d) in the case of an application for compensation for death of a person, means the personal representative of that person under the Succession, Probate and Administration Act 1970;

“child” means any person who is under the age of 18 years;

“Commission” means the Accident Compensation Commission Fiji established under section 4;

“judgment” includes a judgment or an order of a court or tribunal, any orders by consent of the parties and any out of court settlement between the parties on the quantum of damages or compensation for liability, interests and costs;

“Minister” means the Minister responsible for justice;

“no fault compensation scheme” means the no fault compensation scheme established under section 19;

“personal injury”, unless otherwise defined in regulations made under this Act, means a physical or bodily injury including any impairment or loss, loss of use, or derangement of any body part, organ system or organ function; and

“repealed Act” means the Motor Vehicles (Third Party Insurance) Act 1948.

*Act to bind the State*

**3.** This Act binds the State.

**PART 2—ACCIDENT COMPENSATION COMMISSION FIJI**

*Accident Compensation Commission Fiji*

**4.—(1)** This section establishes the Accident Compensation Commission Fiji.

(2) The Commission is a body corporate with perpetual succession and a common seal, and is capable of holding real and personal property, and of suing and being sued, and of doing and suffering all such other acts and things as a body corporate may lawfully do and suffer.

(3) The Commission consists of a chairperson, a deputy chairperson and 3 other members to be appointed by the Minister following consultation with the Prime Minister.

(4) Every member of the Commission holds office for a term of 3 years, and is eligible for reappointment.

(5) The Minister may appoint a person to act as a member of the Commission during any period, or during all periods, when the member is absent from duty or from Fiji or is, for any other reason, unable to perform the functions of office.

(6) Every member of the Commission is entitled to such remuneration and allowances as may be fixed by the Minister following consultation with the Prime Minister.

(7) Any member of the Commission may resign from his or her office at any time by giving notice in writing to the Minister.

(8) Any member of the Commission may be removed from office at any time by the Minister for any reason, including on the grounds of inability to perform the functions of office, bankruptcy, neglect of duty or misconduct, proved to the satisfaction of the Minister.

(9) The powers of the Commission are not affected by any vacancy in its membership.

*Meetings of the Commission*

**5.—**(1) Meetings of the Commission must be held at such times and places as the chairperson appoints.

(2) Subject to subsection (3), the chairperson must preside at each meeting of the Commission.

(3) In the event of the absence of the chairperson from any meeting of the Commission, the deputy chairperson must preside at that meeting, and if both the chairperson and the deputy chairperson are absent, the meeting must be presided over by a member who is nominated by the chairperson and failing any such nomination, the meeting must be presided over by a member appointed by the members present.

(4) At all meetings of the Commission, the quorum necessary for the transaction of business of the Commission is 3 members.

(5) All questions arising at any meeting of the Commission must be decided by a majority of votes of the members of the Commission present at the meeting.

(6) At a meeting of the Commission, the chairperson and all members of the Commission present have the right to vote, and in the case of an equality of votes, the chairperson, or in the absence of the chairperson the member presiding, has a casting vote.