

[Legal Notice No. 195]

**MEMBERS OF PARLIAMENT (ENTITLEMENTS)(AMENDMENT)
COMMISSION REGULATIONS 2020**

Table of provisions

1	Citation	577
2	Amendment of the Members of Parliament (Entitlements) Commission Regulations 1988	577
3	Regulation 13(1) amended (Death or injury)	577
4	Regulations 33 and 34 repealed and replaced	578
5	Regulation 58 amended (Clothing allowance)	578
6	PART VII of Principal Regulations repealed and replaced	578

**SOLOMON ISLANDS INDEPENDENCE ORDER 1978
(LEGAL NOTICE NO. 43 OF 1978)**

**MEMBERS OF PARLIAMENT (ENTITLEMENTS)(AMENDMENT)
COMMISSION REGULATIONS 2020**

The Members of the Parliament (Entitlements) Commission, under section 69B(2) of the Constitution, makes the following Regulations:

1 Citation

These Regulations may be cited as the *Members of Parliament (Entitlements) (Amendment) Commission Regulations 2020*.

2 Amendment of the Members of Parliament (Entitlements) Commission Regulations 1988

These Regulations amend the *Members of Parliament (Entitlements) Commission Regulations 1988* (“**Principal Regulations**”).

3 Regulation 13 amended (Death or injury)

Regulation 13(1) of the Principal Regulations is amended by deleting “owning” and substituting “owing”.

4 **Regulations 33 and 34 repealed and replaced**

Regulations 33 and 34 of the Principal Regulations are repealed and replaced with:

Accommodation of Members

- “33. (1) A Member of Parliament is entitled to accommodation to a maximum cost of \$20,000 per month.
- (2) A Member of Parliament is entitled to:
- (a) a domestic employee, a gardener, and a driver at a rate of pay approved by the Permanent Secretary of the Ministry responsible for public services; and
 - (b) the supply of:
 - (i) water at a maximum rate of \$2,000 per month; and
 - (ii) four 45 kilogram bottles of gas per annum; and
 - (iii) electricity at a maximum rate of \$8,000 per month; and
 - (c) the supply of:
 - (i) phone credits for a prepaid mobile phone at a maximum rate of \$3,000 per month except the Prime Minister who is entitled to a maximum rate of \$3,500 per month; and
 - (ii) a telephone installed and maintained at the Member’s accommodation.
- (3) The costs of the following are to be paid out of public funds:
- (a) employees employed under subregulation (2)(a);
 - (b) supply of water, gas and electricity under subregulation (2)(b);
 - (c) phone credits and telephone expenses under subregulation (2)(c).”.

5 **Regulation 58 amended (Clothing allowance)**

Regulation 58 of the Principal Regulations is amended by deleting “when taking the first overseas official trip; and” and substituting “when the Electoral Commission publishes in the Gazette, under section 107(1)(b) of the *Electoral Act 2018*, the notice declaring the member to be the elected candidate”.

6 **PART VII of Principal Regulations repealed and replaced**

Part VII of the Principal Regulations is repealed and replaced with:

“PART VII – MEDICAL ENTITLEMENTS**59. Definitions**

In this Part:

“committee of specialists of the Ministry” means a committee of specialists employed by the Ministry who are responsible for recommending that persons requiring essential medical treatment that is not available in Solomon Islands be referred to hospitals or other medical facilities overseas”;

“committee of specialists of the agent” means the committee of specialists engaged by a health and medical agent to assess an entitled person’s medical condition and their need for medical treatment;

“contribution” means the amount of money payable to a health and medical agent for coverage of the costs of health and medical services provided to an entitled person under a health and medical arrangement with the agent;

“entitled person” means a Member, the Member’s legal spouse, or a dependent child of the Member;

“essential medical treatment” means medical treatment which, if not administered, would result in a medical emergency or death;

“health and medical agent” means an insurer or other person with whom a health and medical arrangement is made under regulation 61;

“health and medical arrangement” means an arrangement in writing to cover the costs of health and medical services provided to entitled persons in accordance with the arrangement in return for the payment of a contribution;

“health and medical services”:

- (a) means:
 - (i) examination, care, medication or other treatment, surgery or other procedure for the purpose of diagnosing or treating a health problem or disorder or giving remedial care during treatment; or
 - (ii) provision of information about health and a healthy lifestyle or the care and management of specific medical conditions; and
- (b) does not include services excluded by the health and medical arrangement;

“*legal spouse*”, of a Member, means:

- (a) the person to whom the Member is married in accordance with the *Births, Marriages and Deaths Act* (Cap. 169); or
- (b) the person to whom the Member is married in accordance with the *Islanders’ Marriage Act* (Cap. 171) and their marriage has been registered under that Act;

“*Ministry*” means the Ministry responsible for health and medical services;

“*specialist*” has the same meaning of “Specialist” under section 2 of the *Medical and Dental Practitioners Act* (Cap.102).

60. Entitlement to receive medical services

An entitled person is entitled to the following:

- (a) health and medical services from the National Referral Hospital or any other government medical facility in Solomon Islands;
- (b) payment of the contribution to cover the costs of health and medical services provided to the entitled person under a health and medical services arrangement;
- (c) payment of the amount by which the sum of the following costs exceeds the value of one quarter of the Member’s monthly salary:
 - (i) any health and medical services received by the entitled person overseas on the referral under regulation 62 of the committee of specialists of the Ministry that are not covered by a health and medical arrangement;
 - (ii) payment of the cost of travel for receiving health and medical services of the entitled person referred to in subparagraph (i) that is not covered by the health and medical arrangement;
- (d) reimbursement of the costs of health and medical services provided to the entitled person in Solomon Islands by a private medical practitioner or private health clinic or other facility that are not covered by a health and medical arrangement.

61. Commission may enter health and medical arrangement

- (1) The Commission may enter into an arrangement with a health and medical agent under which the agent covers the costs of health and medical services provided to entitled persons under the arrangement in return for the payment of a contribution.

- (2) The arrangement may include provision for the payment of the costs of:
 - (a) travel for receiving health and medical services; and
 - (b) accommodation while receiving health and medical services.

62. Manner in which referrals are made

Referral of an entitled person to receive health and medical services overseas is made by the committee of specialists of the Ministry on the grounds that:

- (a) it is essential for the restoration or maintenance of the entitled person's health; and
- (b) the entitled person's health problem or disorder is treatable; and
- (c) the expertise, equipment or treatment required are not available in Solomon Islands; and
- (d) the medical services are of the highest quality and at the most competitive cost.

63. Medical emergencies overseas

- (1) The entitlement under this regulation is in addition to the entitlement under regulation 60.
- (2) A Member who is on travel duty outside of Solomon Islands is entitled to the cost of essential medical services and cost of accommodation while receiving the essential medical services if:
 - (a) the Member becomes critically ill or requires urgent medical attention; and
 - (b) the cost of essential medical services and cost of accommodation are not covered by the health and medical arrangement.
- (3) A Member who is on travel duty outside of Solomon Islands at the invitation of another country or a multilateral, international or regional organisation is entitled to the cost of essential medical services and cost of accommodation while receiving the essential medical services not met by that country or organisation if:
 - (a) the Member becomes critically ill or requires urgent medical attention; and
 - (b) the cost of essential medical services and cost of accommodation are not covered by the health and medical arrangement.”.

Made this twenty-seventh day of November 2020

JOHNSON SIAPU
CHAIRMAN
PARLIAMENTARY (ENTITLEMENTS) COMMISSION
