

ACT NO. 10 OF 2015

I assent.

E. NAILATIKAU
President

[31 August 2015]

AN ACT

TO AMEND THE SUGAR INDUSTRY ACT (CAP. 206)

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the Sugar Industry (Amendment) Act 2015.
- (2) This Act shall come into force on the date of its publication in the Gazette.
- (3) In this Act, the Sugar Industry Act (Cap. 206) shall be referred to as the “Principal Act”.

Section 2 amended

2. Section 2 of the Principal Act is amended—

- (a) by deleting the definition of—
 - (i) ““the Board of Directors of the Council” and “the Board””; and
 - (ii) ““the Commission””; and
- (b) in the definition of “the institutions of the industry” by deleting “the Commission,”.

Section 3 amended

3. Section 3 of the Principal Act is amended in paragraph (a) by deleting “the Commission,”.

Part II deleted

4. The Principal Act is amended is by deleting PART II on the Sugar Commission of Fiji.

Section 18 amended

5. Section 18 of the Principal Act is amended in—

- (a) in subsection (2) by deleting “after consultation with the Commission,”; and
- (b) in subsection (4) by deleting “after consultation with the Chairperson of the Commission,”.

Section 22 amended

6. Section 22 of the Principal Act is amended in subsection (1) by deleting “, after consultation with the Commission”.

Section 24 amended

7. Section 24 of the Principal Act is amended by deleting “Higher Salaries Commission” and substituting with “Minister”.

Section 26 amended

8. Section 26 of the Principal Act is amended in paragraph (n) by deleting “and any matter affecting industrial relations within the industry which is referred to the Tribunal by the Commission”.

Section 27 amended

9. Section 27 of the Principal Act is amended by deleting “the Commission,” wherever it appears.

Section 28 amended

10. Section 28 of the Principal Act is amended by deleting “the Commission,” in paragraph (b).

Section 32 amended

11. Section 32 of the Principal Act is amended—

- (a) by deleting subsection (1) and substituting the following—

“(1) The Council shall consist of the following persons who shall be appointed by the Minister—

- (a) 2 elected representatives from each of the following cane producers’ association—
 - (i) Rarawai and Penang Cane Producers’ Association;
 - (ii) Labasa Cane Producers’ Association; and
 - (iii) Lautoka Cane Producers’ Association;

- (b) the Commissioner for the Western Division;
 - (c) the Commissioner for the Northern Division; and
 - (d) a representative of the Ministry of Sugar.”;
- (b) by deleting subsection (2) and substituting the following—
- “(2) The Minister shall appoint the Chairperson of the Council.”; and
- (c) deleting subsection (3).

Section 33 amended

12. Section 33 of the Principal Act is amended by—

- (a) deleting “as a representative of any sector if he or she is not a registered grower in that sector, and as a representative of any district if he or she is not a registered grower in a sector in that district; or”;
 - (b) in paragraph (c) by deleting “under subsection (2) of section 40” and inserting “; or” after “Council”; and
 - (c) by inserting the following new paragraph after paragraph (c)—
- “(d) he or she is not a registered grower.”.

Section 34 deleted

13. Section 34 of the Principal Act is deleted.

Section 35 deleted

14. Section 35 of the Principal Act is deleted.

Section 36 amended

15. Section 36 of the Principal Act is amended in subsection (1) by deleting—

- (a) “as representative on the Council of any sector”; and
- (b) “under subsection (1) of section 35” in paragraph (b).

Section 37 deleted

16. Section 37 of the Principal Act is deleted and substituted with the following new section—

“Filling of vacancies caused by death, resignation or disqualification

37. Where a vacancy occurs in the Council the Minister shall appoint a prominent grower to fill that vacancy.”

Section 39 deleted

17. Section 39 of the Principal Act is deleted.

Section 40 deleted

18. Section 40 of the Principal Act is deleted.

Section 41 deleted

19. Section 41 of the Principal Act is deleted.

Section 43 deleted

20. Section 43 of the Principal Act is deleted.

Section 46 deleted

21. Section 46 of the Principal Act is deleted.

Section 47 deleted

22. Section 47 of the Principal Act is deleted.

Section 48 amended

23. Section 48 of the Principal Act is amended—

- (a) in subsection (1) by deleting “Board of Directors” and “Board” and substituting with “Council”;
- (b) in subsection (2) by deleting—
 - (i) “Board of Directors” and substituting with “Council”; and
 - (ii) “and of the Board of Directors under this Act.”.

Section 49 amended

24. Section 49 of the Principal Act is amended by—

- (a) deleting subsection (1);
- (b) deleting “Board of Directors” and substituting with “Council” in subsection (2); and
- (c) inserting “meetings” after “travelling” in subsection (3).

Section 50 amended

25. Section 50 of the Principal Act is amended—

- (a) in the heading by deleting “Commission” and substituting with “Council”;
- (b) by deleting “or of the Board of Directors” in paragraph (a); and
- (c) by deleting “appointed under section 43” in paragraph (b).

Section 51 amended

26. Section 51 of the Principal Act is amended by deleting “and of the Board of Directors”.

Section 53 amended

27. Section 53 of the Principal Act is amended in subsection (3) by deleting “Board of Directors” and substituting with “Council”.

Section 54 amended

28. Section 54 of the Principal Act is amended by deleting “Board of Directors” and substituting with “Council” wherever it appears.

Section 57 amended

29. Section 57 of the Principal Act is amended—

(a) in subsection (1)—

- (i) paragraph (a) by deleting “Chairperson of the Commission” and substituting with “Industrial Commissioner”;
- (ii) deleting paragraph (b); and
- (iii) in paragraph (c) by deleting “by the Board of Directors of the Council to represent”; and

(b) in subsection (2) by deleting “Board of Directors of the”.

Section 60 amended

30. Section 60 of the Principal Act is amended by deleting paragraph (c) and substituting with the following new paragraph—

“(c) to advise the Tribunal of all matters referred to it by the Tribunal as the case maybe; and”.

Section 61 amended

31. Section 61 of the Principal Act is amended—

- (a) in subsection (1) by deleting “Chairperson of the Commission” and substituting with “Industrial Commissioner”;
- (b) by deleting subsection (2); and
- (c) in subsection (7) by deleting “Commission” and substituting with “Tribunal”.

Section 62 amended

32. Section 62 of the Principal Act is amended by deleting “Commission” and substituting with “Tribunal”.

Section 63 amended

33. Section 63 of the Principal Act is amended by deleting subsection (3).

Section 65 amended

34. Section 65 of the Principal Act is amended—

- (a) in subsection (1) by deleting “the Commission,”;
- (b) by deleting subsection (2) and substituting with—

“(2) The Tribunal in the preparation of the Master Award shall endeavour to obtain the unanimous agreement of all its members, and the agreement of the Council and the Corporation, to all the provisions it proposes to be included in the Master Award.”;

(c) in subsection (3) by deleting “the Commission,”;

- (d) in subsection (4) by deleting “the Commission,” wherever it appears;
- (e) in subsection (4A) by deleting “the Commission,”; and
- (f) in subsection (5)—
 - (i) by deleting “the Commission,”; and
 - (ii) by deleting “Chairperson of the Commission” and substituting with “Minister”.

*Section 66 amended***35.** Section 66 of the Principal Act is amended—

- (a) in subsection (1)—
 - (i) by deleting “the Commission,”; and
 - (ii) by deleting “the Commission,” in paragraph (b)(ii);
- (b) in subsection (2)—
 - (i) by deleting “the Commission,”; and
 - (ii) by deleting “after consultation with the Chairperson of the Commission,”;
- (c) in subsection (3)(c) by deleting “the Commission,”;
- (d) by deleting subsection (8) and substituting with the following new subsection—

“(8) The Council and the Corporation shall be entitled to be represented at the Inquiry by any of their respective directors, officers or servants duly authorised in that behalf, and shall be entitled to be heard on any matter on which evidence or argument is presented to the Tribunal at the Inquiry.”;

and
- (e) by deleting subsection (10).

*Section 67 amended***36.** Section 67 of the Principal Act is amended—

- (a) in subsection (1) by deleting “the Commission,”;
- (b) in subsection (2)—
 - (i) by deleting “the Commission,”;
 - (ii) by deleting “after consultation with the Chairperson of the Commission,”; and
- (c) in subsection (3) by deleting “the Commission,” wherever it appears.

Section 69 amended

37. Section 69 of the Principal Act is amended by deleting “the Commission,” wherever it appears.

Section 79 amended

38. Section 79 of the Principal Act is amended by deleting subsections (4) and (5).

Section 80 amended

39. Section 80 of the Principal Act is amended by deleting subsection (3).

Section 118 amended

40. Section 118 of the Principal Act is amended in subsection (2)(b) by deleting “the Commission,”.

Passed by the Parliament of the Republic of Fiji this 25th day of August 2015.