

# BILL NO. 18 OF 2015

## A BILL

FOR 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,”.

## SUGAR INDUSTRY (AMENDMENT) BILL 2015

### EXPLANATORY NOTE

*(This note is not part of the Bill and is only intended to indicate its general effect)*

#### **1.0 BACKGROUND**

- 1.1 The Sugar Industry Act (Cap. 206) (**‘Act’**) generally provides for the administration of the sugar industry.
- 1.2 The Act also establishes the Sugar Cane Growers Council (**‘Council’**). The function of the Council is to ensure the protection and development of the sugar cane industry.
- 1.3 The Sugar Industry (Amendment) Bill 2015 (**‘Bill’**) proposes to amend the composition of the Council so that members of the Board are appointed by the Minister.
- 1.4 Therefore, the Bill amends section 32 of the Act to ensure that the Minister appoints the members of the Council and its Chairperson.
- 1.5 Additionally the Bill also caters for the dissolution of the Sugar Commission of Fiji and the Board of Directors of the Council in an effort to refine the sugar cane industry by reducing bureaucracy and the industry costs.

#### **2.0 CLAUSES**

- 2.1 Clause 1 provides for the short title and states that the new Act will come into force on the date of its publication in the Gazette.
- 2.2 Clauses 2 to 40 are necessary amendments made to Act to cater for the change in the composition of the Council, the dissolution of the Sugar Commission of Fiji and the Board of Directors of the Council.

#### **3.0 MINISTERIAL RESPONSIBILITY**

- 3.1 The Act comes under the responsibility of the Minister responsible for Sugar Industry.

A. SAYED-KHAIYUM  
Attorney-General