

BILL NO. 20 OF 2016

A BILL

FOR AN ACT TO AMEND THE SUGAR CANE GROWERS FUND ACT (CAP. 207)

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the Sugar Cane Growers Fund (Amendment) Act 2016.
- (2) This Act comes into force on the date or dates appointed by the Minister by notice in the Gazette.
- (3) The Sugar Cane Growers Fund Act (Cap. 207) shall be referred to as the “Principal Act”.

Section 4 amended

2. Section 4 of the Principal Act is amended by deleting subsection (4).

Section 5 amended

3. Section 5 of the Principal Act is amended by deleting subsection (4) and substituting the following—

“(4) The Board may invest money standing to its credit and not immediately required by it, in stock, bonds, debentures or other securities, on such terms and conditions as it may determine or as otherwise directed by the Minister.”

Section 8 amended

- 4.** Section 8 of the Principal Act is deleted and substituted with the following—

“Remuneration and allowances of members of the Board

8. A member of the Board shall receive, in respect of his or her services as a member of the Board, such remuneration and allowances in accordance with the Higher Salaries Commission (Revocation) Decree 2011.”

Section 14 amended

- 5.** Section 14 of the Principal Act is amended by deleting subsection (2) and inserting the following new subsections after subsection (1)—

“(2) Subject to subsection (3), in the performance of its functions and exercise of its powers under this Act, the Board shall act in accordance with general policy instructions issued to it in writing by the Minister.

(3) If, in the opinion of the Board, any such policy instruction is likely to adversely affect the finances or securities of the Fund, the Chairperson shall make a written report to that effect to the Minister.

(4) The annual reports of the Board and the Fund shall set out all directions and policy instructions issued by the Minister under this section.”

Section 17 amended

- 6.** Section 17 of the Principal Act is amended by deleting subsection (3)(c) and substituting the following—

“(c) provided for those purposes set out in section 4(1),”

Amendment to all references of “Sugar Cane Growers Council”

- 7.** The Principal Act is amended by deleting “Sugar Cane Growers Council” wherever it appears and substituting “Council of Sugar Cane Growers”.

Amendment to all references of “Sugar Industry Act”

- 8.** The Principal Act is amended by deleting “Sugar Industry Act” wherever it appears and substituting “Reform of Sugar Cane Industry Act 2016”.

April 2016

SUGAR CANE GROWERS FUND (AMENDMENT) BILL 2016

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 Cane Growers Fund Act (Cap. 207) (**‘Act’**) was enacted in 1984 to establish a fund known as the Sugar Cane Growers Fund (**‘Fund’**).
- 1.2 The Fund provides loans to sugar cane growers for any of the following purposes—
- (a) purposes which, in the opinion of the Board Management of the Fund (**‘Board’**), will increase the production of sugar cane;
 - (b) purposes which, in the opinion of the Board, will improve efficiency in the planting, growing, harvesting and transportation of sugar cane;
 - (c) the carrying out of work which the Board considers necessary or desirable to rehabilitate farms, buildings and other installations damaged, destroyed or affected by floods, cyclones, droughts or other natural disasters;
 - (d) the carrying out of work which the Board considers necessary or desirable to establish sugar cane farms and to construct buildings and other installations on those farms;
 - (e) the carrying out of work which the Board considers necessary or desirable for crop diversification;
 - (f) the making of provisions, to such extent as the Board considers necessary, for the personal family needs of growers during periods of financial distress or hardship;
 - (g) to enable cane growers to participate in commercial ventures which, in the opinion of the Board, are intended to benefit the cane growing industry.
- 1.3 The Sugar Cane Growers Fund (Amendment) Bill 2016 (**‘Bill’**) seeks to amend the Act to align the provisions of the Act with the changes proposed by the Reform of Sugar Cane Industry Bill 2016.

2.0 FEATURES OF THE BILL

- 2.1 Clause 1 of the Bill provides for the short title and commencement of the amendments to the Act.
- 2.2 Clause 2 of the Bill amends section 4 of the Act by deleting subsection (4).
- 2.3 Clause 3 of the Bill amends section 5 of the Act to allow the Board to invest money standing to its credit on such terms as it may determine or as otherwise directed by the Minister.
- 2.4 Clause 4 of the Bill amends section 8 of the Act to remove the reference to the Higher Salaries Commission which no longer exists and to provide for the remuneration and allowances for members of the Board in accordance with the Higher Salaries Commission (Revocation) Decree 2011.
- 2.5 Clause 5 of the Bill amends section 14 of the Act to ensure that the Board acts in accordance with policy instructions issued by the Minister in writing.
- 2.6 Clause 6 of the Bill amends section 17(3)(c) of the Act by extending the limitation of the application of section 17(1) of the Act.
- 2.7 Clause 7 of the Bill amends all references to “Sugar Cane Growers Council” to “Council of Sugar Cane Growers”.
- 2.8 Clause 8 of the Bill amends all references to “Sugar Industry Act” to “Reform of Sugar Cane Industry Act 2016”.

3.0 MINISTERIAL RESPONSIBILITY

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

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Attorney-General