

BILL NO. 19 OF 2021

A BILL

FOR AN ACT TO AMEND THE FRUIT EXPORT AND MARKETING ACT 1906

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Fruit Export and Marketing (Budget Amendment) Act 2021.

(2) This Act comes into force on 1 August 2021.

(3) In this Act, the Fruit Export and Marketing Act 1906 is referred to as the “Principal Act”.

Section 2 amended

2. Section 2 of the Principal Act is amended before the definition of “fruit” by inserting the following new definition—

““CEO” has the meaning given in section 2 of the Biosecurity Act 2008;”.

Section 7 amended

3. Section 7 of the Principal Act is amended by—

(a) deleting “Permanent Secretary” wherever it appears and substituting “CEO”; and

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(b) after subsection (6), inserting the following new subsections—

“(7) The CEO must not issue a new licence to any person whose licence has been cancelled unless prior written approval has been given by the Minister.

(8) In this section, “Minister” means the Minister responsible for the administration of the Biosecurity Act 2008.”.

Section 10 deleted

4. The Principal Act is amended by deleting section 10.

July 2021

FRUIT EXPORT AND MARKETING (BUDGET AMENDMENT) BILL 2021

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 Fruit Export and Marketing Act 1906 (**‘Act’**) provides *inter alia* the issuance of a fruit exporter’s licence (**‘exporter’s licence’**).
- 1.2 Section 7 of the Act provides that the Permanent Secretary responsible for agriculture (**‘Permanent Secretary’**) may issue an exporter’s licence to a person who has made an application in writing accompanied by the prescribed fee.
- 1.3 The exporter’s licence is not issued by the Permanent Secretary unless the exporter’s premises have been approved by the Biosecurity Authority of Fiji (**‘BAF’**) in accordance with section 88 of the Biosecurity Act 2008.
- 1.4 Given that BAF facilitates the inspection and approval of the exporter’s premises, the Fruit Export and Marketing (Budget Amendment) Bill 2021 (**‘Bill’**) therefore seeks to amend the Act to allow the Chief Executive Officer of BAF (**‘CEO’**) to issue an exporter’s licence.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on 1 August 2021.
- 2.2 Clause 2 of the Bill amends section 2 of the Act by inserting the definition of “CEO”. “CEO” refers to the Chief Executive Officer of BAF as per section 2 of the Biosecurity Act 2008.
- 2.3 Clause 3 of the Bill amends section 7 of the Act to allow the CEO to issue an exporter’s licence. Clause 3 of the Bill further amends section 7 of the Act to insert new subsections (7) and (8). The new subsection (7) provides that the CEO must not issue a new licence to any person whose licence has been cancelled unless prior written approval has been given by the Minister. The new subsection (8) clarifies that the Minister referred to in section 7 is the Minister responsible for the administration of the Biosecurity Act 2008.

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2.4 Clause 4 of the Bill deletes section 10 of the Act to cater for the amendments being made to section 7 of the Act.

3.0 MINISTERIAL RESPONSIBILITY

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

A. SAYED-KHAIYUM
Attorney-General