

Sugar Cane Growers Fund

CONTENTS

Page

Principal

Sugar Cane Growers Fund Act 1984 (No 9 of 1984)

Table of Provisions	360,021
Table of Amendments	360,101
Sugar Cane Growers Fund Act 1984	360,201

360,001

Service 0

[The next page is 360,021]

Sugar Cane Growers Fund Act 1984

TABLE OF PROVISIONS

<i>Section</i>	<i>Title</i>	<i>Paragraph</i>
1	Short title	[SUCG 1]
2	Interpretation	[SUCG 2]
3	Establishment of Fund	[SUCG 3]
4	Function	[SUCG 4]
5	Powers of Fund	[SUCG 5]
6	Establishment and functions of Board	[SUCG 6]
7	Constitution of Board	[SUCG 7]
8	Remuneration etc, of members of the Board	[SUCG 8]
9	Termination of appointment	[SUCG 9]
10	Resignation	[SUCG 10]
11	Disclosure of interests	[SUCG 11]
12	Meetings of the Board	[SUCG 12]
13	Delegation by Board	[SUCG 13]
14	Directions by Minister	[SUCG 14]
15	Exemption from income tax, stamp duty etc	[SUCG 15]
16	Annual report	[SUCG 16]
17	Security for loans	[SUCG 17]
18	Transfer of Fund [<i>Repealed</i>]	[SUCG 18]
19	Transfer of assets and liabilities of board of trustees [<i>Repealed</i>]	[SUCG 19]
20	Repeal [<i>Repealed</i>]	[SUCG 20]
21	Transitional provision [<i>Repealed</i>]	[SUCG 21]

[The next page is 360,101]

Sugar Cane Growers Fund Act 1984

TABLE OF AMENDMENTS

Sugar Cane Growers Fund Act 1984 (No 9 of 1984) commenced on 27 July 1984, as amended by:

Amending Legislation	Date of Commencement
Sugar Cane Growers Fund Authority (Amendment) Act 1996 (No 12 of 1996)	30 August 1996
Sugar Cane Growers Fund (Amendment) Act 1998 (No 29 of 1998) ¹	22 July 1998
Sugar Cane Growers Fund (Amendment) Act 1999 (No 26 of 1999)	24 September 1999
Sugar Cane Growers Fund (Amendment) Promulgation 2008 (No 14 of 2008)	5 June 2008
Sugar Cane Growers Fund (Amendment) Act 2015 (No 11 of 2015)	4 September 2015

¹ This was rectified by the Corrigendum published on 28 August 1998.

1987 VOL 1 PART 1: GENERAL

1987 VOL 1 PART 1: GENERAL

1987 VOL 1 PART 1: GENERAL

1987 VOL 1 PART 1: GENERAL

[The next page is 360,201]

AN ACT RELATING TO THE ESTABLISHMENT AND MANAGEMENT OF A
SUGAR CANE GROWERS FUND

[Long title am Act 12 of 1996 s 3, opn 30 Aug 1996]

[SUCG 1] Short title

1 This Act may be cited as the Sugar Cane Growers Fund Act 1984.

[s 1 am Act 12 of 1996 s 3, opn 30 Aug 1996]

[SUCG 2] Interpretation

2 In this Act unless the context otherwise requires—

annual report means the report referred to in section 16;

appointed member of the Board means a member of the Board appointed under section 7;

appointment includes reappointment;

Board means the Board of Management of the Sugar Cane Growers Fund;

[def am Act 12 of 1996 s 3, opn 30 Aug 1996]

Board of Trustees

[def rep Act 12 of 1996 s 4, opn 30 Aug 1996]

Chairperson means the Chairperson of the Board;

former Act means the Sugar Cane Growers Price Support Fund Act;

Fund means the Sugar Cane Growers Fund; and

[def am Act 12 of 1996 s 3, opn 30 Aug 1996]

Standing Committee means the relevant Standing Committee constituted pursuant to the Standing Orders of Parliament.

[SUCG 3] Establishment of Fund

3 (1) There is hereby established a Fund by the name of the Sugar Cane Growers Fund.

[subs (1) am Act 12 of 1996 s 3, opn 30 Aug 1996]

(2) The Fund—

(a) is a body corporate;

(b) shall have a seal;

(c) may acquire, hold and dispose of real and personal property; and

(d) may sue and be sued in its corporate name.

[subs (2) am Act 12 of 1996 s 3, opn 30 Aug 1996]

(3) The seal of the Fund shall be kept in such custody as the Board directs and shall not be used except as authorised by the Board.

[subs (3) am Act 12 of 1996 s 3, opn 30 Aug 1996]

(4) All courts, Judges and persons acting judicially, shall take judicial notice of the imprint of the seal of the Fund appearing on a document and shall presume that the document was duly sealed.

[subs (4) am Act 12 of 1996 s 3, opn 30 Aug 1996]

[s 3 am Act 12 of 1996 s 3, opn 30 Aug 1996]

[SUCG 4] Function

4 (1) The function of the Fund is to provide to sugar cane growers loans for all or any of the following purposes, namely—

- (a) purposes which, in the opinion of the 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.

[subs (1) am Act 12 of 1996 s 3, opn 30 Aug 1996; Act 29 of 1998 s 2, opn 22 July 1998; Act 26 of 1999 s 3, opn 24 Sep 1999]

(2) In performing its functions, the Fund shall treat cane growers on a fair and equitable basis having regard to their needs and resources and the funds available for loan.

[subs (2) am Act 12 of 1996 s 3, opn 30 Aug 1996; Act 29 of 1998 s 2, opn 22 July 1998; Act 26 of 1999 s 3, opn 24 Sep 1999]

(3) The Board shall have regard to the need to sustain the capital value of the Fund by making provisions for loan losses, considering the ability of borrowers to repay loans, and the renewal of agricultural leases, together with the introduction of flexible interest rates in its lending operations to cover all direct and indirect costs sustained by the Board.

[subs (3) insrt Act 12 of 1996 s 5, opn 30 Aug 1996]

(4) Nothing in this section authorises or permits the Fund to enter directly into the sugar cane growing industry.

[subs (4) am Act 12 of 1996 ss 3 and 5, opn 30 Aug 1996]

(5) Any sum paid out of the Fund in the form of financial assistance under this section as amended by the Sugar Cane Growers Fund (Amendment) Act 1998 is repayable over a period of 5 years commencing on 1 January 1999 out of the Consolidated Fund, which is appropriated accordingly in each of those years.

[subs (5) insrt Act 26 of 1999 s 3, opn 24 Sep 1999]

[SUCG 5] Powers of Fund

5 (1) Subject to this Act, the Fund has power to do all things necessary or convenient to be done for or in connection with the performance of its functions, including the borrowing of money from such financial institutions as the Reserve Bank of Fiji may in writing approve, and on terms and conditions no less favourable to the Fund than those available to the most favoured borrower.

[subs (1) am Act 12 of 1996 ss 3 and 6, opn 30 Aug 1996]

(2) Without limiting the generality of subsection (1), the powers of the Fund include power to accept gifts, devises, bequests or assignments made to it whether on trust or otherwise, and whether unconditionally or subject to conditions and, if a gift, devise,

bequests or assignment is accepted by the Fund on trust or subject to conditions, to act as trustee or to comply with the conditions, as the case may be.

[subs (2) am Act 12 of 1996 s 3, opn 30 Aug 1996]

(3) Notwithstanding anything contained in this Act, any money or other property held by the Fund upon trust or accepted by it subject to a condition shall not be dealt with except in accordance with the obligations of the Fund as trustee of the trust or as the person who has accepted the money or other property subject to the conditions, as the case may be.

[subs (3) am Act 12 of 1996 s 3, opn 30 Aug 1996]

(4) The Board may invest money standing to its credit and not required by it to carry out its functions under section 4 hereof in such investments as are permitted to trustees under the provisions of the Trustee Act 1966.

[subs (4) subst Act 12 of 1996 s 6, opn 30 Aug 1996]

[SUCG 6] Establishment and functions of Board

6 (1) There is hereby established a Board by the name of the Board Management of the Sugar Cane Growers Fund.

[subs (1) am Act 12 of 1996 s 3, opn 30 Aug 1996]

(2) The Board is, subject to and in accordance with any direction by the Minister under section 14, responsible for the conduct and control of the affairs of the Fund.

[subs (2) am Act 12 of 1996 s 3, opn 30 Aug 1996]

[SUCG 7] Constitution of Board

7 (1) The Board shall consist of such members as shall be appointed by the Minister.

[subs (1) subst Act 11 of 2015 s 2, opn 4 Sep 2015]

(2) Subject to section 9, an appointed member of the Board holds office for such period, not exceeding 3 years, as is specified in the instrument of his or her appointment.

(3) The Minister shall appoint the Chairperson of the Board.

[subs (3) subst Act 11 of 2015 s 2, opn 4 Sep 2015]

[SUCG 8] Remuneration etc, of members of the Board

8 An appointed member of the Board shall receive from the Fund, in respect of his or her services as a member of the Board, such remuneration and allowances (if any) as the Minister may, after consultations with the Board, determine.

[s 8 am Act 12 of 1996 s 31, opn 30 Aug 1996]

[SUCG 9] Termination of appointment

9 (1) The Minister may terminate the appointment of an appointed member of the Board by reason of misbehaviour or physical or mental incapacity.

(2) The Minister may terminate the appointment of an appointed member of the Board if on 3 consecutive occasions the member, without leave of the Board, fails to attend a meeting of the Board.

(3) The Minister shall terminate the appointment of an appointed member of the Board if that member fails to comply with his or her obligations under section 11.

[SUCG 10] Resignation

10 An appointed member of the Board may resign his or her office by writing, signed by him or her and delivered to the Minister.

[SUCG 11] Disclosure of interests

11 (1) Subject to subsection (3), an appointed member of the Board who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board shall, as soon as possible after the relevant facts have come to his or her knowledge disclose the nature of his or her interest at a meeting of the Board.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Board and the appointed member of the Board shall not—

- (a) be present during any deliberation of the Board with respect to that matter; or
- (b) take part in any decision of the Board with respect to that matter.

(3) Subsection (1) shall not apply where the subject matter of the discussion is of general application to all cane growers or to all members of a class of cane growers.

[SUCG 12] Meetings of the Board

12 (1) Subject to this section, meetings of the Board shall be held at such times and places as the Board determines.

(2) The Chairperson may at any time convene a meeting of the Board.

(3) At a meeting of the Board, 2 appointed members of the Board constitute a quorum.

(4) The Chairperson shall preside at all meetings of the Board at which he or she is present.

(5) If the Chairperson is not present at a meeting of the Board, the appointed members of the Board present shall elect one of their number to preside at that meeting.

(6) A question arising at a meeting of the Board shall be decided by a majority of the votes of the appointed members of the Board present and voting.

(7) The appointed member of the Board presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, has a casting vote.

(8) If, by virtue of section 11(2)(a), the Chairperson is required to leave a meeting of the Board, the appointed members of the Board shall, before the Chairperson leaves that meeting, elect one of the remaining members to preside during the absence of the Chairperson.

(9) Subject to this section, the Board may regulate the conduct of proceedings at its meetings as it thinks fit, and shall keep minutes of those proceedings.

[SUCG 13] Delegation by Board

13 (1) Subject to this section, the Board may, by resolution, either generally or as otherwise provided by resolution delegate all or any of its powers under this Act (except this power of delegation) to an appointed member of the Board or to a member of the staff of the Fund.

[subs (1) am Act 12 of 1996 s 3, opn 30 Aug 1996]

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Board.

(3) A delegate is, in the exercise of a power so delegated, subject to the directions of the Board.

(4) A delegation of a power under this section—

- (a) may be revoked by resolution of the Board (whether or not constituted by the persons constituting the Board at the time the power was delegated);
- (b) does not prevent the exercise of the power by the Board; and
- (c) continues in force notwithstanding a change in the membership of the Board.

(5) Where, under this Act, the exercise of a power or function by the Board is dependent upon the opinion, belief or state of mind of the Board in relation to a matter and that power or function has been delegated in pursuance of this section, that power or function may be exercised by the delegate upon the opinion, belief or state of mind of the delegate in relation to that matter.

(6) A certificate signed by the Chairperson stating any matter with respect to the delegation of a power under this section is *prima facie* evidence of that matter.

(7) A document purporting to be a certificate mentioned in subsection (6) shall, unless the contrary is established, be deemed to be such a certificate and to have been duly given.

[SUCG 14] Directions by Minister

14 (1) The Minister may, after consultation with the Standing Committee, and such other persons as the Standing Committee may determine, give directions in writing to the Board with respect to the exercise of its powers or the performance of its functions.

(2) The annual report of the Fund shall set out all directions given by the Minister under this section.

[subs (2) am Act 12 of 1996 s 3, opn 30 Aug 1996]

[SUCG 15] Exemption from income tax, stamp duty etc

15 (1) The Fund is not subject to income tax.

[subs (1) am Act 12 of 1996 s 3, opn 30 Aug 1996; Act 29 of 1998 s 3, opn 22 July 1998; Act 26 of 1999 s 3, opn 24 Sep 1999]

(2) No stamp duty is payable in respect of an instrument securing a loan made by the Fund under this Act.

[subs (2) am Act 12 of 1996 s 3, opn 30 Aug 1996; Act 29 of 1998, s 3, opn 22 July 1998; Act 26 of 1999 s 3, opn 24 Sep 1999]

(3) No registration fee is payable in respect of the registration of an instrument securing a loan made by the Fund under this Act.

[subs (3) am Act 12 of 1996 s 3, opn 30 Aug 1996; Act 29 of 1998 s 3, opn 22 July 1998; Act 26 of 1999 s 3, opn 24 Sep 1999]

[SUCG 16] Annual report

16 (1) The Board shall, as soon as practicable after each 31 December, prepare and submit to the Minister a report of the operations of the Fund during the year that ended on that date, together with financial statements in respect of that year in such form as the Minister responsible for financial matters approves.

[subs (1) am Act 12 of 1996 s 3, opn 30 Aug 1996]

(2) Before submitting financial statements to the Minister under subsection (1), the Board shall submit them to an auditor appointed by the Minister responsible for financial matters, who shall report to the Minister—

- (a) whether, in his or her opinion, the statements are based on proper accounts and records;
- (b) whether the statements are in general agreement with the accounts and records;
- (c) whether, in his or her opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Fund during the year have been in accordance with this Act; and
- (d) as to such other matters arising out of the statements as the auditor considers should be reported to the Minister.

[subs (2) am Act 12 of 1996 s 3, opn 30 Aug 1996]

(3) The Minister shall cause copies of the report and financial statements submitted to him or her under subsection (1), together with a copy of the auditor's report submitted to him or her under subsection (2), to be laid before Parliament within 15 sitting days after their receipt by the Minister.

[SUCG 17] Security for loans

17 (1) Subject to subsections (2) and (3), the repayment to the Fund of money lent by the Fund under this Act to a cane grower is a first charge on all proceeds due to him or her, or to any other person, on the sale of cane grown by him or her notwithstanding any written or other law, or any agreement between the cane grower and any other person.

[subs (1) am Act 12 of 1996 s 3, opn 30 Aug 1996]

(2) The repayment to the Fund of money lent to a cane grower by the Fund under this Act and secured under subsection (1) shall not take precedence to the repayment of advances or other payments of whatsoever nature made to the cane growers or on his or her behalf by the Fiji Sugar Corporation Limited pursuant to the Master Award under the Sugar Industry Act 1984.

[subs (2) subst Act 12 of 1996 s 8, opn 30 Aug 1996]

(3) Subsection (1) shall not apply except to a loan—

- (a) of \$5,000 or less
- (b) repayable, in the normal course of events, over a period of 5 years or less; and
- (c) for those purposes only, set out in section 4(1)(a), (b), (c) and (f) of this Act, and which does not provide for further advances but is otherwise on terms and conditions normally applicable to loans and their repayments.

[subs (3) subst Act 12 of 1996 s 8, opn 30 Aug 1996]

[SUCG 18] Transfer of Fund

18 [s 18 rep Act 12 of 1996 s 9, opn 30 Aug 1996]

[SUCG 19] Transfer of assets and liabilities of board of trustees

19 [s 19 rep Act 12 of 1996 s 9, opn 30 Aug 1996]

[SUCG 20] Repeal

20 [s 20 rep Act 12 of 1996 s 9, opn 30 Aug 1996]

[SUCG 21] Transitional provision

21 [s 21 rep Act 12 of 1996 s 9, opn 30 Aug 1996]

[The next page is 395,001]

Sugar Research Institute of Fiji

CONTENTS

	<i>Page</i>
Sugar Research Institute of Fiji Act 2005 (No 14 of 2005)	
Table of Provisions	395,021
Table of Amendments	395,101
Sugar Research Institute of Fiji Act 2005	395,201

[The next page is 395,021]

Sugar Research Institute of Fiji Act 2005

TABLE OF PROVISIONS

<i>Section</i>	<i>Title</i>	<i>Paragraph</i>
1	Short title and commencement	[SURI 1]
2	Interpretation	[SURI 2]
3	Establishment of the Sugar Research Institute of Fiji	[SURI 3]
4	Functions of the Sugar Research Institute	[SURI 4]
5	Board of the Sugar Research Institute	[SURI 5]
6	Removal and resignation of members	[SURI 6]
7	Meetings of the Board	[SURI 7]
8	Science Audit Subcommittee	[SURI 8]
9	Other Subcommittees	[SURI 9]
10	Administration of the Sugar Research Institute	[SURI 10]
11	Financial provisions	[SURI 11]
12	Auditing of accounts and annual reports	[SURI 12]
13	Remuneration and allowances	[SURI 13]
14	Delegation	[SURI 14]
15	Regulations	[SURI 15]

[The next page is 395,101]