

SUGAR INDUSTRY (AMENDMENT NO. 3) DECREE 1988

A DECREE TO AMEND THE SUGAR INDUSTRY ACT TO FACILITATE
THE ADMINISTRATION OF THE ACT AND TO REPEAL SPENT PROVISIONS

In exercise of the powers conferred upon me by the Appointment of Head of State and Dissolution of Fiji Military Government Decree. I, as President and Commander-in-Chief of the Republic of Fiji, acting in accordance with the advice of the Prime Minister and the Cabinet, make the following Decree—

Short title

1. This Decree may be cited as the Sugar Industry (Amendment No. 3) Decree, 1988.

Interpretation

2. In this Decree "the Act" means the Sugar Industry Act.

Commencement

3. This Decree shall come into force on the date it is made.

Tribunal to determine number and boundaries of mill areas, districts and sectors (Amendment of section 27)

4. Section 27 of the Act is amended by deleting subsection (4) and by substituting—

"(4) Any question as to the boundary of any mill area, district or sector shall be determined by the Tribunal whose decision on any such question shall be final."

Repeal and replacement of section 39

5. Section 39 of the Act is repealed and the following substituted—

"Other elections"

39. Every general election of members of the Council, and every election under section 37 to fill a casual vacancy shall be conducted in accordance with regulations—

- (a) made by the Council and approved by the Tribunal; or
- (b) made by the Tribunal if no regulations are made under (a) above."

Financial provisions (Amendment of section 63)

6. Section 63 of the Act is amended by adding at the end of subsection 2 the following—

"(3) The accounts referred to in subsection (2) shall be submitted to the Commission as soon as they have been audited and shall be included in the Commission's report prepared in accordance with section 17."

New section 95

7. Section 95 of the Act is repealed and the following section substituted—

"Exclusion of Trade Disputes Act"

95. This Act applies in the industry to the exclusion of the Trade Disputes Act (other than sections 35, 36, 37 and 38) of the Act."

Administrative amendments

8. The Act is further amended in accordance with the administrative amendments set out in Schedule 1 hereto.

Repeal of spent provisions

9. The Act is further amended by repealing the spent provisions set out in Schedule 2 hereto.

Repeal of spent provisions on the making of the Master Award

10. On the making of the Master Award the Act is further amended as set out in Schedule 3 hereto.

Amendments on second general election of members to the Sugar Cane Growers Council

11. On the date the second general election of members of the Sugar Cane Growers' Council is held—

- (a) the amendments made to the Act by the Sugar Industry (Amendment) (No. 1) Decree, 1988; and
- (b) section 37(2) of the Act, are repealed.

Dated this 11th day of May 1988.

PENAIA K. GANILAU
President and Commander-in-Chief

Schedule 1

Administrative Amendments

<i>Section Amended</i>	<i>Amendment</i>
5(3)	Delete "the Standing Select Committee of the House of Representatives on Sugar" insert "the Prime Minister"
7(a)	Delete "either House of Parliament" insert "the legislature"
7(b)	Delete "Industrial Commissioner" insert "the Industrial Commissioner"
17(2)	Delete "Parliament" insert "the legislature"
18(2)	Delete "Supreme Court" insert "High Court"
21(1)	Delete "after consultation with the Standing Select Committee of the House of Representatives on Sugar."
23	Delete "and employ" insert "and employ on such terms as it may determine"
24	Delete "and (g) any other officers or servants of the Tribunal"
30(2)	Delete "Parliament" insert "the legislature"
40(2)	Delete "House of Representatives" insert "legislature"
54(4)	Delete "Parliament" insert "the legislature"
98(1) (b)	Delete "Registrar of Tribunal" insert "Registrar of the Tribunal"
123	Delete "Supreme Court" insert "High Court"
126	Delete "Supreme Court" insert "High Court"
127	Delete "Supreme Court" insert "High Court"

Schedule 2

Repeal of spent provisions

<i>Section</i>	<i>Amendment</i>
2(1)	Delete the definitions— "the Act of 1961" "the appointed day" "the Independent Chairman" "relevant date"
34(5)	Delete "or, in the case of the first general election of members of Council, the Independent Chairman"
35(2)	Repeal
35(3)	Delete "Subject to subsection (2), every" insert "Every"
37(1)	Delete "Subject to subsections (2) and (3)" insert "Subject to subsection (3)"
38	Repeal
40(1) (a)	Delete "other than the first general election."
41(3)	Delete
46(5)	Delete
46(7)	Delete "(other than the first such general election)"
47(2)	Delete
128	Repeal
132	Repeal
133	Repeal

Schedule 3

Repeal of spent provisions on the making of the Master Award

<i>Section Amended</i>	<i>Amendment</i>
16(1)	Delete all words after "with the Master Award"
21(3) (b)	Delete all words after "under the Master Award"
26(g)	Delete
26(h)	Delete
26(i)	Delete "or by such a contract"
53(1)	Delete "or, pending the making of the Master Award, a contract of general application in pursuance of the Act of 1961, as having effect by virtue of subsection (1) of section 71"
63(1)	Delete all words after "with the Master Award"
71	Repeal

73	Repeal. insert— "73. "A person shall be entitled to be registered as a grower in respect of any farm if an order has been made by the Tribunal under the following provisions of this Part directing the Registrar of the Tribunal to register that person in respect of that farm"
78(1) (a)	Delete ", on or after the date of the making of the Master Award,"
98(8)	Delete all words after "provisions of the Master Award" insert "for determination in accordance with those provisions."
104	Delete all words after "to be determined" insert "under the provisions of the Master Award, for determination in accordance with those provisions"
Schedule	Repeal