

SUGAR INDUSTRY TRIBUNAL

Electional Regulations

CB:1/2

Tribunal
Tribunal Accountant
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SUGAR CANE GROWERS COUNCIL

ELECTORAL REGULATIONS

In exercise of the powers conferred upon it by Section 39(1) of the Sugar Industry Act 1984, on the default by the Sugar Cane Growers to make any Regulation thereunder, the Sugar Industry Tribunal has made the following Regulations for the conduct of general elections of members of the Sugar Cane Growers Council and for every election under section 37 of the Act to fill a casual vacancy.

1. These Regulations may be cited as the Sugar Cane Growers Council Election Regulations, 1988 and shall come into force in respect of each sector upon the registration of growers for such sector.
2. Interpretation
 - (1) "The Act" means the Sugar Industry Act of 1984.
 - (2) "The Chief Executive" means the Chief Executive of the Sugar Cane Growers Council appointed under section 48(1) of the Act, and includes any person acting as the Chief Executive.
 - (3) "Register" and "register of growers" means the register of growers kept by the Registrar pursuant to Section 72 of the Act.
 - (4) "Registrar" means the Registrar of the Sugar Industry Tribunal appointed under Section 20 of the Act.
 - (5) Sector has the meaning assigned to it in Section 2 of the Act.
 - (6) "The Tribunal" means the Sugar Industry Tribunal established under Section 18 of the Act.
3. The Chief Executive of the Council shall:-
 - (a) exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness and impartiality;

- (b) issue to election officers such instructions as he may from time to time deem necessary to ensure effective execution of their duties.
- 4.
- (a) The Chief Executive shall before the date of any election appoint by name or office a Returning Officer and Assistant Returning Officers for every sector in which elections are to be held.
 - (b) In making such appointment the Chief Executive may:-
 - (i) Appoint District Officers by letter of appointment as Returning Officers for each District or Sector in which elections are to be held;
 - (ii) On the recommendation of such District Officers appoint by letter of appointment other civil servants as Assistant Returning Officers as may be required.
5. An Assistant Returning Officer may exercise all the powers and perform all the duties of a Returning Officer.

Register of Growers

6. The Registrar shall, upon being required to do so by the Chief Executive, for the purpose of an election in any sector, furnish him with a list certified by the Registrar to be correct showing the names of all persons who are registered as growers in such sector and the Chief Executive may make available to any candidate for election to the Council as a representative of that sector a copy of such list or make available for inspection in the Council's District Offices copies of such lists.

Notice

7. Not less than 21 days before the date of any general election the Chief Executive shall make available at the district offices of the Council in each mill area a copy of a list of the registered growers in each sector furnished to him by the Registrar pursuant to Regulation 6. In the event of an election to fill a casual vacancy in a sector only a copy of the list for that sector shall be made available.

8. Any person who claims to be entitled to be registered as a grower in any sector, and whose name does not appear in the register of growers for that sector, shall within seven days of the publication of the list of growers for that sector submit his claim for registration with supporting evidence to the Registrar.
9. The Registrar may after such inquiries as he may consider necessary either accept the claim and amend the register by inclusion therein of the name of the applicant or reject the claim and shall notify the Chief Executive and the applicant of the action taken by him.

Persons Entitled to Vote

10. Subject to Regulation 11, every person whose name appears on the register of growers for a sector shall be entitled to vote at an election of members of the Council to represent that sector.

Voting

11. Any person who manages the farm of a registered grower under a power of attorney shall be entitled to vote in place of the registered grower upon production to the Returning Officer of an instrument of proxy in the form contained in the schedule to these Regulations duly signed by the registered grower together with a stamped copy of the instrument of power of attorney. The registered grower shall not be entitled to vote after signing such proxy unless within seven days of an election he cancels the proxy and notifies the Returning Officer and proxy holder in writing that the proxy has been cancelled.

Disqualification of Candidates

12. A person shall be disqualified for membership of the Council as a representative of a sector if:-
- (a) he is not a registered grower in that sector; or
 - (b) in Fiji or elsewhere
 - (i) he has been adjudged bankrupt or has made a composition with his creditors; or

- (ii) he has been convicted of any offence involving fraud or dishonesty; or
- (c) he is adjudged or otherwise declared to be of unsound mind, or is permanently incapacitated from performing his duties; or
- (d) he is for the time being disqualified by the Tribunal from holding office as a member of the Council under subsection (2) of section 40 of the Act.

Nomination of Poll

13. For every general election of members of the Council and for every election to fill a casual vacancy the Chief Executive shall by notice in the Gazette and in one daily newspaper published and circulating in Fiji publish a notice specifying:-
- (a) the place at which, the date and time during which the Returning Officer will receive nominations of candidates for election to the Council;
 - (b) the date, place and time at which a poll will be taken if there are more nominations than there are vacancies.
14. On the date and at the place appointed for the nomination of candidates, the Returning Officer shall attend during the time specified in the notice published under Regulation 13 to receive nomination of candidates.
15. Every candidate shall be nominated in writing in one nomination paper on a form approved by the Chief Executive. Such nomination paper shall be signed by not less than six nor more than ten persons whose names appear on the register of growers for the sector that the candidate seeks to represent. The candidate shall assent to the nomination by affixing his signature to the nomination paper.
16. The completed nomination paper shall be delivered to the Returning Officer by the candidate or one of the persons nominating him at the place and during the time appointed for receiving nominations.

17. As soon as possible after the expiry of the time allowed for delivery of nomination papers, the Returning Officer shall publicly announce the name of each candidate for the sector and persons nominating him.
18. The Returning Officer shall permit the candidates and growers nominating them to examine the nomination papers of candidates received for the sector concerned, and any such candidate or grower nominating him may object to the nomination of any other candidate for that sector as not being duly qualified or that the candidate has not been duly nominated in accordance with these Regulations.
19. An objection to the nomination of any candidate shall be in writing and shall be delivered to the Returning Officer not later than 4.00 pm of the day following the last day allowed for delivery of nomination papers.
20. The Returning Officer shall consider any objections to the nomination of a candidate and rule thereon.
21. If at the expiry of the time provided for the delivery of nomination papers, candidates not exceeding the number to be elected for the sector are duly nominated, the Returning Officer shall forthwith publicly declare such candidates to be elected.
22. If more candidates than the numbers to be elected are duly nominated, a poll shall be taken.
23. The Chief Executive shall cause to be published in the Gazette and in a newspaper published and circulating in Fiji a notice specifying for each sector for which a poll is to be taken:
 - (a) names of the candidates for the sector;
 - (b) the date and times during which the poll will be taken;
 - (c) the places at which the poll will be taken.
24. A candidate may withdraw from his candidature by giving a notice signed by him to that effect to the Returning Officer within seven days of the date of nomination, or such later period as the Returning Officer may allow.

25. If a candidate should die after acceptance of his nomination but before a poll is taken, the Returning Officer shall upon being satisfied of the fact of such death:
- (a) proceed with a poll of remaining candidates if the number of candidates exceeds the numbers of members to be elected; or
 - (b) where the number of candidates does not exceed the number of members to be elected, declare the remaining candidates duly elected.

The Poll

26. The Returning Officer shall appoint a person (in these Regulations called "the Presiding Officer") to preside at each polling station. Such presiding officer shall be supplied with a copy of the electoral roll containing the names of electors registered in respect of his polling station.
27. The Returning Officer may appoint at each polling station one or more deputy presiding officers, one of whom, to be selected by the presiding officer, shall act as presiding officer in the event of illness or unavoidable absence of the presiding officer. A deputy presiding officer when so acting shall exercise all the powers and perform all the duties of the presiding officer under these Regulations.
28. No person shall be admitted to vote at any polling station except the one in respect of which he is registered.
29. The Presiding Officer shall keep order in his polling station, and shall regulate the number of registered growers to be admitted at a time, and shall exclude all other persons except the Chief Executive, Returning Officers, Assistant Returning Officers, the candidates, one agent in respect of each candidate and police officers, if any, on duty.
30. Each ballot paper shall be capable of being folded up and shall contain a list of the candidates as described in their respective nomination papers.
31. Every ballot box shall be so constructed that the ballot papers can be inserted therein, but cannot be withdrawn therefrom, without the box being unlocked.

Agents

Agents

32. The Presiding Officer shall, immediately before the commencement of the poll, show the empty unlocked ballot box to such persons, if any, as may be present in the polling station, so that they may see that it is empty. The presiding officer shall then lock the ballot box and place his seal upon it in such manner as to prevent it being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.
33. Immediately before a ballot paper is delivered to an elector it shall be marked on the back thereof with an official stamp or initial of the Presiding Officer.
34. The registered number, and name of the elector, as stated in the copy of the register, shall then be called out, and the serial number of such grower shall be marked on the counterfoil, and the name of the grower shall be deleted from that copy of the register to denote that he has received a ballot paper.
35. The Presiding Officer, or any person authorised by him for the purpose, may require any applicant for a ballot paper to furnish, to the satisfaction of the Presiding Officer or person so authorised, proof of his identity.
36. The grower on receiving a ballot paper shall forthwith proceed to the place designated by the Presiding Officer.
37. Each grower shall be entitled to vote for the same number of candidates as there are members to be elected in respect of the sector in which he is registered.
38. The grower shall record his vote by making the sign of a tick in the space provided on the ballot paper alongside the name of the candidate or candidates for whom he wishes to vote.
39. The grower shall then fold the ballot paper so as to conceal his vote, and insert the ballot paper, so folded, into the ballot box.
40. Each grower shall vote without undue delay, and shall quit the polling station as soon as he has inserted his ballot paper into the ballot box.
41. A grower who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on

delivering to the Presiding Officer the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in these Regulations called "spoilt ballot paper") and the spoilt ballot paper shall be immediately cancelled by the Presiding Officer.

42. If any grower states that he is unable to mark his ballot paper, the Presiding Officer shall if he is satisfied of inability:-
- (a) himself mark the ballot paper as the grower directs, and then insert the ballot paper in the ballot box; and
 - (b) write in the register opposite the name of such grower a statement of the fact that the ballot paper was marked by him at the request of the grower, and the reason therefor.
43. No person other than the Returning Officer, Presiding Officer or a Deputy Presiding Officer shall have any communication whatsoever with a grower while such grower is in a polling station for the purpose of receiving a ballot paper and recording his vote thereon. Should any such communication take place, the Presiding Officer may order such person to leave the polling station.
44. The Presiding Officer of each polling station shall, as soon as practicable after the close of the poll, in the presence of the agents (if any) of the candidates, make up into separate packets, seal with his own seal and the seals of the agents of the candidates who desire to affix their seals:
- (a) the ballot box unopened, but with the key attached;
 - (b) the unused and spoilt ballot papers placed together;
 - (c) the marked copies of the extract of register of growers and the counterfoils of the ballot papers;

and shall despatch or hand over such packets and ballot box to the Returning Officer.

Counting Votes

45. The Returning Officer shall make arrangements for counting the votes as soon as practicable after he has received all the ballot boxes relating to any sector.
- Agents* 46. Every candidate and two agents in respect of each candidate shall have the right to be present at the counting of the votes.
47. The Returning Officer shall, so far as practicable, proceed continuously with the counting of the votes, allowing only time for refreshment.
48. Any ballot paper on which votes are given to more candidates than are to be elected from the sector, or on which anything, except the number on its back, is written or marked by which the grower can be identified, shall be invalid and shall not be counted.
49. Notwithstanding anything contained elsewhere in these Regulations, a Returning Officer may at his direction if satisfied that the intention of a voter is clear beyond reasonable doubt, accept and count as valid the ballot paper of such voter.
50. Subject to an appeal to the Tribunal, the decision of the Returning Officer as to any question arising in respect of any ballot paper shall be final.
51. When the counting of the votes has been completed, the Returning Officer shall declare to be elected the required number of candidates, or where only one candidate is to be returned, the candidate, to whom the greatest number of votes has been given.
52. When an equality of votes is found to exist between any candidates and an additional vote would entitle any one or more such candidates to be declared elected, the matter shall be determined by lot in the presence of the Returning Officer in such manner as he shall think fit.
53. The Returning Officer shall, upon the completion of the counting and after he has declared the result, seal up the ballot papers and all other documents relating to the election, and shall retain the same for a period of six weeks, and

thereafter, unless otherwise directed by the Tribunal cause them to be destroyed.

54. The Returning Officer shall as soon as practicable publicly declare and publish in the Gazette the name or names of the elected candidate or candidates and of the total number of votes given for each candidate.
55. No election shall be questioned or deemed to be invalid by reason only of a failure to comply with the provisions of these Regulations or of any mistake in the use of any of the forms prescribed or of any defect or invalidity in the appointment of any election officer if the election was held in accordance with the principles laid down in these Regulations and if such failure, mistake, defect, or invalidity did not materially affect the result of the election.

Dated the 11th day of February 1988.*

R G Kermode
SUGAR INDUSTRY TRIBUNAL

* These regulations were amended on 23rd March, 1990, 19th February, 1991 and 5th March, 1991 and these amendments are included in the above reprint of the Regulations.

SCHEDULE

INSTRUMENT OF PROXY

[Section 34(5)]

SUGAR CANE GROWERS COUNCIL ELECTION REGULATIONS 1988
REGULATION 11

AUTHORITY FOR PERSON MANAGING FARM
UNDER POWER OF ATTORNEY TO VOTE

NAME OF GROWER.....

CONTRACT NUMBER.....SECTOR.....

NAME OF PERSON AUTHORISED TO VOTE.....

NUMBER OR DATE OF POWER OF ATTORNEY.....

Acting pursuant to Regulation 11 of the Sugar Cane Growers Council Election Regulations I HEREBY AUTHORISE the abovenamed person, who is managing my farm under the abovementioned power of attorney, to vote in the forthcoming election of members to the Sugar Cane Growers Council.

I acknowledge that, pursuant to Regulation 11, I will not be entitled to vote at the said election unless within seven (7) days of such election I notify the Returning Officer and the person authorised hereunder to vote that this proxy has been cancelled.

Dated the day of 19 .

.....
[Signature of left thumb mark
of Grower]

Signature of Qualified Witness
[Note 1].....

Occupation of Witness.....
.....

Address.....
.....

NOTES:

1. Witness to this proxy must be one of the following persons:-
The Registrar or Deputy Registrar of Titles, a Magistrate, the Commissioner of a Division or a District Officer, a Barrister and Solicitor, a Commissioner of Oath, a Notary Public or a Justice of the Peace.
2. This Authority is not valid unless the person holding the power of attorney is also managing the farm pursuant to such power.
3. A stamped copy of the Power of Attorney must be produced to the Returning Officer for noting at the time this proxy is delivered to him.

SUGAR INDUSTRY AMENDMENT BILL 2024

Submission by the Sugar Industry Tribunal

Section 34A – (1) *Candidate Eligibility*

(c) “is not an elected representative of any Cane Producers Association”.

(d) is not an elected representative of a registered political party.

The reason behind this is that a person elected on the Council must server the Council’s best interest and does not have a conflict of interest serving two different bodies.

I submit that Clause (c) must stay and a new clause (e) added as above

Section 37 – *Filling in of vacancies in the council*

I refer to the Committees deliberations in the Sectors on this subject.

I submit that the filling in of any vacancy in the Council must be held within *one month* from the date the vacancy occurred.

Section 39 (1) - General Election and by-election

The Bill must be apolitical and therefore the Minister should not decide who conducts the election. When you look at the Electoral Act this is very evident in that the Minister does not have a say in who or how the Elections are conducted. The Principal Act was passed by Parliament in 1984 had this in mind. The Act must stipulate who conducts the general Election and not leave it to the Minister to choose. The Principal Act Section 39 states that:

“ Every General Election of Members of the Council, and every election under Section 37 to fill a vacancy of the Council 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.”*

This submission also is in regards to Section 39 (2) and 39 (3) in the Bill

I submit that Section 39 of the Principal Act should be the regulation inserted in the Bill as it is apolitical.

Regulation 129A *Regulations*

The Principal Act of 1984 states:

129 (1) Subject to Section (2) the Tribunal may make rules for prescribing anything which may be prescribed under this Act by rules of the Tribunal and for carrying into effect the provisions of this Act relating to the Tribunal and in particular, for a of the following matters

Commented [TB1]:

- (a) for regulating the sittings of the Tribunal for hearing and determination of any proceedings before the Tribunal under this Act;*
- (b) for regulating the practices or procedures of the Tribunal; and*
- (c) for prescribing the forms to be used in respect of such proceedings.*

(2) No rules made by the Tribunal under this Act shall be of any effect unless they have been approved by the Chairman of the Judicial Services Commission.

The Bill Section 129A is only in reference to the Election of the Sugar Cane Growers Council. However, the Principal Act Section 129 is broad and covers the anything under the Act.

I therefore submit that Section 129A of the Act be deleted and Section 129 of the Principal Act be retained

Thank you.

The Chairperson of the Parliament Standing Committee of Justice, Law and Human Rights and Honourable members,

First of all I welcome you all to Sigatoka, From the outset I wish to thank the government for and parliament for this very important public consultation.

I am Josnil Vikashni Singh current Advisory councillor for Ciri, Semo and Waigali and this is my second term as, an advisory councillor.

Honourable Chair Sir, going through the rationale for this current amendment bill, it states and acute equally important, the election process provides a platform for female growers, to contest and serve thereby promoting diversity in government ~~and~~ and eliminating gender and ethnic inequalities. Reinstating elections will enhance harmony and cohesion within the farming community fostering a more inclusive and equitable environment (unquats)

Honourable chair sir, as of January 2025 There were 2,183 female sugarcane growers in Fiji, which is about 15% of the countrys total growers however the actual number is likely higher because this figure does not include un-registered growers:

Chair and honourable members, since female growers represent 15%, I strongly urge this committee to make a recommendation in parliament that at least 5 seats to be reserved for women councilors they will also go through the election process.

This will not only empower women of this nation to venture into sugarcane farming but will also encourage women to contest the national general elections.

I hope I will get full support of very famous and respected

Parliament^{arian} and assistant ministers for foreign affairs

Hon- lenora ~~gege~~ geregeretabua Hon- chair and honourable members I urge the parliament to take note at this through this committee and provide the platform to the women growers of this nation

I strongly feel that as alluded to earlier on which I said that at ^{least} 5 seats to be reserved for women councilors and honourable members, I

Thank you for giving me an opportunity to provide my submission today

Thank you and best wishes for the remainder of the consultation.

Comparison Analysis on the Sugar Industry Laws

Sugar Industry Amendment Act 2015	Sugar Industry Amendment Bill 2024	Sugar Industry Act 1984 (Principal Act)
<p><i>Short title and commencement</i></p> <p>1. This Act may be cited as the Sugar Industry (Amendment) Act 2015.</p> <p>(2) This Act shall come into force on the date of its publication in the Gazette.</p> <p>(3) In this Act, the Sugar Industry Act (Cap. 206) shall be referred to as the “Principal Act”.</p>	<p><i>Short title and commencement</i></p> <p>1. This Act may be cited as the Sugar Industry (Amendment) Act 2024.</p> <p>(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.</p> <p>(3) In this Act, the Sugar Industry Act 1984 is referred to as the “Principal Act”.</p>	<p>Cap. 206 Rev. 1985</p> <hr/> <p><i>Sugar Industry</i></p> <hr/> <p>CHAPTER 206</p> <p>SUGAR INDUSTRY</p> <hr/> <p>PART I—PRELIMINARY</p> <p><i>Short title</i></p> <p>1. This Act may be cited as the Sugar Industry Act.</p>
<p><i>Section 2 amended</i></p> <p>2. Section 2 of the Principal Act is amended—</p> <p>(a) by deleting the definition of—</p> <p>(i) “the Board of Directors of the Council” and “the Board”;</p> <p>(ii) “the Commission”;</p>	<p><i>Section 2 amended</i></p> <p>2. Section 2 of the Principal Act is amended by inserting the following new definitions—</p> <p>““Board” means the Board of Directors of the Council;”;</p> <p>““general election” means the election of the members of the Council;”;</p> <p>““Minister” means the Minister responsible for sugar;”.</p>	<p>“the Board of Directors of the Council” and “the Board” means the Board of Directors of the Council constituted under section 46;</p> <p>“the Commission” means the Sugar Commission of Fiji established under section 4;</p> <p>“the institutions of the industry” means the Commission, the Tribunal, the Council, the Corporation, the Mill Area Committees and the recognised trade unions;</p>

Commented [JC1]: 1. The Committee seek clarification on the date the Amendment Act 2015 was Gazetted?

2. The Committee noted that the 2024 amendment referenced the Sugar Industry Act of 1984 whilst the Principle Act documented the year 1985. The Committee seek Clarification on actual year the Principle Act was enacted?

<p>(b) in the definition of “the institutions of the industry” by deleting “the Commission,”.</p>		
<p>3. Section 3 of the Principal Act is amended in paragraph (a) by deleting “the Commission,”.</p>	<p>No Amendments</p>	<p style="text-align: center;"><i>Main objects of this Act</i></p> <p>3. The main objects of this Act are— (a) to establish the Commission, the Tribunal, the Council and the Mill Area Committees as institutions of the industry, in addition to the Corporation and the recognised trade unions;</p>
<p><i>Part II deleted</i></p> <p>4. The Principal Act is amended by deleting Part II on the Sugar Commission of Fiji.</p>	<p>No Amendments</p>	<p style="text-align: center; color: red;">PART II – 14 Sections of the Principal Act is deleted as per 2015 amendments.</p>
<p><i>Section 18 amended</i></p> <p>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,”.</p>	<p>No Amendments</p>	<ul style="list-style-type: none"> • Establishment of the Tribunal <p>(2) The Tribunal shall consist of one person, who shall be appointed by the Chairman of the Judicial and Legal Services Commission, after consultation with the Commission, and who shall be a person qualified to be appointed a Judge of the Supreme Court or be a person with extensive experience in economics or industrial relations.</p> <p>(4) Whenever the person appointed under subsection (2) is for any reason unable to perform any of the functions of the Tribunal under this Act, either generally or in relation to any particular matter, or pending the appointment of a person under that subsection, the Chairman of the Judicial and Legal Services Commission, after consultation with the Chairman of the Commission may appoint one or more persons, qualified to be appointed under that subsection, to perform any of those functions, either generally or in relation to any particular matter.</p>

Commented [JC2]: The Committee noted that the amendment in subsection (4), 2015 refers to 'chairperson' rather than 'chairman'. Does the amendment intend to change the definition of the position or remain as is?

<p><i>Section 22 amended</i> 6. Section 22 of the Principal Act is amended in subsection (1) by deleting</p> <p>“, after consultation with the Commission”.</p>	<p>No Amendments</p>	<p style="text-align: center;"><i>Industrial Commissioner of Tribunal</i></p> <p>22.—(1) There shall be an officer to be known as the Industrial Commissioner of the Sugar Industry Tribunal who shall be appointed by the Chairman of the Judicial and Legal Services Commission, after consultation with the Commission and who shall have such functions as are assigned to the Industrial Commissioner by or under this Act or by the Tribunal.</p>
<p><i>Section 24 amended</i> 7. Section 24 of the Principal Act is amended by deleting</p> <p>“Higher Salaries Commission” and substituting with “Minister”.</p>	<p>No Amendments</p>	<p style="text-align: center;"><i>Remuneration and allowances</i></p> <p>24. The remuneration and allowances payable to—</p> <p>(a) the person appointed under subsection (2) of section 18 to constitute the Tribunal;</p> <p>(b) any person appointed under subsection (4) of section 18 to perform any of the functions of the Tribunal under the Act;</p> <p>(c) the Industrial Commissioner;</p> <p>(d) any person appointed under section 106 to act as assessor at the hearing of any proceedings before the Tribunal under the Act;</p> <p>(e) the Registrar of the Tribunal;</p> <p>(f) the Accountant of the Tribunal; and</p> <p>(g) any other officers or servants of the Tribunal,</p> <p>shall be determined from time to time by the Higher Salaries Commission.</p>
<p><i>Section 26 amended</i> 8. Section 26 of the Principal Act is amended in paragraph (n) by deleting</p> <p>“and any matter affecting industrial relations within the industry which is referred to the Tribunal by the Commission”.</p>	<p>No Amendments</p>	<p>(n) to hear and determine any other matter in pursuance of this Act and any matter affecting industrial relations within the industry which is referred to the Tribunal by the Commission; and</p>
<p><i>Section 27 amended</i> 9. Section 27 of the Principal Act is amended by deleting</p> <p>“the Commission,” wherever it appears.</p>	<p>No Amendments</p>	<p style="text-align: center;"><i>Tribunal to determine number and boundaries of mill areas, districts and sectors</i></p> <p>27.—(1) The Tribunal shall, after consultation with the Commission, the Council and the Corporation, by order prescribe—</p>

<p><i>Section 28 amended</i> 10. Section 28 of the Principal Act is amended by deleting “the Commission,” in paragraph (b).</p>	<p>No Amendments</p>	<p>(b) request the Commission, the Council or the Corporation to furnish it with such information, or to carry out, and to report to it, on such investigations as it may consider necessary or expedient.</p>
<p><i>Section 32 amended</i> 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.”;</p>	<p><i>Section 32 amended</i> 3. The Principal Act is amended by deleting section 32 and substituting the following— “<i>Composition of the Council</i>” 32.—(1) The Council consists of one representative from each sector. (2) A representative on the Council under subsection (1) must be a registered grower elected by registered growers within his or her sector. (3) The chairperson and vice-chairperson of the Board must act as the chairperson and vice-chairperson of the Council respectively. (4) The elected members of the Council must be taken for the purposes of this Act to represent on the Council, the districts and the mill areas in which they are registered growers and the sectors which they have been elected to represent on the Council.”.</p>	<p><i>Composition of the Council</i> 32.—(1) The Council shall consist of— (a) three representatives from each sector who shall be elected to the Council by the registered growers in that sector from among themselves; and (b) representatives of districts appointed to the Council under section 41. (2) The Chairman and Vice-Chairman of the Board of Directors of the Council shall act respectively as the Chairman and Vice-Chairman of the Council. (3) The elected members of the Council shall be taken for the purposes of this Act to represent on the Council the districts and mill areas in which they are registered growers as well as the sectors which they have been elected to represent on the Council, and any member of the Council appointed under section 41 shall be taken to represent on the Council the mill area in which he is a registered grower as well as the district which he has been appointed to represent on the Council.</p>

<p>(b) by deleting subsection (2) and substituting the following— “(2) The Minister shall appoint the Chairperson of the Council.”; and</p> <p>(c) deleting subsection (3).</p>		<p style="text-align: center;"><i>Representation on the Council of minority groups</i></p> <p>41.—(1) If, following any general election, the Board of Directors of the Council is satisfied, as respects any district, that—</p> <p>(a) there is a minority of registered growers in that district who were represented in that election by one or more candidates;</p> <p>(b) such candidate or candidates failed to be elected; and</p> <p>(c) it is desirable that such minority should be represented on the Council, the Board may appoint the unsuccessful candidate or one of the unsuccessful candidates, as the case may be, to the Council as a representative of that district.</p> <p>(2) The provisions of this Part shall apply in relation to a person appointed under subsection (1) as they apply in relation to an elected member of the Council.</p> <p>(3) The Board of Directors of the Council shall consult the Independent Chairman following the first general election as to whether any appointment should be made by the Board under subsection (1).</p> <p>(4) Any question arising in relation to any district as to the exercise by the Board of Directors of the Council of its power under subsection (1), or the refusal of the Board to exercise that power, may be heard and determined by the Tribunal, of its own motion or on written application being made to it in that behalf by the Board or any registered grower in that district, and in that event the Tribunal may—</p> <p>(a) confirm, vary or quash any appointment made by the Board in the exercise of that power; or</p> <p>(b) where the Board has refused to exercise that power, confirm the refusal of the Board or direct the Board to make such appointment as the Tribunal thinks fit.</p>
<p><i>Section 33 amended</i></p> <p>12. Section 33 of the Principal Act is amended by—</p> <p>(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”;</p> <p>(b) in paragraph (c) by deleting “under subsection (2) of</p>	<p style="text-align: center;">No amendments</p>	<p style="text-align: center;"><i>Disqualifications for membership of the Council</i></p> <p>33. A person shall be disqualified for membership of the Council as a representative of any sector if he is not a registered grower in that sector, and as a representative of any district if he is not a registered grower in a sector in that district; of if—</p> <p>(a) in Fiji or elsewhere—</p> <p>(i) he has been adjudged bankrupt or has made a composition with his creditors;</p> <p>(ii) he has been convicted of any offence involving fraud or dishonesty;</p> <p>(b) he is adjudged or otherwise declared to be of unsound mind or is permanently incapacitated from performing his duties; or</p>

Commented [JC3]: The Committee noted that the proposed amendment to section 32 of the Principal Act provides a new provision on the composition of the Council. The Committee queried on the selection criteria of candidates to the council.

<p>section 40” and inserting “; or” after “Council”; and</p> <p>(c) by inserting the following new paragraph after paragraph (c)—</p> <p>“(d) he or she is not a registered grower.”.</p>		<p>(c) he is for the time being disqualified by the Tribunal for holding office as a member of the Council under subsection (2) of section 40.</p>
<p><i>Section 34 deleted</i></p> <p>13. Section 34 of the Principal Act is deleted.</p>	<p><i>Sections 34, 34A and 35 inserted</i></p> <p>4. The Principal Act is amended after section 33 by inserting the following new sections—</p> <p>“<i>Right to vote at election</i>”</p> <p>34.—(1) Subject to subsection (4), a person entitled to vote in an election under this Part must be registered in that sector at the date of the election.</p> <p>(2) The Registrar of the Tribunal must, on the request of the Chief Executive of the Council, provide a certified list of all registered growers in each sector.</p> <p>(3) The Chief Executive of the Council must make available to any candidate in an election an extract from the list under subsection (2), showing the names of registered growers in his or her sector.</p> <p>(4) A registered grower who is found to be of unsound mind is not eligible to vote in an election conducted under this Part.</p>	<p><i>Right to vote at elections</i></p> <p>34.—(1) Subject to subsection (3), the persons entitled to vote as growers in any sector at any election under this Part shall be the persons who are registered as growers in that sector at the date of the election.</p> <p>(2) The Registrar of the Tribunal shall, upon being required to do so by the Chief Executive of the Council, furnish him with a list, certified by the Registrar of the Tribunal to be correct, showing the names of all the persons who are registered as growers in each sector; and the Chief Executive of the Council shall make available to any candidate for election to the Council as a representative of any sector an extract from that list showing the names of the persons who are registered as growers in that sector.</p> <p>(3) A person who is adjudged or otherwise declared to be of unsound mind shall not be entitled to vote at any election under this Part.</p> <p>(4) A registered grower who has a right to vote at an election under this Part shall be entitled to appoint another person, who is managing his farm under a power of attorney, as his proxy to vote at that election instead of him.</p> <p>(5) An instrument of proxy under this section shall be in such form and shall contain such particulars as the Tribunal or, in the case of the first general election of members of the Council, the Independent Chairman may determine.</p> <p>(6) Any question as to the right of a person to vote at any election under this Part and any other question arising in connection with that election shall be determined by the Tribunal, on the application of that person or of the Chief Executive of the Council.</p>

(5) A registered grower who is eligible to vote at an election may appoint another person who manages the registered grower's farm under an instrument of proxy, to vote at the election on behalf of the registered grower.

(6) An instrument of proxy in this section must be in the form and contain such particulars as the Tribunal may determine.

(7) Any question as to the right of a registered grower to vote at an election under this Part and any other question arising in connection with the election must be determined by the Tribunal.

(8) In this section, "instrument of proxy" includes a power of attorney.

Candidate eligibility

34A.—(1) A person is eligible to contest an election if the person—

(a) is a registered grower;

(b) has produced an annual cane amount as prescribed by regulations;

(c) is not an elected representative of any cane producers' association; and

(d) is of sound mind.

(2) The Registrar of the Tribunal, in consultation with the Chief

	<p>Executive of the Council is responsible for verifying the eligibility of candidates in accordance with subsection (1).</p> <p>(3) Any person who fails to meet the eligibility criteria in subsection (1) is not eligible to contest an election.</p>	
<p><i>Section 35 deleted</i></p> <p>14. Section 35 of the Principal Act is deleted.</p>	<p><i>General election</i></p> <p>35.—(1) Subject to sections 36 and 37, each member of the Council must be elected at a general election and hold office until the next general election.</p> <p>(2) A general election must be held every 3 years.”.</p>	<p><i>Triennial elections of members of the Council</i></p> <p>35.—(1) Subject to sections 36 and 37, the members of the Council shall be elected at a general election and shall hold office as members of the Council until the date of the general election next following the general election at which they were elected or last elected, as the case may be, but shall be eligible for re-election.</p> <p>(2) The first general election under this Part shall take place within the three months next following the appointed day on such date as the Independent Chairman shall think fit.</p> <p>(3) Subject to subsection (2), every general election under this Part shall be held within the fourteen days next preceding the expiration of the three years commencing on the date on which the next previous general election was held.</p>
<p><i>Section 36 amended</i></p> <p>15. Section 36 of the Principal Act is amended in subsection (1) by deleting—</p> <p>(a) “as representative on the Council of any sector”; and</p> <p>(b) “under subsection (1) of section 35” in paragraph (b).</p>	<p><i>Section 36 amended</i></p> <p>5. Section 36 of the Principal Act is amended by deleting subsection (1) and substituting the following—</p> <p>“(1) A vacancy in the Council occurs—</p> <p>(a) on the death of a member of the Council;</p> <p>(b) if a member of the Council is disqualified from holding office under section 33;</p> <p>(c) at the expiration of a member’s term of office; or</p> <p>(d) if a member of the Council resigns in accordance with subsection (2).”.</p>	<p><i>Vacation of office of members of the Council</i></p> <p>36.—(1) A member of the Council shall vacate his office as representative on the Council of any sector—</p> <p>(a) if he becomes disqualified from holding that office under section 33;</p> <p>(b) at the expiration of his term of office under subsection (1) of section 35; or</p> <p>(c) if he resigns his office in accordance with subsection (2).</p> <p>(2) A member of the Council may resign from office by notice in writing under his hand addressed to the Chief Executive of the Council, and he shall be deemed to have vacated his office when the notice is received by the Chief Executive of the Council.</p>

<p><i>Section 37 deleted</i></p> <p>16. Section 37 of the Principle Act is deleted and substituted with the following new section—</p> <p><i>“Filling of vacancies caused by death, resignation or disqualification</i></p> <p>37. Where a vacancy occurs in the Council the Minister shall appoint a prominent grower to fill that vacancy.”</p>	<p><i>Section 37 amended</i></p> <p>6. The Principle Act is amended by deleting section 37 and substituting the following—</p> <p><i>“Filling of vacancies in the Council</i></p> <p>37.—(1) Where there is a vacancy in the Council, an election must be held to fill the vacancy in the sector of which the former member was a representative in accordance with section 39 and the person elected must hold office as a representative of the sector until the date of the next general election.</p> <p>(2) An election must not be held under this section for any vacancy occurring within 6 months before the next general election.”.</p>	<p><i>Election to fill vacancy caused by death, resignation or disqualification</i></p> <p>37.—(1) Subject to subsections (2) and (3), where there is a vacancy in the Council caused by the death of a member, the disqualification of a member for holding office under section 33 or the resignation of a member in accordance with subsection (2) of section 36, an election shall be held to fill that vacancy in the sector of which that member was a representative in accordance with regulations made under section 39 to fill that vacancy, and the person elected at that election shall, subject to sections 33 and 36, hold office as a representative of that sector on the Council until the date of the next general election under this Part.</p> <p>(2) Where the vacancy occurs before such regulations have been made, the Board of Directors of the Council may appoint a grower from the sector of which the member whose office has been vacated was a representative to take the place of that member, and a person appointed to the Council under this subsection, shall, subject to sections 33 and 36, hold office as a representative of that sector on the Council until the date of the next general election under this Part.</p> <p>(3) An election shall not be held under this section in respect of any vacancy occurring within three months of the earliest date on which the next general election maybe held under this Part.</p>
<p>No Amendments</p>	<p><i>Sections 38 and 39 inserted</i></p> <p>7. The Principle Act is amended after section 37 by inserting the following new sections—</p> <p><i>“Supervision of election</i></p> <p>38.—(1) The Industrial Commissioner or any independent body appointed by the Minister has the general responsibility for, and must supervise the conduct of, a general election or an election.</p> <p>(2) Minister must make such arrangements as he or she thinks is necessary for a general election or an election, including the following—</p>	

Commented [JC4]: The Committee noted that the proposed amendment to section 37 of the Principle Act provides a new provision on the ‘filling of vacancies in the council’. The Committee queried the timeline to conduct an election of council given that a scenario of delaying in electing a representative from a sector would occur. It was suggested that a clause should be provided for an election to take place immediately so that farmers are not affected by not being represented in the council.

	<p>(a) making and receipt of nominations of candidates;</p> <p>(b) manner of voting;</p> <p>(c) preparation and distribution of ballot papers;</p> <p>(d) establishment of polling stations;</p> <p>(e) counting of votes; and</p> <p>(f) appointment of persons to receive and count votes.</p> <p>(3) Not less than 28 days before the date fixed to hold a general election or election, the Industrial Commissioner or independent body appointed by the Minister, must publish a notice in the Gazette of the following—</p> <p>(a) the date to hold an election; and</p> <p>(b) the particulars of the arrangements under subsection (2).</p> <p>(4) The Tribunal may declare the election of any person at the general election to be invalid, and may direct that a fresh election be held in that sector, subject to any condition and in accordance with any arrangement as the Chief Executive of the Council in consultation with the Registrar of the Tribunal thinks fit.</p>	<p style="text-align: center;"><i>First election</i></p> <p>38.—(1) The Independent Chairman shall have general responsibility for, and shall supervise the conduct of, the first general election of members of the Council.</p> <p>(2) The Independent Chairman shall make such arrangements as he thinks necessary for the first general election, in particular, with respect to—</p> <p>(a) the making and receipt of nominations of candidates;</p> <p>(b) the manner of voting;</p> <p>(c) the preparation and distribution of ballot papers;</p> <p>(d) the establishment of polling stations;</p> <p>(e) the counting of votes; and</p> <p>(f) the appointment of persons to receive and count votes.</p> <p>(3) The Independent Chairman shall cause a notice to be published in the <i>Gazette</i>, not less than twenty-eight days before the date fixed by him for the holding of the election, stating the date so fixed by him and the particulars of the arrangements made by him under subsection (2).</p> <p>(4) The Tribunal may declare the election of any person at the first general election as a representative on the Council of any sector to be invalid, and, in that event, may direct that a fresh election be held in that sector, subject to such conditions and in accordance with such arrangements as the Independent Chairman shall think fit.</p>	<p>Commented [JC5]: The Committee noted that the proposed amendment to section 38 of the Principle Act provides a new provision on the 'supervision of election'. The Committee queried on the rationale of amending 'Independent Chairman' to 'Independent Commission or a body appointed by the Minister' to be responsible for the general election of the Council. The Committee was of the view that having more than one body to conduct an election would create an unsystematic bureaucracy depending on satisfactory criteria, therefore the provision outlined in section 38 of the Principal Act deemed viable. In that regard, the Committee seeks the stance of OSG on this provision.</p>
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<p><i>Section 39 deleted</i> 17. Section 39 of the Principal Act is deleted.</p>	<p>The Principal Act is amended after section 38 by inserting the following new section—</p> <p style="text-align: center;"><i>Determination of question of membership</i></p> <p>39.—(1) The Tribunal may, of its own discretion or on written request being made to it by the Chief Executive of the Council or any registered grower entitled to vote at an election under this Act, hear and determine any question whether—</p> <p style="padding-left: 40px;">(a) a person has been validly elected at any election as a member of the Council; or</p> <p style="padding-left: 40px;">(b) any member of the Council has vacated his or her office under section 36.</p> <p>(2) At the hearing of any proceedings under subsection (1) and where the Tribunal is satisfied that a person claiming to have been validly elected at any election has been guilty of an offence under any written law, the Tribunal may make an order disqualifying that person for appointment to the Council for a period not exceeding 3 years.”.</p>	<p style="text-align: center;"><i>Other elections</i></p> <p>39.—(1) Every general election of members of the Council, other than the first such election, and every election under section 37 to fill a casual vacancy shall be conducted in accordance with regulations made by the Council and approved by the Tribunal or, in default of the making of such regulations by the Council within the twelve months next following the appointed day, in accordance with regulations made by the Tribunal.</p> <p>(2) Regulations under subsection (1) shall make provision with respect to the conduct and otherwise of elections under section 37 and, in particular, with respect to the matters specified in paragraphs (a) to (f) of subsection (2) of section 38.</p>
<p><i>Section 40 deleted</i> 18. Section 40 of the Principal Act is deleted.</p>	<p>No Amendment(s)</p>	

		<p style="text-align: center;"><i>Determination of questions of membership</i></p> <p>40.—(1) The Tribunal may, of its own motion or on written application being made to it in that behalf by the Chief Executive of the Council or any registered grower entitled to vote at an election under this Part, hear and determine any question whether—</p> <p style="padding-left: 2em;">(a) a person has been validly elected at any election under this Part, other than the first general election, as a member of the Council;</p> <p style="padding-left: 2em;">(b) any member of the Council has vacated his office under section 36.</p> <p>(2) Where the Tribunal is satisfied, at the hearing of any proceedings under subsection (1), that a person claiming to have been validly elected at any election has, in respect of that election, been guilty of such misconduct as would constitute an offence under any other written law had the election been an election of a member or members of the House of Representatives, the Tribunal may make an order disqualifying that person for membership of the Council for such period, not exceeding three years, as the Tribunal may think proper.</p>
<p><i>Section 41 deleted</i></p> <p>19. Section 41 of the Principal Act is deleted.</p>	<p style="text-align: center;">No Amendment(s)</p> <p style="text-align: center;">Reason for non-consideration of Minority groups (are there any other provisions that covers such groups)</p> <p style="text-align: center;">Consideration to SDG's: Vulnerability, equal representation to the council.</p>	

		<p style="text-align: center;"><i>Representation on the Council of minority groups</i></p> <p>41.—(1) If, following any general election, the Board of Directors of the Council is satisfied, as respects any district, that—</p> <p>(a) there is a minority of registered growers in that district who were represented in that election by one or more candidates;</p> <p>(b) such candidate or candidates failed to be elected; and</p> <p>(c) it is desirable that such minority should be represented on the Council, the Board may appoint the unsuccessful candidate or one of the unsuccessful candidates, as the case may be, to the Council as a representative of that district.</p> <p>(2) The provisions of this Part shall apply in relation to a person appointed under subsection (1) as they apply in relation to an elected member of the Council.</p> <p>(3) The Board of Directors of the Council shall consult the Independent Chairman following the first general election as to whether any appointment should be made by the Board under subsection (1).</p> <p>(4) Any question arising in relation to any district as to the exercise by the Board of Directors of the Council of its power under subsection (1), or the refusal of the Board to exercise that power, may be heard and determined by the Tribunal, of its own motion or on written application being made to it in that behalf by the Board or any registered grower in that district, and in that event the Tribunal may—</p> <p>(a) confirm, vary or quash any appointment made by the Board in the exercise of that power; or</p> <p>(b) where the Board has refused to exercise that power, confirm the refusal of the Board or direct the Board to make such appointment as the Tribunal thinks fit.</p>
<p><i>Section 43 deleted</i></p> <p>20. Section 43 of the Principal Act is deleted.</p>	<p style="text-align: center;"><i>Section 43 inserted</i></p> <p>8. The Principal Act is amended after section 42 by inserting the following new section—</p> <p style="text-align: center;"><i>“District and sector committees</i></p> <p>43.—(1) The Council must appoint a committee of the Council for each district and for each sector for the purpose of assisting the Council within that district or sector in the exercise of its functions under this Act.</p>	<p style="text-align: center;"><i>District and sector committees of the Council, etc.</i></p> <p>43.—(1) The Council shall appoint a committee of the Council for each district and for each sector for the purpose of assisting the Council in the exercise of its functions under this Act within that district or sector.</p> <p>(2) The mutual relationship of the Council and the district and sector committees appointed under subsection (1) shall be determined by the Council.</p> <p>(3) The Council may appoint any other committee to advise it on the exercise of any of the Council’s functions under this Act.</p>

Commented [JC6]: The Committee notes that S. 41 of the Principal Act was deleted on the representation on the council of minority groups and was not considered for re-insertion in the current amendment Bill. The Committee therefore seeks clarification on the non-consideration of minority groups or whether this has been covered in other provision of the Act.

	<p>(2) The mutual relationship of the Council and the district and sector committees appointed under subsection (1) must be determined by the Council.</p> <p>(3) The Council may appoint any other committee to provide advice on the exercise of any of its functions under this Act.”.</p>	
<p><i>Section 46 deleted</i> 21. Section 46 of the Principal Act is deleted.</p>	<p><i>Sections 46 and 47 inserted</i> 9. The Principal Act is amended after section 45 by inserting the following new sections—</p> <p><i>“Board of Directors of the Council</i> 46.-(1) There must be a Board of Directors of the Council which consists of representatives from each district.</p> <p>(2) A representative on the Board under subsection (1) must be elected by members of the Council whose sectors are part of his or her district.</p> <p>(3) The chairperson and vice-chairperson must be elected by the directors from amongst the members of the Board.</p> <p>(4) The chairperson, vice-chairperson and directors must hold office until the date of the general election following the date on which they were elected to the Board or until the date on which they may otherwise vacate their offices under</p>	<p><i>Board of Directors of the Council</i> 46.—(1) There shall be a Board of Directors of the Council with a Chairman and two Vice-Chairmen. (2) The directors of the Board shall be— (a) the Chairman; (b) the two Vice-Chairmen; and (c) representatives from each district, who shall be called the ordinary directors. (3) The Chairman and Vice-Chairmen shall be elected by the Council from among the members of the Council.</p>

	<p>subsection (7), whichever is the earlier date.</p> <p>(5) The Chief Executive of the Council must convene a district meeting of the Council immediately following a general election for the purpose of electing the directors of the Board.</p> <p>(6) The Chief Executive of the Council must convene a meeting of the Board immediately after the election of directors for the purpose of electing the chairperson and the vice-chairperson, and the Chief Executive of the Council must preside over that meeting until the chairperson of the Board is elected.</p> <p>(7) The chairperson, vice-chairperson or a director must vacate his or her office—</p> <p>(a) upon ceasing to be a member of the Council;</p> <p>(b) upon resigning from his or her office by notice in writing to the Chief Executive of the Council; or</p> <p>(c) upon the Council passing a resolution dismissing him or her from office as the chairperson, vice-chairperson or director of the Board, as the case may be.</p> <p>(8) Where there is a vacancy in the office of any Board member, another person must be elected in</p>	<p>(4) The representatives on the Council of each district shall elect one ordinary director from among their number to represent that district on the Board.</p> <p>(5) The first Chairman, Vice-Chairmen and ordinary directors shall be elected at the first meeting of the Council, which shall be convened by the Independent Chairman and shall be presided over by the Independent Chairman until the Chairman of the Board is elected.</p> <p>(6) The Chairman, Vice-Chairmen and ordinary directors shall hold office until the date of the general election of members of the Council next following the date on which they were elected to the Board or until the date on which they may otherwise vacate their respective offices under subsection (8), whichever is the earlier date.</p> <p>(7) The Chief Executive of the Council shall convene a meeting of the Council immediately following a general election of members of the Council (other than the first such general election) for the purpose of electing the Chairman, Vice-Chairmen and ordinary directors, and he shall preside over that meeting until the Chairman of the Board is elected.</p> <p>(8) The Chairman, a Vice-Chairman or an ordinary director shall vacate his office—</p> <p>(a) upon ceasing to a member of the Council; or</p> <p>(b) upon resigning his office by notice in writing under his hand addressed to and received by the Chief Executive of the Council; or</p> <p>(c) upon the Council passing a resolution dismissing him from office as the Chairman, Vice-Chairman or ordinary director, as the case may be.</p> <p>(9) Subject to subsection (10), where there is a vacancy in the office of Chairman, Vice-Chairman or ordinary director caused otherwise than by the effluxion of time, another person shall be elected in his place in accordance with whichever of the foregoing provisions of this section is appropriate and, upon being so elected, he shall, subject to subsection (8), hold office until the date of the next general election of members of the Council.</p> <p>(10) An election shall not be held under subsection (9) in respect of any vacancy occurring within three months of the earliest date on which the next general election of members of the Council may be held under this Part.</p>
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	<p>his or her place in accordance with this section and, upon being elected, he or she must, subject to subsection (9), hold office until the date of the next general election.</p> <p>(9) An election must not be held under subsection (8) in respect of any vacancy occurring within 6 months before the next general election.</p>	
<p><i>Section 47 deleted</i> 22. Section 47 of the Principal Act is deleted.</p>	<p><i>Functions and proceedings of the Board</i> 47. The functions and proceedings of the Board must be regulated by regulations.”.</p>	<p><i>Proceedings and functions of the Board</i> 47.—(1) The proceedings and functions of the Board of Directors shall be regulated by Standing Orders approved by the Council. (2) A draft of such Standing Orders shall be submitted to the Council for approval within the three months next following the appointed day.</p>
<p><i>Section 48 amended</i> 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,”.</p>	<p>No Amendment(s)</p>	<p><i>Chief Executive and officers of the Council</i> 48.—(1) There shall be a Chief Executive of the Council, who shall be appointed by the Board of Directors and who shall perform such functions as shall be assigned to him by the Board. (2) The Board of Directors may appoint and employ such officers, servants and agents as it thinks fit for the proper carrying out of the functions of the Council and of the Board of Directors under this Act.</p>
<p><i>Section 49 amended</i></p>		

<p>24. Section 49 of the Principal Act is amended by—</p> <p>(a) deleting subsection (1);</p> <p>(b) deleting “Board of Directors” and substituting with “Council” in subsection(2); and</p> <p>(c) inserting “meetings” after “travelling” in subsection (3).</p>	<p>No Amendment(s)</p>	<p style="text-align: center;"><i>Remuneration and allowances</i></p> <p>49.—(1) The remuneration and allowances payable to the Chairman and Vice-Chairmen of the Board of Directors, in their respective capacities as</p> <hr/> <p>Chairman and Vice-Chairmen of the Council and of the Board, and the remuneration and allowances of the ordinary directors shall be determined by the Council.</p> <p>(2) The remuneration and allowances payable to the Chief Executive of the Council and to the other officers and servants of the Council shall be determined by the Board of Directors.</p> <p>(3) The members of the Council shall be entitled to such allowances in respect of travelling and subsistence expenses as shall be determined by the Council.</p>
<p><i>Section 50 amended</i></p> <p>25. Section 50 of the Principal Act is amended—</p> <p>(a) in the heading by deleting “Commission” and substituting with “Council”;</p> <p>(b) by deleting “or of the Board of Directors” in paragraph(a); and</p> <p>(c) by deleting “appointed under section 43” in paragraph (b).</p>	<p>No Amendment(s)</p>	<p style="text-align: center;"><i>Protection of members, officers and servants of the Commission</i></p> <p>50. Subject to section 55, no act or thing done by—</p> <p>(a) any member of the Council or of the Board of Directors;</p> <p>(b) any member of a committee of the Council appointed under section 43;</p> <p>(c) the person appointed as Chief Executive of the Council or any other officer, servant or agent of the Council,</p> <p>shall, if the act or thing was done <i>bona fide</i> for the purposes of this Act subject him personally to any liability, claim or demand whatsoever.</p>
<p><i>Section 51 amended</i></p> <p>26. Section 51 of the Principal Act is amended by deleting “and of the Board of Directors”.</p>	<p>No Amendment(s)</p>	<p style="text-align: center;"><i>General levies</i></p> <p>51. The Council shall have power to raise a general levy in each year to defray the administrative expenses of the Council and of the Board of Directors.</p>

<p><i>Section 53 amended</i> 27. Section 53 of the Principal Act is amended in subsection (3) by deleting “Board of Directors” and substituting with “Council”.</p>	<p>No Amendment(s)</p>	<p style="text-align: center;"><i>Collection of levies</i></p> <p>53.—(1) A general levy under section 51 and a special levy under section 52 shall be deducted in ascertaining the grower’s share of the proceeds of sale of sugar, molasses and other by-products of sugar as determined under the Master Award 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 and shall be collected by the Council from the Corporation upon the production of a certificate of the Accountant of the Tribunal authorising such deduction to be made.</p> <p>(2) Subject to subsection (3), the Accountant of the Tribunal shall not issue a certificate under subsection (1) unless he is satisfied—</p> <p>(a) in the case of a general levy under section 51, that the levy has been approved by the Council;</p> <p>(b) in the case of a special levy that—</p> <p>(i) the levy is required for the purpose for which the Council has decided to raise the levy; and</p> <p>(ii) the levy has been approved in accordance with subsection (2) of section 52 following a poll held under that subsection.</p> <p>(3) Where the Accountant of the Tribunal, without good cause, fails or refuses to issue a certificate under subsection (1) the Tribunal may direct him to issue the certificate upon written application being made to the Tribunal in that behalf by the Board of Directors.</p>
<p><i>Section 54 amended</i> 28. Section 54 of the Principal Act is amended by deleting “Board of Directors” and substituting with “Council” wherever it appears.</p>	<p>No Amendment(s)</p>	<p style="text-align: center;"><i>Annual report and accounts</i></p> <p>54.—(1) The Board of Directors shall, as soon as may be after the end of each year, furnish the Accountant of the Tribunal with a detailed financial statement for that year certified by the auditor of the Council.</p> <p>(2) The auditor of the Council shall be a chartered accountant in practice in Fiji, whether alone or in partnership, under the authority of a certificate of public practice issued under the Fiji Institute of Accountants Act.</p> <p>(3) The Board of Directors shall submit to the Minister, as soon as may be after the end of each year, a report of the activities of the Council during that year.</p> <p>(4) Copies of the detailed financial statement and report shall be submitted by the Board of Directors to the Minister and laid before Parliament.</p>
<p><i>Section 57 amended</i> 29. Section 57 of the Principal Act is amended—</p> <p>(a) in subsection (1)—</p> <p>(i) paragraph (a) by deleting “Chairperson of the Commission” and substituting with “Industrial Commissioner”;</p> <p>(ii) deleting paragraph (b); and</p>	<p>No Amendment(s)</p>	<p style="text-align: center;"><i>Composition of Mill Area Committees</i></p> <p>57.—(1) A Mill Area Committee shall consist of—</p> <p>(a) a Chairman, who shall be the Chairman of the Commission;</p> <p>(b) the Industrial Commissioner;</p> <p>(c) a member who shall be a full-time employee of the Council appointed by the Board of Directors of the Council to represent the Council;</p> <p>(d) the representatives of registered growers in the mill area of the Committee referred to in subsection (2);</p>

<p>(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”.</p>		<p><i>... recognized trade unions.</i> (2) The Board of Directors of the Council shall appoint— (a) to the Labasa Mill Area Committee, six members from among the registered growers in that mill area to represent those growers on that Committee; (b) to the Lautoka Mill Area Committee, six members from...</p>
<p><i>Section 60 amended</i> 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”.</p>	<p>No Amendment(s)</p>	<p><i>Functions of Mill Area Committees</i> 60. The functions of a Mill Area Committee shall be generally to encourage and promote good relations between persons engaged within the mill area of the Committee in the cultivation and harvesting of cane, the transport of cane to the mill in that area, the crushing of cane and making of sugar at that mill and the transport and storage of sugar made at that mill, and in particular— (a) to assist in removing and obtaining the redress of all legitimate grievances within that area relating to any of the matters referred in the foregoing provisions of this section; (b) to secure the maximum production of cane and sugar in that area within the limits of the mill quotas of cane and sugar for that mill; (c) to advise the Tribunal and the Commission of all matters referred to it by the Tribunal or the Commission, as the case may be; and (d) to assist within that area in the collection, recording and distribution of information about the industry; and (e) to perform such other functions as may be assigned it under this Act.</p>
<p><i>Section 61 amended</i> 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”.</p>	<p>No Amendment(s)</p>	<p><i>Meetings of Mill Area Committees</i> 61.—(1) Subject to the following provisions of this section, the Chairman of the Commission shall preside at all meetings of a Mill Area Committee in his capacity as Chairman of the Committee. (2) In the absence of the Chairman of the Committee any person appointed to act as Chairman of the Commission under subsection (4) of section 5 shall preside at meetings of a Mill Area Committee, and in the absence of both the Chairman of the Committee and of such person, the Industrial Commissioner shall preside at the meeting. <i>... subsequent meeting of the Committee.</i> (7) Subject to the foregoing provisions of this section, the quorum and procedure at such meetings shall be regulated by the Commission.</p>
<p><i>Section 62 amended</i> 32. Section 62 of the Principal Act is amended by deleting “Commission” and substituting with “Tribunal”.</p>	<p>No Amendment(s)</p>	

		<p style="text-align: center;"><i>Allowances</i></p> <p>62. The representative members of a Mill Area Committee shall be entitled to such allowances in respect of travelling and subsistence expenses and loss of remunerative time as shall be determined by the Commission.</p>
<p><i>Section 63 amended</i></p> <p>33. Section 63 of the Principal Act is amended by deleting subsection (3).</p>	No Amendment(s)	<p style="text-align: center;"><i>Financial provisions</i></p> <p>63.—(1) The administrative expenses of a Mill Area Committee, including the allowances paid to the representative members of the Committee, shall, when audited and certified as mentioned in subsection (2), be paid out of, and be a charge on, the proceeds of sale of sugar, molasses and other by-products of sugar as determined in accordance with the Master Award or pending the making of the Master Award, in accordance with a contract of general application in pursuance of the Act of 1961, as having effect by virtue of subsection (1) of section 71.</p> <p>(2) A Mill Area Committee shall keep proper accounts and other records of all moneys received and expended by it, and such accounts shall be audited by a person appointed by the Minister.</p>
<p><i>Section 65 amended</i></p> <p>34. Section 65 of the Principal Act is amended—</p> <p>(a) in subsection (1) by deleting “the Commission,”;</p> <p>(b) by deleting subsection (2) and substituting with—</p> <p>“(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.”;</p> <p>(c) in subsection (3) by deleting “the Commission,”;</p>	No Amendment(s)	<p style="text-align: center;"><i>Consultations and publicity in connection with the preparation of the Master Award</i></p> <p>65.—(1) When preparing the Master Award, the Tribunal shall consult the Commission, the Council and the Corporation with respect to all the provisions which the Tribunal proposes to include in the Master Award.</p> <p>(2) The Commission shall assist the Tribunal in the preparation of the Master Award and shall endeavour to obtain the unanimous agreement of all its members, and the agreement of the Council and the Corporation, to all the provisions proposed by the Tribunal to be included in the Master Award.</p> <p>(3) Subject to subsection (4), after considering the views which may have been expressed in writing by the Commission, the Council or the Corporation in the course of consultations held under subsection (1), the Tribunal shall—</p> <p style="text-align: center;"><i>as provided under this paragraph.</i></p> <p>(4) Subject to subsection (5), the Tribunal, after considering the representations made to it in writing by any person with respect to the draft of the Master Award, after consulting the Commission, the Council and the Corporation with respect to those representations, and after considering the views which may have been expressed in writing by the Commission, the Council or the Corporation on those representations, may, if it considers it desirable or expedient to do so—</p> <p>(a) prepare another draft of the Master Award, incorporating such modifications of the original draft as the Tribunal may think desirable to make having regard to those representations and views;</p>

<p>(d) in subsection (4) by deleting “the Commission,” wherever it appears;</p> <p>(e) in subsection (4A) by deleting “the Commission,”; and</p> <p>(f) in subsection (5)— (i) by deleting “the Commission,”; and (ii) by deleting “Chairperson of the Commission” and substituting with “Minister”.</p>		<p>(5) The Tribunal shall not include in any draft of the Master Award under this section any provision which has not been agreed by the Commission, the Council and the Corporation unless the Tribunal, after consultation with the Chairman of the Commission, is satisfied that no useful purpose would be served in endeavouring to obtain such agreement.</p>
<p><i>Section 66 amended</i> 35. Section 66 of the Principal Act is amended—</p> <p>(a) in subsection (1)— (i) by deleting “the Commission,”; and (ii) by deleting “the Commission,” in paragraph (b)(ii);</p> <p>(b) in subsection (2)— (i) by deleting “the Commission,”; and (ii) by deleting “after consultation with the Chairperson of the Commission,”;</p> <p>(c) in subsection (3)(c) by deleting “the Commission,”;</p> <p>(d) by deleting subsection (8) and substituting with the following new subsection—</p>	<p>No Amendment(s)</p>	<p><i>Public inquiry to be held by the Tribunal with respect to the draft Master Award</i> 66.—(1) After considering any representations made to it in writing with respect to any draft of the Master Award under section 65 and any views which the Commission, the Council or the Corporation may have expressed in writing on those representations or otherwise, the Tribunal shall—</p> <p>(i) all the consultations held by the Tribunal, whether under section 65 or otherwise, in the course of preparing any such draft of the Master Award;</p> <p>(ii) the consideration given by the Tribunal on the views expressed in writing by the Commission, the Council and the Corporation following any such consultations; and</p> <p>(c) inviting objections by any person to be made to the Tribunal at the Inquiry with respect to that draft of the Master Award, and requiring any person intending to make any such objection to furnish the Tribunal, not later than fourteen days before the date specified under paragraph (a) for the holding of the Inquiry, with a statement of the matters to which the objection relates and the grounds on which he intends to make that objection.</p>

<p>“(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.”;</p> <p>and</p> <p>(e) by deleting subsection (10).</p>		<p>(d)</p> <p>(8) The Commission, the Council and the Corporation shall be entitled to be represented at the Inquiry—</p> <p>(a) in the case of the Commission, by the Chairman of the Commission or any other member of the Commission duly authorised in that behalf; and</p> <p>(b) in the case of the Council and the Corporation 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.</p> <p>(e)</p> <p>(10) The Tribunal may, at any time before or during the holding of the Inquiry, remit to the Commission any matter relating to an objection made or intended to be made at the Inquiry for the Commission to inquire into and to report to the Tribunal on its findings with such recommendations as the Commission shall think fit.</p>
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<p><i>Section 67 amended</i></p> <p>36. Section 67 of the Principal Act is amended—</p> <p>(a) in subsection (1) by deleting “the Commission,”;</p> <p>(b) in subsection (2)—</p> <p>(i) by deleting “the Commission,”;</p> <p>(ii) by deleting “after consultation with the Chairperson of the Commission,”; and</p>	<p>No Amendment(s)</p>	<p style="text-align: center;"><i>Procedure after the Inquiry</i></p> <p>67.—(1) Before finally determining the provisions to be included in the Master Award, the Tribunal, after the close of the Inquiry and after taking into consideration the evidence and arguments presented to the Tribunal at the Inquiry, shall consult the Commission, the Council and the Corporation as to the need for, or desirability of, amending the draft of the Master Award prepared under paragraph (a) of subsection (1) of section 66, having regard to that evidence and those arguments.</p> <p>(2) The Tribunal shall not include in the Master Award any provision which has not been agreed by the Commission, the Council and the Corporation unless the Tribunal, after consultation with the Chairman of the Commission, is satisfied that no useful purpose would be served in endeavouring to obtain such agreement.</p> <p>(3) The Tribunal, after considering the views which may have been expressed in writing by the Commission, the Council or the Corporation in the course of consultations held under subsection (1) shall prepare a report—</p> <p>(a) containing a summary of the evidence and arguments presented to it at</p>
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(c) in subsection (3) by deleting “the Commission,” wherever it appears.		
<p><i>Section 69 amended</i> 37. Section 69 of the Principal Act is amended by deleting</p> <p>“the Commission,” wherever it appears.</p>	No Amendment(s)	<p style="text-align: center;"><i>Variation of Master Award</i></p> <p>69.—(1) Subject to subsection (3), the Tribunal shall keep the provisions of the Master Award under review and may, by order, amend any of those provisions. (2) Subject to subsection (3), the Tribunal may exercise its power under subsection (1) of its own motion or on application in writing being made to it in that behalf by the Council or the Corporation. (3) The provisions of sections 65, 66, 67 and 68 shall apply <i>mutatis mutandis</i> in relation to the preparation and making of an order under subsection (1) as they apply in relation to the making of the Master Award. (4) The provisions of subsection (5) of section 64 shall apply <i>mutatis mutandis</i> in relation to an order made under subsection (1) as they apply in relation to the Master Award.</p>
<p><i>Section 79 amended</i> 38. Section 79 of the Principal Act is amended by deleting</p> <p>subsections (4) and (5).</p>	No Amendment(s)	<p>(4) Where an order under subsection (1) has been made in respect of any farm or part of a farm, the Registrar of the Tribunal shall make the appropriate entry in the Register of Growers with respect to that farm or that part of that farm in accordance with section 72 so as to give effect to the order.</p>
<p><i>Section 80 amended</i> 39. Section 80 of the Principal Act is amended by deleting subsection (3).</p>	No Amendment(s)	<p>(3) In the exercise of its powers under this section the Tribunal shall have regard to any policy guidelines relating to new registrations which may be issued from time to time by the Commission.</p>
<p><i>Section 118 amended</i> 40. Section 118 of the Principal Act is amended in subsection (2)(b) by deleting “the Commission,”.</p>	No Amendment(s)	<p>(b) consult the Commission, the Council and the Corporation in the matter, and the Tribunal shall hear all interested persons and organisations so appearing or represented.</p>
No Amendment(s)	<p><i>Section 129A inserted</i> 10. The Principal Act is amended after section</p>	

	<p>129 by inserting the following new section—</p> <p style="text-align: center;"><i>“Regulations</i></p> <p>129A. The Minister may, in consultation with the Tribunal, make regulations to prescribe matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act and generally for the purposes of this Act.”.</p>	<p style="text-align: center;"><i>Rules of the Tribunal</i></p> <p>129.—(1) Subject to subsection (2), the Tribunal may make rules for prescribing anything which may be prescribed under this Act by rules of the Tribunal and for carrying into effect the provisions of this Act relating to the Tribunal, and, in particular, for any of the following matters—</p> <p style="margin-left: 40px;">(a) for regulating the sittings of the Tribunal for the hearing and determination of any proceedings before the Tribunal under this Act;</p> <p style="margin-left: 40px;">(b) for regulating the practice or procedure of the Tribunal; and</p> <p style="margin-left: 40px;">(c) for prescribing the forms to be used in respect of such proceedings.</p> <p>(2) No rules made by the Tribunal under this Act shall be of any effect unless they have been approved by the Chairman of the Judicial and Legal Services Commission.</p>
<p>40 Amendments</p> <p>Passed by the Parliament of the Republic of Fiji this 25th day of August 2015.</p>	<p>13 New Amendments</p> <p>Proposed Amendments to be passed in March 2025</p>	