
Sugar Research Institute of Fiji Act 2005

FIJI ISLANDS

SUGAR RESEARCH INSTITUTE OF FIJI ACT 2005

NO. 14 OF 2005

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NO. 14 OF 2005

I assent.

[L.S.]

J.I. ULUIVUDA
President

[22nd September 2005]

AN ACT

TO ESTABLISH THE SUGAR RESEARCH INSTITUTE OF FIJI FOR THE PURPOSES OF PROMOTING, BY MEANS OF RESEARCH AND INVESTIGATION, THE TECHNICAL ADVANCEMENT, EFFICIENCY AND PRODUCTIVITY OF THE SUGAR INDUSTRY, AND TO PROVIDE FOR ITS FUNCTIONS, POWERS, ADMINISTRATION AND FINANCE AND FOR RELATED MATTERS

ENACTED by the Parliament of the Fiji Islands-

Short title and commencement

1. This Act may be cited as the Sugar Research Institute of Fiji Act 2005, and comes into force on a date appointed by the Minister by notice in the *Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires-

"Board" means the Board of the Sugar Research Institute established by section 5;
"Chief Executive Officer" means the Chief Executive Officer of the Sugar Research Institute appointed under section 10;

"Corporation" means the Fiji Sugar Corporation Limited;
"Council" means the Sugar Cane Growers Council established under the Sugar Industry Act;
"grower" means a registered sugar cane grower under the Sugar Industry Act;
"mills" means the sugar mills owned by the Corporation;
"Sugar Research Institute" means the Sugar Research Institute of Fiji established by section 3;
"Tribunal" means the Sugar Industry Tribunal established under the Sugar Industry Act.

Establishment of the Sugar Research Institute of Fiji

3. This section establishes the Sugar Research Institute of Fiji, as a corporate body with perpetual succession and a common seal, and may-

- (a) sue and be sued;
- (b) acquire, hold, possess or otherwise deal with any property;
- (c) enter into contracts; and
- (d) perform any other act a body corporate may in law do or suffer.

Functions of the Sugar Research Institute

4. The functions of the Sugar Research Institute are-

- (a) to design, develop, monitor and review research programmes and research strategies for the sugar industry;
- (b) to carry out research into any matter relating to the sugar industry;
- (c) to investigate, evaluate the requirements for research or technical and scientific progress and measure the efficiency relating to the growing of sugar cane;
- (d) to provide extension services to cane growers;
- (e) to prevent, control and eradicate pest infestation of sugar cane;

- (f) to arrange for any funds for research required to be carried out under this Act;
- (g) to develop and assist in the development of methods of production, harvesting and processing of sugar cane and by-products;
- (h) to develop a cane quality payment system for the sugar industry;
- (i) to provide training, advice and information to any person concerning any matter relating to the production, harvesting and processing of sugar cane or any other matter relating to the production of sugar cane or sugar by-products;
- (j) to manage and maintain its premises, equipments and other facilities;
- (k) to monitor and improve the quality of sugar cane, sugar and sugar by-products;
- (l) to preserve and enhance the ability of land to sustain sugar cane crops;
- (m) to assist in keeping to a minimum any damage to the environment that may be caused by the activities of the sugar industry;
- (n) to identify diversification opportunities for the sugar industry;
- (o) to carry out field and factory audits to assess performance trends for the benefit of the sugar industry;
- (p) to carry out other functions given to it under this Act or any other written law.

Board of the Sugar Research Institute

5. - (1) This section establishes the Board of the Sugar Research Institute consisting of the following members-

- (a) an independent chairperson;
- (b) two members who are qualified and experienced scientists in the area of sugar research;
- (c) a member nominated by the Corporation;
- (d) a member nominated by the Council;
- (e) a member to represent the Government;
- (f) a member who is qualified and experienced in business.

(2) The Board is the governing body of the Sugar Research Institute, and is vested with the authority to exercise and perform the functions of the Institute.

(3) The Minister has the power to appoint the members of the Board.

(4) A member of the Board may be appointed for a term not exceeding 3 years, and is eligible for reappointment.

Removal and resignation of members

6. - (1) The Minister may, on the recommendation of the Board and after consulting the body that nominates the member, remove that member from office if the member-

- (a) has been adjudged bankrupt or has made a composition with his creditors;
- (b) has been convicted of any offence involving fraud or dishonesty or of a serious nature;
- (c) is absent from 3 successive meetings of the Board without the leave of the Board;
- (d) for any other reason, is unable to perform his duties.

(2) A member of the Board may resign by giving 30 days written notice to the Minister.

Meetings of the Board

7. - (1) The Board must meet at least 4 times a year.

(2) The quorum at a meeting of the Board is 4 members, at least one of whom shall be a member appointed under subsection 5(1)(b).

(3) The Chief Executive Officer must attend the meetings of the Board but has no right to vote on any matter before the Board.

(4) If the Chairperson is absent at a particular meeting, the members present may elect a member to preside at that meeting.

Science Audit Subcommittee

8. - (1) This section establishes the Science Audit Committee consisting of the members of the Board appointed under paragraphs (b), (c) and (d) of section 5(1).

(2) The Audit Committee may co-op other persons, as members of the Committee.

(3) The function of the Science Audit Committee is to monitor and review (including preparation of reports and recommendations) the quality and output of any research carried out by the Institute.

(4) The Science Audit Committee may engage consultants or experts for the purposes of carrying out its functions under this section.

(5) The Board shall appoint one of the members appointed under section 5(b) as the chairperson of the Science Audit Committee, and in his absence, the other member appointed under that section acts as the chairperson.

Other Subcommittees

9. The Board may appoint other Committees for the purposes of assisting the Sugar Research Institute discharge its functions.

Administration of the Research Institute

10. - (1) The Board has the power to appoint, discipline, suspend or dismiss-

(a) a Chief Executive Officer of the Sugar Research Institute;

(b) a Secretary of the Board; and

(c) other senior management officers including consultants, scientists and other experts.

(2) Subject to the directions of the Board, the functions of the Chief Executive are-

(a) to be responsible for the general management and administration of the Sugar Research Institute; and

(b) to perform other functions specified by the Board or conferred upon by this Act or any other written law.

(3) Subject to the directions of the Board, the Chief Executive Officer has the power to appoint, discipline, suspend or dismiss other staff for the purposes of carrying out the day to day functions of the Institute under this Act.

Financial provisions

11. - (1) The Board shall, within 3 months before the end of its financial year approve a budget for the Institute for the following year.

(2) The funds for the approved budget shall be paid to the Institute as follows-

(a) the Government, one third;

(b) the Corporation, one third; and

(c) the growers, one third.

(3) The contribution by the growers and the Corporation shall, with the certification of the Tribunal, be deducted from the sugar proceeds in accordance with the provisions of the Master Award.

(4) The Board shall not exceed the amount specified in the approved budget for any year.

(5) The Board shall endeavour to source funding of any research project and any funds received by the Board are deemed to be approved under subsection (1) and shall form part of its annual budget for that year in respect of that project.

Auditing of accounts and annual reports

12. - (1) The Board shall appoint an auditor to carry out an annual auditing of its accounts and other financial statements.

(2) The Board shall prepare an annual report of the Institute for its operations for the preceding year and submit the report, including its audited accounts to the Minister before 30 July each year.

(3) The Minister shall as soon as practicable after receiving the annual report table it in both Houses of Parliament.

Remuneration and allowances

13. - (1) The Higher Salaries Commission has the power to fix-

- (a) the allowances of members of the Board or a committee appointed under this Act;
- (b) the remuneration and other allowances for the Chief Executive Officer and senior management officers, consultants, scientists or other experts; and
- (c) allowances for the Secretary of the Board.

(2) The Board has the power to fix the remuneration and other allowances for other persons appointed under section 10(3).

Delegation

14. Without prejudice to sections 31A, 31B and 31C of the Interpretation Act, the Board may, by notice in the *Gazette*, delegate-

- (a) to the Chairperson or a member of the Board;
- (b) to a committee of members of the Board;
- (c) to a committee established under this Act;
- (d) to the Chief Executive of the Institute;

any function under this Act.

Regulations

15. The Board may, with the approval of the Minister, make regulations to give effect to the provisions of this Act.

Passed by the House of Representatives this 31st day of May 2005.

Passed by the Senate this 29th day of August 2005.
