



# FIJI REPUBLIC GAZETTE

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## GOVERNMENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI DECREE NO. 18

### SUGAR INDUSTRY (SPECIAL PROTECTION) (AMENDMENT) (NO. 3) DECREE 1991

#### A DECREE TO AMEND THE SUGAR INDUSTRY ACT FOR THE BETTER PROTECTION OF THE SUGAR INDUSTRY, ESTABLISHING OFFENCES AND PRESCRIBING PENALTIES FOR BREACH

In exercise of the powers vested in me as President of the Sovereign Democratic Republic of Fiji and Commander-in-Chief of the Armed Forces, and acting in accordance with the advice of the Prime Minister and the Cabinet, I hereby make the following Decree:

##### *Short title*

1. This Decree may be cited as the Sugar Industry (Special Protection) (Amendment) (No. 3) Decree, 1991.

##### *Interpretation*

2. In this Decree the Sugar Industry Act is referred to as the "principal Act".

##### *Principal Act amended by addition of a new Part (PART X(A))*

3. The principal Act is amended by inserting the provisions of PART X(A) after the end of PART X and before PART XI:

#### "PART X(A)—RESTRICTIONS ON ACTIONS OR OMISSIONS FOR THE PROTECTION OF THE SUGAR INDUSTRY

##### *Application of this Part*

102A For the avoidance of doubt the provisions of this Part (PART X(A)) shall apply notwithstanding the provisions of any other Sections of the principal Act and any other law in force in Fiji.

##### *Statement of duty and responsibility*

102AA It shall be the duty and responsibility of:

- (a) the Board, Commission, Corporation, Council, employees, employers, executive Committee, grower, Mill Area Committees, Officers, Organisations of employees, Organisations of Growers, Organisation of employers, president (in relation to Trade Unions), representative members and Trade Unions; and
- (b) any other person connected with the industry (whether directly or indirectly and whether on a full or part time basis)

not to commit an act or omission either individually or in concert with other persons that would harm or likely to harm, cause substantial financial loss or damage to the industry that will threaten the national economy and the economic life of Fiji.

##### *Offence to interfere with Sugar production*

102AB(1) Any person who does any act or makes any omission the doing or omission of which hinders or is calculated to hinder orderly planting or growing or harvesting of cane, transport of cane to a mill, crushing the cane, making sugar at a mill, or transport, loading, shipping or storing of sugar, which will harm or is likely to harm the industry and the national economy and economic life of Fiji shall be guilty of an offence and shall be liable upon conviction to a fine of \$10,000 or a term of imprisonment of 14 years or to both such fine and term of imprisonment.

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- (2) Any person who counsels, invites or encourages a person to do an act or makes any omission of which hinders and is calculated to hinder the orderly carrying out of the activities specified in Subsection (1) which will harm or is likely to harm the industry and the national economy and economic life of Fiji, shall be guilty of an offence and shall be liable upon conviction to a fine of \$5,000 or a term of imprisonment of 7 years or to both such fine and term of imprisonment.
- (3) When a person is guilty of an offence under this Part is a body corporate, a Trade Union or an organisation whether registered according to law or not every director officer or official of the body corporate, Trade Union or Organisation who authorises or permits the act or omission constituting the offence shall be guilty of the offence and be subject to the same penalty.
- (4) No prosecution for an offence under this Part shall be instituted save by, or with the consent of the Director of Public Prosecutions.
- (5) The High Court, on the application of any interested party in the industry or of the Attorney-General may grant an injunction to restrain any person from continuing an offence under subsection (1) or (2) of this Section, and may do so whether or not such person has been prosecuted or convicted under the subsections."

*Commencement*

4. This Decree shall have effect on the day it is made.

Made the 29th day of May 1991.

PENAIA K. GANILAU  
President of the Sovereign Democratic  
Republic of Fiji and Commander-in-Chief  
of the Armed Forces

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