

COCONUT INDUSTRY DEVELOPMENT AUTHORITY ACT 1998

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ACT NO. 48 OF 1998



I assent.

[L.S.]

K. K. T. MARA
President

[9 November 1998]

AN ACT

TO PROVIDE FOR THE ENCOURAGEMENT, DEVELOPMENT AND REGULATION OF THE COCONUT INDUSTRY, TO ESTABLISH THE COCONUT INDUSTRY DEVELOPMENT AUTHORITY, TO PROVIDE FOR THE ESTABLISHMENT OF A COCONUT INDUSTRY DEVELOPMENT FUND AND FOR RELATED MATTERS

ENACTED by the Parliament of the Fiji Islands—

Part 1—PRELIMINARY

Short title and commencement

1.—(1) This Act may be cited as the Coconut Industry Development Authority Act 1998.

(2) This Act comes into force on a date appointed by the Minister and published in the *Gazette*.

Interpretation

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

“appointed member” means a member of the Authority appointed under section 4(1)(a);

“Authority” means the Coconut Industry Development Authority established by section 3(1);

“coconuts” means mature coconuts or coconuts sold or capable of being sold or used for the same purpose as mature coconuts, with or without husks;

“coconut land” means any land on which the coconut palm is grown, and includes any interest in or any benefit arising out of such land and any leasehold or other interest held by any person in any such land and also any buildings, fixtures, machinery and implements thereon;

“coconut product” means any part or product of the coconut palm, or any product, by-product or waste product obtained by processing any part or product of the coconut palm;

“coconut grower” means any person growing coconut trees for the purpose of selling coconuts or making copra or any coconut products with his own coconuts;

“coconut oil” means oil obtained by any process from coconuts or copra;

“coconut processor” means any person who makes a coconut product by way of trade or business;

“copra” means the kernel of a coconut grown in the Fiji Islands in its dried condition when it has been extracted from the coconut;

“coconut exporter” means any person who exports coconut products from the Fiji Islands;

“coconut trader” means a dealer in coconut products;

“Fund” means the Coconut Development Fund established under section 15;

“member” means a member of the Authority;

“prescribed” means prescribed by regulations made under section 28;

“rules” means rules made under section 29;

“sale” includes a sale by sample or grade and a sale for immediate or future delivery;

“shipper” means a person who transports by sea or air coconuts or coconut products within the Fiji Islands or who obtains shipping facilities to enable another person to export coconut products from the Fiji Islands;

“value added tax” has the meaning assigned to it by the Value Added Tax Decree 1992.

Part II— ESTABLISHMENT AND CONSTITUTION
OF COCONUT INDUSTRY DEVELOPMENT AUTHORITY

*Establishment of the Coconut Industry
Development Authority*

3.—(1) This section establishes the Coconut Industry Development Authority.

(2) The Authority is a body corporate with perpetual succession and a common seal and may sue and be sued in its own name.

(3) The affixing of the seal of the Authority must be authenticated in the manner specified in section 48 of the Interpretation Act (Cap.7) and when so authenticated will be judicially noticed.

Constitution of Authority

4.—(1) The Authority consists of—

- (a) 9 appointed members appointed by the Minister from among persons who appear to the Minister to have had experience and to have shown capacity in coconut growing and processing, the trade and shipping of coconut products, or any other field connected with the coconut industry;
- (b) 2 *ex-officio* members, namely—
 - (i) the Secretary to the Minister, or his or her representative;
 - (ii) the Secretary to the Minister responsible for finance, or his or her representative.

(2) Of the 9 appointed members—

- (a) 5 members must be appointed from among coconut growers of the traditional small-holder sector and the plantations sector;
- (b) 2 members must be appointed to represent the coconut products processing industry; and
- (c) 1 member must be appointed to represent the shipping industry.

(3) The Minister must appoint a Chairman of the Authority from among the 9 appointed members.

(4) The Chairman and every other appointed member of the Authority holds office for 3 years, but the Minister may remove the Chairman or any other appointed member of the Authority from office if the Minister considers it appropriate in the public interest.

(5) The Chairman or any other appointed member of the Authority may resign at any time by notice in writing to the Minister.

(6) A person who ceases to be an appointed member of the Authority is eligible for re-appointment.

Meetings of the Authority, quorum and regulation of procedure

5.—(1) Meetings of the Authority must be held at least once every 3 months and, in addition, as often as is necessary for the purpose of discharging its responsibilities under this Act.

(2) In respect of meetings of the Authority—

(a) the Chairman must preside at all meetings at which he or she is present;

(b) in the absence of the Chairman from any meeting, the members present at the meeting must elect one of the members to preside at the meeting.

(3) 3 members of the Authority excluding the Chairman or other presiding member constitute a quorum.

(4) The Authority may act notwithstanding any vacancy in its number.

(5) In respect of questions for decision by the Authority—

(a) all questions must be decided by a majority of the members voting at a meeting of the Authority;

(b) the Chairman or the presiding member has an original vote on all questions as well as a casting vote if the votes are equally divided.

(6) If an appointed member of the Authority is absent without reasonable cause from 3 consecutive meetings, the Authority may, at a meeting of which notice has been duly given, resolve that the member vacate his office, whereupon the member affected by that resolution ceases to be a member of the Authority.

(7) Subject to other provisions of this Act, the procedure to be followed for the transaction of business at meetings of the Authority is to be determined by rules made by the Authority.

Director-General of Authority

6.—(1) A Director-General of the Authority must be appointed by the Minister for a period determined by the Minister, and is eligible for re-appointment.

(2) The Director-General, if not an officer in Government service, may resign by notice in writing to the Minister.

(3) The Director-General is also the Secretary to the Authority.

(4) The Director-General must be remunerated in a manner and at rates, and will be subject to terms and conditions of service, determined by the Authority.

(5) If an officer in Government service is appointed as Director-General, section 7(3), (4) and (5) apply in relation to the officer.

Appointment of officers, servants and agents

7.—(1) The Authority may appoint such officers, servants and agents as it considers necessary for the efficient exercise, performance and discharge of the functions.

(2) Officers, servants and agents appointed under subsection (1) must be remunerated in a manner, and at rates, and be subject to terms and conditions of service, determined by the Authority.

(3) At the request of the Authority any officer in the government service may, with the consent of that officer and his appointing authority, be temporarily appointed to the staff of the Authority for a period determined by the Authority, or may with like consent be permanently appointed to such staff.

(4) If an officer in Government service is temporarily appointed to the staff of the Authority—

- (a) the officer will be subject to the same disciplinary control as any other member of the staff;
- (b) if at the time of the temporary appointment the officer's substantive post in the government service was a post declared to be pensionable, the officer will while employed by the Authority be treated as absent from duty in government service on leave granted without salary on grounds of policy;
- (c) if at the time of the temporary appointment the officer was a contributor to a provident fund, his or her service to the Authority will be treated as service to the Government and accordingly—
 - (i) the officer remains liable, while employed by the Authority, to make payments to the provident fund; and
 - (ii) in respect of the officer the Authority must pay at the end of each financial year out of the funds of the Authority, to be credited to the officer's account in the provident fund, a sum equivalent to any contribution the Government would be liable to pay to that fund.

(5) If an officer in Government service is permanently appointed to the staff of the Authority—

- (a) he or she is deemed to have left Government service;

- (b) if, at the time of the permanent appointment the officer's substantive post in Government service was a post carrying a pension under rules relating to pensions of Government officers—
- (i) the officer is eligible for such an award under those rules as would have been made if he or she had been retired from Government service on the ground of ill-health on the date of the permanent appointment;
 - (ii) the amount of any award under those rules must not be paid to the officer unless his or her employment with the Authority is terminated by retirement on account of age or ill-health, by the abolition of the post held by him or her in the Authority, or on some other ground approved by the Minister responsible for Finance;
 - (iii) in the event of the officer's death while employed by the Authority, such an award as might have been made in respect of the officer under those rules if he or she had died immediately before the permanent appointment may be made in respect of him or her.

(6) If the Authority employs a person who has entered into a contract with the Government by which he or she has agreed to serve the Government for a specified period, any period of service to the Authority by that person will be regarded as service to the Government for the purpose of discharging the obligations of the contract.

Part III—OBJECTS, FUNCTIONS AND POWERS OF THE AUTHORITY

Objects of the Authority

8. The objects of the Authority are—
- (a) to develop the coconut industry in the Fiji Islands on an integrated basis in order to achieve increased production of coconut lands in the traditional and plantation areas;
 - (b) to enhance the coconut industry's contribution to the life and economic development of the Fiji Islands by rationalisation and modernisation of the processing of coconut products;
 - (c) to encourage and promote the development of a diversified range of coconut products using the coconut kernel, shell, husk and stem and the other parts of the coconut palm in order to enhance the productive efficiency and earning potential of the industry;
 - (d) to foster—
 - (i) research and agricultural extension activities relating to the coconut industry, designed to improve hybrid and other high yielding varieties and their use in planting and replanting;

- (ii) the application of inter-cropping and mixed farming systems in coconut lands;
 - (iii) innovative land-use and land tenure systems and farming techniques in coconut lands;
- (e) to assist in the amelioration of existing regional disparities in income and economic development through a concerted effort to develop the coconut industry in all divisions of the country;
- (f) to create employment opportunities in coconut production, processing, marketing and transporting activities and to upgrade human skills required for the industry;
- (g) to provide an efficient and effective regulatory mechanism for the coconut industry which will promote and safeguard the national interest;
- (h) to procure financial resources from domestic and foreign sources and provide services required for the coordinated development of the coconut industry;
- (i) to take all other measures as may be necessary for, or conducive to, the attainment of the objects specified in this section.

Functions of the Authority

9. For the purpose of fulfilling the objects of the Authority, the Authority has the following functions—

- (a) assisting the Minister in the formulation of policy and in the determination of development priorities in respect of the coconut industry and the economic utilisation of coconut lands;
- (b) developing and assisting in the development of the productivity of coconut land;
- (c) assisting in the promotion and regulation of the cultivation of coconut lands;
- (d) identifying land under coconut suitable for interplanting with other crops including pasture, and promoting, directing and carrying out interplanting programmes on such land;
- (e) promoting and regulating assistance to animal husbandry on coconut lands;
- (f) specifying, popularising, promoting and directing proper cultivation practices in respect of the growing of coconut and other crops on coconut lands;

- (g) conducting and assisting the furthering of scientific research in respect of—
- (i) the growth and cultivation of coconut palms;
 - (ii) the growing of other crops;
 - (iii) engagement in animal husbandry in coconut lands;
 - (iv) the prevention and cure of diseases and pests; and
 - (v) the processing and utilisation of coconut products;
- (h) establishing and maintaining research institutes, experimental stations and nurseries;
- (i) promoting and regulating the manufacture and processing of coconut products;
- (j) promoting new techniques in the processing of coconut products;
- (k) promoting and directing the modernisation of, and assisting in increasing the efficiency of, establishments manufacturing and processing coconut products;
- (l) establishing and maintaining pilot plants for the processing of coconut products and fabricating experimental processing equipment;
- (m) formulating and implementing minimum price schemes and price stabilisation schemes for copra;
- (n) maintaining, promoting and creating demand for coconut products both within and outside the Fiji Islands by—
- (i) advertising;
 - (ii) initiating, financing, supporting and supervising promotional work;
 - (iii) establishing, managing and supervising sales promotion agencies;
 - (iv) organising, assisting and participating in exhibitions and fairs;
 - (v) any other appropriate means;
- (o) conducting market research into all aspects of the transport and marketing of coconut products within and outside the Fiji Islands;
- (p) initiating or encouraging investment in the coconut industry;
- (q) receiving contributions or any form of assistance, financial or otherwise, from any source for the purpose of development of the coconut industry;
- (r) acting as the implementing agency with organizations and bodies outside the Fiji Islands for technical cooperation in the development of the coconut industry.

- (s) training advisory and extension workers to assist the coconut industry;
- (t) promoting cooperative and other forms of collective or communal management and ownership of coconut lands and of establishments for the processing and marketing of coconut products;
- (u) guiding and advising the coconut industry on all matters of a technical nature;
- (v) doing all other things appropriate to the achievement of its objects.

Powers of the Authority

10.—(1) The Authority has the power to do all such acts and take all such steps as may be necessary for, or conducive or incidental to, the performance of its functions.

(2) Without limiting subsection (1), the Authority has the power—

- (a) to acquire and hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of any movable or immovable property;
- (b) to own or manage, or participate in the ownership or management of, or assist in or supervise the management of, any land, property, undertaking or activity connected with the cultivation of coconut or other crops in coconut lands, or the manufacture of or trading in coconut products;
- (c) to enter into and perform or carry out, whether directly or through any officer or agent authorised in that behalf by the Authority, any contract or agreement;
- (d) to appoint, employ, remunerate and control officers, servants and agents;
- (e) to construct, manufacture, purchase, maintain and repair anything;
- (f) to purchase, transport, store and supply any commodity, equipment, or machinery;
- (g) to train, or assist financially the training of, persons;
- (h) to provide services of any kind;
- (i) to levy fees or other charges for services performed, or facilities or equipment provided, by the Authority;
- (j) to provide assistance, including financial assistance through loans, guaranteeing of loans, subsidies and grants, to any co-operative organisation, or any person or body of persons (whether corporate or not) engaged in—
 - (i) the cultivation of coconut or of other crops on coconut lands;

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- (ii) animal husbandry on such lands;
 - (iii) manufacturing or trading in coconut products; or
 - (iv) providing any service, facility, commodity or equipment, or doing any act or thing necessary for, or conducive or incidental to, the performance of the functions of the Authority;
- (k) subject to the limits and procedures laid down by the Minister in consultation with the Minister responsible for finance—
- (i) to acquire shares, stocks or any other interest in any business enterprise incorporated in the Fiji Islands or elsewhere which carries on or proposes to carry on business relating to the coconut industry in the Fiji Islands;
 - (ii) to lend money to any person or organisation in the Fiji Islands or abroad for the purpose of developing the coconut industry in the Fiji Islands;
- (l) to establish and maintain provident funds, gratuity schemes and pension funds, and provide financial assistance, welfare and recreational facilities, houses, hostels and other like accommodation, for persons employed by or serving the Authority.

(3) The Authority may by resolution delegate all or any of its powers (other than the power to make rules and its powers under Part IV and section 30(2)) to the Director General and Part V of the Interpretation Act (Cap. 7) applies to any such delegation as if the Authority were a Minister and the Director General were a public officer.

Records and information

11.—(1) The Authority may, for the purposes of this Act, by rules—

- (a) require any person to maintain accurate records in a form and containing the particulars specified by the Authority;
- (b) require any person to provide, within a specified time, returns, information and explanations on matters within the knowledge of that person;
- (c) require any person to produce or cause to be produced before a specified person any document or other evidence required by the Authority for the purpose of verifying any facts and entered in any record maintained under paragraph (a), or stated in any information or explanation provided under paragraph (b).

(2) A person who fails to comply with a requirement imposed under subsection (1) commits an offence.

(3) If the Authority has made rules under subsection (1), it may in writing authorise a person to enter and inspect, at any reasonable time, any land, building, office, store, factory, shed or premises for the purpose of examining and verifying any records or for the purpose of verifying the particulars provided in any record kept or information or explanation given to the Authority under the rules.

(4) The Authority may in writing authorise a person at any reasonable time to enter any land, building, office, store, factory, shed or premises for the purpose of inspecting and checking stocks of any coconut products.

(5) A person performing a duty under subsection (3) or (4) must carry written authorisation from the Authority and must produce it on request.

(6) A person who obstructs a person performing a duty under subsection (3) or (4) commits an offence.

Disclosure of information

12.—(1) Any particulars obtained by the Authority by virtue of rules made under section 11(3) must be treated as confidential by the Authority and by every member, officer or servant of the Authority, except where the person furnishing such particulars otherwise agrees, or if the disclosure or publication of such particulars is necessary for the purposes of this Act or of any legal proceedings under it.

(2) A person who knowingly discloses or publishes any particulars in contravention of subsection (1) commits an offence.

(3) Nothing in subsection (1) prohibits the disclosure or publication for statistical purposes of facts or figures which make no reference to any particular individual or business.

Registers

13.—(1) The Authority must maintain registers—

(a) of all coconut land and plantations; and

(b) of all licences issued or applied for under section 14.

(2) The Authority must maintain registers—

(a) of all processors and other manufacturers of coconut products;

(b) of all auctioneers and brokers engaged in the purchase and sale of coconut products;

(c) of all traders in and shippers of coconut products.

(3) Every person who is qualified for registration on a register maintained under subsection (2) must apply for registration within 3 months of this Act coming into force, or of becoming so qualified, whichever is the later.

(4) The Authority may—

- (a) prescribe by rules the qualifications, terms and conditions, procedure and annual fee payable for registration in a register kept under subsection (2);
- (b) for good cause, recorded in the register, refuse an application for registration or remove a person from a register;
- (c) restore a qualified person to a register ;
- (d) alter any information contained in a register, if satisfied that it is appropriate to do so.

(5) A person who is dissatisfied with a decision of the Authority under subsection (4) (b) or (c) may appeal to the Minister in the prescribed manner and the Minister, after having received representations from the appellant and from the Authority, may make any decision which the Authority could have made under subsection (4)(b) or (c).

(6) Registration under subsection (2) or removal or restoration of registration under subsection (4) is not conclusive evidence on any question in any civil action in which title to land is in issue.

(7) A person who is not on the appropriate register kept under subsection (2) must not process, manufacture, trade in, ship or engage in the purchase or sale of coconut products.

(8) A person who contravenes subsection (7) commits an offence.

Licensing

14.—(1) The Authority may—

- (a) upon application in the prescribed manner issue licences for the export of coconut products from the Fiji Islands;
- (b) prescribe by rules the qualifications, terms and conditions, procedure and annual fee payable for the application for and issue of such licences; and
- (c) for good cause, which must be recorded in the register kept under section 13(1), refuse to issue a licence, or cancel a licence issued to any person.

(2) A person who is dissatisfied with a decision of the Authority under subsection (1)(c) may appeal to the Minister in the prescribed manner and the Minister, after having received representations from the appellant and from the Authority, may make any decision which the Authority could have made under that subsection.

(3) The Authority may in writing authorise any person to inspect the manufacture, packing, storing, transport and sale of coconut products produced under licence in the Fiji Islands.

(4) A person not licensed under subsection (1) who exports coconut products from the Fiji Islands commits an offence.

(5) A person licensed under subsection (1) who—

- (a) fails without reasonable cause to comply with any provision of this Act or of any regulations made under section 28;
- (b) knowingly maintains false records or provides false returns, information, explanations, or documentary or other evidence; or
- (c) obstructs the Authority in the exercise of the powers conferred on it by subsection (3), commits an offence.

Part IV—COCONUT DEVELOPMENT FUND AND ACCOUNTS OF THE AUTHORITY

Coconut Development Fund

15. There is to be established a fund to be called the Coconut Development Fund for the encouragement, promotion and development of the coconut industry in the Fiji Islands.

Payments into the Fund

16.—(1) The following are to be paid into the Fund—

- (a) all sums of money appropriated from time to time by Parliament for the Fund;
- (b) the proceeds of registration and licence fees imposed under sections 13 and 14;
- (c) the proceeds of value added tax in respect of classes of goods and services specified under section 17;
- (d) the proceeds of the coconut levy collected in the manner set out in section 18;
- (e) any sums of money received by the Authority by way of loans, donations, gifts or grants from any source, whether in or outside the Fiji Islands; and
- (f) all sums of money received by the Authority in the performance functions.

- (2) The Fund must be established at a level sufficient to cover its operations.

Payment of value added tax to the Fund

17. The Minister, with the concurrence of the Minister responsible for Finance, may specify, for the purpose of the Fund, any class or description of manufacture of goods and sale of goods and services, and if the Minister so specifies any manufacture or sale, value added tax collected by the Commissioner of Inland Revenue in respect of that manufacture or sale must be credited to the Fund.

Coconut levy

18.—(1) A levy may be charged on all coconut products traded in the Fiji Islands, at a rate determined by the Authority by order from time to time with the written approval of the Minister and published in the Gazette.

(2) Any levy charged under subsection (1) will be payable on all copra sold to coconut oil makers or exporters and on any other coconut product sold to manufacturers of coconut based products for local consumption or for export.

(3) The levy charged under subsection (1) must be paid by every coconut oil maker, coconut product maker or exporter, as the case may be, direct to the Fund in a manner and at times prescribed the Authority by rules.

(4) A person who fails to pay the levy as required under subsection (4) commits an offence.

Payments out of the Fund

19. All sums of money required to defray any expenditure incurred by the Authority for the purpose of carrying out its objects, or in the performance of functions under this Act or any other written law, are to be paid out of the Fund.

Borrowing powers of Authority

20.—(1) The Authority, with the written approval of the Minister, may borrow from the Government, or from any person or persons, any sums of money necessary for, or conducive or incidental to, any of the functions of the Authority.

(2) A loan raised by the Authority under subsection (1) is subject to the rate or rates of interest and to any conditions for its repayment approved in writing by the Minister.

(3) For the purpose of securing the repayment of any sums borrowed under subsection (1) and the payment of interest on them, the Authority may mortgage or assign to the lender, by or on whose behalf the sum or any part of it is lent, any asset belonging to the Authority and may assign to the lender any right to any sums of money accruing to the Authority.

Exemption from tax and duties

21.—(1) The following are exempt from income tax—

- (a) the profits and income of the Authority;
- (b) any sum paid by the Authority to any person as a subsidy or grant out of the Fund.

(2) If the Authority imports or purchases out of bond any goods other than goods relating to any commercial activity of the Authority, the Minister responsible for finance may, at the request of the Minister, exempt the goods from the payment of any customs duty.

Financial year of the Authority

22. The financial year of the Authority is as determined by the Authority.

Budget of Authority

23.—(1) The annual budget of the Authority must be submitted to the Minister for approval at least 2 months before the start of the relevant financial year and until approved by the Minister in writing is of no effect.

(2) Any amendments to an annual budget must be submitted to the Minister for approval as soon as possible and until approved by the Minister in writing are of no effect.

Accounts of the Authority

24.—(1) The Authority must, in respect of each financial year—

- (a) cause proper accounts of its income and expenditure and of all its other transactions to be kept; and
- (b) prepare an annual statement of accounts and statistics relating to its activities, in a form and containing the particulars determined by the Minister.

(2) The accounts and statistics mentioned in subsection (1) must be sent to the Minister within 8 months after the end of the financial year to which they relate.

Audit of accounts of the Authority

25.—(1) The accounts of the Authority in respect of each financial year must be submitted to the Auditor-General for audit at least 4 months before the end of the financial year.

(2) For the purpose of assisting in the audit of the accounts, the Auditor-General may employ the services of any qualified auditor who must act under the direction and control of the Auditor-General.

(3) For the purpose of meeting the expenses incurred in auditing the accounts of the Authority, the Auditor-General must be paid from the Fund such remuneration as the Minister may, with the concurrence of the Minister responsible for finance, determine, and any remuneration received by the Auditor-General under this subsection must be used to pay any qualified auditor employed under subsection (2).

(4) The Auditor-General and any person assisting in the audit of the accounts of the Authority must—

- (a) have access to all books, deeds, contracts, accounts, vouchers and other documents of the Authority which Auditor-General considers necessary for the purpose of the audit; and
- (b) be given by the Authority or by any of its officers all relevant information and explanations within their knowledge.

Auditor-General's Report

26.—(1) The Auditor-General must examine the accounts of the Authority and furnish a report—

- (a) stating whether he or she obtained all the information and explanations required;
- (b) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Authority; and
- (c) drawing attention to any item in the accounts which in his opinion may be of interest to Parliament in any examination of the activities and accounts of the Authority.

(2) The Auditor-General must transmit his report to the Authority together with the audited accounts within 4 months of the receipt of the accounts by him.

Statement by the Authority

27.—(1) The Authority must, on the receipt of the audited accounts and the Auditor-General's report each year, transmit the report and accounts, together with a statement by the Authority of its activities and performance during the financial year to which the report relates, to the Minister, who must cause copies of them to be laid before Parliament within 10 months after the end of the financial year to which the accounts relate.

(2) The statement by the Authority referred to in subsection (1) must—

- (a) contain appropriate statistics and information relating to the coconut industry and to the state of the coconut and allied industries in the Fiji Islands and the world; and
- (b) be prepared in a manner approved by the Minister.

Part V—GENERAL

Regulations

28.—(1) The Minister, after consulting the Authority, may make regulations for the purpose of carrying out or giving effect to the provisions of this Act.

(2) Without limiting sub-section (1), the Minister may make regulations in respect of all or any of the following matters—

- (a) the cultivation and methods of cultivation of prescribed coconut lands;
- (b) with the concurrence of the Minister responsible for lands and the Minister responsible for Fijian Affairs, the utilization of land in prescribed coconut lands, including its utilization for other crops and for animal husbandry;
- (c) the manufacture, packing, storing transport and sale of any coconut product;
- (d) standards of quality to which all manufacturers or shippers of a specified coconut product must conform;
- (e) the grading of copra and the appointment of official graders;
- (f) exemptions from all or any of the provisions of this Act for a class or classes of coconut product or coconut producer;
- (g) the fees and forms for licences issued under this Act;
- (h) the manner in which manufacturers of a specified coconut product must efficiently dispose of waste;
- (i) for the inspection, supervision, regulation and control of factories, stores, yards, buildings, premises, equipment and machinery used or to be used for the manufacture, packing and storing of any coconut product;
- (j) the methods, techniques, processes and equipment to be used by all manufacturers of a specified coconut product;
- (k) the cultivation of land with coconut, and the cultivation and utilization of any coconut land on a collective or communal basis;
- (l) assigning to the Authority the function and power of enforcing any of the regulations made under this section;

- (m) all matters which are required by this Act to be prescribed by regulation, or in respect of which regulations are required to be made;
- (n) all matters incidental to or connected with the matters referred to in this subsection.

(3) Regulations made under this section may prescribe a penalty for a breach of the regulations not exceeding a fine of \$200.

(4) Regulations made under this Act may, with the approval of the Minister, empower the Authority to make rules in relation to any matter prescribed by the regulations, but not including penalties for a breach of the rules.

Power to make rules

29. The Authority may, with the approval of the Minister, make rules in respect of all or any of the matters for which rules are authorised or required by or under this Act to be made, but not including penalties for a breach of the rules.

Penalties

30.—(1) A person who commits an offence under this Act is liable on conviction to a fine of \$200 for a first offence and \$500 for a second or subsequent offence.

(2) If a person is convicted on more than one occasion of an offence under section 14(4) or (5), the Authority may cancel the person's licence, or suspend it for a period of up to 12 months.

(3) Before taking action under subsection (2) the Authority must in writing notify the licence holder of the intended action and give him or her an opportunity to make oral or written representations if he or she so wishes.

*Protection for action taken under this Act or
on the direction of the Authority*

31.—(1) No action or prosecution may be brought-

- (a) against the Authority for any act which in good faith is done or purports to be done by the Authority under this Act; or
- (b) against any member, officer, servant or agent of the Authority for any act which in good faith is done or purports to be done under this Act or on the direction of the Authority.

(2) Expenses incurred by the Authority in any action or prosecution brought by or against the Authority before any court are to be paid out of the Fund, and any costs paid to, or recovered by, the Authority in any such action or prosecution must be credited to the Fund.

(3) Any expense incurred by a person referred to in subsection (1)(b) in any action or prosecution brought against him before a court in respect of any act which is done or purports to be done under this Act or on the direction of the Authority must, if the court holds that the act was done in good faith, be paid out of the Funds, unless the expense has been advanced to the person by the Authority or is recovered by him in the action or prosecution.

(4) A writ against a person or property in an action brought against the Authority must not be issued against a member of the Authority personally.

*Authority to take over business of the Coconut Board and
Coconut Advisory Council*

32.—(1) Upon the commencement of this Act, the functions, assets and liabilities of the Coconut Board and of the Coconut Advisory Council established under the Coconut Industry Act (Cap. 152) vest in the Authority.

(2) Every employee of the Coconut Board who loses employment as a consequence of the vesting effected by subsection (1) must be offered employment by the Authority upon terms and conditions no less favourable than those enjoyed by the employee before the vesting.

(3) Regulations may be made under section 28 in respect of any unforeseen or special circumstances, or for determining or adjusting any question or matter that may directly or indirectly arise, in connection with the carrying out of subsections (1) and (2).

Additional powers of the Minister

33.—(1) The Minister may, from time to time, give the Authority in writing general or special directions as to the exercise of the powers and the performance of the duties of the Authority and such directions must be carried out by the Authority.

(2) If, in the operation of this Act, any case arises in which, in the opinion of the Minister, substantial hardship is likely to be caused to any person by reason of an unintentional failure on the part of such person to observe any formality prescribed by this Act or by any regulations under it, the Minister may give any written directions needed to mitigate or prevent the hardship.

Repeal

34.—(1) The Coconut Industry Act (Cap. 152) is repealed.

(2) To avoid doubt, it is declared that section 19 of the Interpretation Act (Cap. 7) applies to subsidiary legislation made under the Act repealed by subsection (1).

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Passed by the House of Representatives this 13th day of October 1998.

Passed by the Senate this 28th day of October 1998.