

# **Agricultural Marketing Authority Act 2004**

**FIJI ISLANDS**

## **AGRICULTURAL MARKETING AUTHORITY ACT 2004 ACT NO. 2 OF 2004**

I assent

J.I. ULUIVUDA  
President

[9 March 2004]

### **AN ACT**

#### **FOR AN ACT TO ESTABLISH THE AGRICULTURAL MARKETING AUTHORITY, TO FACILITATE THE PURCHASE, SALE AND EXPORTATION OF AGRO-PRODUCE AND FOR RELATED MATTERS**

**ENACTED** by the Parliament of the Fiji Islands -

#### *Short title and commencement*

1. (1) This Act may be cited as the Agricultural Marketing Authority Act 2004.
- (2) This Act 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-

"agro-input" includes any farm implement, machinery, fertilizer or pesticide;  
"agro-produce" includes root crop, vegetable, fruit, live animal, handicraft and any other types of plant product, animal product, marine product or aqua product;  
"Authority" means the Agricultural Marketing Authority established by section 3;  
"Chief Executive" means a Chief Executive appointed under section 9;  
"collection centre" means a centre declared under section 8.

#### *Establishment of Authority*

3. - (1) This section establishes the Agricultural Marketing Authority as a body corporate with perpetual succession and a common seal, and may sue and be sued.

### *Powers and functions of the Authority*

4. (1) The Authority may-

- (a) acquire property, hold or dispose of properties, enter into contracts, and mortgage, pledge, sell or otherwise encumber or dispose of its property;
- (b) invest, lend money or raise loans;
- (c) export agro-produce;
- (d) in special circumstances and with the approval of the Minister, import agro-produce;
- (e) import agro-input;
- (f) do any other thing that a legal person can do in connection with its functions.

(2) The functions of the Authority are-

- (a) to assist the producers of agro-produce on marketing of their products;
- (b) to identify markets for and to facilitate and develop marketing of agro-produce;
- (c) to purchase, sell and export and import agro-produce or import agro-input; and
- (d) to do any other thing necessary to properly carry its functions and powers under this Act.

### *Establishment and composition of the Board*

5. - (1) This section establishes the Board of the Authority comprising of-

- (a) a Chairperson;
- (b) the Chief Executive Officer responsible for Agriculture; and
- (c) 3 other members,

appointed by the Minister.

(2) The persons to be appointed as Chairperson and 3 other members must have experience in business, commerce, marketing, finance or management.

(3) The Chairperson and the members who are not public officers may be appointed for a term of up to 3 years and are eligible for re-appointment for a further term of up to 2 years.

(4) The Chairperson and the members who are not public officers are entitled to remuneration or allowances fixed by the Minister.

(5) The Chairperson and the members who are not public officers may resign by giving 30 days written notice prior to the date of resignation.

(6) The Minister may remove the Chairperson or any of the members who are not public officers for good cause, including bankruptcy or non-attendance without leave of the Board at 3 consecutive meetings of the Board.

### *Functions and powers of Board*

6. - (1) The Board is the governing body of the Authority and is responsible for the performance of the functions and powers conferred on the Authority by this Act or any other written law.

(2) The Board may appoint special committees to examine and advise the Board on any particular matter in relation to the functions of the Authority.

### *Meetings of Board*

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

(2) A quorum at a meeting of the Board is 3 members.

(3) The Chairperson or the member presiding has an original and a casting vote.

(4) A member of the Board who has an interest in a matter before the Board must declare his or her personal interest to the Board and may take part in the discussion but must not vote on the matter.

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

(6) Subject to other provisions of this section, the Board may regulate its own procedure.

### *Collection centres*

8. (1) The Board may, in consultation with the Minister, declare an area or premises to be a collection centre for purposes of this Act, by order in the *Gazette*.

(2) The Board must ensure that a collection centre complies with -

(a) the Health and Safety at Work Act or any other written law relating to health and safety standards; and

(b) the Food Safety Act or any other written law, relating to the quality, storing, handling or transporting of any agro-produce.

(3) The manager of a collection centre may-

(a) inspect any agro-produce that is brought to the collection centre;

(b) refuse to purchase or sell or refuse to accept for export, any agro-produce if the produce is unfit for human consumption, damaged or unmarketable;

(c) dispose for other use any agro-produce that is not purchased or sold or unfit for human consumption;

- (d) collate information from a buyer, seller or supplier in relation to an agro-produce or agro-input; and
- (e) take or obtain a sample of any agro-produce for testing, educational or experimental purposes.

*Appointment of Chief Executive and other employees*

9. - (1) The Board may, after consulting the Minister, appoint a Chief Executive of the Authority.
- (2) The Chief Executive is responsible for the overall administration of the Authority subject to the directions of the Board.
- (3) The Chief Executive is entitled to remuneration and allowances determined by the Higher Salaries Commission.
- (4) The Board may appoint a person to manage a collection centre, subject to terms and conditions (including remuneration and allowances) imposed by the Board.
- (5) The Board may appoint and employ other persons for the purposes of this Act, subject to terms and conditions (including remuneration and allowances) made by the Board.

*Exemption from liability*

10. No member of the Board or a committee or any person appointed or authorised under this Act, is personally liable for any act or default done or omitted to be done in good faith in the course of carrying out or exercising any power or function under this Act.

*Finances, etc*

11. - (1) The funds of the Authority consist of-
- (a) money appropriated for the purposes of this Act by Parliament;
  - (b) money paid to the Board by purchasers of its services or agro-produce;
  - (c) any donation or contribution;
  - (d) any money borrowed or invested by the Board;
  - (e) interest on investments; and
  - (f) any other money received by or on behalf of the Authority.
- (2) The Chief Executive is the Chief Accounting Officer of the Authority.
- (3) The Authority must have a corporate plan and a strategic plan for its operations to be approved by the Minister.
- (4) The Auditor General must audit the annual accounts and other books of accounts of the Authority and prepare a report on such accounts.

(5) The Board may borrow money with the approval of the Minister, after consultation by the Minister with the Minister responsible for Finance.

*Annual report*

12. - (1) The Board must prepare and submit to the Minister within 6 months after the start of each financial year its annual report (including the Auditor-General's report) for the preceding financial year.

(2) The annual report must be tabled by the Minister in both Houses of the Parliament as soon as practicable after the Minister receives the report.

(3) The Board must prepare and submit to the Minister any information, which the Minister requires relating to the functions or activities of the Authority.

*Power to give directions*

13. The Minister may, after consulting the Board, give specific or general policy directions to the Board.

*Power to delegate*

14. The Board may delegate to the Chief Executive Officer or other senior officers of the Authority any of its functions under this Act except its power under this section.

*Regulations*

15. The Minister may make Regulations for any matter necessary to give effect to this Act.

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Passed by the House of Representatives this 9<sup>th</sup> day of February, 2004.

Passed by the Senate this 1<sup>st</sup> day of March, 2004.