

BILL NO. 16 OF 2017

A BILL

FOR AN ACT TO AMEND THE WATER RESOURCE TAX ACT 2008

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Water Resource Tax (Budget Amendment) Act 2017.

(2) This Act comes into force on 1 August 2017.

(3) In this Act, the Water Resource Tax Act 2008 is referred to as the “Principal Act”.

Section 5 amended

2. Section 5(1) of the Principal Act is amended by deleting “appropriate rate under the Schedule” and substituting “rate or rates prescribed by regulations made under this Act”.

Section 13 amended

3. Section 13(3) of the Principal Act is amended by deleting “\$10,000” and substituting “\$25,000 or to imprisonment for a term not exceeding 10 years or to both”.

Section 14 amended

4. Section 14(2) of the Principal Act is amended by deleting “\$10,000” and substituting “\$25,000 or to imprisonment for a term not exceeding 10 years or to both”.

Section 14A amended

5. Section 14A(3) of the Principal Act is amended by deleting “\$10,000” and substituting “\$25,000 or to imprisonment for a term not exceeding 10 years or to both”.

Section 15 amended

6. Section 15 of the Principal Act is amended by—

(a) in paragraph (e), deleting “and is liable on conviction to a fine not exceeding \$10,000, or to imprisonment for a term not exceeding 10 years, or to both.”; and

(b) after paragraph (e), inserting the following—

“and is liable on conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 10 years or to both.”.

Section 16 amended

7. Section 16 of the Principal Act is amended by—

(a) in paragraph (b), deleting “and is liable on conviction to a fine not exceeding \$10,000.” and substituting “,”; and

(b) after paragraph (b), inserting the following—

“and is liable on conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 10 years or to both.”.

Section 17 amended

8. Section 17 of the Principal Act is amended by—

(a) in paragraph (d), deleting “and is liable on conviction to a fine not exceeding \$10,000, or to imprisonment for a term not exceeding 2 years, or to both.”; and

(b) after paragraph (d), inserting the following—

“and is liable on conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 10 years or to both.”.

Section 18 amended

9. Section 18 of the Principal Act is amended by—

(a) before “is liable”, inserting “and”;

(b) deleting “\$10,000,” and substituting “\$25,000”; and

(c) after “10 years”, deleting “,”.

Section 20 amended

10. Section 20(3) of the Principal Act is amended by—

(a) in paragraph (b), deleting “is liable on conviction to a fine not exceeding \$10,000.” and substituting “,”; and

(b) after paragraph (b), inserting the following—

“and is liable on conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 10 years or to both.”.

Schedule deleted

11. The Principal Act is amended by deleting the Schedule.

June 2017

WATER RESOURCE TAX (BUDGET AMENDMENT) BILL 2017

EXPLANATORY NOTE

(This note is not part of the Bill and is only intended to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Water Resource Tax Act 2008 (**‘Act’**) provides for the imposition of tax on the extraction of water resources.
- 1.2 The Water Resource Tax (Budget Amendment) Bill 2017 (**‘Bill’**) amends the Act to introduce certain policy changes introduced by the 2017-2018 Budget.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on 1 August 2017.
- 2.2 Clause 2 of the Bill amends section 5 of the Act so that the rate or rates of water resource tax are prescribed by regulations.
- 2.3 Clauses 3 to 10 of the Bill amend sections 13, 14, 14A, 15, 16, 17, 18 and 20 of the Act to increase the maximum fine from \$10,000 to \$25,000 and, as applicable, to include or increase the maximum term of imprisonment to 10 years.
- 2.4 Clause 11 of the Bill deletes the Schedule to the Act.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Minister responsible for finance.

A. SAYED-KHAIYUM
Attorney-General