



**PRACTICE STATEMENT
NO. 32/2016**

SUBJECT:	Fiji Revenue and Customs Authority: Tax Compliance Certificate
EFFECTIVE DATE	1 ST January 2016
CONFIDENTIALITY STATUS:	May be released to public
LEGISLATIVE REFERENCES:	Section 74A – 74E <i>Tax Administration Decree 2009</i>
PRACTICE CO-ORDINATOR:	National Manager Debt Management Services, Lodgment Enforcement & Objections Review

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INTRODUCTION

1. This statement sets out the practice of the Fiji Revenue & Customs Authority (FRCA) in relation to the administration of requests for Tax Compliance Certificates (TCC). It is issued with the authority of the Chief Executive Officer of FRCA.
2. A TCC is required for public sector tenders or expression of interest for the supply of goods and services for any government and public sector business contract and registration of any government permit or license applications. It serves as a confirmation from FRCA that a person's tax matters are satisfactory at the time the certificate is issued.
3. It may also be issued upon request to any applicant whose tax affairs are in order and who requires a TCC for personal reasons e.g. for loans, travel visas, employment, migration etc.

LEGISLATIVE BASIS

4. The requirements and procedures for obtaining a TCC are set out in Sections 74A – 74E of the *Tax Administration Decree, 2009*. (Refer Attachment 1)

GUIDELINES FOR APPLICATION

5. Applications must be made on the “*Application Form for Tax Compliance Certificate for Companies and Individuals*”. This can be downloaded from our website: <http://www.frca.org.fj/tax-compliance-certificate/> or obtained from any of our FRCA Customer Service Centers Fiji wide.
6. To assist in timely processing, applicants should ensure that their Tax Identification Numbers (TIN) and other information required on related parties (e.g. TINs of related parties where required are correct and their tax affairs up to date).

APPROVAL PROCESS

7. The completed Application Forms can be sent to FRCA by post or email or submitted to any FRCA Customer Enquiry Centre.

TCC VALIDITY PERIOD

8. A TCC that is issued to meet the public sector tender/license requirements is valid for one year from the date of issue.

9. For other cases, the validity period will depend on the applicant's level of tax compliance.

Example 1- An application is received from Mr. X dated 17th April 2016. Mr. X's tax affairs are up to date and he is given a TCC valid till 31.12.2016

Example 2 - Ms. Toddler applies for a TCC on 30th May 2016. Her tax arrears is \$2500 and she has entered into arrangements to pay the tax in three monthly installments. She is issued a TCC valid till 30th August 2016.

REFUSAL

10. The CEO may refuse an application that does not meet the requirements

Example: A.1 Ltd applies for a TCC on 24th March 2016. A1's tax arrears is \$7500 and returns for the tax years 2013 and 2015 are overdue. The application is refused under section 74D.

APPEALS

11. An applicant can appeal against the CEO's decision to refuse a TCC. Application in writing to the Objections Review Team must be lodged within 30 days of the notification of a refusal. The application must state the grounds for appeal.

REVOCATION

12. Where an applicant is no longer compliant with their tax obligations (e.g. information provided is found to be incorrect, incomplete or where payment/lodgment arrangements are not honored, the TCC can be revoked.

ATTACHMENT 1

"74A. Any resident person who—

- (a) submits an Expression of Interest or tender to supply goods and services for any government or public sector business contract; or*
- (b) applies for any registration, permit or license from any government ministry or entity, must submit a Tax Compliance Certificate issued by the Chief Executive Officer, attached to his or her documents, unless exempted by the Minister in writing.*

Application

- 74B. A person may apply to the Chief Executive Officer for a Tax Compliance Certificate in the approved form and the application must be accompanied by any other*

information required.

Issuance of Tax Compliance Certificate

74C.—(1) The Chief Executive Officer shall issue a Tax Compliance Certificate to a person, if the Chief Executive Officer is satisfied that the person has fulfilled relevant obligations to lodge outstanding tax returns and pay tax due to the State.

(2) A Tax Compliance Certificate is proof of tax compliance for the requirements of any tax law specified in the Second Schedule and is valid for one year from the date of issue.

Refusal

74D. A person may be refused a Tax Compliance Certificate, if—

(a) a return required under a relevant law specified in the Second Schedule; or

(b) any tax liability under any tax law,

is outstanding.

Revocation

74E. The Chief Executive Officer may revoke a Tax Compliance Certificate issued under this Decree, if an applicant at the time of making the application, knowingly furnished particulars that are found to be either materially incomplete or false.”

ATTACHMENT 2



TAX COMPLIANCE CERTIFICATE

“SAMPLE”

TIN:

Name:

Address:

In accordance with Section 74C of the Tax Administration Decree 2009, the above taxpayer has duly satisfied its tax obligations and has made satisfactory arrangements in compliance with lodgment and payment requirements for taxation as at the date of this certificate.

This Tax Compliance Certificate is valid until 31st December 20XX.

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for Commissioner of Inland Revenue

End of PS

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