

BILL NO. 8 OF 2024

A BILL

FOR AN ACT TO AMEND THE TAX ADMINISTRATION ACT 2009

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Tax Administration (Budget Amendment) Act 2024.

(2) This Act comes into force on 1 August 2024.

(3) In this Act, the Tax Administration Act 2009 is referred to as the “Principal Act”.

Section 30 amended

2. Section 30(7) of the Principal Act is amended by deleting “10 consecutive days” wherever it appears and substituting “30 consecutive days”.

Section 33 amended

3. Section 33 of the Principal Act is amended by—

(a) in subsection (1)(a) after “law”, inserting “, other than water resource tax or tax imposed by the Airport Departure Tax Act 1986”; and

(b) after subsection (5A), inserting the following new subsection—

“(5B) The forfeited refund under subsection (5A) can be used to offset a taxpayer’s tax debt and penalty after which the balance of refund will remain forfeited.”.

Section 36A inserted

4. The Principal Act is amended after section 36 by inserting the following new section—

“Collection of bulk information

36A. The CEO may, for the purposes of this Act, collect bulk information in accordance with prescribed regulations.”.

Section 46C inserted

5. The Principal Act is amended after section 46B by inserting the following new section—

“Penalty in case of VAT evasion

46C.—(1) Any registered person under the Value Added Tax Act 1991 who—

- (a) makes a statement to a tax officer that is false or misleading in a material particular or omits from a statement made to a tax officer any matter or thing without which the statement is false or misleading in a material particular;
- (b) evades, or does any act with intent to evade, the payment of any amount of tax payable (the amount referred to as “deficient tax”);
- (c) causes, or does any act with intent to cause, the refund to that person by the CEO of an amount in excess of the amount properly so refundable to that person; or
- (d) defaults in the performance of any duty imposed upon that person by the Value Added Tax Act 1991 or regulations made under the Value Added Tax Act 1991 with intent to—
 - (i) evade the payment of any deficient tax; or
 - (ii) cause the refund to that person by the CEO of an amount in excess of the amount properly refundable to that person,

is liable for a penalty equal to 200% of the deficient tax.

(2) No false or misleading statement penalty applies in the circumstances specified in section 46(5).

(3) Section 46(6) applies in determining whether a person has made a statement to a tax officer.”.

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June 2024

TAX ADMINISTRATION (BUDGET AMENDMENT) BILL 2024

EXPLANATORY NOTE

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

1.0 BACKGROUND

- 1.1 The Tax Administration (Budget Amendment) Bill 2024 (**‘Bill’**) seeks to amend the Tax Administration Act 2009 (**‘Act’**) to provide for the 2024-2025 budgetary policy changes.

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 2024.
- 2.2 Clause 2 of the Bill amends section 30 of the Act to increase the period for seizure and detainment of non-perishable goods from 10 consecutive days to 30 consecutive days to assist with the handling of non-perishable goods in detainment.
- 2.3 Clause 3 of the Bill amends section 33 of the Act to allow any forfeited refund to be used to offset a taxpayer’s debt and penalty with the balance of the forfeited refund to remain forfeited. Clause 3 of the Bill also seeks to exclude offsetting water resource tax and tax imposed by the Airport Departure Tax Act 1986.
- 2.4 Clause 4 of the Bill amends the Act by inserting section 36A which empowers the CEO to collect bulk information for the purposes of the Act, in accordance with procedures prescribed under regulations.
- 2.5 Clause 5 of the Bill amends the Act by inserting section 46C which imposes a penalty equal to 200% of the deficient tax.

3.0 MINISTERIAL RESPONSIBILITY

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

G. E. LEUNG
Attorney-General