

# BILL NO. 17 OF 2017

## A BILL

### FOR AN ACT TO AMEND THE SUPERYACHT CHARTER ACT 2010

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

**1.**—(1) This Act may be cited as the Superyacht Charter (Budget Amendment) Act 2017.

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

(3) In this Act, the Superyacht Charter Act 2010 is referred to as the “Principal Act”.

*Section 2 amended*

**2.** Section 2 of the Principal Act is amended by—

(a) deleting the definition of “superyacht charter fee”; and

(b) inserting the following new definition—

““Environment and Climate Adaptation Levy” means the levy prescribed under section 2 of the Environment and Climate Adaptation Levy Act 2015 and charged on the gross charter fee which is payable to the Government of the Republic of Fiji in Fijian dollars as set out in the Schedule;”.

*Section 6 amended*

- 3.** Section 6(b) of the Principal Act is amended after “fees” by inserting “, levies”.

*Section 14 amended*

- 4.** Section 14 of the Principal Act is amended by deleting “must, pay the superyacht charter fee as mentioned in the Schedule to the Fiji Revenue and Customs Authority” and substituting “must pay the Environment and Climate Adaptation Levy, as set out in the Schedule, to the Fiji Revenue and Customs Authority”.

*Section 15 amended*

- 5.** Section 15 of the Principal Act is amended by —
- (a) in paragraph (b) after “fee”, inserting “or levy”;
  - (b) in paragraph (f) after “;”, deleting “or”; and
  - (c) in paragraph (g) after “;”, inserting “or”.

*Section 17 amended*

- 6.** Section 17 of the Principal Act is amended by deleting “one year” and substituting “a term not exceeding 10 years”.

*Section 18 amended*

- 7.** Section 18 of the Principal Act is amended by deleting “one year” and substituting “a term not exceeding 10 years”.

*Section 19 amended*

- 8.** Section 19 of the Principal Act is amended by deleting “one year” and substituting “a term not exceeding 10 years”.

*Section 20 amended*

- 9.** Section 20 of the Principal Act is amended by deleting “one year” and substituting “a term not exceeding 10 years”.

*Schedule amended*

- 10.** The Schedule to the Principal Act is amended by —
- (a) deleting “SUPERYACHT CHARTER FEE” and substituting “ENVIRONMENT AND CLIMATE ADAPTATION LEVY”; and
  - (b) deleting “Superyacht Charter Fee @ 12.5%” and substituting “Environment and Climate Adaptation Levy, as prescribed”.

*Principal Act amended*

- 11.** The Principal Act is amended by deleting “superyacht charter fee” and “Superyacht Charter Fee” wherever they appear and substituting “Environment and Climate Adaptation Levy”.

*Office of the Attorney-General  
Suvavou House  
Suva*

*June 2017*

## **SUPERYACHT CHARTER (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 Superyacht Charter (Budget Amendment) Bill 2017 (**‘Bill’**) seeks to amend the Superyacht Charter Act 2010 (**‘Act’**).

#### **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 2 of the Act by deleting the definition of “superyacht charter fee” and inserting a new definition for “Environment and Climate Adaptation Levy”.

2.3 Clauses 3, 5, 10 and 11 of the Bill amend the Act to accommodate the change from a superyacht charter fee to the Environment and Climate Adaptation Levy.

2.4 Clause 4 of the Bill amends section 14 of the Act to correct a minor grammatical error.

2.5 Clause 6 of the Bill amends section 17 of the Act to increase the penalty for the offence of knowingly submitting misleading or deceptive documents to the Chief Executive Officer. The current penalty for this offence includes imprisonment for one year and the Bill increases this to a maximum of 10 years.

2.6 Clause 7 of the Bill amends section 18 of the Act to increase the penalty for the offence of breaching superyacht charter permit conditions. The current penalty for this offence includes imprisonment for one year and the Bill increases this to a maximum of 10 years.

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2.7 Clause 8 of the Bill amends section 19 of the Act to increase the penalty for recognised superyacht agents who commit the offence of operating on behalf of a vessel owner or assisting in the operation of a superyacht in Fiji waters without a vessel or superyacht charter permit. The current penalty for this offence includes imprisonment for one year and the Bill increases this to a maximum of 10 years.

2.8 Clause 9 of the Bill amends section 20 of the Act to increase the penalty for recognised superyacht agents who commit the offence of advertising a superyacht charter or engaging in a charter without complying with certain requirements under the Act. The current penalty for this offence includes imprisonment for one year and the Bill increases this to a maximum of 10 years.

**3.0 MINISTERIAL RESPONSIBILITY**

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

A. SAYED-KHAIYUM  
Attorney-General