



Water Resource Tax (Budget Amendment) Bill 2017

Bill No. 16 of 2017

Introduction

The **Water Resource Tax (Budget Amendment) Bill 2017** ('Bill') seeks to amend the *Water Resource Tax Act 2008* ('the principal Act').

Objectives, scope and intent of the Bill

This Bill amends the principal Act so that the rate (or rates) of water resource tax are prescribed by regulations. According to the 2017-18 Budget Supplement, proceeds from water resource tax amounted to \$41.7 million in the FY 2015-2016 million and are projected to rise to \$59.7 million in the FY 2016-2017. Collections for the FY 2017-2018 have been budgeted at \$69.9 million. The Bill also increases the penalties for some offences.

Summary of provisions

Clause 1 provides that the legislation will come into force on 1 August 2017.

Clause 2 amends section 5(1) of the principal Act as follows (deletions are struck out, amendments are in bold):

Levy and payment of water resource tax

5(1). Subject to the provisions of this Act, a tax at the appropriate rate under the Schedule **rate or rates prescribed by regulations made under this Act** can be levied upon the extraction of water in its natural state, including artesian water, mineral water, natural mineral and spring water, from an underground water table or deposit and emerging from a spring tapped at one or more natural or bore exits.

Clause 3 amends section 13(3) of the principal Act to increase the penalties to failing to submit a certificate of audit as follows:

Power to require certificate of audit

[..] 13(3). The person liable for the tax is guilty of an offence if, without reasonable excuse, he or she fails to submit a certificate of audit in accordance with subsection (1), and is liable on conviction to a fine not exceeding \$10,000 **\$25,000 or to imprisonment for a term not exceeding 10 years or to both.**

Clause 4 amends section 14(2) of the principal Act to increase the penalty for failing to comply with a request to provide safety equipment to enable an officer to ascend to and examine a vessel or utensil:

Assistance to be afforded to officers

[..] 14(2) The person is guilty of an offence if he or she fails to comply with a request made under subsection(1), and is liable on conviction to a fine not exceeding \$10,000 **\$25,000 or to imprisonment for a term not exceeding 10 years or to both.**

Clause 5 amends section 14A(3) of the principal Act to increase the penalty for failing to provide office accommodation for officers to enforce compliance with the legislation:

Officer may be stationed at business premises



[...] 14A (3) Any business failing under this Act is guilty of an offence if it fails to comply with a request made to them in accordance with subsection (2) and is liable on conviction to a fine not exceeding \$10,000 **\$25,000 or to imprisonment for a term not exceeding 10 years or to both.**

Clause 6 amends section 15 of the principal Act to increase penalties for making incorrect statements and falsifying documents as follows:

Penalty for making incorrect statements and falsifying documents

15. A person commits an offence if he or she-

[...] (e) knowingly obtains a remission or refund, of water resource tax which he or she is not entitled to obtain, 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 is liable on conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 10 years or to both.**

Clause 7 amends section 16 of the principal Act to increase penalties for refusing to answer questions lawfully required under the Act from \$10,000 to “a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 10 years or to both”.

Clause 8 amends section 17 of the principal Act to increase penalties for obstructing officers as follows:

Obstruction of officers

17. A person is guilty of an offence if he or she-

[...] (d) prevents the arrest of a person by a person duly engaged in the performance of a duty or the exercise of a power imposed or conferred by this Act or a person acting in that person’s aid, or rescues a person so arrested, 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 is liable on conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 10 years or to both.**

Clause 9 amends section 18 of the principal Act but **section 18 is not included in the 2016 Consolidated Laws of Fiji- the consolidated Act moves from section 17 to section 20.**

Clause 10 amends section 20(3) of the principal Act to increase penalties for using, or allowing to be used, false, or insufficient apparatus or instruments in respect of volume of extracted water from a fine not exceeding \$10,000 to “a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 10 years or to both.”

Clause 11 deletes the Schedule to the Act (which is not available in the 2016 Consolidated Laws of Fiji).

Gender analysis

The Bill does not appear have any disproportionate impact on women or men.

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