

# BILL NO. 5 OF 2019

## A BILL

FOR AN ACT TO AMEND THE COP 23 PRESIDENCY TRUST FUND ACT 2017

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

**1.**—(1) This Act may be cited as the COP 23 Presidency Trust Fund (Amendment) Act 2019.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the COP 23 Presidency Trust Fund Act 2017 is referred to as the “Principal Act”.

*Long title amended*

**2.** The long title of the Principal Act is amended by—

- (a) deleting “FOR THE FUNDING OF THE STATE’S ROLE AS PRESIDENT OF COP 23 AND TO ASSIST THE GOVERNMENT”; and
- (b) after “RELATE TO”, inserting “CLIMATE ACTION AND”.

*Section 1 amended*

**3.** Section 1(1) of the Principal Act is amended by deleting “COP 23 Presidency” and substituting “Climate Action”.

*Section 2 amended*

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

- (a) deleting the definition of “COP 23 Presidency Office”; and
- (b) in the definition of “Fund”, deleting “COP 23 Presidency” and substituting “Climate Action”.

*Part 2 heading amended*

**5.** The Principal Act is amended in the heading of Part 2 by deleting “COP 23 PRESIDENCY” and substituting “CLIMATE ACTION”.

*Section 3 amended*

**6.** Section 3(1) of the Principal Act is amended by deleting “COP 23 Presidency” and substituting “Climate Action”.

*Section 4 amended*

**7.** Section 4 of the Principal Act is amended by—

- (a) in paragraph (a), deleting “and other States parties to the Convention to finance the performance of the State’s role as President of COP 23” and substituting “, other States parties to the Convention and any other source to finance climate action”;
- (b) deleting paragraph (c) and substituting the following—
  - “(c) to facilitate the State’s participation in hosting and attending training and events related to climate action;” and
- (c) in paragraph (d) after “with”, inserting “climate action”.

*Section 5 amended*

**8.** Section 5(2)(a) of the Principal Act is amended by deleting “COP 23 Presidency Office” wherever it appears and substituting “Ministry”.

Office of the Attorney-General  
Suvavou House  
Suva

May 2019

## **COP 23 PRESIDENCY TRUST FUND (AMENDMENT) BILL 2019**

### **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 COP 23 Presidency Trust Fund (Amendment) Bill 2019 (**'Bill'**) seeks to amend the COP 23 Presidency Trust Fund Act 2017 (**'Act'**).
- 1.2 The Act was passed by Parliament on 9 February 2017 and commenced on 16 February 2017. The purpose of the Act was to set up a trust fund to finance Fiji's Presidency of the Twenty-third Conference of the Parties to the United Nations Framework Convention on Climate Change (**'COP 23'**). Fiji held the role of COP 23 President from November 2017 to December 2018 after which the Presidency was passed to Poland.
- 1.3 The Bill seeks to amend the Act to remove the now obsolete references to Fiji's COP 23 Presidency. This changes the name of the 'COP 23 Presidency Trust Fund' (**'Fund'**) to the 'Climate Action Trust Fund' and subsequently changes the name of the Act to the 'Climate Action Trust Fund Act 2017'.
- 1.4 The Bill also seeks to amend the Act to realign the purposes of the Act to the substantive goal of facilitating climate action and shifts the administrative functions of the COP 23 Presidency Office under the Act to the Ministry responsible for finance.

#### **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 a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends the long title of the Act to realign the purposes of the Act to the substantive goal of facilitating climate action.
- 2.3 Clause 3 of the Bill amends section 1 of the Act to rename the Act as the 'Climate Action Trust Fund Act 2017'.

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2.4 Clause 4 of the Bill amends section 2 of the Act by deleting the definition of the ‘COP 23 Presidency Office’ and the now obsolete reference to the COP 23 Presidency in the definition of ‘Fund’.

2.5 Clause 5 of the Bill amends the heading of Part 2 of the Act to reflect the amendment made by clause 6.

2.6 Clause 6 of the Bill amends section 3 of the Act to rename the Fund as the ‘Climate Action Trust Fund’.

2.7 Clause 7 of the Bill amends section 4 of the Act to realign the purposes of the Act to the substantive goal of facilitating climate action and related activities.

2.8 Clause 8 of the Bill amends section 5 of the Act to shift the administrative functions of the COP 23 Presidency Office under the Act to the Ministry responsible for finance.

### **3.0 MINISTERIAL RESPONSIBILITY**

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

A. SAYED-KHAIYUM  
Attorney-General