

# BILL NO. 20 OF 2019

## A BILL

FOR AN ACT TO AMEND THE CLIMATE ACTION 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 Climate Action Trust Fund (Budget 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 Climate Action Trust Fund Act 2017 is referred to as the “Principal Act”.

*Section 6 amended*

**2.** Section 6 of the Principal Act is amended by deleting “the Procurement Regulations 2010” and substituting “regulations made under the Financial Management Act 2004 in relation to procurement”.

2 *Climate Action Trust Fund (Budget Amendment)— of 2019*

*Section 8 amended*

3. The Principal Act is amended by deleting section 8 and inserting the following new sections—

*“Annual report*

8.—(1) The Ministry must prepare an annual report on the activities and expenditure of the Fund, including financial statements for the Fund, and submit the report to Cabinet within 6 months from the end of the year to which the report relates.

(2) The Minister must cause a copy of the annual report to be laid before Parliament at the next sitting of Parliament after Cabinet receives the report.

*Income tax*

8A. The income of the Fund is exempt from income tax.”.

*Section 9 amended*

4. Section 9 of the Principal Act is amended by—

- (a) deleting subsection (1);
- (b) renumbering subsection (2) as section 9; and
- (c) deleting “the Minister must ensure that”.

*Section 11 inserted*

5. The Principal Act is amended after section 10 by inserting the following new section—

*“Transitional provisions*

11.—(1) Notwithstanding section 8, the Ministry must prepare—

- (a) the semi-annual report for the period from 1 November 2018 to 30 April 2019; and
- (b) the semi-annual report for the period from 1 May 2019 to 31 October 2019,

on the activities and expenditure of the Fund, including financial statements for the Fund, and submit the reports to Cabinet within 6 months from the end of the 6-month period to which the report relates.

(2) The Minister must cause a copy of each of the reports referred to in subsection (1) to be laid before Parliament at the next sitting of Parliament after Cabinet receives the report.”.

June 2019

## **CLIMATE ACTION TRUST FUND (BUDGET 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 Climate Action Trust Fund (Budget Amendment) Bill 2019 (**‘Bill’**) seeks to amend the Climate Action Trust Fund Act 2017 (**‘Act’**) to shift the reporting requirements under the Act from semi-annual to annual reports. This is in line with the current practice under the Financial Management Act 2004.

#### **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 section 6 of the Act to delete the specific reference to the Procurement Regulations 2010 and substitute the general reference to procurement regulations made under the Financial Management Act 2004.
- 2.3 Clause 3 of the Bill amends section 8 of the Act to shift the reporting requirements under the Act from semi-annual to annual reports. Clause 3 of the Bill also inserts a new section 8A after section 8 which exempts the Fund from income tax.
- 2.4 Clause 4 of the Bill amends section 9 of the Act to remove the power of the Minister responsible for finance to dissolve the Fund by regulations.
- 2.5 Clause 5 of the Bill amends the Act to insert a new section 11 to provide for the transition of reporting requirements. The semi-annual reports of the Climate Action Trust Fund that the ministry responsible for finance is required to prepare under the current section 8 of the Act must still be prepared and tabled before Parliament in accordance with the current provision.

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**3.0 MINISTERIAL RESPONSIBILITY**

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

A. SAYED-KHAIYUM  
Attorney-General