

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”.

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