



Flash report

12 October 2017

Issue 23

This flash report highlights the amendments to the Fiji Revenue and Customs Service (FRCS) Act 1998 and Tax Administration Act 2009. The amendments were passed by Parliament on 15 September 2017, and it was gazetted on and came into effect from 20 September 2017.

Contents

Fiji Revenue and Customs Service Act 1998

Tax Administration Act 2009

Fiji Revenue and Customs Act 1998 - Act 47 of 2017

- The Act has been amended to insert a new section 52B after section 52A

Section 52B—Publication of information on tax and duty evaders and defaulters provides:

- ◆ (1)—FRCS may publish and make publically available information regarding a person who has been subjected to an investigation or audit by FRCS. This applies to a person who has a gross turnover equal to or exceeding \$1.5 million in a tax year and operates a business that is a member of a prescribed group of businesses and—
 - (a) has made an error in the submission of any document or information required by the Service for tax returns or any document or information required for customs purposes; or
 - (b) has failed to comply with any tax or customs obligation under any law specified in Schedule 1
- ◆ (2)—FRCS may also publish and make publically available information regarding a tax or customs agent where the tax or custom agent has made an error in the submission of any document or information required by FRCS for a tax return or for customs purposes
- ◆ (3)—The publication of the information may specify—
 - (a) the name, area of residence and registered office of the person or tax or customs agent;
 - (b) the particulars of the sum of the tax or duty lawfully owed;
 - (c) the penalties applicable to the act of default or tax or duty evasion in those circumstances; or
 - (d) any other information that the Chief Executive Officer thinks fit
- ◆ (4)—A person whose information has been published and made publically available in accordance with section 52B may submit a written notification to FRCS if the information published and made publically available contains an error
- ◆ (5)—FRCS is required to as soon as practicable publish and make publically available the correct information submitted by the person

- ◆ (6)—The Minister may by notice in Gazette—
 - (a) amend the gross turnover specified in section 52(B)(1);
 - (b) prescribe a group of businesses for which FRCS may publish or make publically available information in accordance with section 52B

Tax Administration Act 2009 - Act 48 of 2017

Section 48—General provisions relating to penalty

- Subsection (2) in respect of penalty not being applicable where a person is convicted of the same act or omission has been deleted
- The Act has been amended to insert the following new subsections after subsection (3)
 - ◆ (3A)—Subject to subsections (3B) and (3C), the powers conferred upon FRCS to issue penalties shall be in addition to any power conferred upon FRCS to institute prosecution in respect of the same act or omission
 - ◆ (3B)—The powers of FRCS to issue penalties and institute prosecution shall only be exercisable—
 - (a) if the person derives a gross turnover equal to or exceeding \$1.5 million in a tax year; and
 - (b) if the person operates a business that is a member of a prescribed group of businesses
 - ◆ (3C)—The Minister may by notice in Gazette—
 - (a) amend the gross turnover specified in subsection (3B)(a); and
 - (b) prescribe a group of businesses for which FRCS may issue a penalty and also institute prosecution
- Subsection (8) in respect of imposition of penalty and prosecution for the same act or omission has been deleted and has been substituted with

“(8) For the avoidance of doubt, subsection (3) does not apply to persons specified by the Service under subsections (3A) and (3B).”

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