



FIJI INSTITUTE OF ACCOUNTANTS

Submission to the Ministry for Finance

For the 2016 National Budget

August 2015

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THE FIJI INSTITUTE OF ACCOUNTANTS

The Fiji Institute of Accountants (FIA) is the professional organization representing the interest of accountants in Fiji, and is established under the Fiji Institute of Accountants Act (Cap. 259).

Our Institute is a fully registered member of the International Federation of Accountants (IFAC) which is the international parent body for most national accounting bodies in the World and the Confederation of Asian and Pacific Accountants (CAPA).

As a full member of IFAC, FIA has adopted, and conduct workshops and seminars for its effective implementation, various international standards, including:

- International Financial Reporting Standards (IFRS), including International Accounting Standards (IAS)
- International Standards on Auditing (ISA)
- International Code of Ethics
- International Standards on Education.

FIA, the pre-eminent body representing the diverse interests of more than 650 accounting, finance and business advisory professionals working in the private sector, public sector, public practice, industry and commerce, academe and the not-for-profit sector, is pleased to make this 2016 Budget Submission. Membership is on an individual, as opposed to an entity basis.

The overall governance of the FIA rests with the Council. The FIA has several committees focusing on Education and Membership, Accounting and Auditing Standards, Code of Ethics, Professional Development, Business & Government and Law Review, Journal, Act and Rules and Investigation and Disciplinary.

The key functions of the FIA are:

- To promote excellence in advocacy of the accounting profession and accountants' performance through education and professional development;
- To initiate research and formulate policies that facilitates improved performance of accountants;
- To represent the views and interest of accountants to Government, regulatory bodies and the community to foster improvements in adoption of economic and social policies for improvements in Fiji's productivity and economic progress ;
- To provide timely relevant and targeted information and support services to members and, where appropriate, Government and the community;
- To maintain a members' code of professional and ethical conduct; and
- To develop strategic alliances with other organizations domestically and internationally to further the objectives of the FIA.

INTRODUCTION

The FIA thanks the Ministry of Finance for the invitation and welcomes the opportunity to make a submission on the 2016 National Budget. It notes government's continuous recognition of FIA's contribution in the past in considering some of its recommendations and hopes that government will continue with this trend.

FIA is making a conscious effort to narrow the scope of its submissions to key areas which it considers are the critical drivers for the success of Fiji's economy.

The focus of our submission is:

- Promoting investments and economic activities at large and in particular Small and Micro Enterprises (SMEs) so that economic growth is more balanced and broad based.
- Improving tax administration and compliance policies, procedures and practices to enhance tax collection in an accurate, fair and consistent manner.
- Review of the taxation system and policy framework with an emphasis on developing a broad based, business focused, sustainable and consistent revenue collection system.
- Developing the agricultural potential of the country including investment therein, and viable food security and energy alternatives.
- Reforming Fiji's public sector to reduce its size and increase efficiency and productivity.
- Investing in the quality of tomorrow's workforce aimed at increasing the productivity and building the HR capacity.

Continued challenges reflect the need for the effective planning, implementation of action plans to achieve the desired results in the short to medium term, and measurement of performance outcomes.

EXECUTIVE SUMMARY

Our submissions on the 2016 National Budget are provided in detail below. This executive summary focuses on some of the key areas, the more important of which if properly addressed by Government should result in positive changes, an improved business environment and investor confidence leading to growth in investments and economic activities.

- The key to moving forward and achieving Government objectives lie within securing an improved business environment and investor confidence, and thereby promoting further investments and economic activities.

Investors across the economy are experiencing many forms of bureaucracy and regulatory burdens in establishing businesses and doing business in Fiji. These include compliance cost and regulatory burdens imposed by different institutions which divert limited resources from productive to unproductive purposes. One of the key factors to achieving Government objectives is to promote investments through the ease of doing business.

- A common concern being raised by taxpayers and investors is the current uncertain tax environment created by FRCA with the sole objective of revenue collection. FRCA should, without compromising its position, be working with taxpayers and investors in collecting the fair amount of tax revenue and not against them.

Tax laws are being promulgated with retroactive effect. Furthermore, tax laws are applied inconsistently and policies, practices and interpretations are being changed ad hoc. This cannot but have a negative impact on the mind-set of investors. Investors need clear policies, practices and interpretations that are applied prospectively to make informed decisions which form the basis for their investments.

- There is a need for the review and streamlining of incentives and support to targeted industries which have potential for creating further employment, exports, economic activities together with meeting social obligations spread across the wider population.
- The development of the micro and SME sector is critical for the social and economic development of the country spread across remote and rural areas. This sector needs to be given due attention, nurturing and support.

OUR SUBMISSION

1. PROMOTING INVESTMENT AND DOING BUSINESS IN FIJI

A key component to Fiji's prosperity and stability is investment and economic activity which are achieved through improved investor confidence and business environment.

Some of the matters have been covered in past years' submissions by the FIA. These are reiterated in this year's submission as important aspects to promoting investment and business in Fiji.

- Compliance Cost and Regulatory Burden – All levels of government, including Statutory Bodies, need to remain focused on reducing unnecessary legislative burden on business by looking at ways to reduce red tape and compliance costs, leading to an improvement in the ease of doing business. A good example is the documentation requirements that are duplicated for each of the regulatory bodies. There is a need for a “one stop shop” concept FIA considers that any proposed legislative/administrative changes should be subject to stringent tests on its necessity, design and impact on investors and businesses alike.
- Commerce Commission – review and improve policies, practices and procedures within the Commerce Commission with the objective of reducing compliance cost. Align the functions and activities of Commerce Commission to Government policy of promoting investments and economic developments, and particularly for the development of micro enterprises and SMEs.
- Introduction of the Income Tax Bill – The Income Tax Decree have been previously announced to be effective 1 January 2016. However, this legislation, which is important for and substantially impact businesses in Fiji is currently still in draft and there is uncertainty on its introduction and effective date.

It is recommended that:

- a) The application of the legislation be prospective, instead of retrospective.
- b) All provisions of the draft Bill be thoroughly reviewed and further submissions are invited from the respective professional bodies and other stakeholders.

2. INTERNATIONALLY COMPETITIVE TAX REGIME AND FIJI REVENUE AND CUSTOMS AUTHORITY (FRCA)

2.1 Prospective imposition of tax laws

Tax laws and its practical implementation should be applied prospectively. An example would be the Income Tax (Withholding Tax) Regulations 2013 which was gazetted on 22 November 2013 but is applicable from 1 January 2013.

Recent amendments to ITA, Income Tax (Amendment) (No 4) Decree 2013 (Decree No 37 of 2013) promulgated in November 2013 wherein various sections of this Decree have been made effective from 1 January 2012 and others from 1 January 2013.

The retrospective introduction of law creates uncertainty for all stakeholders and affects business confidence and investment.

2.2 Consistency of Policy, Practices and Interpretation

All economic activity interacts with and is impacted by the country's revenue policies and practices.

The FIA makes the following comments and suggestions:

- There should be an overall documented tax policy framework and tax legislation should be consistent with the tax policy framework. We note some commendable changes to the legislation in the recent past, however quite often these positive changes are contradicted by other amendments to the legislation (e.g. reducing the corporate tax rate to 20% but reducing the loss carry forward period to 4 years while introducing a number of other indirect taxes which add to the cost of doing business). A proper documented tax policy framework would assist in ensuring that any change to legislation is consistent with the overall framework. Ensuring collective focus in achieving National goals.

FIA believes that it is critical to have a tax policy framework as this will create certainty and provide the level of confidence in the tax regime needed by investors. The framework should focus on how tax fits with the government economic, fiscal and revenue strategy in particular governments development plans which it has embarked on this year

- FRCA must apply its policies and interpretations consistently.

FIA has noted that FRCA has been changing its policies, practices and interpretation on a number of issues (branch profit remittance additional normal tax withholding tax, deemed dividends on sale of shares, dividends generally and associated tax credits, VAT issues for shipping agents sale of residential properties by registered persons and allowing VAT input claims from date of VAT registration).. The mechanism for challenging decisions of FRCA are simply through the Tax Tribunal which can be an expensive and lengthy endeavour and cost inefficient, particularly where the matter is one of principle and the quantum of tax is not significant. Such practices create more uncertainty for businesses, discourage further investment and erode the confidence of doing business in Fiji.

However, recently FRCA has reviewed its processes dealing with disputes and objections and has established an independent Objection Review Team within FRCA which is headed by a senior officer of FRCA. This provides an opportunity to taxpayers to present their case to a totally independent team without any fees and

costs. FIA would like FRCA to further ensure a high level of independence in this regard.

- Changes in interpretation, policies and practices by FRCA should not be introduced with backdated effect; nor be applied at the discretion of line officers, but rather by specific policy of the Authority which should be prospective in application. FRCA has provided some assurance on this matter early this year but FIA notes that this has not been effectively communicated to its business units at the operational level.
- Commissioner's delayed response decision on tax queries by potential investors/taxpayers continuous to be an issue and may affect decision making with respect to investment in Fiji.
- The provisions for binding public and private rulings in the Tax Administration Decree 2010 should be made effective. In accordance with its powers under these provisions, FRCA should issue binding public and private rulings to ensure consistency in FRCA practices and certainty for taxpayers and investors.

2.3 Role of FRCA in Promoting Investments and Economic Activities

FRCA should understand and not underestimate its role in promoting investment and economic activities. The FIA appreciates that FRCA is in the midst of various institutional review processes (including IT, transfer pricing, gold card taxpayers etc).

Some other avenues available to FRCA to assist in this role include:

- Identification and implementation of specific measures to improve dialogue and understanding between business community / investors and FRCA. Establish forums to consult business and community /investments.
- Continuing to undertake independent review of the tax administrative policies, procedures and activities to assess its impact on business activities and economic activities, and its impact on the economic development of the country. Such reviews are carried out regularly in a number of countries with the objective of identifying difficulties and problems faced by businesses and taxpayers, with suggestions for improvements and systems and processes aimed at promoting business activities and economic growth.
- Improving customer service levels and internal efficiencies to allow business processes to be completed effectively and efficiently by relevant officers, and minimizing the duplication of effort and time to attend to tax payer matters.
- Exercise of Commissioner's discretion in all tax laws to consider changing technologies in the various industries.

2.4 FRCA – As Business and Commercial Enterprise

There is a need for FRCA to view its operations from a commercial or cost/benefit approach. Inefficiencies in business and IT processes as well as time spent by staff in resolving matters are all costs to business.

An example of this is the legislative requirement that various taxes be paid on the last business day before month end. To assist taxpayers comply with this requirement FRCA, instead of changing the legislation to revert to payment being due by the next business day after month end, pays staff overtime to work on a Saturday (say) so that taxpayers can meet their payment obligations. The gesture is appreciated, however from a cost/benefit perspective it would likely be more cost effective to allow payment on the next business day rather than incurring additional costs for minimal added benefit as there are generally few months in a calendar year where the month ends on a weekend (or public holiday).

Other measures that can be reviewed include:

- Working with other regulatory bodies such as Investment Fiji and the other Ministries of government on approved projects by proactively reaching out to these taxpayers and working out solutions to ensure that projects are not stalled.
- Further profiling of taxpayers with the objective of providing greater flexibility to taxpayers (including SMEs and individuals) maintaining high standard of compliance. Furthermore government needs to look at the ease of doing business, particularly for SME's. There are many procedures and requirements just to start a business along with the related costs every step of the way. This issue needs to be properly reviewed and addressed so that SME's can be quickly set up and flourish without too much cost and unnecessary red tape.
- Create a special window of providing service to Tax Agents similar to "Gold Card" system currently in place for high value business taxpayers.
- Review the "Gold Card" system to:
 - extend it beyond high value business taxpayers so that compliant SMEs can avail themselves to the benefits of being *good tax citizens*
 - minimise the processes and procedures that Gold Card taxpayers still encounter, so that the privilege of being a Gold Card member brings with it special efficient services but also has certain responsibilities that require the taxpayer to adhere to.
 - remove the additional duty concessions and personalized services afforded to individuals because of the Gold Card status of the business entity. This will eliminate issues of potential fringe benefits and discretion.

2.5 VAT and Income Tax Refunds and Interest on Delay in Refunds

As an encouragement to FRCA to continue to improve with its refund practice, interest should be paid for the delay in issue of refunds as allowed under the respective legislation.

2.6 Tax Agents Portal

We note that work is currently being slowly undertaken on the Tax Agents Portal project. The success of this project is imperative to the enhancement of tax agents acting as “satellite offices” of FRCA.

2.7 Taxpayers’ Charter and Tax Dispute Resolution Service

Long overdue is the establishment and promotion of the Taxpayers’ Charter and the Associated Tax Dispute Resolution Service. These will allow tax payers an avenue to seek redress on their issues, but also more importantly set a bench mark for FRCA’s service standards and practices.

2.8 Tax Ombudsman

The taxpayer perception of a tax system is critical to ensuring voluntary compliance. Further to the setting up of FRCA’s Objection Review Team, the appointment of an independent tax ombudsman could further provide assurances that there is an independent review available to taxpayers before the courts

In most countries the tax ombudsman is seen as a critical role in providing an independent avenue for taxpayers to lodge complaints and seek an impartial review of tax office decisions.

Accordingly, FIA considers that there is a need to create an independent body outside the jurisdiction of FRCA where taxpayers, particularly small and medium enterprises, could appeal to if they feel that they had been treated unfairly by FRCA, especially when many could not afford to go the legal route.

The basic function of the office of tax ombudsman will be to diagnose, investigate, redress and rectify any unfair action and treatment, bias or prejudice or faulty procedures or unfair administration of the tax laws by FRCA. This is not to detract from the current objection and appeal procedures against an assessment that the taxpayer believes is incorrect.

3. TAX LAWS AND ADMINISTRATION

With the upcoming introduction of the new Income Tax Act, the FIA’s comments on the area of tax laws and administration is limited to existing anomalies that we believe should be reviewed and amended/repealed or introduced. Separate submissions have been made (and will continue to be made) in respect of the new tax decree. However FIA would like to stress to government that there needs to be an overall framework policy set in place to provide a practical application of policies with respect to the intentions of the new ITB. Examples are definitions of gross income, retrospective

application and definition of dividends, the definition of depreciable assets for Capital Gains Tax, PAYE as final tax and losses to name but a few.

3.1 Section 21(b) (ii) Employers FPNF Contributions

The fact that the employer's contributions are required under the law, purely business in nature and keeping in mind that the contributions are for the employee's retirement benefit, the restriction of allowing 50% of the employer's contributions should be uplifted allowing the 100% of the minimum statutory contributions made by the employer.

3.2 Other charges to be allowed as a deductions

Stamp Duty and Fringe Benefit Tax should be allowed as these are costs incurred in the conduct of business.

3.3 Interest withholding taxes as final tax

The current interest WHT and IWHT as a final tax policy should be reviewed as there should be equitable checks and balances built into the system (e.g. tax on interest: \$16,000 - nil ; \$16,100 - \$1610 - whereas employee on \$16,100 would pay only \$7 in PAYE taxes). This policy on interest is important as it has flow on implications for savings and investment in the economy. This would encourage low salary earners who cannot afford the luxury of large investments to invest further through savings.

3.4 Withholding Tax

A clearly articulated and applied position and reasoning in respect of the levying of withholding on cross border payments is essential for business. These tax rules should be consistent with the overall provisions of the Income Tax Act and strictly adhere to the provisions of the double tax agreements that Fiji has with many countries.

As Fiji continues to grow economically and Fiji businesses utilize foreign professional services, the impact on business costs increases significantly when FRCA incorrectly levies withholding tax on these services and the Fiji business is required to bear the cost of the incorrect imposition of withholding tax. Furthermore, resources including funds that may be used for deriving more income (which means more revenue in the form of taxes for the Government) are diverted to unproductive purposes in objecting to the incorrect imposition of withholding taxes.

Additionally, where the profit margin on professional services is very low (say 7%) it is inequitable to charge withholding tax at a rate of 15%. To address this inequity we suggest that the old rules be reintroduced and allow abatement or rebate of withholding tax paid to non-residents by allowing the non-resident to lodge income tax return and claim credits for withholding tax paid.

The above change would be consistent with international practice and reduce the cost of doing business as the tax is often borne by the Fiji entity.

3.5 Business Losses for SME

To assist SMEs which includes employees' government should seriously look at allowing employee income to offset business losses. This would then be an incentive for employees to increase economic activity in the SME sector.

Treating PAYE tax as a final tax and the quarantining of business losses would have an adverse effect on investments, particularly for SMEs. The treatment discourages investment by employees who would not be able to offset their business losses against their employment income but would have to pay taxes on business Profit.

3.6 Withholding Tax on Reimbursements

FIA notes with concern that FRCA is now insisting withholding on actual reimbursement of expenses (including airfares and accommodation, taxi fares, meals etc) incurred by non-residents in providing professional services or by foreign based employees/consultants. These are actual expenses incurred for the purposes deriving the income for the professional services rendered by non-residents. These expenses are incurred on behalf of local business (the professional service recipient) by the non-resident service provider.

This is not consistent with domestic law, international practice and increases the cost of doing business as the tax is often borne by the Fiji entity.

3.7 Contractors Provisional Tax

Consideration should be given to repeal the current provisions relating to Contractors Provisional Tax and replace the same with a simple but effective and workable system.

A reduction in provisional tax to say 10% should also be implemented in line with the reduction in corporate tax rate to 20%. The current high rate of provisional tax, compared with corporate tax rates and top marginal rates of tax mean that business cash flow is tied up unnecessarily in excess tax credits.

3.8 Income Tax Rates and Levies including Social Responsibility Tax

Whilst the income tax rates have generally been reduced, many new taxes and levies and accompanying requirements have been introduced which makes it so much more expensive and difficult to do business.

In view of the above and for tax system integrity and transparency reasons the income tax rates should be reviewed with a view to abolish all the tax levies that are imposed under Sections 7E through to 7H of the ITA.

Alternatively, as a non-discriminatory policy and for equity reasons the SRT should be imposed at reduced tax rates but imposed on all taxpayers including corporate and individual taxpayers irrespective of residency status who derive taxable income in excess of say \$250,000.

3.9 Company advance tax provisions

The current company advance tax provisions should be removed and replaced with a system that mirrors the provisional tax payment provisions. The two regimes (advance tax and provisional tax) can be combined into a single simple provision applicable to all tax payers, that levies current year advance/provisional tax payments based on the immediately preceding assessed year of tax which is adjusted as more recent assessments are issued, and allows a taxpayer to seek amendment to advance/provisional tax liability on the basis of changes in economic performance.

We note that discussions on this subject have already been advanced with FRCA and agreement has been reached that it should be reviewed as part of the 2016 budget changes.

3.10 Penalties

The current penalty rates of between 20% and 40% are very high and draconian. The high rate of penalty is also a deterrent for voluntary compliance by taxpayers. The penalty regime and practice for the implementation of the same should be reviewed to ensure that while it provides a deterrent for non-compliance, it also allows those who wish to voluntarily comply, do so without being unduly penalised.

3.11 Review of Transfer Pricing Legislation

Review of Transfer Pricing legislation to bring about clarity on documentation issues such as what should be included in a Transfer Pricing Documentation, whether entities meeting a certain threshold be made to compulsory lodge or whether group documentations that include the Fiji entity be sufficient.

Consideration should be given for legislating the Advanced Pricing Agreement (APA) process. APA is an administrative approach that attempts to prevent transfer pricing disputes from arising by determining the transfer price(s) prior to the transactions taking place. The idea of APA is to reach an agreement prior to the transaction, whereas a transfer pricing audit examines the transaction after it takes place.

Any proposed introduction of penalties be carefully reviewed before its imposition and should be consistent with the Tax Administration Decree penalty provisions.

3.12 Research and Development Tax Incentives

Consider special tax incentives to allow business to innovate and to take the next step to improve their processes and productivity.

Innovation including research and development are fundamentals for improving future competitiveness and productivity of Fiji businesses. It is a key ingredient for the move towards a knowledge based economy.

Research and development will not only allow Fiji businesses to compete but it creates new investment, business opportunity, supports new growth and creates jobs.

3.13 VAT Decree

The VAT Decree was adopted from the New Zealand Goods and Services Act (GST Act). Since the time of introduction of the VAT Decree the GST Act has been amended to take into account complexity of transactions and new products. The VAT Decree should be reviewed with this in mind to ensure there is more certainty in pursuing new business initiatives using new products and processes.

3.14 Stamp Duty – Commercial and Residential Leases

Consider reducing the amount of duty to the previous level based on the length of the lease, the amount of any premium paid and the maximum ascertainable rent.

The introduction of the flat rates from 1 January 2013 is significant keeping in mind that the stamp duty is payable by the tenants. A small trader who rents a small bulk store for a rental of \$500 (say) per month has a stamp duty payable of \$1,000 per lease agreement. Similar sentiments are equally applicable to residential tenants who are required to pay stamp duty of \$500 on their residential leases.

The amount of stamp duty for commercial and residential leases has a major impact on SMEs and low income earners respectively.

4. REVENUE GENERATING INITIATIVES

4.1 Tax Evasion and the Hidden Economy

Review and implement initiatives taken by other countries for reducing the level of tax evasion and the hidden economy. This could include the declaration of a tax amnesty period, which would encourage voluntary compliance and bring part of the hidden economy into the formal tax net. Furthermore whilst the FIA sees this as one of achieving compliance, taxpayers will need to be transparently informed on what FRCA and other enforcement agents such as Reserve Bank, the Financial Intelligence Units to name but a few, intend to do with this declaration

5. TARGETED INDUSTRIES AND TAX INCENTIVES AND OTHER SUPPORT

Industries and sectors which assist with import substitution, boost foreign reserves, have high employment numbers, show potential for growth and provide a competitive advantage should be strongly encouraged by putting in place appropriate policies including specific incentives.

Sectors and initiatives for consideration include:

5.1 Agriculture Sector – Tax Incentives and Other Support

Serious consideration should be given to:

- Introducing bold and effective incentive package for agriculture sector, including the industries that support the growth of the agricultural sector (e.g., primary input supplies such as fertiliser, etc. and secondary conversion of agricultural produce such as manufacturing, processing, etc.)
- Granting total tax exemption to income from agriculture.

Alternatively, current provisions should be amended to allow for tax incentives on a pro-rata basis where turnover exceeds \$500,000, and should be available to all kinds of Agricultural activities. Currently, tax incentives for SME's are available only if total turnover is less than \$500,000 per annum and is available for selected prescribed activities in Agriculture, Fisheries and Tourism sectors only.

- Establish processing ventures or incentives to encourage the same which would support rural communities and farmers creating opportunities through diversifying agriculture, fisheries and forestry ventures.
- Reintroduction of the indefinite carry forward of tax losses given the high risk of investing in the sector.

5.2 Exports – Tax Incentives

The encouragement of export industries which contribute to foreign reserves is important for the Fiji economy.

Export income deduction available under section 21B of the ITA should be increased or maintained (at least) at 50% indefinitely Government should seriously consider this is to boost its foreign reserves.

Export incentives should be available to all exporters of goods and services to the maximum extent. We believe this will assist in promoting further investments, create jobs, business activities and economic activities.

Define "re-exports" for the purpose of export income deduction as "re-exports" from bonded warehouse or direct exports should not be considered for the deduction.

5.3 Fishing

Fish being a natural resource needs to be managed effectively and with the objective of retaining maximum value within Fiji. Specific measures should be provided to encourage processing and value added activities within Fiji.

This important natural resource of seafood is being depleted. There is a need for Government to review this industry and provide greater incentives for the sustainable development of the industry.

Zero rating to be extended to new packaging products for basic food items which improves quality and is affordable to consumers

5.4 ICT Industry

As a significant contributor to both foreign income and employment, the ICT sector is a fast growing area in Fiji's economy. Support in the way of tax breaks and capital expenditure incentives are important to ensuring the ongoing attractiveness and viability of the industry. These incentives should be available to all investors in the industry (both existing and new) and be measured against certain criteria such as income levels, employee numbers etc.

Consideration should be given to zero-rating for VAT purposes the supply of ICT services to exempt entities in Fiji. This would promote the growth of the industry and allow the industry to develop and offer world class services both locally and abroad.

5.5 Hotel Tax Incentives

The introduction of developer profits exemption earlier is believed to have led to a substantial increase in investment and investment activity in the tourism sector. This should be revisited.

FIA notes governments inclusion of the villa owners in the definition of "project" under the 11th schedule of the Income Tax Act however the full extent of the concession granted to hotels have not been provided.

5.6 Tax Free Regions

The "Look North" and similar incentives should be made available not only to new companies but also to existing entities for new investment projects. This would help achieve the overall investment and socio-economic goals while removing the unfair and unreasonable bias towards new companies.

In addition to the above, the existing legislation requires that a company which has a TFR licence should derive all of its income from the TFR. As Government would appreciate, there are a number of circumstances which may require a company which has a TFR licence to derive income or contract with entities outside the TFR. Hence, the existing requirements would be prohibitive and we recommend that the legislation be amended to allow some flexibility (for example, a company with a TFR licence should derive at least 70% of its income from the TFR).

6. STRUCTURAL REFORMS

6.1 Public Sector Reform

- Continue to implement public sector reform measures to deliver efficient and effective services.
- Enforce accountability in the public service.

Review disciplinary procedures for civil servants to expedite the process.

- The FIA understands that Government revenues now amount to approximately 35% of GDP. Assuming this is accurate, Government should relook at unproductive sectors within the various Ministries to make changes.
- Government should relook at strategies around the notion of a Private sector led economy and the efficiency and effectiveness of the use of resources..

6.2 Government Services

- Accelerate E-Governance initiatives.
- Overhaul as a matter of priority:
 - Registrar of Companies
 - Titles Office
 - Department of Town and Country Planning

6.3 Laws of Fiji

- Update all legislation to include all amendments to-date. Public should have easy access through internet to all laws of Fiji with historical updates and amendments.

7. FISCAL POLICY

7.1 Government Debt and Expenditure Policy

FIA supports Government's expenditure policy which is aimed at offering efficient Government services, developing infrastructure, and support and assistance to the needy. Emphasis however needs to be placed on proper management and control of expenditure and improving efficiencies within Government, thereby maximizing returns for each dollar spent and importantly getting it right the first time.

We also commend Government's initiative in increasing its level of capital expenditure. However, operating expenditure should be reduced, particularly for non-productive areas.

Government should also invest into maintenance of government assets to avoid huge capital expenditure in terms of replacement.

7.2 Health Care and Education

There is a need for further improvements to hospitals and health centres from both a capital and operating perspective. There is also a need for improvements to the level of service and the standard of practices at these centres.

Increase investment for preventive health which must include early detection and education to tackle non-communicable diseases including cardiovascular diseases, obesity, and smoking. FIA considers that such investment will reduce vastly the impact on our on-going limited medical resources.

Commitment to education should be continued. The quality of Fiji workforce is the key for transformation to knowledge based economy. FIA considers that the government should ensure that our education and training bodies are sufficiently funded to support and train our workforce.

The focus must therefore be on investing in tomorrow's workforce, improving our management capability and encouraging lifelong learning.

This will be achieved by improving the educational facilities, improving academic resources and introducing strategies and measures to develop a pool of qualified, skilled and competent teachers.

Improving the teacher to students' ratio could improve the education standards.

7.3 Land

To preserve the ability of locals in owning their own home, non-residents should not be allowed to purchase an existing property. Non-residents should only be allowed to construct/purchase new properties, which then adds to the economic development of the building industry and removes the inflationary increases seen in the local real estate market in the last 2 years.

Existing property development rules should be reviewed with a view towards relaxing the minimum set back requirements as a means of making available extra affordable housing using existing properties to supplement the limited new sub-divisional developments in meeting the growing population particularly in the Suva - Nausori corridor.

7.4 Infrastructure development

Government has committed to the road development from Nadi Airport to Nadi Town to ease traffic. A similar investment to ease the traffic along the Suva - Nausori corridor should be considered - savings in time, fuel, etc all adding up to the overall GDP.

7.5 Judiciary

An efficient and independent judiciary is one of the critical factors for attracting investment.

Measures should be taken to further strengthen the Judiciary to provide assurance to investors on the effectiveness of the judicial system and processes.

CONCLUSION

Policy frameworks for the various relevant areas should be developed and reviewed consistently with the National Development Plan. The policy framework for relevant areas such as trade, investment, fiscal and monetary policy including taxation should then be used to ensure that the existing and future laws are consistent with this policy framework.

We note that while Government has announced some good initiatives in the recent past, these have sometimes been contradicted by other changes in legislation and regulations. The successful achievement of overall goals has been affected by these conflicting policies. The impact of such measures includes increasing the cost and reducing the ease of doing business, wasting limited resources on unproductive activities and reducing confidence and investment in the country.

Establishing clear and transparent policies after proper consultation with stakeholders and announcing these as part of the budget, allows stakeholders to plan accordingly. Ensuring these policies are consistent with the overall development plans while being properly and consistently applied would further enhance investor confidence.

Increasing investment, import substitution and exports in the medium to long term are imperative for economic stability and growth. New and innovative measures need to be introduced for the sustainable use of the vast potential in the various sectors including tourism, agriculture, ICT, mining, sports and small and micro enterprises.

Being the largest professional body in Fiji, the FIA has a wealth of knowledge and experience, and would be pleased to provide further assistance, guidance and support to Government, and work with Government to achieve our mutual National goals.