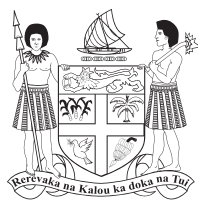


EXTRAORDINARY



GOVERNMENT OF FIJI GAZETTE

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GOVERNMENT OF FIJI

CASINO (OPERATOR) DECREE 2012
(DECREE NO. 62 OF 2012)

IN exercise of the powers vested in me as the President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make the following Decree—

PART 1—PRELIMINARY

Short title and commencement

1. This Decree may be cited as the Casino (Operator) Decree 2012 and shall come into force on 12 October 2012.

Interpretation

2. In this Decree, unless the context otherwise requires—

“capital goods” means capital equipment, plant, machinery and fittings for the construction and operation of the casino;

“CEO” means the Chief Executive Officer of the Fiji Revenue and Customs Authority appointed under section 27 of the Fiji Revenue and Customs Authority Act 1998;

“Company” means One Hundred Sands Limited, a company having its registered office at Level 8, Dominion House, Thomson Street, Suva;

“Fijian Gaming Commission and Control Board” means the Board to be established by way of a written law at a later date;

“Licence” means the Casino Gaming Licence issued to the Company under the Gaming Decree 2009 by the Minister on 15 March 2012; and

“Minister” means the Attorney-General and Minister for Justice.

Object of the Decree

3. The object of this Decree is to give recognition to the operations of the Company in relation to the Licence issued.

PART 2— CONDITIONS OF THE LICENCE

Exclusive licence

4. The Company shall have an exclusive licence to provide casino gaming operations in Fiji for a period of 15 years from the date of issuance of the Licence.

Special conditions

5. The Company shall comply with the special conditions of the Licence.

PART 3 — TAXES AND LEVIES

Lodgment of tax returns

6. The Company shall, on the last day of the month following the tax period, lodge a tax return in a form approved by the CEO.

CEO to issue statement

7.—(1) Upon receiving the tax return from the Company under section 6, the CEO shall issue a statement to the Company specifying the amount to pay for the following taxes and levies—

- (a) Gross Gaming Revenue Tax; and
- (b) Community Fund Levy.

(2) The CEO shall charge the Company 5% of Gross Gaming Revenue Tax.

(3) The Gross Gaming Revenue Tax shall be paid annually following the first full year of operation for a period of 15 years from the effective date of the Licence.

(4) The Gross Gaming Revenue Tax may be reviewed within 12 months prior to the fifteenth year anniversary of the issuance of the Licence.

(5) The CEO shall charge the Company a Community Fund Levy on Net Gaming Income that shall be paid annually from the first full year of operation as follows—

- (a) Year 1 to Year 3 – 2%; and
- (b) Year 4 to Year 7 – 4%.

(6) The Minister for Finance shall review the Community Fund Levy payable at the expiration of Year 7.

Payment of tax returns

8. The Company shall, within 21 days of receiving the statement issued by the CEO under section 7, pay to the CEO the taxes and levies specified in the statement.

Gaming Commission Fee

9.—(1) The Company shall pay an annual fee of FJ\$500,000 to the Fijian Gaming Commission and Control Board.

(2) The Gaming Commission Fee in subsection (1) shall be reviewed at the expiration of year 5 from the effective date of the Licence.

PART 4 — TAX AND DUTY EXEMPTION

Tax exemption

10.—(1) The Company shall, subject to section 11, be exempt from paying the following taxes and duty—

- (a) Corporate tax; and
- (b) Duty concession on all capital goods imported by or on behalf of the Company for the construction of the casinos.

(2) Pursuant to subsection (1) (b), the Company shall be exempt from paying duty for an extension of 6 months following the completion of the construction of the casinos.

Corporate Tax Holiday

11. Notwithstanding all other taxes such as Value Added Tax and Hotel Turnover Tax, the Company shall receive a Corporate Tax Holiday for 13 years from the effective date of the Licence (including all duty to get the project finalised, in accordance with the Short Life Investment Package available under the Hotel Aids Act).

Gaming Licence Fee

12.—(1) No annual licence fee shall be payable by the Company for the first 15 years from the date of the issuance of the Licence.

(2) Pursuant to subsection (1), an annual licence fee of 1% of Gross Gaming Revenue shall be payable from the sixteenth year of the effective date of the Licence.

PART 5 — MISCELLANEOUS

Power to make Regulations

13.—(1) The Minister may make Regulations prescribing matters that are required or permitted by this Decree to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Decree.

(2) Notwithstanding the generality of subsection (1), the Minister may make Regulations to prescribe the computation of tax chargeable to the Company.

Decree and decisions made under this Decree not to be challenged

14. No court, tribunal, commission or any other adjudicating body shall have the jurisdiction to accept, hear, determine, or in any other way entertain any challenge at law, in equity or otherwise (including any applications for judicial review) by any person or body, or to award any compensation or grant any other remedy to any person or body in relation to—

- (a) the validity or legality or propriety of this Decree;
- (b) the validity or legality of the Licence or operation of the Company; or
- (c) any decision of the Minister made under this Decree.

Consequential

15. This Decree has effect notwithstanding any provision of any written law, and accordingly, to the extent that there is any inconsistency between this Decree and any other written law, this Decree prevails.

Given under my hand this 9th day of October 2012.

EPELI NAILATIKAU
President of the Republic of Fiji