

RESERVE BANK OF FIJI



PRESS RELEASE

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CABINET APPROVES CHANGES TO FINES AND PENALTIES FOR EXCHANGE CONTROL BREACHES

The Acting Governor of the Reserve Bank, Barry Whiteside, today announced changes to the Exchange Control Act, Fifth Schedule Enforcement Part II - General Provisions as to Offenses. These changes have been approved by Cabinet and gazetted via No. 61 of 2010.

Mr. Whiteside highlighted that the fines and penalty provisions in the Exchange Control Act were not reviewed for more than three decades and as such were outdated and weak. However, with the increased fine of up to \$500,000 and the maximum prison term of up to 10 years, it is anticipated that compliance would be enhanced. He added that under the new provisions, a body corporate can now be fined for non compliance under the Exchange Control Act.

Mr. Whiteside stated that the changes are timely, in view of the Bank's efforts to reconcile export receipts. The general public is advised to familiarise themselves with the new changes, which are specified in the Attachment.

The new fines and penalties are effective immediately. For further clarification, exporters may contact the Exchange Control staff at the Reserve Bank.

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ATTACHMENT

(i) Fifth Schedule Part II Section 1(3) :

Any person who commits an offence punishable under this Part shall be liable:

- i. On summary conviction, to imprisonment for not more than **5 years** or to a fine or to both;
- ii. On conviction on indictment, to imprisonment for not more than **10 years** or to a fine or to both.

(ii) Fifth Schedule Part II Section 1(4):

Except in the case of a body corporate convicted on indictment, the maximum fine which may be imposed for an offence shall be:

- i. On summary conviction \$100,000; and
- ii. On conviction on indictment \$200,000;

so, however, ... a larger fine may be imposed not exceeding **10 times** the amount or value of the currency, security, payment, gold, goods or property...

(iii) Fifth Schedule Part II Section 1(5):

Where an offence punishable under this Part has been committed by a body corporate, the maximum fine to be imposed shall be

- i. On summary conviction **\$250,000**; and
- ii. On conviction on indictment **\$500,000**.

(iv) Fifth Schedule Part II Section 2(3):

Any proceedings under a law establishing summary jurisdiction... be taken at any time within **7 years** from the date of the commission of the offence or within **24 months** from the date on which evidence sufficient in the opinion of the Minister... where the person in question was outside Fiji at the date last mentioned, within **24 months** from the date on which he first arrives in Fiji thereafter.

(v) Fifth Schedule Part II Section 3:

| | |
|---|---------------------------|
| The maximum period of imprisonment that may be imposed by a court of summary jurisdiction in Fiji | |
| Where the amount of the sum | The said period shall not |
| adjudged to be paid by the conviction, | exceed- |
| as ascertained by the conviction- | |

Exceeds \$40 but does

not exceed **\$5,000**.....

2 years

Exceeds **\$5,000**.....

5 years