

## **TAX INFORMATION EXCHANGE AMENDMENT BILL 2015**

### **SAMOA**

#### Explanatory Memorandum

#### **Introduction**

The Bill seeks to amend the Tax Information Exchange Act 2012 (“Act”) to address the deficiencies highlighted during Samoa’s Phase 2 Peer Review under the Global Forum on Transparency and Exchange of Information for Tax Purposes which was conducted last year in December and issues that were highlighted by Samoa’s Assessment Team at a meeting with the Peer Review Group which was held in Paris in February of this year. The Bill will ensure that the right to keep documents confidential or right to secrecy and legal privilege is overridden to allow for transparent exchange of information for tax related purposes; this is to resolve the problem of tax avoidance.

## **TULAFONO TAU FAAOFI O TEUTEUGA O LE TULAFONO O LE FETUFAAIGA O FAAMATALAGA TAU LAFOGA 2015**

### **SAMOA**

#### Faamatalaga e Faamalamalama ai

#### **Faatomuaga**

Ua taumafai le Tulafono Tau Faaofi e teuteu le Tulafono o le Fetufaaiga o Faamatalaga Tau Lafoga 2012 (“Tulafono”) e faailoa ai tulaga lē atoatoa na maitauina a o faagasolo le Iloiloga Faapitoa o le Laasaga 2 a Samoa i lalo o le Fonotaga a Malo o le Lalolagi e uiga i Faiga ma Pulega Manino ma le Fetufaaiga o Faamatalaga mo Faamoemoega Tau Lafoga lea sa faafoeina i le tausaga ua mavae atu ia Tesema, ma mataupu ia sa maitauina e le Vaega Tau Iloiloga a Samoa i se fonotaga ma le Vaega o Iloiloga Faapitoa lea sa faia i Pale ia Fepuari i le tausaga nei. O le a faamautinoa ai i le Tulafono Tau Faaofi e faapea o le aia tatau e tausia ai pepa aloaia i tulaga agatapuaia po o le aia tatau i tulaga faalilolilo ma tulaga aloaia faaletulafono, ua faalēaogāina nei ina ia avanoa ai mo tulaga manino tau le fetufaaiga o faamatalaga mo faamoemoega e fesootai i lafoga; o lenei tulaga ua faia ina ia foia ai le faafitauli o le alofia o lafoga.

**Clauses:**

- Clause 1:** - states that, when enacted, the Bill will be called the Tax Information Exchange Amendment Act 2015, and will commence on the date of assent by the Head of State.
- Clause 2:** - amends section 10 of the Act.
- Clause 3:** - amends schedule 1 of the Act.
- Clause 4:** - makes consequential amendment to section 80(1) of the Trusts Act 2014.
- Clause 5:** - makes consequential amendment to section 147(7) of the Special Purpose International Companies Act 2012.

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(Hon TUILOMA Lameko)  
**MINISTER FOR REVENUE**

**Fuaiupu:**

- Fuaiupu 1:** - ua taua ai e faapea, afai e pasia, o le a taua loa le Tulafono Tau Faaofi, o le Tulafono o Teuteuga o le Tulafono o le Fetufaaiga o Faamatalaga Tau Lafoga 2015, ma o le a amata faamamaluina i le aso e tuuina i ai le maliega a Le Ao o le Malo.
- Fuaiupu 2:** - ua teuteu ai le fuaiupu 10 o le Tulafono.
- Fuaiupu 3:** - ua teuteu ai le faamatalaga 1 o le Tulafono.
- Fuaiupu 4:** - ua faia ai teuteuga faatupulaia i le fuaiupu 80(1) o le Tulafono o Mavaega Tausi 2014.
- Fuaiupu 5:** - ua faia ai teuteuga faatupulaia i le fuaiupu 147(7) o le Tulafono o Kamupani Faava o Malo mo se Faamoemoea Faapitoa 2012.

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(Hon TUILOMA Lameko)  
**MINISITA MO TUPE MAUA**