

FOUNDATIONS AMENDMENT BILL 2019

SAMOA

Explanatory Memorandum

Objects and Reasons:

The Bill seeks to amend the Foundations Act 2016 (“principal Act”). The object of the Bill is to insert a new provision under Part 8A of the principal Act to provide for simplification where the foundation is not a foreign benefitting foundation.

Clauses:

- Clause 1:** - provides for the short title and commencement date of the Bill.
- Clause 2:** - inserts new definition in section 2 of the principal Act of “foreign benefitting foundation”.
- Clause 3:** - amends section 12(4) of the principal Act to substitute reference to “section 92(7)” with “section 76A(8)”.
- Clause 4:** - amends section 76A(1)(a) of the principal Act to substitute reference to “section 93(8)” with “section 76B(8)”.
- Clause 5:** - inserts new section 76B under Part 8A of the principal Act to enable the appointment of an “appointed individual” who will act as resident agent for foundations that do not fall under the definition of “foreign benefitting foundation”.

Clause 6: - provides for consequential amendment to the Income Tax Act 2012 in relation to the definition of “foreign benefitting foundation”.

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(Hon SILI EpaTuioti)

**MINISTER OF FINANCE AND MINISTER RESPONSIBLE FOR
SAMOA INTERNATIONAL FINANCE AUTHORITY**