

# LANDING LIMITED BILL 2016

## SAMOA

### Explanatory Memorandum

#### 1.0 Object and reasons:

- 1.1 The Bill seeks to legislate the terms and arrangements that have agreed between the Government of Samoa and the Endemol Shine Australia Pty Ltd (Overseas Company) in relation to the production and filming of the Australian Survivor Television Series 1 in Samoa (Australian Survivor).
- 1.2 The object of the Bill is to provide for tax, duty and rebate incentives for the production of the Australian Survivor in Samoa.

#### Clauses:

#### **PART 1 - PRELIMINARY**

- Clause 1: - provides for the short title and commencement.
- Clause 2: - provides for the definitions of terms used in the Bill.
- Clause 3: - binds the Government.

**PART 2 - TAX, DUTY AND REBATE INCENTIVES**

- Clause 4:** - provides for a duty of the Government to pay the Local Company a cash rebate of 30% of the Qualifying Samoan Production Expenditure (QSPE). The cash rebate is payable within 7 working days after the airing of the first episode of the Survivor Samoa in Australia and not to exceed SAT5.7 million. It further provides for circumstances whereby at the airing of the first episode of the Survivor Samoa, the production and audits remain on-going. Exchange rate for accounting for QSPE is AUD \$1 = SAT\$0.5333.
- Clause 5:** - exempts a foreign employee of the Overseas Company and a person employed or contracted from outside Samoa to the Overseas Company. Exemption from income tax does not apply to a resident person.
- Clause 6:** - provides for the exemption of fees for work and immigration permits application by the Overseas Company or Local Company under the Labour and Employment Relations Act 2013 and the Immigration Act 2004. It also provides for the duty of the Overseas Company to provide its employee's details such as full names etc. to the Ministers responsible for the abovementioned Acts.
- Clause 7:** - exempts imported goods listed in Schedule 2 and provides for the power of the Minister for revenue to amend the list under that Schedule. The amendment does not affect the exemption applied to any imported goods removed as a result of the amendment.

**PART 3 - MISCELLANEOUS**

- Clause 8:** - restricts the sale or gift of imported goods unless with prior written approval of the Chief Executive Officer.
- Clause 9:** - provides for a duty of the Local Company to submit (at the end of every 2 weeks after the commencement of the production) an expenditure report to be audited by the Chief Executive Officer (CEO) and answer any questions relating to the report as audited by the CEO. It further provides for the duty of the CEO to prepare an audit report to show whether the Act has been complied with.
- Clause 10:** - provides for consequential amendments to be made to the Income Tax Act 2012 by amending Schedule 2 of that Act.
- Clause 11:** - empowers the Minister for revenue to nominate a date of expiry of the Act by Notice to be published in the Savali once the purpose of the proposed Act is completed and its provisions have been complied with. The amendment made to Schedule 2 of the Income Tax Act 2012 is repealed from the date of the expiry of the proposed Act.
- Schedule 1:** - provides for the list of special expenditures considered QSPE.
- Schedule 2:** - provides for the list of imported goods exempted.

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(Hon TIALAVEA Fea Leniu Tionisio Hunt)  
**MINISTER FOR REVENUE**