



Monday 17th August 2020
MEMBERS PRE-SITTING BRIEFING

A total of 26 Members of Parliament convened today 17th August 2020 at the Conference Room of Maota Tofilau Eti Alesana (MTEA), Mulinuu. Upon the Speaker taking his seat, prayers were said then he took lead of the Briefing which had two items on the Agenda, namely:

- 1. *Customs Tariff Amendment Bill 2020; and***
- 2. *Immigration Bill 2020.***

The CEO for the Ministry of the Prime Minister and Cabinet Agafili Shem Leo, and the Deputy Chief Executive Officer for the Ministry of Customs and Revenue, Talaitupu Taefu presented on the bills on the Agenda. This summary will note the main issues and concerns raised by Members in regards to the Bills discussed.

(1) CUSTOMS TARIFF AMENDMENT BILL 2020

Presenter: *Talaitupu Li'a Taefu*
(Deputy Chief Executive Officer - Ministry for Customs and Revenue)

The presenter greeted Hon Mr Speaker and all Parliamentarians present at the briefing; she then conveyed apologies on behalf of the CEO who was absent due to unforeseen personal commitments. She began her presentation on the background of the Bill and explained that in 2017 the Legislative Assembly passed the Customs Tariff Amendment Act 2017 which included a Customs Tariff Schedule that specified duties and concessions for each item. The proposed Bill primarily aims to amend the Tariff Schedule to accommodate for electric vehicles 'hybrid cars'. The amendment provides electric vehicles exempted from tax (from the current 5% to nil). It was clarified that the nil concession was applied only to electric vehicles for a period of 2 years but not spare parts.

The DCEO further explained that the removal of tax on electric vehicles was initiated by Government to promote eco-friendly development and to alleviate total carbon/gas emissions produced by vehicles. Furthermore, in order to align with requirements of international regulations, (that is, having a specific field for electric/hybrid vehicles listed in the tariff schedule) it was therefore important that Samoa follow suit.

Issues and concerns raised by Members:

- Afioga Salausa John Ah Ching acknowledged the intentions of the Bill and raised the following issues:
 - (i) Electric vehicles - is this inclusive of electric scooters and bikes?

- (ii) Pump stations should also be properly equipped with charging stations for electric vehicles
 - (iii) The focus should remain on the importation of and duty imposed on electric vehicles rather than the Ministry also focusing on the tax on spare parts for such vehicles.
- Afioga Lopao Natanielu Mu'a queried the contribution of such electric vehicles on road infrastructure noting that currently all vehicles operated by diesel and fuel contribute to road infrastructure as they pay fuel levy, how will electric vehicles financially contribute to the development of roads in Samoa.
 - Afioga Faumuina Tiatia Liuga asserted that taxes should be incurred on spare parts for electric vehicles because it is not a matter of how to ease the costs on people, rather, the focus should be on how Samoa can contribute to reducing carbon emissions and global warming.

The DCEO responded to the above issues and concerns raised by respective Members and responded that all vehicles and anything item with an electric motor such as scooter, bikes are all categorised as electric vehicle. In regards to the question on how electric vehicles can contribute to road developments, the DCEO asserted that this will be taken into consideration. On the issue of charging stations, the DCEO explained that negotiations are currently underway to discuss the safest route in executing this service for those who have hybrid vehicles. She also acknowledged Afioga Faumuina for clarifying the issue of Samoa's efforts to contribute to climate change.

- Afioga Aumua Isaia Lameko queried findings on the percentage of carbon emission released by vehicles in the country as this was also one of the reasons mentioned by the DCEO for the push to have electric vehicles exempt from duties/tax.
- Afioga Aliimalemanu Alofa Tuuau queried whether there was any connection of the Customs Tariff amendment Bill to the Energy Management Bill to ensure there was no overlap or duplication; she then queried whether there were any electric vehicles currently in Samoa.

The DCEO took note of the request made by Afioga Aumua and responded to Afioga Aliimalemanu that there were currently 6 electric vehicles in Upolu and these vehicles were charged solely by their respective owners.

- Afioga Alaiasa Moefaauouo Sepulona Moananu queried the 2-year timeframe stipulated in the Bill in which the exemption of electric vehicles from taxes was to last.

The DCEO responded that the timeframe is subject to review, however the purpose was to boost/encourage individuals to purchase and import such vehicles because it is eco-friendly.

- Afioga Sulamanaia Fetaiai Tauillili Tuivasa expressed concerns to the implications that the proposed Bill will have on car dealers; noting that the importation of electric vehicles may possibly lead to the increase in costs of new vehicles. The Member then suggested to increase the timeframe stipulated in the Bill from 2 years to 5 or 10 years (allowing the individual time to save money to purchase such vehicles).
- Afioga Fuimaono Samuelu Teo similarly expressed concern in regards to the consequence of the proposed amendment; if the importation of electric vehicles 'hybrid cars' are encouraged, this may potentially affect the overall cost per electricity unit.

The DCEO for Customs and Revenue concluded her presentation by acknowledging all Members for their comments and concerns that have been noted and will be taken into consideration.

(2) IMMIGRATION BILL 2020

Presenter: *Tomaimano Agafili Shem Leo*
(Chief Executive Officer - Ministry of the Prime Minister and Cabinet)

The CEO for the MPMC noted that the current Immigration Act has existed for 16 years and therefore the new Bill is appropriate, as it has factored in new technological systems and processes implemented by the Immigration Services. The new Bill will also incorporate new and updated factors within the Service as well as adhering to international requirements.

The CEO noted that an extensive review of the existing Act was implemented by the Ministry of the Prime Minister, the Immigration Services and relevant Ministries and international partners to ensure the Bill encompasses all areas of immigration services, especially maintaining the safety and security of all entry ports into Samoa.

Agafili elaborated on new amendments proposed by the Bill, i.e., the consistency of terminology throughout the Bill. The usage of the term 'visa' which was previously referred to as permit in the previous Bill so as to avoid ambiguity. He further stated that for all travelling purposes to and from Samoa, a valid visa is required. All ports of entry into Samoa have all been specifically defined in the Bill with specific requirements (terms and conditions).

Agafili also touched upon the importance of information sharing and asserted that effective collaboration between Samoa and its regional partners is crucial to ensure the safety of the nation and region is upheld. The CEO elaborated that information sharing is most especially useful in cases of persons of interest. Furthermore, the CEO asserted that there are certain areas in the Act which are generalised, this is to make room for Regulations to specifically spell out the details and requirements for each process and system operated within the Immigration Services.

Issues raised by Members:

- Afioga Aumua Isaia Lameko expressed support for the Bill and the inclusion of a visa for all individuals who are not Samoan citizens, including foreigners who are married to Samoan citizens.
- Afioga Salausa queried the conditions and criteria in place for those who are not eligible for an automatic visa.
- Afioga Faumuina Tiatia Liuga referred to Clause 21 and raised his concern regarding the possibility of the immigration services held liable. This is specifically when dealing with those that have multiple passports; in circumstances when the person is required by the Court to submit its travelling documents and submit only their Samoan passport and hold onto their other national, there is concern that the Immigration may overlook this and may allow this person to leave the country.

Agafili responded to Afioga Salausa, that all conditions will be thoroughly set out in the Regulations, these will include a thorough due diligence of the individual applying for a visa.

In regards to the concern raised by Afioga Faumuina Tiatia Liuga, the CEO responded that the Departure Prohibition Order (DPO) is primarily dealt with by the Courts, the Immigration Services is at the end of the process and is highly dependent on the courts for their decision before relevant steps are taken by the immigration services. However, regardless of a person having multiple passports, the Court has the authority to confiscate and hold all travelling documents.

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- Afioga Namulauulu Sami Leota queried whether the Authority had any monitoring/inspection process in place which follows through on approved applications for work visa or citizenship to assess whether these individuals are indeed working. In the case of inter-marriages; to determine whether the marriage is genuine, rather than the foreigner seeking rights and benefits afforded to citizens of Samoa.

Agafili touched upon the One-Stop Shop Policy which the Ministry engages in to undergo a complete background check on those applying for a visa, as well as monitoring those who have been granted citizenship due to marrying a citizen however was not genuine, the Immigration Services has the authority to revoke citizenship and return the foreigner back to his/her homeland.

- Afioga Hon Sili Epa Tuioti raised the need to consider other specialised skills brought into Samoa as it has been noted that the most common skill or business which the Chinese venture into include supermarkets and fast food outlets. The Hon Minister then suggested that the Immigration Services should consider other specialised skills such as construction, doctors, IT's, etc...what Samoa needs.

The CEO acknowledged the issue raised by the Minister for Finance and asserted that this was a 'whole of Government' issue, which would also require a whole of Government approach in dealing with it.

The Chief Executive Officer acknowledged the Hon Speaker and Members for their time and concluded his presentation.

The Hon. Speaker concluded with a Prayer and the Briefing was adjourned.