

TULAFONO O TEUTEUGA O LE TULAFONO O PUIPUIGA
MAI TUPE E FAAOFI MAI FAASOLITULAFONO 2018

Examined and Certified


Clerk of the Legislative Assembly

The Council of Deputy Assents this *FR1*.....day of
22nd June 2018.....


COUNCIL OF DEPUTY

SAMOA

Faatulagaina o Aiaiga

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2018, Nu. 13

O SE TULAFONO e teuteuina ai le Tulafono o Puipuiga mai Tupe e Faaofi mai Faasolitulafono 2007 (“Tulafono Autu”) e faatino ai o noataga a Samoa ma le tausisia o faiga faataatitia faava o malo e tetee atu ai i tupe e faaofi mai faasolitulafono ma taofia ai le faatupeina o faiga faatupu faalavelave, i lalo o le Lipoti o Iloiloga o Taunuuga o Faatinoga a Samoa 2015.

UA FAIA e le Fono Aoaofa o Samoa i totonu o le Palemene ua potopoto e faapea:

1. Igoa puupuu ma le amataga:

- (1) E mafai ona taua leni Tulafono o le Tulafono o Teuteuga o le Tulafono o Puipuiga mai Tupe e Faaofi mai Faasolitulafono 2018.
- (2) O leni Tulafono e amata faamamaluina i le aso e tuuina i ai le maliega a le O Le Ao o le Malo.

2. Ua teuteuina le fuaiupu 2:

I totonu o le fuaiupu 2 o le Tulafono Autu, ia faaofi i lona faasologa i le pi faitau faa-Peretania o faamatalaga fou nei ua taua:

“Asia Pasefika/Faalapotopotoga” po o “APG” o lona uiga o se faalapotopotoga faava o pulega Malo lea o lo o avea ai Samoa ma vaega auai, o lo o aofia ai puleaga e 41 o sui auai, o tulimatai le faamautinoaina o le faatinoga lelei e ona sui auai o faiga faataatitia faava o malo a le FATF, e faasaga i tupe e faaofi mai faasolitulafono, faatupega o faiga faatupu faalavelave ma le uunaia o faatupega e fesootai i auupega matautia e fasiotia ma faatamaia ai le ola o le toatele o tagata ma meatotino;

“lē e ona e faamanuiaina ai” o lona uiga o se tagata o ia lea e ona pe na te puleaina se tagata o faia i ai le auaunaga, ae faapena foi i se tagata o avea ma ona sui o faia i ai se feuiaiga faapisinisi, ma e aofia ai i latou o

lo o faatinoina le pulea lelei atoatoa o se tagata po o se fuafuaga faaletulafono;

“sootaga faapisinisi” o lona uiga o se pisinisi, galuega, po o se sootaga tau pisinisi i le va o se faalapotopotoga e lipotia ma se tagata o faaaogāina le auaunaga lea e i ai se vaega o le taimi atoa po o lea ua faamoemoe i ai le faalapotopotoga e lipotia, i le taimi e faamautuina ai le sootaga, ina ia i ai o se vaega o le taimi atoa;

“suesuega maeaea lelei o tagata o faaaogāina auaunaga” o le faagaoioiga lea e faamautinoa ai e se Faalapotopotoga Tau Tupe o lo o latou silafiaina lelei a latou tagata o faaaogāina le auaunaga ma nofoaga o maua mai ai a latou tupe;

“Aufaigaluega Galulue Tau Tupe” po o “FATF” o lona uiga o le faalapotopotoga i le va o faiga Malo na faavaeina i le 1989 e Minisita o puleaga o avea ma Sui Auai ma o ona sini autu o le faatulagaina lea o faiga faataatitia ma uunaia le faatinoga lelei o faiga faaletulafono, faatonutonu ma le faagaoioiga o galuega e tetee atu ai i le faaofi mai o tupe faasolitulafono, o le faatupeina o faiga faatupu faalavelave a le au terorisi ma isi lamatiaga e fesootai i le tulaga taualoa o faiga faafoe tau tupe faava o malo;

“aofaiga o tinoitupe tetele i feuiaiga faapisinisi” o lona uiga o se feuiaiga faapisinisi i tinoitupe ua fautuaina e tutusa lona aofaiga ma po o le sili atu i lo le 20,000 tala Samoa;

“tagata ua faaīloa i tulaga faaupufai o Malo” o lona uiga:

- (a) o se tagata e toatasi o lo o ia umia, po o sa ia umia i so o se taimi i totonu o le 12 masina ua tuanai, i totonu o so o se atunuu i fafo, se galuega tauave iloga faale-Malo i le tofiga o le -
 - (i) Ao o le Malo po o le Faauluuluga o se atunuu po o se faiga Malo; po o
 - (ii) minisita o se faiga Malo po o se sui usufono sinia o le Palemene e tulaga tutusa; po o
 - (iii) Faamasino o le Faamasinoga o Talosaga, Faamasinoga Sili, po o se Faamasino Sinia e tulaga tutusa; po o
 - (iv) Kovana o le Faletupe Tutotonu po o Faletupe Tutotonu;

- (v) Sui sinia o se atunuu i fafo, amapasa po o se hai komesina; po o
- (vi) Sui i se tofiga maualuga o se vaega-au; po o
- (vii) Taitaifono o se komiti faatino, ofisa sili o pulega, po o ofisa sili tau tupe a, po o so o se isi lava tulaga tofi e i ai sona aafiaga faatusatusa i, so o se matagaluega tau pisinisi a le Malo; ma
- (b) o se sui o le aiga e vavalalata sootaga ma se tagata o taua i le parakalafa (a), e aofia ai -
 - (i) se toalua; po o
 - (ii) se paaga, o ia o se tagata ua faatatauina e le tulafono talafeagai a le atunuu e tutusa lava ma se toalua; po o
 - (iii) se matua; ma
- (c) i le amanaia ai o faamatalaga ua faailoa faalauaitete po o e faigofie ona mauaina -
 - (i) o so o se tagata e toatasi, o ia lea ua iloa e i ai le pule e umia soofaatasi ai i se tulaga e faamanuiaina ai, a se faalapotopotoga faaletulafono, po o se fuafuaga faaletulafono, po o so o se isi sootaga vavalalata, ma se tagata o taua i le parakalafa (a); po o
 - (ii) so o se tagata e toatasi ua na o ia e i ai le pule e umia ai i se tulaga e faamanuiaina ai se faalapotopotoga faaletulafono, po o se fuafuaga faaletulafono lea o lo o iloaina le i ai mo le manuia o se tagata ua faamatalaina i le parakalafa (a).

“soligatulafono ogaoga” o lona uiga o se soligatulafono:

- (a) e faasaga i se tulafono a Samoa lea o le a faia ai o se gaoioiga e lē tusa ai ma le tulafono; po o
- (b) e faasaga i le tulafono a se Malo i fafo lea e faapea, afai o le tulafono talafeagai po o se mea ua lē faia na faatulai mai i totonu o Samoa, o le a avea lea o se soligatulafono e ono faia ai o se gaoioiga e lē tusa ai ma le tulafono e faasaga i so o se tulafono a Samoa; po o mo so o se vaitaimi e nofosala ai i le falepuipui po o mo so o se sala tupe; po o

“(2) Afai ua i ai i le Vaega o Suesuega Faapitoa o Faamatalaga Tau Tupe ni mafuaaga talafeagai e masalomia ai e faapea o se gaoioiga tau pisinisi po o se gaoioiga tau pisinisi o lo o fuafuaina e mafai ona:

(a) aafia ai tupe e maua mai i soligatulafono ogaoga, se soligatulafono o tupe e faaofi mai faasolitulafono po o se soligatulafono o le faatupeina o faiga faatupu faalavelave; po o

(b) e aveva o se tapenaga i le soligatulafono o le faatupeina o faiga faatupu faalavelave,

e mafai, e ala i se poloaiga a le Pulega, ona taofia mo se taimi lē tumau e aunoa ma le faatuai, o vaegatupe ua aafia ai i lea gaoioiga faapisinisi po o se gaoioiga faapisinisi o lo o taumafai e faatino.”

(b) mo faafuaiupu (3) ma le (4), ia suia e faapea:

“(3) E mafai e le Pulega, e ala i se poloaiga i lalo o le faafuaiupu (2), ona faatonuina se faalapotopotoga tau tupe ina ia lē faia le faatinoga o lena gaoioiga faapisinisi po o le gaoioiga faapisinisi ua taumafai e faatino po o so o se isi gaoioiga faapisinisi e tusa ai o vaegatupe ua aafia mo se vaitaimi ua fuafuaina e le Pulega, ina ia avanoa ai le Vaega o Suesuega Faapitoa o Faamatalaga Tau Tupe e:

(a) faia so o se suesuega talafeagai e uiga i le gaoioiga faapisinisi po o le gaoioiga faapisinisi o lo o taumafai e faatino; ma

(b) afai e manatu le Vaega o Suesuega Faapitoa o Faamatalaga Tau Tupe ua talafeagai ai, ia feutagai ma pe fautuaina le lala sooupu talafeagai o lo o faamalosi le tulafono, e uiga i le suesuega.

(4) E faatoa mafai lava e le Pulega ona aveesea le poloaiga e taofia lē tumau ai pe afai:

- (a) ua faatatauina e le Vaega o Suesuega Faapitoa o Faamatalaga Tau Tupe e faapea, o le gaoioiga faapisinisi ua le o toe masalomia; po o
- (b) ua poloaiina e le Faamasinoga ina ia faapea ona aveesea o lea poloaiga.”.

5. Ua teuteuina le fuaiupu 8:

Ua teuteuina le fuaiupu 8 o le Tulafono Autu e faapea:

- (a) i le fuaiupu 8(1)(c), mo le faailoga piriota i le faaiuga o le parakalafa, ia suia e faapea “; po o”; ma
- (b) i le tuanai ai o le fuaiupu 8(1)(c) ia faaofi:

“(d) se pulega agavaa.”.

6. Ua teuteuina le fuaiupu 13:

Ua teuteuina le fuaiupu 13 o le Tulafono Autu e faapea:

- (a) i le fuaiupu 13(1) -
 - (i) i le tuanai ai o le upu “uta,” ia faaofi upu “uta oloa po o meli”;
 - (ii) mo upu “100 iunite tau faasalaga” ma upu “5 tausaga” ia suia i upu “200 iunite tau faasalaga” ma upu “10 tausaga”; ma
- (b) i le fuaiupu 13(2)(e), i le tuanai ai o upu “Vaega o Suesuega Faapitoa o Faamatalaga Tau Tupe;” ia faaofi le upu “po o”; ma
- (c) i le tuanai ai o le fuaiupu 13(2)(e) ia faaofi:

“(f) se tagata ua faatagaina i se faiga tusitusia e le Kovana e tusa ai ma le fuaiupu 4(2).”.

7. Ua suia le fuaiupu 16:

Mo le fuaiupu 16 o le Tulafono Autu, ia suia e faapea:

“16. Ia faailoa mautinoa e faalapotopotoga tau tupe le tulaga e iloagofie ai le tagata e faaaogāina auaunaga:

(1) E tatau ona manaomia le faalapotopotoga tau tupe e faailoa mautinoa le tulaga e iloagofie ai se tagata e faaaogāina auaunaga o faapea ona faaaogāina pepa aloaia na mauaina muamua po o pepa aloaia o faasinomaga na maua mulimuli i so o se itu e talafeagai ai, ma ia faamalieina i le tulaga e iloagofie ai le tagata o faaaogāina auaunaga pe afai:

- (a) e faavaeina se sootaga faapisinisi; po o
- (b) le faafoeina o so o se gaoioiga faapisinisi; po o
- (c) o lo o masalomia se soligatulafono o tupe e faaofi mai faasolitulafono po o le faatupeina o faiga faatupu faalavelave; po o
- (d) ua i ai se masalosologa i le faalapotopotoga tau tupe e uiga i le tulaga moni po o le tonu atoatoa o le tulaga e iloagofie ai le tagata o lo o faaaogāina auaunaga po o faamaoniga.

(2) Mo faamoemoega o le faafuaiupu (1), o pepa aloaia nei e maua muamua, e tatau ona faaaogā e faailoa mautinoa ai le tulaga e iloagofie ai se tagata o faaaogāina auaunaga, o ia lea o se tagata moni:

- (a) se uluai ata o se tusi folau e le i muta le aogā, i tulaga faalotoifale, faaleatunuu ma atunuu i fafo; po o
- (b) se ata o se laisene avetaavale e le i muta le aogā; po o
- (c) so o se isi faamatalaga molimau o le tulaga e iloagofie ai e pei ona mafai ona fuafuaina i le poloaiga a le Pulega, i le feutagaiga ma faalapotopotoga tau tupe, lea e ono mafai ona suia mai lea taimi i lea taimi e pei ona talafeagai ai.

(3) Afai e le o umia e le tagata so o se pepa aloaia na mauaina muamua e pei ona taua i le faafuaiupu (2), ona tatau lea ona faamaonia le tulaga e iloagofie ai le tagata e faaaogāina auaunaga, i le faaaogāina o pepa aloaia o fai ma faasinomaga i le tulaga tumaoti, faamatalaga faamauina po o faamatalaga,

ia o lo o taua o pepa aloaia e maua mulimuli ane e pei ona fuafuaina e le Pulega ma e mafai ona suia mai lea taimi i lea taimi e pei ona talafeagai ai.”.

8. Ua faaofiina fuaiupu fou 16A, 16B ma le 16C:

I le tuanai ai o le fuaiupu 16 o le Tulafono Autu, ia faaofi e faapea:

“16A. Tulaga aliae mai pe a faaaogā faiga faataatitia o suesuega maeaea lelei o tagata e faaaogāina auaunaga:

E ao i se faalapotopotoga tau tupe ona faafoe faiga faataatitia o suesuega maeaea lelei o tagata e faaaogāina auaunaga, i tulaga nei e aliae mai:

- (a) pe afai e faavaeina e le faalapotopotoga tau tupe se sootaga faapisinisi ma se tagata fou e faaaogāina auaunaga;
- (b) pe afai e taumafai se tagata e faaaogāina auaunaga e faafoe se gaoioiga faapisinisi e faatulai mai faavaitaimi po o se gaoioiga e ala mai i le faalapotopotoga tau tupe;
- (c) pe afai, e tusa ai o se tagata o faaaogāina auaunaga i le taimi nei, ma e tusa ai ma le tulaga o lamatiaga o aafia ai -
 - (i) sa i ai o se suiga matuia i le uiga po o le faamoemoe o le sootaga faapisinisi; po o
 - (ii) ua manatu le faalapotopotoga tau tupe e faapea e le o atoatoa ni faamatalaga o i ai e uiga i le tagata e faaaogāina auaunaga; po o
 - (iii) so o se isi tulaga aliae mai ua faamaotiina e ala i Tulafono Faatonutonu.

16B. Tulaga faataatitia o suesuega maeaea lelei o tagata e faaaogāina auaunaga: faamaoniga o manaoga o tulaga e iloagofie ai:

E ao i se faalapotopotoga tau tupe ona:

- (a) faia laasaga uma talafeagai e faamalieina ai o ia lava e faapea o faamatalaga ua mauaina i lalo o le fuaiupu 16 e sao atoatoa; ma

- (b) e tusa ai ma le tulaga o lamatiaga e aafia ai, ia faia o laasaga talafeagai e faamaonia ai o so o se faailoga e iloagofie ai le tagata e ona e faamanuiaina ai, ina ia faamalieina ai le faalapotopotoga tau tupe e faapea na te iloa lē e ona e faamanuiaina ai; ma
- (c) afai o lo o galue se tagata e aveia ma sui o le tagata o faaaogāina auunaga, e tusa ai ma le tulaga o lamatiaga o aafia ai, ia faia o laasaga talafeagai e faamaonia ai le tulaga e iloagofie ai le tagata ma le pule faataga e galue ai e aveia ma sui o le tagata o faaaogāina auunaga ina ia faapea ona faamalieina ai le faalapotopotoga tau tupe e faapea na te iloa ina lelei le tagata lea ma ua i ai i lea tagata le pule faataga e galue ai e aveia ma sui o le tagata e faaaogāina auunaga; ma
- (d) ia tuuina atu le faamaoniga a le pulega faafoe sinia pe afai ua faamautuina se sootaga faapisinisi po o se sootaga faaauau (mo tagata o i ai nei o faaaogāina auunaga) ma se tagata ua faailoa i tulaga faaupufai o Malo; ma
- (e) ia faamaonia so o se isi lava faamatalaga ua faatonuina e tulafono faatonutonu.

16C. Tulaga aliae mai pe afai e faaaogāina se suesuega maeaea lelei o se tagata o faaaogāina auunaga:

E ao i se faalapotopotoga tau tupe ona faafoe o se suesuega maeaea lelei o se tagata o faaaogāina auunaga, i tulaga nei e aliae mai:

- (a) pe afai ua faavaeina e le faalapotopotoga tau tupe se sootaga faapisinisi ma se tagata o faaaogāina auunaga;
- (b) pe afai e taunafai se tagata e faaaogāina auunaga e faafoe se gaoioiga tau pisinisi e faatulai mai faavaitaimi po o se gaoioiga e ala i le faalapotopotoga e lipotia ma o lea tagata e faaaogāina auunaga -
 - (i) o se kamupani tausī mavaega po o se isi faiga o taofia ai a seta tau le tagata lava ia;

- (ii) o se tagata o faaaogāina auaunaga e lē nofomau mai se atunuu e lē atoatoa ni faiga faafoe po o ni auala ua faatulagaina e puipuia ai tupe e faaofi mai faasolitulafono ma tetee atu ai i le faatupeina o faiga faatupu faalavelave;
- (iii) se kamupani e i ai le au-fai sea filifilia po o pepa faatumu o sea;
- (c) afai e taumafai se tagata e faaaogāina auaunaga e faafoe, e ala i le faalapopotoga tau tupe, o se gaoioiga tau tupe lavelave, e lē masani ona siitai tele po o se faasologa e lē masani ai o gaoioiga tau pisinisi lea e leai se faamoemoe mautinoa pe mafai ona iloa i tulaga tau le tamaoaiga po o i le itu faaletulafono;
- (d) afai ua manatu se faalapopotoga tau tupe e faapea o le itu i lamatiaga e aafia ai ua faapea ona alagatatau ai ona faaaogā se suesuega maeaea lelei i se tulaga faapitoa e tulai mai;
- (e) pe afai e faia e le Vaega o Galuega Faapitoa Tau Tupe po o le Faalapopotoga Faava o Pulega Malo a Asia ma le Pasefika, se talosaga aloaia i le Vaega o Suesuega Faapitoa o Faamatalaga Tau Tupe;
- (f) so o se isi lava tulaga aliae mai ua fuafuaina e le Kovana, lea e mafai ona faalēaogāina e le Kovana i so o se taimi.”.

9. Ua faaofiina le fuaiupu 21A fou:

I le tuanai ai o le fuaiupu 21 o le Tulafono Autu ia faaofi e faapea:

“21A. Ia teena po o le taofia lē tumau e le Faalapopotoga tau tupe se gaoioiga faapisinisi:

- (1) E mafai e se faalapopotoga tau tupe ona taofia lē tumau po o le teena so o se faaliliuina atu o vaegatupe pe afai:
 - (a) ua lē tuuina atu e le tagata e faaaogāina auaunaga, o faamatalaga uma talafeagai ua manaomia e le faalapopotoga tau tupe; po o
 - (b) ua avea o se gaoioiga faapisinisi masalomia.
- (2) E faatoa mafai lava e le faalapopotoga tau tupe ona toe aloaia ona faaaogā se gaoioiga faapisinisi, pe afai ua

faamalieina o ia e faapea, ua tuuina atu e le tagata e faaaogāina auaunaga o faamatalaga uma ua manaomia po o ua tuuina atu i ai e le Vaega o Suesuega Faapitoa o Faamatalaga Tau Tupe le faamaoniga mo le faaauauina o gaoioiga faapisinisi po o ia tulaga uma e lua.

- (3) E ao i se faalapotopotoga tau tupe ona faatulaga faiga faavae ma taualumaga o tulaga lamatia e uiga i faiga e faatino ai, teena po o le taofia lē tumau o se faaliliuina atu fauuaealesi o tupe e leai ni faamatalaga o tagata e faapogai ai sa manaomia po o faamatalaga o le tagata e faamanuiaina ai.”.

10. Ua faaofiina le fuaiupu 23A fou:

I le tuanai ai o le fuaiupu 23 o le Tulafono Autu, ia faaofi e faapea:

“23A. Ia lipotia e faalapotopotoga tau tupe ia gaoioiga faapisinisi o Tinoitupe i aofaiga tetele;

- (1) E ao i se faalapotopotoga tau tupe ona lipotia so o se gaoioiga faapisinisi o tinoitupe i aofaiga tetele i le Vaega o Suesuega Faapitoa o Faamatalaga Tau Tupe.
- (2) E ao i se faalapotopotoga tau tupe ua faapea ona faia se Lipoti, ona tuuina atu foi so o se faamatalaga e faatatau i gaoioiga faapisinisi o tinoitupe i aofaiga tetele, e pei ona manaomia e le Vaega o Suesuega Faapitoa o Faamatalaga Tau Tupe.
- (3) So o se lipoti e tuuina atu i lalo o lenei fuaiupu e ao ona faia i totonu o le pepa faatumu e pei ona faamaonia e le Vaega o Suesuega Faapitoa o Faamatalaga Tau Tupe.”.

11. Ua faaofiina fuaiupu fou 25 ma le 26 o le Faamatalaga 1:

I le tuanai ai o le fuaiupu 24 o le Faamatalaga 1 o le Tulafono Autu, ia faaofi e faapea:

- “25. O Tagata e Tagofiaina po o Tagata e Faalauiloaina tupe initaneti po o tupe eletoroni po o so o se mea e fesootai i tusi tupe initaneti;
26. Faalapotopotoga e Le o se Faalapotopotoga Suetupe a Samoa;”.

12. Teuteuga faatupulaia:

- (1) Ua teuteuina le Tulafono o Tupe Maua Mai i Soligatulafono 2007 e faapea:

- (a) i totonu o le fuaiupu 2 -
 (i) ia faaofi le faamatalaga fou i lona faasologa i le pi faitau faa-Peretania:

“asetā” o lona uiga o aseta o ituaiga taitasi uma, e tusa lava pe o vaai pe le o vaai tino i ai, e mafai ona feaveai po o le lē mafai ona feaveai, e moni po o e lē moni, ma pepa aloaia faaletulafono po o pepa faaletulafono e molimauiina ai le igoa i, po o aia i ia aseta;” ma

- (ii) mo le faamatalaina o le upu “meatotino”, ia suia e faapea:

“meatotino” e aofia ai tupe, tupe teufaafaigaluega, meatotino umia, mea o lo o umia, aseta, meatotino ua faaaogāina po o tagofia i so o se auala e faafaigofie ai, tuuina atu, maua mai, uunaia po o le faatupeina o gaoioiga faatupu faalavelave ua taua i le fuaiupu 3 o le Tulafono e Taofia ai Faiga Faaterorisi 2014 ma isi lava meatotino uma e moni pe tau le tagata lava ia, e mafai ona tuufaasolo pe mafai ona feaveai, e aofia ai mea o lo o aofia i gaoioiga faaletulafono ma isi meatotino lē moni po o meatotino e lē mafai ona vaai tino i ai, i so o se nofoaga o i ai, tusa lava pe o i totonu o Samoa po o se isi nofoaga, i lona atoaga po o sona vaega ma e aofia ai so o se aia i sea meatotino;”

- (b) i le tuana'i ai o le fuaiupu 27 ia faaofi e faapea:

“27A. Meatotino ma Aseta a se Faalapotopotoga Maoti ua Taofia:

- (1) O se faalapotopotoga ua faamaotiina ma po o ua taua e avea o se faalapotopotoga ua faamaotiina i lalo o le Tulafono e Taofia ai Faiga Faaterorisi 2014, o le a tatau loa ona

taofia uma ana meatotino, vaegatupe ma aseta e aunoa ma le faatuai.

- (2) E faatoa mafai lava ona toe faamatuu atu meatotino, vaegatupe ma aseta pe afai:
 - (a) ua aveesea le faalapotopotoga mai le lisi o faalapotopotoga ua faamaotiina o i lalo o le Tulafono e Taofia ai Faiga Faaterorisi 2014; po o
 - (b) ua faaoo atu e se vaega auai, i le agaga lelei se talosaga i le ofisa o le Palemia e sailia ai le aveesea o a latou meatotino mai le poloaiga e taofia ai.
- (3) Mo faamoemoega o le faafuaiupu (2)(b), e mafai e le Palemia ona faia se faaiuga i luga o le fautuaga a le Faauuluuga o le Pulega o Puipuiuga mai Tupe e Faaofi mai Faasolitulafono.
- (4) O se faalapotopotoga ua faamaotiina o ia lea ua solia le faafuaiupu (1), ua faia se soligatulafono ma e noatia i le nofosala i le falepuipui mo se vaitaimi e lē silia le lima (5) tausaga.
- (5) I totonu o leni fuaiupu, "faalapotopotoga ua faamaotiina" e i ai le uiga tutusa i lalo o le fuaiupu 2 o le Tulafono e Taofia ai Faiga Faaterorisi 2014."

- (2) Ua teuteuina le Tulafono e Taofia ai Faiga Faaterorisi 2014 e faapea:
 - (a) i totonu o le fuaiupu 2, i le faamatalaina o upu 'faalapotopotoga ua faamaotiina', i le tuanai ai o le parakalafa (b), ia faaofi e faapea:
 - (c) e aofia ai faalapotopotoga ua lisiina e Malo Afaatasi (taimi ua tuanai ma le taimi nei) e avea ma faalapotopotoga faaterorisi.";
 - (b) i totonu o le fuaiupu 2, i le faamatalaina o upu 'meatotino faaterorisi' -

(i) i le parakalafa (b) i le tuanai ai o upu "faalapotopotoga ua faamaotiina;" ia faaofi le upu "po o";

(ii) i le tuanai ai o le parakalafa (b) ia faaofi e faapea -

"(c) po o le tuuina atu ma le loto i ai po o le aoina, e ala i so o se faiga, tuusao pe lē tuusao foi, o vaegatupe e tagata o Samoa po o i totonu o latou teritori ma le faamoemoe o le a faapea ona faaaogāina ia vaegatupe, po o i le manatu o le a faapea ona faaaogā nei vaegatupe e faatino ai gaioiga faaterorisi.";

(c) i le tuanai ai o le fuaiupu 3(1)(a)(ix), ia faaofi e faapea:

"(x) e aafia ai le aoina po o le tuuina atu o vaegatupe e faasino i le soagalemu o vaalele, meafaitino faaniukilia, ma soligatulafono tau i fausaga mautu o i le fuaiupu 36, e faapena foi vaegatupe mo le faatupulaia o auupega e faatamaia ai.";

(d) i totonu o le fuaiupu 4(2) i le tuanai ai o le upu "Tulafono" ia faaofi e faapea:

"ma e aofia ai aemaise lava o Iugafono o le Fono a Malo Aafaatasi mo le Puipuiga o le Saogalemu 1267 ma le 1988.";

(e) i le tuanai ai o le fuaiupu 4, ia faaofi e faapea:

"4A. O le Palemia e faaopoopoina pe aveesea se faalapotopotoga mai le lisi tusia o faalapotopotoga ua faamaotiina:

(1) E mafai e le Palemia, i le faia i luga o le fautuaga a le Pulega, ona faaopoopo pe aveesea se faalapotopotoga ua faamaotiina i lalo o Ienei Tulafono i luga o na o mafuaaga talafeagai ma ua tusa ai ma le tulafono, e faapea foi ona iloiloaina ai ma taualumaga a Malo Aafaatasi. E mafai e atunuu mai fafo

ona faaoo atu se talosaga i le Palemia e uiga i so o se mataupu e faatatau i lenei Tulafono.

- (2) Mo le faamoemoe o lenei fuaiupu, o le Pulega e i ai le uiga tutusa o i le fuaiupu 2 o le Tulafono o Puipuiga mai Tupe e Faaofi mai Faasolitulafono 2007.”;

- (f) mo le fuaiupu 45 ia suia upu “, ae vagana ai faasalaga mo soligatulafono i lalo o lea Tulafono,” i upu, “tatau ona”;
- (g) i le tuana'i ai o le fuaiupu 16, ia faaofi e faapea:

“16A. Faasaina ona tagofia meatotino a se faalapotopotoga faatulagaina:

- (1) Ua faia e se tagata se soligatulafono o ia lea ua aunoa ma se uiga tatau e tusa ai ma le tulafono po o se mafuaaga talafeagai, e tagofia ai so o se meatotino ua ia iloa, o lea meatotino ua:
- (a) o se meatotino o umia po o faafoe, i se faiga tuusao pe leai foi, e se faalapotopotoga faaterorisi faatulagaina; po o
- (b) se meatotino ua maua mai po o ua faia mai so o se meatotino o le ituaiga ua faamaotiina i le parakalafa (a).
- (2) O se tagata o ia lea ua faia lenei soligatulafono, e noatia i le nofosala i le falepuipui mo se vai'aimi e lē silia le 10 tausaga.

16B. Faasaina ona faaavanoa o auaunaga tau i le faia o meatotino, po o auaunaga tau tupe po o auaunaga e fesootai i ai, i faalapotopotoga faaterorisi faatulagaina:

- (1) E lē tatau i se tagata ona faaavanoa po o le taumafai ia faaavanoa i ai i se faiga tuusao pe leai foi, e aunoa ma se uiga tatau e tusa ai ma le tulafono po o se mafuaaga talafeagai, so o se meatotino po o so o se auaunaga tau tupe

po o auunaga e fesootai i ai, a lē o le, po o mo le manuia ai o se faalapotopotoga, ua iloa lelei o lea faalapotopotoga ua o se faalapotopotoga faaterorisi faatulagaina.

- (2) O se tagata o ia lea, ua solia lenei fuaiupu ua ia faia se soligatulafono ma e noatia i le nofosala i le falepuipui mo se vaiiami e lē silia le 10 tausaga.”;
- (h) i totonu o le fuaiupu 23(1) -
- (i) i le tuanai ai o upu “o ia lea”, ia faaofi upu “ua loto i ai ma e aunoa ma se uiga tatau e tusa ai ma le tulafono po o se mafuaaga talafeagai,”;
- (ii) i le tuanai ai o le upu “tupe” ia faaofi upu “ua faamoemoe o le a faapea ona faaaogāina, po o ua iloa lelei o le a faapea ona faaaogaina”;
- (i) i totonu o le fuaiupu 23(2)(b), mo upu “1,000 iunite tau faasalaga” ia suia i upu “10,000 iunite tau faasalaga”.
- (3) I le tuanai ai o le fuaiupu 77 o le Tulafono o le Faafoga o Lafoga 2012, ia faaofi e faapea:

“77A. Soligatulafono mo le lē totogiina o lafoga:

- (1) E lē tatau i se tagata ona aloese po o le taumafai e aloese mai le totogiina o so o se lafoga e mafai ona totogi po o le faia o se gaoioiga po o le taumafai e faia se gaoioiga ua faamoemoe e faapogai ai se faaletonu i le totogiina o so o se lafoga e mafai ona totogi i lalo o so o se tulafono tau lafoga.
- (2) O se tagata o ia lea ua solia lenei fuaiupu, ua ia faia se soligatulafono ma e noatia i luga o moliaga ua faamaonia faaletulafono:
- (a) pe afai o lē solitulafono, o se tagata, o se sala tupe e lē silia le 100 iunite tau faasalaga ma le tasi (1) le tausaga e nofosala ai i le falepuipui; po o
- (b) pe afai o lē solitulafono o se kamupani po o isi faalapotopotoga ua tuufaatasia faaletulafono, o se sala tupe e lē silia le 200 iunite tau faasalaga.”.

- (4) I totonu o le fuaiupu 7(1)(i) o le Tulafono o le Inisetiute o Tausitusi a Samoa 2006, i le tuanai ai o upu, "amio lē pulea tau tomā faapitoa," ia faaofi upu, "solia o tupe e faaofi mai faasolitulafono ma amioga lē pulea e taofia ai o faiga faaterorisi,".
- (5) I le tuanai ai o le fuaiupu 152 o le Tulafono o Solitulafono 2013 ia faaofi e faapea:

"152A. Soligatulafono i Tupe e Faaofi mai Faasolitulafono:

- (1) Ua faia e se tagata se soligatulafono i tupe e faaofi mai faasolitulafono pe afai o lea tagata:
- (a) ua auai i se gaoioiga tau pisinisi lea e aafia ai meatotino, ma le iloa lelei po o le i ai o se mafuaaga e talitonuina ai o lea meatotino, o tupe maua mai i soligatulafono; po o
- (b) ua maua mai, umia, faaaogāina, taliaina po o le aumai i totonu o Samoa o meatotino, ma le iloa lelei po o i ai se mafuaaga e talitonuina ai e faapea na maua mai le meatotino i se faiga tuusao pe leai foi mai tupe maua mai i soligatulafono; po o
- (c) ua faaliliu atu po o ua faasee atu meatotino na maua mai i se faiga tuusao pe leai foi mai tupe maua mai i soligatulafono; po o
- (d) ua faaliliu atu po o ua faasee atu meatotino na maua mai i se faiga tuusao pe leai foi mai tupe maua mai i soligatulafono, ma le faamoemoe e natia ai pe faalafi ai lona amataga e lē tusa ai ma le tulafono, o lea meatotino, po o le fesoasoani ai i se tagata o aafia ai i le faia o le soligatulafono ina ia aloese ai i tulaga aliaie mai faaletulafono, o ia mea; po o
- (e) ua natia pe faalafi le uiga moni, amataga, nofoaga, faatulagaga, feaveaiga po o le umia o le meatotino na maua mai i se faiga tuusao pe leai foi mai tupe maua mai i soligatulafono; po o
- (f) le tuuina atu o le fesoasoani i so o se isi lava tagata mo so o se itu ua taua i luga.

- (2) O le malamalama, fuafuaga po o le faamoemoe e manaomia, e avea o se vaega tau gaoioiga, ua faasinomia i le faafuaiupu (1), e mafai ona fuafuaina mai tulaga aliae mai o mea moni.
- (3) O se tagata o ia lea e aunoa ma se mafuaaga e tusa ai ma le tulafono po o se mafuaaga talafeagai, ua taumafai po o ua fesoasoani atu, faamalosi atu, fautua atu po o le puipuia o le faia o, po o ia lea ua fuafuaina i se faiga e lē tusa ai ma le tulafono, le faia o le soligatulafono i tupe e faaofi mai faasolitulafono, e nofosala o ia i se soligatulafono.
- (4) E mafai ona faamaonia le nofosala o se tagata i se soligatulafono i tupe e faaofi mai faasolitulafono i lalo o lenei fuaiupu, e ui lava e leai se moliaga ua faamaonia faaetutulafono e tusa ai o le solitulafono lea na mafua ai ona tuuaia tupe maua e faapea ua faaofi mai faasolitulafono.

152B. Soligatulafono ua faia e se faalapotopotoga o tagata:

Afai ua faia se soligatulafono i lalo o le fuaiupu 152A, e se faalapotopotoga o tagata, e tusa lava pe ua tuufaatasia faaetutulafono po o e le i tuufaatasia faaetutulafono foi, o se tagata o ia lea i le taimi na faia ai le soligatulafono, sa galue i se tulaga aloaia mo po o le avea ai ma sui o sea faalapotopotoga o tagata, e tusa lava pe o se faatonu, pule, failautusi po o se isi tagata ofisa faapena, po o na faamoemoe e galue i sea tulaga, o le a tatau ona nofosala i lea soligatulafono, seia vagana ai ua tuuina atu se faamatalaga molimau e faailoa ai e faapea sa faia le soligatulafono e aunoa ma se malamalamaaga, maliega a le tagata po o se faiga na taupulepule i ai e faia.

152C. Faasalaga o le Faaofi mai Faasolitulafono o Tupe:

- (1) O se tagata ua faapea ona nofosala i se soligatulafono i lalo o le fuaiupu 152A e noatia i luga o se moliaga ua faamaonia faaetutulafono i se sala tupe e lē silia le 1,000 iunite tau faasalaga, po o le nofosala i le falepuipui mo se vaitaimi e lē silia le 15 tausaga, po o faasalaga uma e lua.

- (2) O se faalapotopotoga o tagata, e tusa lava pe ua tuufaatasia faaletulafono po o e le i tuufaatasia faaletulafono foi, ua faapea ona nofosala i se soligatulafono i lalo o le fuaiupu 152A, e noatia i luga o se moliaga ua faamaonia faaletulafono i se sala tupe e lē silia le 10,000 iunite tau faasalaga.”.
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**MONEY LAUNDERING PREVENTION
AMENDMENT ACT 2018**

SAMOA

Arrangement of Provisions

1. Short title and commencement
 2. Section 2 amended
 3. New sections 3B and 3C inserted
 4. Section 7 amended
 5. Section 8 amended
 6. Section 13 amended
 7. Section 16 substituted
 8. New sections 16A, 16B and 16C inserted
 9. New section 21A inserted
 10. New section 23A inserted
 11. New clauses 25 and 26 of Schedule 1 inserted
 12. Consequential amendments
-

2018, No. 13

AN ACT to amend the Money Laundering Prevention Act 2007 (“Principal Act”) to implement Samoa’s obligations and adherence to anti-money laundering and countering terrorist financing international standards under Samoa’s Mutual Evaluation Report 2015.

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

1. Short title and commencement:

- (1) This Act may be cited as the Money Laundering Prevention Amendment Act 2018.
- (2) This Act commences on the date of assent by the Head of State.

2. Section 2 amended:

In section 2 of the Principal Act, insert in its alphabetical order the following new definitions:

- “Asia Pacific/Group” or “APG” means an inter-governmental organisation that Samoa is a part of, consisting of 41 member jurisdictions, focused on ensuring that its members effectively implement the FATF international standards against money laundering, terrorist financing and proliferation financing related to weapons of mass destruction;
- “beneficial owner” means a person who owns or controls a customer as well as the person on whose behalf a transaction is being conducted and includes those persons who exercise ultimate effective control over a legal person or arrangement;

“business relationship” means a business, professional, or commercial relationship between a reporting entity and a customer that has an element of duration or that is expected by the reporting entity, at the time when contact is established, to have an element of duration;

“customer due diligence” is the process by which a Financial Institution ensures that they know who their customer is and where their money comes from;

“Financial Action Task Force” or “FATF” means the inter-governmental body established in 1989 by the Ministers of its Member jurisdictions and whose objectives are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system;

“large cash transaction amount” means a cash threshold equivalent to or more than 20,000 Samoan tala;

“politically exposed person” means:

- (a) an individual who holds, or has held at any time in the preceding 12 months, in any overseas country the prominent public function of -
 - (i) Head of State or head of a country or government; or
 - (ii) Government minister or equivalent senior politician; or
 - (iii) Court of Appeal, Supreme Court Judge, or equivalent senior Judge; or
 - (iv) Governor of a Central Bank or Reserve Bank;

- (v) Senior foreign representative, ambassador, or high commissioner; or
 - (vi) High-ranking member of the armed forces; or
 - (vii) Board chair, chief executive, or chief financial officer of, or any other position that has comparable influence in, any Stated enterprise; and
- (b) an immediate family member of a person referred to in paragraph (a), including -
- (i) a spouse; or
 - (ii) a partner, being a person who is considered by the relevant national law as equivalent to a spouse; or
 - (iii) a parent; and
- (c) having regard to information that is public or readily available -
- (i) any individual who is known to have joint beneficial ownership of a legal entity or legal arrangement, or any other close relationship, with a person referred to in paragraph (a); or
 - (ii) any individual who has sole beneficial ownership of a legal entity or legal arrangement that is known to exist for the benefit of a person described in paragraph (a).

"serious offence" means an offence:

- (a) against a law of Samoa that would constitute unlawful activity; or
- (b) against the law of a foreign State that, if the relevant act or omission had occurred in Samoa, would be an offence that would constitute unlawful activity against any laws of Samoa; or for any imprisonment period or for any fine; or

- (c) is an offence that would generate a proceed of crime, which also includes any offence under the category of terrorist financing or the attempted commission of it.

3. New sections 3B and 3C inserted:

After section 3A of the Principal Act, insert:

“3B. Trustee companies’ obligation to conduct due diligence and report suspicious transaction:

- (1) Despite section 3A, a trustee company must carry out a customer due diligence if required by the Authority.
- (2) A trustee company must report any suspicious transaction that may occur as a result of subsection (1) to the FIU for analysis and any further investigation.

3C. Trustee companies’ obligation to provide information required:

- (1) Subject to section 3 a trustee company must provide any information as required by Samoa International Finance Authority or the Authority to ensure compliance with the Act.
- (2) A trustee company who fails to comply with subsection (1) commits an offence and is liable to an imprisonment term not exceeding five (5) years.”.

4. Section 7 amended:

Section 7 of the Principal Act is amended as follows:

- (a) for subsection (2), substitute:

“(2) Where the Financial Intelligence Unit has reasonable grounds to suspect that a transaction or attempted transaction may:

- (a) involve the proceeds of a serious crime, a money laundering offence or an offence of the financing of terrorism; or
- (b) be preparatory to the offence of the financing of terrorism,

may, by an order of the Authority, freeze without delay the funds affected by that transaction or attempted transaction.”.

(b) for subsections (3) and (4) substitute:

“(3) The Authority may by order under subsection (2), direct a financial institution not to proceed with the carrying out of the transaction or attempted transaction or any other transaction in respect of the funds affected for a period of time determined by the Authority, to allow the FIU to:

- (a) to make any necessary inquiries concerning the transaction or attempted transaction; and
- (b) if the FIU deems it appropriate, to consult with or advise the relevant law enforcement agency about the inquiries.

(4) The Authority may only remove the freeze order if:

- (a) the FIU deems that the transaction is no longer suspicious; or
- (b) the Court has ordered for it to be removed.”.

5. Section 8 amended:

Section 8 of the Principal Act is amended as follows:

- (a) in section 8(1)(c), for the fullstop at the end of paragraph, substitute “; or”; and
- (b) after section 8(1)(c) insert:
 - “(d) a competent authority.”.

6. Section 13 amended:

Section 13 of the Principal Act is amended as follows:

- (a) in section 13(1) -
 - (i) after “luggage,” insert “cargo or mail”;
 - (ii) for “100 penalty units” and “5 years” substitute “200 penalty units” and “10 years”; and
- (b) in section 13(2)(e) after “FIU;” insert “or”; and
- (c) after section 13(2)(e) insert:
 - “(f) a person authorised in writing by the Governor pursuant to section 4(2).”.

7. Section 16 substituted:

For section 16 of the Principal Act substitute:

- "16. Financial institution to identify the identity of a customer:**
- (1) A financial institution shall be required to identify the identity of a customer using primary documents or source secondary documents where necessary, and be satisfied of the identity of the customer when:
 - (a) establishing a business relationship; or
 - (b) conducting any transaction; or
 - (c) there is a suspicion of a money laundering offence or the financing of terrorism; or
 - (d) the financial institution has doubts about the veracity or adequacy of the customer identification or verification.
 - (2) For the purposes of subsection (1), the following primary documents shall be used to identify the identity of a customer who is a person:
 - (a) original copy of a valid passport, domestic, national and foreign; or
 - (b) a copy of a valid driver's license; or
 - (c) any other evidence of identity as may be determined by the order of the Authority, in consultation with the financial institutions, which may be changed from time to time as is necessary.
 - (3) If the person does not possess any of the primary documents in subsection (2), then the identity of the customer should be verified using two independently sourced documents, data, or information, which are referred to as secondary documents as determined by the Authority and may be changed from time to time as is necessary."

8. **New sections 16A, 16B and 16C inserted:**

After section 16 of the Principal Act insert:

"16A. Circumstances when standard customer due diligence applies:

A financial institution must conduct standard customer due diligence in the following circumstances:

- (a) if the financial institution establishes a business relationship with a new customer;
- (b) if a customer seeks to conduct an occasional transaction or activity through the financial institution;
- (c) if, in relation to an existing customer, and according to the level of risk involved -
 - (i) there has been a material change in the nature or purpose of the business relationship; or
 - (ii) the financial institution considers that it has insufficient information about the customer; or
 - (iii) any other circumstances specified by way of Regulations.

16B. Standard customer due diligence: verification of identity requirements:

A financial institution must:

- (a) take all reasonable steps to satisfy itself that the information obtained under section 16 is correct; and

- (b) according to the level of risk involved, take reasonable steps to verify any beneficial owner's identity so that the financial institution is satisfied that it knows who the beneficial owner is; and
- (c) if a person is acting on behalf of the customer, according to the level of risk involved, take reasonable steps to verify the person's identity and authority to act on behalf of the customer so that the financial institution is satisfied it knows who the person is and that the person has authority to act on behalf of the customer; and
- (d) provide senior management approval when establishing a business relationship or continuing (for existing customers) with a politically exposed person; and
- (e) verify any other information prescribed by regulations.

16C. Circumstances when enhanced customer due diligence applies:

A financial institution must conduct an enhanced customer due diligence in the following circumstances:

- (a) if the financial institution establishes a business relationship with a customer;
- (b) if a customer seeks to conduct an occasional transaction or activity through the reporting entity and that customer is -
 - (i) a trust or another vehicle for holding personal assets;

- (ii) a non-resident customer from a country that has insufficient anti-money laundering and countering financing of terrorism systems or measures in place;
- (iii) a company with nominee shareholders or shares in bearer form;
- (c) if a customer seeks to conduct, through the financial institution, a complex, unusually large transaction or unusual pattern of transactions that have no apparent or visible economic or lawful purpose;
- (d) when a financial institution considers that the level of risk involved is such that enhanced due diligence should apply to a particular situation;
- (e) if the FATF or APG makes an official request to the FIU;
- (f) any other circumstances determined by the Governor, which may be revoked by the Governor at any time.”.

9. **New section 21A inserted:**

After section 21 of the Principal Act insert:

“21A. Financial institution to reject or suspend a transaction:

- (1) A financial institution may suspend or reject any fund transfer if:
 - (a) the customer has not produced all necessary information required by the financial institution; or
 - (b) it is a suspicious transaction.
- (2) The financial institution shall only reinstate a transaction if it is satisfied that the customer has provided all the information required or the FIU has given approval for the transaction to continue or both.

- (3) A financial institution must formulate risk based policies and procedures on how to execute, reject or suspend a wire transfer lacking required originator or beneficiary information.”.

10. New section 23A inserted:

After section 23 of the Principal Act insert:

“23A. Financial institution to report large Cash transactions:

- (1) A financial institution must report any large cash transaction to the FIU.
- (2) A financial institution that has made a report must also provide any information regarding the large cash transaction as required by the FIU.
- (3) Any report given under this section must be in the form as approved by the FIU.”.

11. New clauses 25 and 26 of Schedule 1 inserted:

After clause 24 of Schedule 1 of the Principal Act insert:

- “25. Dealers or Promoters of virtual or digital currency, or anything related to block chain technology;
- 26. Non-Profit Organisations of Samoa;”.

12. Consequential amendments:

- (1) The Proceeds of Crime Act 2007 is amended as follows:

(a) in section 2 -

(i) insert new definition in its alphabetical order:

““assets” means assets of every kind whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in such assets;” and

(ii) for the definition of “property”, substitute:

““property” includes currency, investments, holdings, possession, assets, property used or dealt with in any way to facilitate, provide, receive, promote or fund terrorist acts listed in section 3 of the Counter Terrorism Act 2014 and all other property real or personal, heritable or moveable including things in action and other intangible or incorporeal property wherever situate, whether in Samoa or elsewhere, whether whole or in part and includes an interest in such property;”;

(b) after section 27 insert:

“27A. Property and Assets of a Specified Entity Frozen:

(1) A specified entity that is or has been listed as a specified entity under the Counter Terrorism Act 2014 shall have all their property, funds and assets frozen without delay.

- (2) The property, funds, and assets may only be unfrozen if:
 - (a) the entity has been removed from the specified entity list under the Counter Terrorism Act 2014; or
 - (b) a bona fide third party has lodged an appeal to the Prime Minister's office seeking the removal of their property from the freeze order.
 - (3) For the purpose of subsection (2)(b), the Prime Minister may make a decision on the advice of the Head of the Money Laundering prevention Authority.
 - (4) A specified entity who contravenes subsection (1) commits an offence and is liable to imprisonment term not exceeding five (5) years.
 - (5) In this section, "specified entity" has the same meaning under section 2 of the Counter Terrorism Act 2014."
- (2) The Counter Terrorism Act 2014 is amended as follows:
- (a) in section 2, in the definition of 'specified entity', after paragraph (b) insert:
 - "(c) includes entities listed by the United Nations (past and present) as terrorist entities.";
 - (b) in section 2, in the definition of 'terrorist property' -

- (i) in paragraph (b) after "entity;" insert "or";
- (ii) after paragraph (b) insert -

"(c) or the wilful provision or collection, by any means, directly or indirectly, of funds by Samoan nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts.";

- (c) after section 3(1)(a)(ix), insert:

"(x) involves the collection or provision of funds in relation to aircraft safety, nuclear material, and fixed platform offences on section 36, as well as funds for the proliferation of weapons of mass destruction.";

- (d) in section 4(2) after "Act" insert:

"and includes specifically United Nations Security Council Resolutions 1267 and 1988.";

- (e) after section 4, insert:

"4A. Prime Minister to extend or de-list an entity from the list of specified entities:

- (1) The Prime Minister, acting on the advice of the Authority, may extend the specified entity or de-list under this Act only upon reasonable and lawful grounds, as well as taking into consideration the procedures of the United Nations. Foreign countries may submit an application to the Prime Minister on any issue regarding this Act.

- (2) For the purpose of this section, the Authority has the same meaning in section 2 of the Money Laundering Prevention Act 2007.”;
- (f) for section 45 substitute “, except the penalties for offences under that Act,” with “shall”;
- (g) after section 16, insert:

“16A. Prohibition on dealing with property of designated entity:

- (1) A person commits an offence who, without lawful justification or reasonable excuse, deals with any property knowing that the property is:
 - (a) property owned or controlled, directly or indirectly, by a designated terrorist entity; or
 - (b) property derived or generated from any property of the kind specified in paragraph (a).
- (2) A person who commits this offence is liable to an imprisonment term not exceeding 10 years.

“16B. Prohibition on making property, or financial or related services, available to designated terrorist entity:

- (1) A person must not make available, or cause to be made available, directly or indirectly, without lawful justification or reasonable excuse, any property or any financial or related services, either to, or for the benefit of, an entity, knowing that the entity is a designated terrorist entity.

- (2) A person who breaches this section commits an offence and is liable to an imprisonment term not exceeding 10 years.”;
- (h) in section 23(1) -
 - (i) after “who” insert “wilfully and without lawful justification or reasonable excuse,”;
 - (ii) after “funds” insert “intending that they be used, or knowing that they are to be used”;
- (i) in section 23(2)(b), for “1,000 penalty units” substitute “10,000 penalty units”.
- (3) After section 77 of the Tax Administration Act 2012, insert:

“77A. Offence for tax evasion:

- (1) A person must not evade, or attempt to evade the payment of any tax payable, or act or attempt an act to deliberately cause a default in the payment of any tax payable under any tax law.
- (2) A person who contravenes this section commits an offence and is liable on conviction:
 - (a) if the offender is a person, to a fine not exceeding 100 penalty units and one (1) year imprisonment; or
 - (b) if the offender is a company or other incorporated body, to a fine not exceeding 200 penalty units.”.

- (4) In section 7(1)(i) of the Samoa Institute of Accountants Act 2006, after "professional misconduct," insert "breaching money laundering and counter terrorism misconduct,".
- (5) After section 152 of the Crimes Act 2013 insert:

"152A. Money Laundering Offence:

- (1) A person commits the offence of money laundering if the person:
 - (a) engages in a transaction that involves property, knowing or having reason to believe that the property is the proceeds of crime; or
 - (b) acquires, possesses, uses, receives or brings into Samoa property, knowing or having reason to believe that the property is derived directly or indirectly from the proceeds of crime; or
 - (c) converts or transfers property derived directly or indirectly from the proceeds of crime; or
 - (d) converts or transfers property derived directly or indirectly from the proceeds of crime, with the aim of concealing or disguising the illicit origin of that property, or of aiding a person involved in the commission of the offence to evade the legal consequences thereof; or
 - (e) conceals or disguises the true nature, origin, location, disposition, movement or ownership of the property derived directly or indirectly from the proceeds of crime; or
 - (f) renders assistance to any other person for any of the above.

- (2) Knowledge, intent or purpose required as an element of the activities, referred to in subsection (1), may be inferred from objective factual circumstances.
- (3) A person who, without lawful or reasonable excuse, attempts or who aids, abets, counsels or procures the commission of, or who conspires to commit, the offence of money laundering, is guilty of an offence.
- (4) A person may be convicted of a money laundering offence under this section notwithstanding the absence of a conviction in respect of the crime which generated the proceeds alleged to have been laundered.

152B. Offence committed by a body of persons:

If an offence under section 152A is committed by a body of persons, whether corporate or unincorporated, a person, who at the time of the commission of the offence, acted in an official capacity for or on behalf of such body of persons, whether as a director, manager, secretary or other similar officer, or was purporting to act in such capacity, shall be guilty of that offence unless the person adduces evidence to show that the offence was committed without the person's knowledge, consent or connivance.

152C. Money Laundering Penalties:

- (1) A person that is found guilty of an offence under section 152A is liable on conviction to a fine not exceeding 1,000 penalty units, or to imprisonment for a period not exceeding 15 years, or to both.

- (2) A body of persons, whether corporate or unincorporated that is found guilty of an offence under section 152A is liable on conviction to a fine not exceeding 10,000 penalty units.”.
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