



Ministry of Commerce, Industry and Labour
Matagaluega o Pisinisi, Alamanuia ma Leipa



ANNUAL REPORT

for the period ended 30 JUNE 2016

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Government of Samoa

OFFICE OF THE MINISTER

Minister for Public Enterprises

Commerce Industry and Labour, & Samoa Bureau of Statistics

Honorable Speaker of the House,

It is a pleasure for me to table the Annual Report of the Ministry of Commerce, Industry and Labour for the financial year of July 2015 to 30th June 2016, for consideration and discussion in this current session of the House.

Lautafi Fio Selafi Purcell

MINISTER OF COMMERCE, INDUSTRY AND LABOUR



Ministry of Commerce, Industry and Labour
Matagaluega o Pisinisi, Alamanuia ma Leipa



Honourable Lautafi Fio Selafi Purcell
Minister of Commerce, Industry and Labour

Pursuant to section 15 of the Public Service Act 2004, I hereby submit herewith the Annual Report of the Ministry of Commerce, Industry and Labour for the financial year of July 2015 to 30th June 2016.

Faafetai

Muliufi Nickel

ACTING CHIEF EXECUTIVE OFFICER

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ACTING CHIEF EXECUTIVE OFFICER'S OVERVIEW

I am pleased to present the Ministry of Commerce, Industry and Labour's ('the Ministry') 2015/2016 Annual Report.

This Annual Report highlights the progress the Ministry has made during 2015/2016 in delivering on government's expectations for providing an enabling environment for private sector development and creation of employment opportunities. The following were key highlights and achievements for the year.

1. Private Sector Development and Employment Creation

- (i) Three hundred acres (300) of government land at Mulifanua under the custodian of Samoa Trust Estate Corporation have been replanted with coconut and cocoa during the FY2015/2016 in its **efforts to revitalize exports** by promoting value added products for export markets. The replanting was funded by the Enhanced Integrated Framework (EIF) Aid for Trade through the Trade, Commerce and Manufacturing Sector project.
- (ii) SAT\$0.973m from Tier 2 of EIF funding was granted to Women in Business Development Incorporated (WIBDI) to build their processing warehouse at Nu'u.
- (iii) USD\$50,000 was granted to Scientific Research of Samoa (SROS) from the EIF funding for research and development purposes particularly in value-added products made from coconut and cocoa.
- (iv) **The Labour & Employment Export Program (LEEP)** was approved by Cabinet in April 2016. The objective of this new framework is to coordinate all foreign workers programs available and to ensure Samoa improves its exports of skills abroad. This would mean putting together the current programs under the Seasonal Employment Unit within the Ministry of Prime Minister and Cabinet into one framework including temporary movement of natural persons as negotiated under the current Trade Agreements.
- (v) **Eighty (80) new Foreign Investment Enterprises (FIEs)** were recorded during the FY15/16 compared to 63 FIEs in FY14/15. It is anticipated that an estimation of 1,418 potential employment opportunities for our local workforce can be created from these sectors.
- (vi) The **Duty Concession Scheme is amended to include the Aviation Sector**. This initiative is one of the government's support program aimed at further encouraging the development of Aviation Transport.
- (vii) In the **Apprenticeship Scheme, 31 apprentices graduated with the Certificate of Completion** and are now continued applying their upgraded skills in their respective trades such as Air Conditioning & Refrigeration, Plumbing, Motor Mechanic, Carpentry and Joinery and so forth. A total of 153 apprentices are

registered for the Apprenticeship Program for the FY15/16.

- (viii) The development of the first ***Samoa National Employment Policy (SNEP)*** was completed in November 2015. The new framework will align with the government's goal in identifying potential employment opportunities for the local workforce.

2. Facilitate an enabling environment for business development

- (i) ***Ongoing review of relevant legislation*** such as the Fair Trading Amendment Act, Competition and Consumer Protection Act, Metrology Act, Personal Property Securities Act was completed to improve the fair trading environment. The Labour and Employment Relations Regulations 2015 was approved by Cabinet in December 2015 for guidance and implementation of the Labour and Employment Relations Act 2013.
- (ii) The Ministry initiated the ***OSH Stewardship Awards to recognize the efforts of seven (7) industries in promoting Occupational Safety and Health (OSH) rights of employees in the work place.***
- (iii) The ***electronic online Company Registry has tremendously improved the systems for business registrations*** and some of the benefits to date include reduction on costs of set up a business and searches for company registration; ease in registering a company and maintenance of company registration which now can be done within a day.

Our achievements have been made possible through the commitment and professionalism of our partners and stakeholders across the Trade, Commerce and Manufacturing Sector and our colleagues and the community in the private sector who work to boost productivity for sustainable development. We also acknowledge the valuable contributions of the Ministry's former Chief Executive Officers, Auelua Samuelu Enari and the late Peseta Galumalemana Lavea Margaret Malua have made to the Ministry. Their visionary leaderships have paved the pathway for the Ministry to follow to ensure the government's longer term goal of improving quality life for all is achieved.

Soifua

SECTION 1 OUR ROLE AND STRATEGIC DIRECTION

The strategic direction of the Ministry as follows guided the delivery of programs and services of this financial year in line with the Strategy for the Development of Samoa 2012-2016.

Our Vision

To lead and excel in the provision of quality service to foster economic growth for all.

Our Mission

To provide an enabling legal environment for the development of the private sector to stimulate investment, industry development to boost productivity, fair trade competition, create full employment of local workforce and highly qualified trades people, generate more work opportunities encompassing temporary movement of natural persons, improve safe work environment and increase innovation and registry integrity in Samoa.

Our Legal Mandate

The Ministry is mandated to administer regulatory frameworks that:

- Promote Industry Development, foreign investment and guarantees the rights of citizens to participate in the economy of Samoa;
- Set standards to regulate fair competitive practices to promote a level playing field in all trades;
- Administers the Apprenticeship Scheme, Employment services, conducting labour market surveys, collection and dissemination of Labour Market information;
- Promote and enforce labour and employment relations, foreign employee employment and occupational safety and health;
- Manages and enforces the statutory obligations of the registries of companies and other legal entities, and management of Intellectual Property (IP) registers and protection of rights of IP Holders.

Our Values

- **Honesty** – we value honesty in the way we perform our duties of service to the public;
- **Impartiality** – we value impartiality by treating our stakeholders equally and fairly, maintaining political neutrality;
- **Service and Commitment** – we aspire to provide a service that is unconditional with a commitment to satisfy our clients' needs;

- **Respect and Empathy** – we respect the thoughts, feelings and concerns of others and seek first to understand than to be understood;
- **Transparency and Accountability** – we encourage open communication and commit to ensure that our actions and decisions are consistent and made with clear reasons in an open manner;
- **Efficiency and Effectiveness** – employment of resources to achieve results of value to the public in the most economical way.

SECTION 2 THE MINISTRY'S YEAR IN REVIEW

The Ministry continued to deliver the government's priorities to lead and excel in the provision of quality service to foster economic growth for all in two broad areas:

- i. Private sector development and employment creation;
- ii. Enabling environment for Business development

I. PRIVATE SECTOR DEVELOPMENT AND EMPLOYMENT CREATION

2.1 TRADE COMMERCE AND MANUFACTURING SECTOR PLAN

The TCM Sector has undergone a lot of transition since its establishment in 2013. Initially, the TCM-SP stipulated activities under six Sector Policy Objectives (SPOs). A capacity assessment mission was carried out by the United Nations Development Programme (UNDP) in 2013 where it was foreseen, among other things that the best way forward for the sector is to group the six SPOs into five pillars, to streamline and simplify the implementation of the plan. The sector subsequently commissioned a Medium Term Expenditure Framework (MTEF) exercise in 2014 to develop a three-year rolling budget for the sector. In this exercise, the Pillar approach was further refined to institute a value-chain approach instituting: **Pillar 1 – Industrial Supply and Productivity; Pillar 2 – Processing and Value-addition; Pillar 3 – Market Access; and Pillar 4 – Sector Support and Planning Framework**. In this connection, we report the activities carried out by the TCM Sector this past financial year in the MTEF format.

PILLAR 1 – INDUSTRIAL SUPPLY AND PRODUCTIVITY

The core products under the Enhanced Integrated Framework (EIF) Tier 2 programme are coconut and cocoa. Hence, the TCM Sector in collaboration with the Samoa Trust Estates Corporation (STEC) is working closely on a replanting project to increase the acreage of new coconut and cocoa crops at the government Mulifanua estate. The total acreage replanted for both coconut and cocoa in FY2015/16 is 300 acres. The project also does clearing of the Mulifanua estate, where road tracks have been instituted and invasive species as well as senile coconuts have been cleared.

The EIF Tier 2 programme also makes provisions for the private sector via the Samoa

Chamber of Commerce and Industries (SCCI) to promote and facilitate trade via a Trade Officer. Furthermore, sector actions like Ministry collaboration for enabling business setup processes, review of investment policy, enactment of the PPSA and other actions are carried out under the local budget and implemented by other MCIL divisions.

PILLAR 2 – PROCESSING AND VALUE-ADDITION

In this FY2015/16, the government via the TCM Sector and EIF Tier 2 programme has made provision for the Women in Business Development Inc. (WIBDI) to build their processing warehouse at Nu'u. The total cost of the project is SAT\$1,123,836.57 where the Tier 2 programme provides financial assistance to the value of SAT\$937,801.60.

The Tier 2 programme has also made provisions to the Scientific Research Organisation of Samoa (SROS) this FY2015/16 to the value of US\$50,000.00 for research and development purposes, particularly in value-added products made from coconut and cocoa.

PILLAR 3 – MARKET ACCESS

The bulk of work conducted under Pillar 3 through EIF Tier 1 project in this FY2015/16 are trade negotiation and trade mission to establish bilateral and multilateral trade relations. The 2Samoa Talks were carried out in American Samoa in December 2015 and another forum was held in Samoa in May 2016. The forum is on-going and both parties have yet to come to an agreement.

This past financial year has seen the on-going dialogues for the Pacific Agreement on Closer Economic Relations Plus (PACER Plus). Inter-sessional meetings are carried out almost every three months and the participation of Samoan delegates is provided for from EIF Tier 1 funds. The dialogue is on-going with the latest update being a Sustainable Impact Assessment of PACER Plus done by the Office of the Chief Trade Adviser (OCTA).

PILLAR 4 – SECTOR SUPPORT AND PLANNING FRAMEWORK

The capacity of the Sector is currently supported by EIF Tier 1 through financing three senior officers; and EIF Tier 2 programme funding two principal officers. The TCM Steering Committee meetings are also facilitated with assistance from EIF. Nonetheless, the Government of Samoa contributes via funding the Sector Coordinator and other operational costs for the Sector.

The Sector conducted a Policy Development Training for all Implementing Agencies in April 2016 to build the capacity of the Sector in policy formulation and in turn provide adequate policy advice to decision-makers. The Business Activity Survey 2015 funded from EIF Tier 1 project was also launched in November 2015 which details the business environment in Samoa. The Diagnostic Trade Integrated Study Update (DTISU) was

commissioned in November 2015 to update the 2010 DTIS and capture the current state of trade in Samoa. A Savaii Scoping Study was also carried out in June 2016 to capture and better understand the state of Savaii's business environment.

Forecasted Impact

The Replanting project anticipates initial impact by 2020 when the new crops have matured. Coconuts and coconut value-added products remain a dominating export commodity for Samoa, and with interest from Dr Bronner's (a USA cosmetic company). Hence the forecasted growth and dominance of these coconut products in Samoa's export commodity list. Cocoa has dropped off the dominating export commodity list of Samoa, but resurgence is noted with interest from the Whittakers chocolate company in New Zealand.

For Samoa's benefit it is ideal to focus on niche products and target niche markets, as oppose to competing in saturated markets of traditional products. This is the reason why a processing warehouse was commissioned for WIBDI, as their products are mostly value-added niche products. Anticipating, the completion of the warehouse foresees the growth of niche products in our export commodity list.

In relation to enabling environment for businesses, the sector continues to finance where possible the building of capacities for public officials as well as private sector organisations, building legal/policy frameworks, and provide technical assistance to better assist and facilitate businesses in Samoa.

It is expected for the work carried out by the sector to impact the trade balance, via increasing exports and decreasing imports; as well as promote a business enabling environment and further develop the private sector of Samoa.

2.2 INDUSTRY DEVELOPMENT AND INVESTMENT PROMOTION

OBJECTIVE To provide a high level of industry development and facilitating an investment friendly environment.

PERFORMANCE ACHIEVEMENTS

The major milestone achieved includes a 26% increase in the number of registered foreign investment enterprises and is the highest number (80) recorded in the last five years. The Citizenship Investment Act 2015 has been passed and implementation will commence in January 2017 is seen also as a major attainment.

After a successful eight (8) years of offering support to the private sector, the Private Sector Support Facility (PSSF) project ended. Discussions with the development partners are underway for a new Investment Framework to support the development of the private sector. The Duty Concession Scheme (DCS) continues to provide the tourism and manufacturing industries support with a significant increase in the number of entries processed from 307 to a high of 997 (224% increase).

Employment creation has always been a complex issue and the division continues to monitor and evaluate this issue in an effort to provide valuable information to determine the employment opportunities offered from both the investment environment and the industry development. From applications received, the investment environment offered a total of 571 jobs whereas inspections to beneficiaries of the duty concession scheme noted a total of 1,418 job opportunities for locals. This is a great achievement to compensate the Government revenue foregone supporting the various industries.

INDUSTRY ACHIEVEMENT

New Addition of the Aviation Sector under the Concession Scheme

Recent amendments to the Duty Concession Scheme under the provisions of the Customs Amendment Act 2007 (Section 163A) and the Customs (Aviation Transport Development) Regulations 2012 have now included the Aviation sector under the Duty Concession Scheme. This initiative is one of the government's support program aimed at further encouraging the development for Aviation Transport. This program is mainly for the exemption of Customs Duty on approved aircrafts and parts imported from overseas suppliers for use by businesses approved as a qualifying project.

INDUSTRY DEVELOPMENT ASSISTANCES

i. DUTY CONCESSION SCHEME (DCS)

Number of Tourism & Manufacturing project applications approved/declined/pending

A total of 10 applications was received and facilitated under the DCS. Seven (7)

project applications were approved as qualifying projects; one (1) was declined on the basis that the request was outside of the scope of coverage under the scheme, one (1) was put on hold pending submission of additional requirements and the final application is pending the Investment Committee's decision.

Requests for extension of Duty Concession incentives

As stipulated under the Customs Amendment Act 2007 and the Customs (Tourism and Manufacturing) Development Regulations 2010 all qualifying projects have expiry dates of incentives i.e. after 2 years of approval. Six (6) applications were received for the Committee's consideration for approval for extension of duty concession incentives.

Request for Additional Goods

A total of ten (10) qualifying companies submitted requests to the Ministry for approval. All were approved by the Investment Committee and Cabinet.

Number of Customs Entries facilitated

The Ministry works in collaboration with the Ministry for Revenue (MfR) in the approval of Customs entries for qualifying projects based on the list of goods approved for duty exemptions before the goods are released at the wharf.

A total of approximately 997 entries from qualifying projects were received and facilitated by the division. Our DCS database is based on the approved list of goods endorsed by Cabinet. The entries that neither bear the code and nor listed on the database are returned to Customs to be duty payable.

ii. CODE 121 SCHEME

There were no applications received under the scheme in the reporting period. The major challenge and reason for receiving no applications is that entrepreneurs in the selected categories are assumed to be purchasing their materials with local suppliers and do not intend to import these materials directly. Secondly is the possibility that the eligibility threshold is too high for operators to meet in order to qualify. The Ministry has liaised with the MfR on the possibility of removing the VAGST threshold as one of the eligibility criteria.

The Ministry was able to respond to enquiries from the private sector on the scheme. The division continues to carry out quarterly inspections to existing projects to site consignments or imported goods previously approved and ensuring these goods are used directly for the purpose it was approved.

iii. PRIVATE SECTOR SUPPORT FACILITY (PSSF)

The PSSF scheme was put on hold since 30th June 2015 to allow the Secretariat to

complete outstanding payments and carry out final activities before the wrap up of the scheme. The Ministry is working closely with the Ministry of Foreign Affairs (NZ) to discuss the development of an Investment framework to support the private sector. We are forecasting that the new framework will be announced in the next financial year 2016/17.

iv. EXPORT DEVELOPMENT SCHEME (EDS)

The EDS Deed of Guarantee & Guidelines were approved by Cabinet on 22 July 2015 [FK (15)25]. Secretariat has forwarded the final versions of the Deed of Guarantee and Guidelines to all Commercial Banks for their information prior to implementation of the scheme. The matter has been delayed awaiting commencement date. It is anticipated that EDS will be launched in the new financial year (2016/2017).

v. PRIVATE SECTOR ORGANISATION GRANTS (PSO)

This is one of Governments' annual support programs for the development of the private sector organisations (PSOs) that are involved in commercial activities. The program commenced in 2008 with an allocation of \$40,000.00 and due to the increasing number of commercially related PSO's, the government raised the grant to \$200,000.00. The main objective of the grant is to assist the PSOs with their administrative activities or any related activity that will contribute to further strengthening the role of their organisations. A total of twelve (12) PSOs were allocated grants under this support program for the financial year 2015/2016.

The assessment criteria for the allocation of funds are generally based on the following requirements;

- Number of registered members
- Annual & Audited Financial Reports
- Submissions of critical issue relating to trade, investment or any matter relating to development within the current or recent financial year
- Number of ongoing projects
- Confirmation that a proper office has been established

Private Sector Organisation	Total grant for Financial Year 2015/2016
Business of Salafai Association	\$15,000.00
Farmers Samoa Incorporated	\$5,000.00
Federated Farmers Association (newly established)	\$5,000.00
Flea Market Business Association	\$10,000.00
Samoa Association of Manufacturers and Exporters.	\$35,000.00
Samoa Chamber of Commerce	\$40,000.00
Samoa for Real	\$5,000.00
Samoa Hotels Association	\$30,000.00

Samoa Mamanu Designs & Manufacturers Association	\$5,000.00
Savaii Samoa Tourism Authority	\$5,000.00
Tautai Samoa	\$5,000.00
Women In Business Development Inc	\$40,000.00

Beneficiaries of the grant are also required to submit written reports on the progress of the organization.

TRADE, COMMERCE AND INDUSTRY BOARD

Following the passage of the Amended TCI Act 2014, commencement of the Board meetings began in this financial year. One of the major issues discussed during this forum was the review of the tariff structure and various requests from the private sector for lower tariff rates and duty free access under the PICTA on specific imported products. The Revenue Board responded on this issue of tariff rates however other issues are still pending as the customs agency is yet to receive a response from the overseas countries involved.

Progress of previous achievements/challenges

Inspections & Employment Opportunities (Qualifying Projects)

The Ministry has conducted three (3) inspections within the financial year to check that the qualifying developments assisted under the Duty Concession and Code 121 programs are in compliant with conditions of assistance granted under the Customs Amendment Act 2007 & Customs (Tourism and Manufacturing Development) Regulation 2010. The inspections also followed up on the progress of each development in terms of employment, status of development projects and sighting of imported materials under the DCS when containers arrived.

It was noted from the inspections that all approved projects were compliant with the requirements of the scheme and have used the imported materials in accordance with the purposes that were provided.

THE INVESTMENT ENVIRONMENT

Foreign Investment Trends

The financial year 2015/2016 has surpassed the highest recording from the previous FY of 63 to record a total of 80 new FIE's registered within this period alone. This new trend has seen a rise in the inflow of investment to Samoa in recent years. The recent inclusion of the registration of foreigners contracted by Government ministries and Private sector organisations to provide their services is one major contributing factor to the increased figures. Non-citizens providing mainly consultancy services in specialized areas are required to obtain a Foreign Investment Certificate (FIC) before being

allowed to operate in Samoa regardless of the length or duration of the service offered. The **sector favored by foreign investors** still remains with **'Professional Services'** followed by **'Retailing'**. The **sectors with the lowest recorded investment** include **'Agriculture & Fisheries'**, **'Wholesale'**, **'Information'** and **'Banks and Finance'**. Similarly to previous years the division continues to carry out monitoring/ site visits and spot checks to ensure compliance of the FIC holders in Upolu and Savaii.

The table below shows the number of registered FIEs by Sector and potential employment opportunities created from these FIEs.

Sector	Total registered FIE's	Employment Opportunities
Professional Services	29	46
Retailing	13	59
Construction	6	80
Manufacturing	5	19
Restaurants/Cafes	5	54
Repairs and Maintenance	4	3
Exports and Imports	3	10
Banks and Finance	2	4
Information	2	2
Wholesaling and Distribution	2	2
Entertainment and Recreational Activities	2	180
Air & Sea Transportation	2	11
Agriculture	1	50
Accommodation	1	70
Other Services	1	None
Fisheries	1	2
TOTAL	80	592

Further to the registration of new FIEs, the table below shows the breakdown of amendments that have been made to previously registered FIE's.

Amendment	Total
Additional Activities	20
Additional Branches	7
Other Amendments	11
Certificates Renewed	18
Certificates Issued	5

OTHER ACHIEVEMENTS

Citizenship by Investment Act 2015 – The legislation was endorsed by Parliament in March 2016. However implementation will commence on the 31st January 2017.

Therefore in preparation for the establishment of this new legislation, the Division has come up with an action plan to compile and finalise all relevant documentation well in advance i.e. application forms, guidelines, brochures and a strategic framework.

Amendments to the FIA 2000 and its Regulations - The amendments to the fees schedule and the annual renewal of FIC registration came in to effect on 11th August 2015. The objective of this new initiative is to allow for all FIE's to regularly update their records with the Ministry.

Establishment of registered FIE's - 57% of the registered FIE's have successfully commenced operations and this includes the operation of contracted consultants. The other 43% (FIEs) are required to establish within 2 years since the issuance of their certificates otherwise their registrations will be nullified.

As the registration process continues, the team has created a Consultancy Database to record names, contact details and specialty areas of any registered consultant that has been awarded a contract. The division recognizes the importance of this information and therefore has initiated this project for other future related studies. Ultimately our division is persistently working interdependently with the Industrial Relations Work Permits and Occupational Safety & Health (IRWPOSH), Registry of Companies & Intellectual Properties (RCIP), Ministry of the Prime Minister & Cabinet (MPMC) and the Ministry for Revenue (MfR) regarding foreign investors applying for a FIC.

Investment Sector Profiles – The review of the Investment Sector Profiles began in July 2015. These Sector profiles identified as potential investment opportunities in Samoa include the Renewable Energy Sector, Environmental Management Sector, Information Technology Sector, Tourism Sector and Financial Services Sector. However, investment is not limited to these sectors. All other sectors are open and are encouraged for investment except for those listed under the Reserved List of the Foreign Investment Act.

Study of the Wholesaling Sector and Review of the Reserved List – Given the challenges from the previous years with regards to the non-compliant cases, the Ministry decided to try a new approach and engage the services of a consultant to carry out a comprehensive study of the wholesaling sector and also review the Reserved list of activities under the Foreign Investment Act 2000. The study will determine whether the wholesaling of food and drink items" should be added to the Reserved list and also if there are certain activities that should be added or removed from the list. The study will begin in the next financial year.

Progress of previous achievements/challenges

Non Compliance of Foreign Investment Enterprises - This reporting period has recorded four (4) new cases that involved the retailing sector of the reserved activities. These new cases relates to non-citizens found to be involved in a reserved activity such as a

grocery store that is registered under a local citizen or a local citizen with a non-citizen spouse. It is the most common non-compliant issue for FIEs. Joint monitoring and working relationships have been strengthened internally with the IROSH and RCIP divisions as well as with line Ministries i.e. MPMC and MfR to minimize non-compliant issues in the hope that we will be able to completely prevent the reoccurrence of any new cases of such nature.

Submission of Status Reports – There is still a significant number of registered FIE's that continue to ignore their obligation to comply with the law for submission of their annual status reports. Most of these FIE are only complying with this requirement when they return to the Ministry to request amendments to their originally approved FIC's. Therefore as a strategy to resolve this issue, the recently endorsed amendments to the Foreign Investment Act has seen significant improvements with the compliance rate by FIE's since inception in August 2015. The Ministry for Revenue will also be advised of this new requirement in the hope that our close collaboration will direct FIE's to comply with their Foreign Investment Certificate requirements before being able to renew their business license.

Employment Creation – A major opportunity for the economy through foreign investment is the employment creation the FIEs offered. The previous two reporting periods were the first time this information was included in the report with an estimated total of more than 1156 job opportunities created through the establishment of new FIE's. This reporting period has recorded a total of 571 new opportunities available to our local people.

However these figures are only an estimated number that the investors include when applications are received and therefore confirming these numbers will need to be done once inspections are carried out to physically sight these enterprises and their business operations.

Investment Promotion Tools – The Division continues to use the Investment Guide and the National Investment Policy Statement plus the Ministry website www.mcil.gov.ws as publication tools to attract and promote investment in Samoa and abroad to both local and overseas potential investors. These publications are available to the general public and can be found on the Ministry's website. The review of the Investment Guide was completed in March 2016 with the review of the National Investment Policy Statement scheduled to be completed in July 2016.

2.3 FAIR TRADING, CODEX ALIMENTARIUS, CONSUMER PROTECTION AND METROLOGY

OBJECTIVE To promote competition and fair trade in markets for the benefit of consumers, businesses, and the community as well as ensuring that individuals and businesses comply with competition, fair trading, food safety and product safety standards, and consumer protection laws.

PERFORMANCE ACHIEVEMENTS

i. METROLOGY ACT 2015

The main objectives of the Metrology Act ('the Act') passed by Parliament in March 2015 are to; enable traders to use accurate and internationally prescribed measuring standards for weighting and measuring equipment, encouraging fair trade practices and protecting the consumer in order to enhance social economic development of Samoa. Furthermore, the Act mandated obligatory functions for all commercial engagements to use the Metric System. The Division was tasked with carrying out awareness programmes during the twelve months transitional period before it is enforced on the 1st January 2017. Awareness programmes were carried out in both Upolu and Savaii targeting all traders, students and consumers including TV Advertisements, road shows, ETE SILAFIA Programme, radio talks and billboards. The feedback from the public on these advertisements was positive and consumers are more aware of their rights while traders understand their obligations under the legislation.

(a) Database

A special database was successfully developed to record all the information of scales specifications including types of scales whether mechanical or electronic, model, country of origin, serial number, certificate of accuracy, minimum and maximum capacity and the list of all weighing commercial entities.

(b) Capacity Building

The ACP – EU TBT programme approved the participation of three officials to training in France before September end 2016. The overall objective of this mission is to upgrade the skills of the metrology and standardization units through;

- (i) Training and certifying of Fair Trading Officers to calibrate, verify and inspect all means of existing weights and measures equipment in Samoa to facilitate trade;
- (ii) Implementation of quality management systems; and
- (iii) Increasing awareness among economic operators.

It is expected after the mission, the enhanced capacity and experiences of the staff to

effectively administer the Metrology Act will greatly contribute to the improvement of private sector development in terms of competitiveness, access to export markets hence improving the framework conditions for market access for all trading partners and enhance services delivery.

ii. COMPETITION AND CONSUMER ACT 2016

The Competition and Consumer Bill passed by Parliament in February 2016 is now in its eighteenth month's transition period.

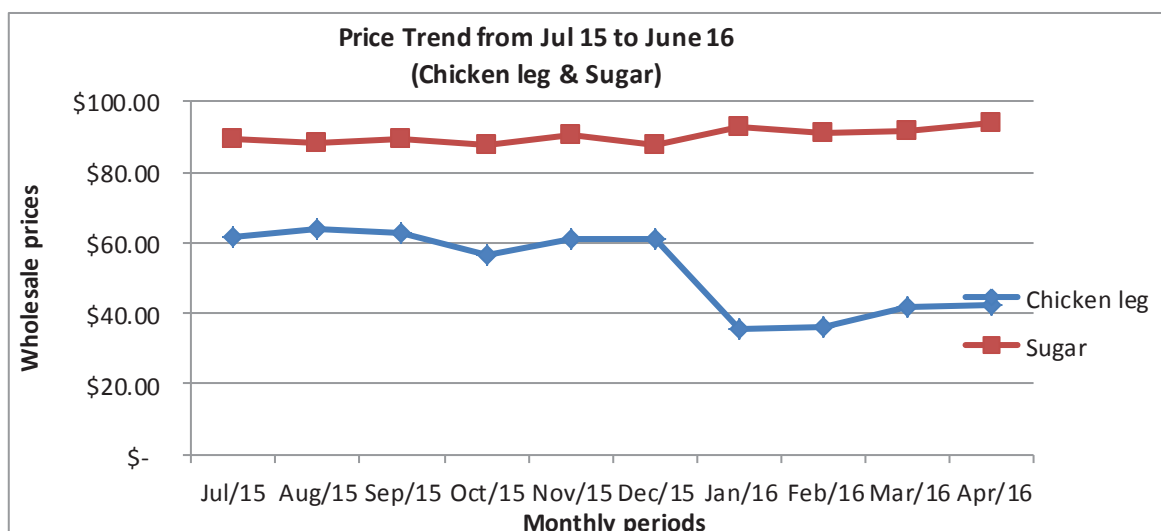
The Competition and Consumer Act updates and enhances the consumer protection contained in the Fair Trading Act 1998, and it also contains a comprehensive regulatory framework for the promotion of competition in Samoa's economy. The objectives of the Act are to promote competitive markets, establish standards of conduct for those involved in trade and to protect the safety and interests of the consumers. The Act further aims to establish a Competition and Consumer Commission for Samoa. The Ministry is tasked with conducting public awareness for traders and the general public to be aware of their legal obligations and rights before the Act becomes effective in July 2017. We wish to acknowledge and thank the Asian Development Bank (ADB) and in-house support from Commonwealth Secretariat (Hubs and Spokes Programme) for the great assistance rendered in the development of the Competition Policy and legislative framework.

iii. PRICE CONTROL BOARD

The Board continued to perform its functions to ensure that prices of necessary food items are made available at affordable costs for consumers. The Board during its last meeting of the reporting period welcomed the new Minister who is also the Chairman of the Board, his Hon. Lautafi Fio Selafi Purcell. For the FY 2015/2016;

- Four meetings were held to review the prices of stipulated goods.
 - All items continued to follow the fixed cost arrangement while potatoes and onions were subject to percentage markup arrangement.
 - One submission was received from Samoa Beverage Company for a change in alcohol content and name of one of their alcohols namely Samoa Taula Strong.
 - Prices of cigarette and tobacco have been increased due to the 5% increase in excise tax and wholesale/retail margins as proposed by the British American Tobacco Samoa (BATS).
 - Deregulation proposal from the (BATS) was also received. After much deliberation over the effects of the deregulation, the Board decided to approve in principal concept of deregulation awaiting further assessment from the Ministry and market surveys from BATS.
 - A total of 109 products have been recorded since the end of this financial period. In every review, some products increased in prices while some reduced due to the fluctuation of exchange rates in importing countries. Some products
-

remain unchanged due to lack of information received for the review of their prices or retained as some were still found in the market. The quarterly review observed regularly slight fluctuations with some products like sugar and chicken leg quarters;



- The wide distributions of each Price Orders were usually carried out in a timely manner to reach all traders before the effective date. Advertisements of each Price Orders were publicized on the media such as television, radio and newspapers. The number of traders in Samoa according to records at the end of this financial period was 1156. The Division carried out weekly inspections to monitor effective compliance and ensure the freedom of consumers to exercise their rights in the marketplace.

Timely submissions of Costing and increase in number of importers

Since completion of the meeting with all the Chinese companies and ongoing dialogues between the Division and the Ministry for Revenue, we have noted a huge improvement in timely submission of costing and the increase in numbers of importers submitting costing for reviewing of price controlled products. This was one of the concerns previously faced by the Division which had an impact on prices review thus few number of products' prices reviewed during quarterly meetings of the Prices Board.

iv. FOOD SAFETY STANDARDS

Ava Standard Regulations 2016

The Ava Standard was developed by the Samoa Association of Manufacturers and Exporters (SAME) due to their involvement in the growing of the ava. Other members of the committee contributed through comments on the draft which assisted to develop

into the first final draft. This first draft was passed to the Attorney General's Office for their legal review as per usual process.

Regional Standard for Fermented Noni Juice

The final draft of the Noni Juice Standard with comments from Australia, Canada and USA was circulated among the members of the CCNASWP for their final review. The final version of the Standard was submitted to the CODEX secretariat for their information and this paper will be discussed in the 14th CCNASWP session in Vanuatu, September this year.

Strategic Plan 2016-2020

The Samoa National Codex Committee agreed and approved the development of a Strategic Plan for the next five years funded by the Enhancement Integrated Framework (EIF). The fund was allocated to hire Technical Assistance (TA) to develop the plan however the committee agreed to forego the TA and the work will be driven by the committee members. This decision was for the committee to build capacity in developing strategies for food safety in Samoa and also they are responsible for the full ownership of the plan. Two workshops carried out in both Upolu and Savaii to gather views of relevant stakeholders for the success of the plan.

OTHER ACHIEVEMENTS

Inspections

A total of 787 traders inspected during the period in Upolu including 71 follow ups. During inspections, traders were reminded on their obligations under legislations administered by the Division. Ninety-five (95%) percent of traders were considered to be fully complying with all the various obligations under the legislations administered by the Division.

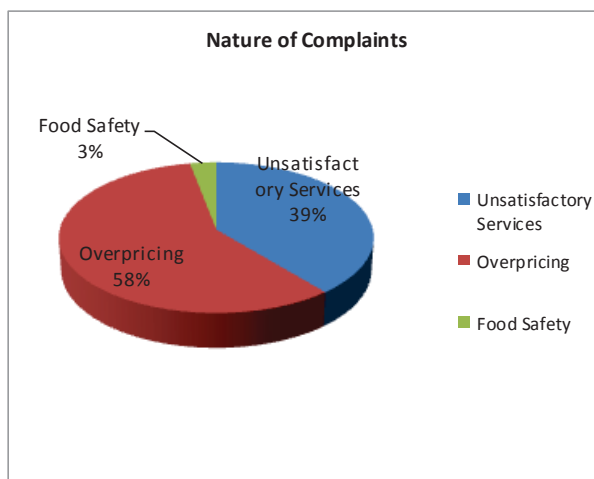
Enquiries

A total of 139 enquiries recorded within the period. Most of the enquiries received were either in person, telephone or by email. The majority of enquiries relates to the General Price Order.

Complaints

During the FY2015 -2016, the Division received 72 complaints. These complaints were received through telephone, email and in person. 93% of these complaints were lodged by consumers as opposed to 7% lodged by traders against other traders.

The graph Nature of Complaints below presented the percentage of overpricing, unsatisfactory services, food safety and breach of price. The highest number of complaints fell under overpricing category. These overpricing complaints related to high prices charged by traders which contradict with the stipulated prices in the General Price Order and were mainly on beer, cigarette and chicken leg. Unsatisfactory services include complaints against car dealers, electronic companies and construction markets. This period recorded new complaints against water Tanks Company lodged by traders against other traders. As a result, all these complaints were resolved within the period. The vast majority of complaints were resolved on the spot while others were investigated and through to the mediation process.



Calibration

Four calibrations conducted within the financial year in Upolu to check the accuracy of petrol stations in the country. All petrol station tested was in compliance with certain standards required by law.

Daylight Saving Time

Cabinet approved Daylight Saving Time to September 2018. These dates can be extended according to advice from the Ministry after a survey of traders and service providers as well as consumers.

End Date	Time	Start Date	TIME
3 April 2016	4:00am to 3:00am		
2 April 2017	4:00am to 3:00am		
1 April 2018	4:00am to 3:00am		
		25 September 2016	3:00am to 4:00am
		24 September 2017	3:00am to 4:00am
		30 September 2018	3:00am to 4:00am

Town Clock

Repair works including cleaning, painting, putting on glitzy lights was carried out to beautify the appearance of the clock for the Independence Day celebration.

World Consumer Rights Day

This is the sixteenth year since Cabinet endorsed the 15th day of March to celebrate

together with the world, consumer rights and interests. The focus for this Financial Year was on publicizing of The Metrology Act 2015. The Division arranged a 30 minutes morning (8:30am) talk show on FM Radio and an information booth on the ground floor of the ACC Building outside the National Bank of Samoa. Each division of the Ministry was invited to be part of the celebration by exhibiting their work information.

Awareness

The Division has been active in carrying out on-going awareness activities on television to ensure traders and consumers are made aware of their rights and obligations mandated under Division's legislations. These TV advertisements focused on General Price Order, Car dealers and the Metrology Act 2015. The Digital Billboard and regular billboards were other means used to deliver the message especially on the Metrology Act as it will be new to the public and all commercial entities. Information guides and flyers were designed for the purpose of creating more awareness for traders and consumers on the Metrology Act 2015. The Division upon requests from heads of organizations and companies conducted brief presentations and face to face discussions to KL Security and Oceania Gas

MCIL SAVAII BRANCH

MCIL Savaii continues its service as the contact point for all enquiries and matter pertaining to the whole Ministry in the big island of Savaii. It has been a successful year in Savaii with an increase in the number of people visiting the office as highlighted in the increase in the number of enquiries and the team has been fully participated in all activities of the Ministry held in Savaii such as Metrology Road Show, Scoping Study, Petroleum Task Force Visit, Agriculture Show, Workshops & Awareness programs. The following were the activities conducted within the financial year in operation:-

- A total of 369 traders inspected in the island during the reporting period including follow ups.
 - Overall, a compliance rate of more than 85% of traders has been observed with all the various obligations under Fair Trading Act 1998. 15% represents traders that have not complied mainly in the areas of overpricing, not displaying GPO and sales of goods below approved standards.
 - In terms of enquiries, a total of 205 received and recorded which are mainly related to matters pertaining to the entire Ministry as well as issues for referring to other ministries such as Revenue, Health and Works.
 - The Savaii office also records a total of 24 complaints; 12 complaints on industrial relations & labour matters and 12 for over pricing of goods. All cases on Fair Trading matters were resolved while others on labour issues were referring on time to the responsible Division.
 - An on-going petrol adjustment on a monthly basis and the calibration of eight (8) petrol stations in Savaii including the Lady Miriama Petrol Station at Salelologa that was re-opened in early June 2016.
-

2.4 APPRENTICESHIP SCHEME, EMPLOYMENT SERVICES AND LABOUR MARKET

OBJECTIVE Encouraging the importance of having a highly skilled workforce of trades persons and provide training for jobseekers to ensure full employment of locals.

PERFORMANCE ACHIEVEMENTS

LABOUR AND EMPLOYMENT EXPORT PROGRAM (LEEP)

The new framework was passed by Cabinet in April 2016. The objective of the program is to coordinate all foreign workers programs available and to ensure Samoa improves its exports of skills abroad. This would mean putting together the current programs such as the New Zealand Regional Seasonal Scheme (RSE) and Australia's Seasonal Workers Program (SWP) including Trade and Other Skills, Sports and Professional Services and temporary movement of natural persons as negotiated under the current Trade Agreements under one Unit. The Labour and Employment Export Unit (previously known as the Seasonal Employment Unit of the Ministry of Prime Minister and Cabinet) will be housed under the Ministry in the coming financial years.

SUPPORTING THE CHRISTCHURCH REBUILD – APPRENTICESHIP PROGRAM

Samoa is one of the three countries in the Pacific that is included under the pilot project for the rebuilding of Christchurch. The Apprenticeship Team of the Ministry has jointly worked together with the Ministry of the Prime Minister and Cabinet (MPMC) in the provision of required information for this project. The Ministry assisted rebuilding program job opportunities by shortlisting applicants eligible for this project. Shortlisted candidates went through a process of verbal interviewing and a practical test.

The involvement of the Ministry in the Christchurch Rebuild Pilot Project plus the NZ Regional Season Employment (RSE) and the Australia Seasonal Workers Program (SWP) reflect the continuous commitment by the government through the Ministry, to further develop the Apprenticeship Program. The continued increase of apprentices joining the program every year led the Ministry to render the services of Computer Services Ltd (CSL) with funding from the Trade, Commerce and Manufacturing Unit to develop and install the Apprenticeship Scheme Database to store all apprenticeship information of all former and current apprentices involved in the scheme. The stored information will assist the Ministry and other government agencies to address the shortage of skills and demand for skilled labour force without depending heavily on employing foreign employees. The Ministry is committed for Samoa to have a highly skilled workforce and also to generate more employment opportunities for our tradespeople both nationally and internationally. Furthermore, the initiative also focused on strengthening partnership and network amongst Post-Secondary Education Training (PSET) providers inclusive of the Apprenticeship Program.

SAMOA NATIONAL EMPLOYMENT POLICY

The Ministry with the technical support by Wiz Consult Ltd and financial assistance from the International Labour Organization (ILO) developed the first National Employment Policy for Samoa. This policy is to ensure stakeholders and the public seeks to enhance labour market outcomes in Samoa by addressing issues related to labour market demand, labour market supply and labour market policies and institutions. Technical Assistant consultation was held at the Development Bank Conference Room in November 2015, to present the draft of the first National Employment Policy. The policy will be launched in financial year 2016/2017.

LABOUR MARKET INFORMATION SYSTEM (LMIS)

The first Labour Market Information (LMI) system is being initiated and established as a centralized database for better and efficient networking of all labour market information. The project was successfully developed and installed by the Bit Solution Consultancy Company and was funded under the TVET Projects by the government of Australia through the Samoa Qualification Authority. It is a system where social partners, stakeholders and users of all labour market information or data will be made possible and much easier and quicker for them, to continue on linking information and utilising them whenever is needed. This system also creates a pathway for the government, to connect and link to all sectors at the national level and even across the world the related services and programs of the Ministry. The advantage of this well-designed system assists the Ministry with the conducting of 2016 Labour Market Survey by speeding up survey processes such as data processing, tabulation, analysis, reporting and dissemination of data to users on a timely basis, to avoid out-dated data. The LMIS will also assist potential employers with searching for qualified employees online.

AWARENESS PROGRAMS

The unit continued with its awareness programs to promote the various programs available to the community. These include the **Jobseekers Training** of those in the process of job seeking. Job seekers were taught with first hand preparations for job search packages such as writing of application letter, formulate their curriculum vitae and preparation for job interview. The annual **Industry Awareness Program for 2016** targeted unemployed youth population in Savaii where the youth were encouraged to start thinking entrepreneurship as other forms of income generation. The **Disability Awareness & Training Programs Upolu & Savaii** during the financial year aimed at those with disabilities focusing on finding employment in the work force. The Ministry will continue to work together and support them by means of training, educating and encouraging this category of people to be aware of their surroundings and everyone around them.

II. ENABLING ENVIRONMENT FOR BUSINESS DEVELOPMENT

2.5 POLICY AND LEGAL ADVICE

The Legal Unit that was established in 2013 has continued to work with the key divisions to provide legal advice, legal guidance on policy matters and worked with the Attorney General's Office on developing new legislation, legislation reforms and legal interpretation of current legislation under the administration of the Ministry. There continues to be an increasing number of grievances from employers and employees, and customers that require Legal Unit's assistance to resolve from time to time.

The Unit is also providing capacity building to staff on interpretation of legal instruments and improving their skills on investigations administrative decision making. Other training programs are also being developed.

The Legal Unit has continued to work with the Office of the Attorney General in drafting the following policy documents which have recently been passed by Parliament.

- Citizenship Investment Act 2015 which would attract foreign investors to invest in Samoa to assist the Government's efforts in boosting economic growth and to provide employment opportunities for its citizens.
- Metrology Act 2015 which regulates weights and measures in Samoa
- Competition and Consumer Protection Act 2016 which would encourage fair trading and competition in the local market.
- Credit Union Act 2015 which registers and regulates the operation of Credit Unions in Samoa.
- Several other policy documents were amended during the year.

The Legal Unit is also involved with the preparation of the implementation stage of these policies. These would include public awareness programs, development of regulations, processes and procedures. Regulations processed during the year under review are: Intellectual Property Regulations 2015, Labour and Employment Relations Regulations 2015 and Citizenship Investment Regulations 2015. Legal also plays a crucial role in providing feedback on International Conventions and Labour Standard Reports which Samoa is obligated to submit on an annual basis.

2.6 INDUSTRIAL RELATIONS AND OCCUPATIONAL SAFETY & HEALTH

The current structure for the Industrial Relations and Occupational Safety and Health Division ('IROSH') was approved 29 July 2015 and is divided into three functional areas;

- (1) Industrial Relations ('IR'),
- (2) Work Permits, and
- (3) Occupational Safety and Health ('OSH')

The IROSH team contributes to the overall success of the Ministry's strategic targets through the effective and efficient implementation of legislation and the reporting of International Conventions. Details of these legislation and International Conventions are provided in **Appendix 1**.

ENFORCEMENT OF LABOUR STANDARDS AND ASSESSMENT AND ISSUANCE OF EMPLOYMENT PERMITS

The Industrial Relations ('IR') team has a significant role in the conciliation of employment and industrial disputes, promoting employment standards across the private sector and public bodies, and solving employment grievances of working terms and conditions. It is also responsible for the assessment and issuance of employment permits to enable a non-citizen who wishes to undertake employment in Samoa.

To demonstrate progress towards achieving our objectives the following key indicators have been completed for FY2015/2016.

Labour Legislation

Cabinet on 24th December 2015 endorsed the Labour and Employment Relations Regulations 2015 ('Regulations').

Labour Promotion

A total of 19 awareness programmes were conducted to 147 businesses and organisations promote employment standards and strengthen the understanding of employers and employees on employment and international labour standards. A total of 941 one-on-one dialogues on labour laws and its application were received via email, telephone and walk-in from employers and employees.

Samoa National Tripartite Forum

The Samoa National Tripartite Forum ('Forum') is made up of Government, Employer and Worker Associations to discuss national issues relating to labour and employment standards, Occupational Safety and Health, and related issues that have an impact on the social and economic development of Samoa.

Four (4) International Labour Standard ('ILS') Reports were endorsed by the Forum and submitted to the International Labour Organisation ('ILO') Office in Geneva. The

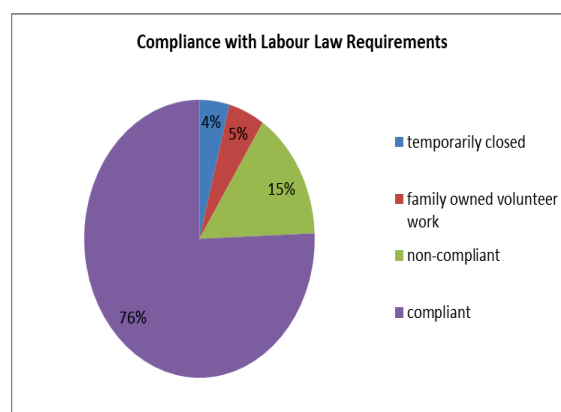
Reports are to inform the ILO on the legal implementation of eight Conventions that Samoa has ratified.

1. Freedom of Association & Protection of the Right to Organise Convention 1948 (No. 87)
2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
3. Equal Remuneration Convention, 1951 (No. 100)
4. Discrimination (Employment and Occupations) Convention, 1958 (No. 111)

Investigation of Employment Grievances

A total of 192 employment and industrial grievances were received from 01st July 2015 to 30th June 2016. From the 192 cases lodged a total of 170 grievances have been resolved while 22 are carried forward into the next financial year due to lack of cooperation from employers.

The most common grievances reported include unpaid final pay entitlements; unpaid overtime; unpaid earned wages; unfair dismissal; and absence of National Provident Fund contributions. Employers feel they are disadvantaged by the LERA and have proven to be challenging during investigation, such as unwillingness to cooperate with the Ministry, refusal to meet and/or reluctance to submit requested information/documentation pertinent to resolving of grievances lodged.



Monitoring and Evaluation

One of the divisions core function is to enforce the LERA through its monitoring and evaluation ('M&E') role.

A total of 12 M&Es were conducted covering a total of 119 businesses / companies and organisations. Based on M&E findings it was evident that there are still a number of employers that are not effectively implementing provisions of the LERA.

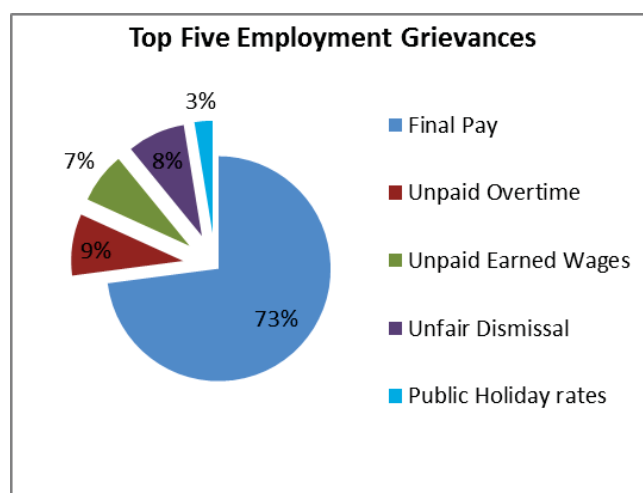
The M&E focus on basic requirements which employers and employees are to adhere to, such as; ensuring record keeping of workers which should contain particulars of the worker, a signed Employment Agreement to stipulate working terms and conditions, salary, working hours, and leave and payroll records etc.

From the 119 businesses, companies, and organisations visited 76% (90) were found to comply with relevant provisions of the LERA, while 15% (18) were able to implement

some of the provisions of the LERA.

It is noted that employers are not complying with specific provisions such as:

- failure to pay employees final pay,
- not paying employees hours worked overtime,
- unpaid earned wages
- non-payment of National Provident Funds of workers
- disciplinary process to be implemented before terminating an employee
- and excessive working hours



If a provision is not complied with, the Labour Inspectors may issue a corrective action and a follow up visit to these employers is warranted to ensure the employer fully complies and understand employment standards in accordance with the Labour Legislations.

Foreign Employee Employment Permit (“FEEP”) for non-citizens

MCIL is responsible for initiating systems to be put in place to ensure the right number of non-citizens with the right skills are placed where there is evident skills shortage/gaps, and where qualification, skills and experience of non-citizens are beneficial to the development of Samoa’s economy.

The actual revenue collected for FY2015/2016 had decreased by 24% compared to the actual revenue collected for FY2014/2015.

Revenue FY 2014-2015	\$668,700.00
Revenue FY 2015-2016	\$507,070.00

However, the Ministry achieved its Non Tax Revenue (“NTR”) target of \$321,000.00 by 58% for the reported period from NTR of \$507,070.00. Means of revenue ranged from new FEEP applications, renewals for extension of Employment Contract and/or printing of lost Employment Identification Cards.

A total of 489 FEEPs were lodged within the financial year, 455 were approved and issued, six (6) were declined due to failure to satisfy criteria, and 28 are carried forward to the next fiscal year for assessment. From this number 124 were issued for female and 365 for males.

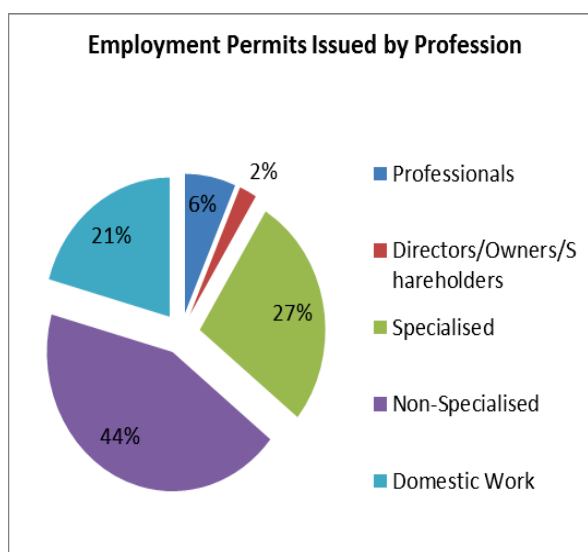
The top three industries which Employment Permits were issued included **Construction**, **Restaurants** and **Domestic Work**, in jobs such as carpentry, supervisor in retail,

managers for wholesale companies etc.

There is also an increase of foreign employment in domestic work such as babysitting, caregiver and housekeeping.

There have been some challenges faced with employers and employees under the FEEP scheme, such as non-compliance with working terms and conditions, communication barrier, delay in submitting renewals of FEEPs and not leaving the country upon the expiration of their permit.

The Ministry continues to work closely with the Ministry of the Prime Minister and Cabinet (Immigration Division) given that Immigration Services grants temporary resident permits for foreign employees upon approval of an Employment Permit. The Ministry also advises the National Provident Fund, Accident Compensation Corporation, and Ministry for Revenue of approved permits for their appropriate action, such as NPF monitor NPF deductions for non-citizens working in Samoa.



Exempted from FEEPs

A total of 132 non-citizens are registered with the Ministry to have exemption to work in Samoa while undertaking a project for either less than three months, and/or through a Memorandum of Understanding with the Government. 131 exempted are registered under the Landing Limited and one for the Australian High Commission.

ENFORCEMENT OF OCCUPATIONAL SAFETY AND HEALTH STANDARDS

The Occupational Safety and Health Division ("OSH") is mandated to improving workplace safety and health through its commitment in educating employers and employees on the benefits of putting in place OSH mechanisms that contribute to the success of a business/company/organisation.

The Ministry firmly believes in providing decent work for all, not only through decent working terms and conditions for workers but the safety and health of workers so at the end of the day, workers and employers are reunited with their families and love ones.

OSH Promotion

Since becoming a member of the ILO over a decade ago, the Government of Samoa through the Ministry has taken steps to improve OSH within the workplace.

The Ministry conducted 16 open forums to promote and educate employers and workers of the importance of OSH, and commemorated the World Day for Safety and

Health at Work on 28th April 2016 which is celebrated across the globe in remembrance of the many workers that have lost their lives at the workplace.

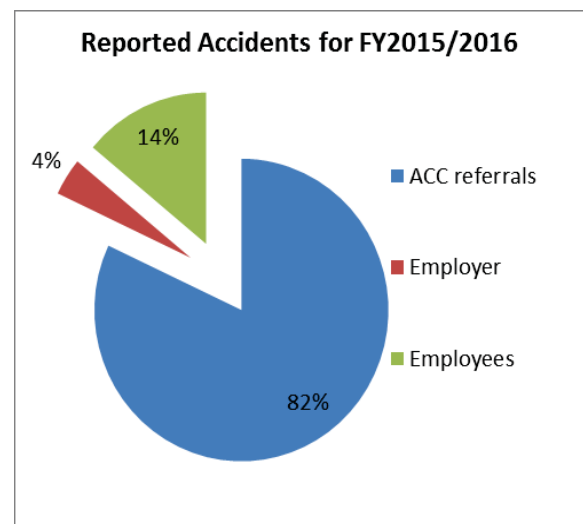
The Ministry initiated two main events on this day; (1) OSH Stewardship Awards Ceremony, and (2) acknowledged the theme for the 2016 '**Workplace Stress, a Collective Challenge**' which focused on how promoting awareness-raising campaign on health and safety culture can minimize the likelihood of workplace accidents and illnesses such as stress and depression.

Investigations of reported accidents, incidents and illnesses / Reported accidents, incidents and illnesses

Investigations were prioritised for reported and referred accidents, incidents and illnesses relating to OSH. Upon the completion of an investigation the Ministry provide a report to the employer with recommendations of preventative measures. A total of 50 accidents / incidents were referred and reported to the Ministry for their assessment and investigation. These cases varied from minor to serious where two deaths were reported for the reported period.

It is noted that 82% of work accidents have been reported through the Accident Compensation Corporation ("ACC") which has been a positive outcome for the division in terms of strengthening our network with ACC as the sole social insurance scheme for work injuries and illnesses.

One of the challenges is encouraging employers and workers to report workplace accidents to the Ministry so we may work with them on putting in place preventative measures to avoid further accidents



Investigations will become of growing importance as the division aims to increase awareness ensuring employers and workers are aware of their obligations and rights to report workplace accidents, furthermore training for inspectors specifically on investigations is also a priority.

Monitoring and Evaluation ("M&E")

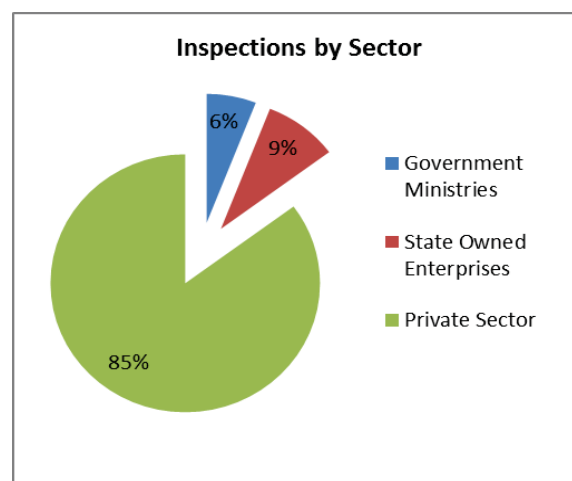
The division has developed pathways to compliance and will continue to work with businesses and organisations in meeting their OSH standards. As part of the division's core functions, our M&Es comprise of routine inspections, follow up corrective notices issued, and ad-hoc spot checks across Upolu and Savaii.

A total of 202 inspections were carried out to Ministries, State Owned Enterprises,

Construction, Manufacturing, Hotels and Restaurants, Petrol Stations, Bakeries, Retail, Supermarkets etc.

Common concerns identified during inspections include:

- Personal Protective Equipment and safety clothing not provided
- Safety gear provided but use is not enforced
- No accident register books
- No first aid kits for each workplace
- Poor hygiene in workplace bathrooms
- Hazards in the workplace poorly managed



From an operational perspective, the inspectorates were able to achieve wide sector coverage as employers and employees still do not prioritize safety measures. A common challenge during inspections show many of the employees are not wearing suitable personal protective equipment and/or equipment in the execution of their work. This is something the Ministry will look at highlighting in the future.

2.7 REGISTRIES OF COMPANIES AND INTELLECTUAL PROPERTIES

OBJECTIVE Enhance systems and procedures for registration and maintenance of different registries, ensuring full protection of rights of intellectual property creators and proprietors

PERFORMANCE ACHIEVEMENTS

The Ministry through its Registries of Companies and Intellectual Properties (RCIP) division continued with its national awareness campaigns in both Upolu and Savaii to ensure the public and stakeholders are aware and understand the services available in protecting their intellectual property rights.

Companies and Intellectual Property Workshops and Trainings in Savaii

In August 2015 from the 17th to 21st, both the Companies and Intellectual Property Teams for the RCIP division held 4 workshops and trainings in Savaii. These workshops and trainings were held in strategically identified locations namely Salelologa (2), Manase, and Asau readily accessible to stakeholders and interested members of the public.

The subject matters covered in these workshops were on: *intellectual property protection and benefits of intellectual property protection in areas of copyright and related rights; Trademarks; Designs; Patents; and how these can be used to protect traditional knowledge and traditional cultural expressions.* In the area of companies: *the registration and maintenance of the registration of entities such as companies (private and public);*

incorporated societies; credit unions; charitable trusts and cooperative societies. The presentations were well-received by the participants of the workshops and trainings.

The workshops and trainings were attended by more than 150 participants from a variety of experiences. That is, from small business owners/operators, farmers, domestic workers, teachers, secretaries, small business advisors, marketing personnel, sports officers and self-employed individuals.

The result of the analysis of questionnaires disseminated amongst the participants by the RCIP Division after the workshops and trainings reveal that there was very little or even no knowledge and understanding of the subject covered in these workshops. There was a general consensus amongst the participants for follow up workshops and trainings in Savaii.

National Copyright and Related Rights Workshop

In October 2015 the RCIP Division in collaboration with the Copyright division of the World Intellectual Property Organisation co-hosted a 3 day National Copyright Workshop from the 21st to the 23rd. The first part of this Workshop was conducted in the Ministry's Conference Room on the 21st October. The last two days were conducted TATTE Mini Conference Room on the Ground Floor of the Tui Atua Tupua Tamasese Efi Building (TATTE) at Sogi.

The main objectives of the workshop are to provide an overview on the *Marrakesh VIP Treaty* and *Beijing Treaty* and to discuss the costs and benefits of establishing a *National Collective Management Organisation* for authors and creators. The *Marrakesh VIP Treaty* provides for the development of a national exception to allow copies of copyrighted works for the use of those who are visually impaired.

The *Beijing Treaty* provides for the legal recognition of intellectual property rights of actors and actresses in their audiovisual performances. Samoa has not ratified these Treaties. Collective Management Organisations are responsible for the issuing of licenses for use of copyrighted materials and the collection of royalties from such works on behalf of copyright holders.

The outcomes of this Workshop reveal the need for more workshops on copyright especially on the national copyright legal framework. There was a lot of support for the Government ratification of both Treaties and the setting up of a National Collective Management Organisation. The WIPO sent a technical expert, Mr. Paolo Lanteri, a copyright lawyer to lead the Workshop. More than 60 participants from all sectors (Public Sector; Private Sector; Non-Governmental Organisations; and Community Organisations) attended the Workshop.

Samoa Cultural Industries Training: Intellectual Property Rights and Protection of Fashion Design, Music, Handcrafts, Visual Arts & Performing Arts

In March 2016 from the 21st to 23rd, the RCIP division in collaboration with the Ministry of Education Sports and Culture (MESC); the Samoa Arts Council (SAC); the Pacific Community (SPC); the Pacific Islands Forum Secretariat (PIFS); lead a workshop on Intellectual Property Rights and Protection for the Samoa Cultural Industries.

The objective of this Workshop is to enhance the knowledge and understanding of members of the cultural industries on intellectual property protection as a value adding tool on their products encouraging economic growth and job creation in the industry.

There were more than 50 participants that attended the Workshop. The participants were mainly from the cultural industry but there were representatives from community organisations and the Government Ministries and Agencies such as the Ministry for Revenue and Customs, the National Prosecution Office, the Office of the Attorney General, the Small Business Enterprise Centre.

The outcome of this Workshop reveal the *need for more follow up workshops for members of the cultural industries; improvement on the enforcement of intellectual property protection and reconsideration of fees for the registration of intellectual properties such as trademarks and industrial designs.*

Organisation Specific Workshops

The RCIP division was also invited by a number of Organisations to conduct presentations within to create awareness and increase the knowledge of their employees. Such Organisations include the Accident Compensation Corporation and the National University of Samoa Library Committee

REGIONAL MEETINGS

First Regional Practical Workshop on Intellectual Property, Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources

The RCIP division in collaboration with the Traditional Knowledge Division of the World Intellectual Property Organisation (WIPO) co-hosted the first Practical Workshop on Intellectual Property, Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources on the 10th and 11th of December 2015 at Elisa Hotel, Apia, Samoa. The Workshop featured a wide representation from stakeholders from the Public and Private Sectors across the region. More than 40 representatives from 13 countries of the Pacific Region were in attendance. The countries represented were Cook Islands, Fiji, Guam, Kiribati, Marshall Islands, Niue, Palau, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu and Samoa. The Pacific Community (SPC) and the Pacific Islands Forum Secretariat (PIFS) were also represented at the Conference.

The main objectives of the Workshop are to provide an overview of the main principles of the intellectual property system; discuss options available to promote and protect traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources (GRs); and setting platform for co-operation and collaboration between stakeholders at

both national and regional levels.

The Workshop provided an important networking platform for stakeholders; information about technical support available from WIPO and our Pacific Partners namely SPC and PIFS; and a better understanding of the IP System and how it can be used to protect and add value to TK, TCEs and GRs related products.

Samoa Hosts the First Heads of Intellectual Property Office Conference (HIPOC) for Pacific Island Countries

The RCIP division in collaboration with the Regional Bureau for Asia and Pacific arm of the World Intellectual Property Organisation (WIPO) co-hosted the first Heads of Intellectual Properties Office Conference (HIPOC) for Pacific Island Countries from the 7th and 8th December 2015, Tanoa Hotel, Apia, Samoa. The Conference was attended by 11 of the 12 countries of the region that have functioning Intellectual Property Offices. The countries in attendance were Cook Islands, Fiji, Kiribati, Marshall Islands, Palau, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu and Samoa Niue was absent. The Pacific Community (SPC); the Pacific Islands Forum Secretariat (PIFS) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) were also represented at the Conference.

The main objectives of the Conference are to familiarise the Heads of IP Offices to recent developments in the IP system; discuss available technical assistance from WIPO; encourage collaboration amongst the IP Offices in the Pacific Region.

In the last day, a HIPOC Outcomes Statement was developed. The Outcome Statement listed the agreed outcomes of the Conference. One of the main outcomes stated is securing WIPO's commitment to organise and support an annual HIPOC meeting and IP training workshops for the Pacific Region. Other outcomes include HIPOC Countries agreeing to commit themselves at the regional level to work collaboratively and share information to facilitate IP protection in the region. At the national level, HIPOC Countries also promised to commit themselves to work more closely with key agencies and stakeholders to improve coordination on IP related matters such as protection.

OTHER ACHIEVEMENTS

World Intellectual Property Day –April 26

THEME: “DIGITAL CREATIVITY: CULTURE REIMAGINED”

The Registries of Companies and Intellectual Property division ('the division') in collaboration with the World Intellectual Property Organisation (WIPO) commemorated worldwide with other WIPO member countries, the World Intellectual Property (IP) Day on **26th April 2016**.

To commemorate the World IP Day of 26th April 2016, the division conducted various

activities to celebrate this important day. These activities include Radio talkback sessions on Talofa FM from 10am to 10.30am in the mornings of Monday 25th April, Tuesday 26th April and Wednesday 27th April 2016, followed by an hour of radio talk back discussions from 11am – 12pm at the 2AP. This included providing an opportunity on air for questions to be posed by our listeners on IP matters. The purpose of these Radio Talk Back shows are to:

- Increase our people's awareness of the importance of the World IP Day and the different themes that are set by the WIPO each year;
- Emphasize the role that IP rights (copyright, designs, trademarks, patents) play in encouraging innovation and creativity amongst our local artists and creators;
- Enhance our people's understanding of the applicable IP laws in Samoa and
- To make known how the staff of the division can assist our local artists and creators in obtaining and maintaining legal protection for their IP Rights.

An Information Booth aimed at increasing public awareness of Intellectual Property matters was also hosted by staff members of the division, at the Ground Floor of the ACC Building in Apia during the mornings of Monday 25th April to Wednesday 27th April 2016. The division also hosted Radio talk back show on the 2AP Radio and Talofa FM on the mornings of Monday 25th to Wednesday 27th of April 2016.

The purpose of the World Intellectual Property Day is to increase awareness and understanding of Intellectual Property ('IP') and to promote its role in encouraging Innovation and Creativity throughout the world. A theme is set by the WIPO for the World IP Day each year and this year's theme is "**DIGITAL CREATIVITY: CULTURE REIMAGINED.**"



This year's theme aims to explore the impact that current and emerging technologies will have on cultural works such as music, books, films, TV, art, video games, choreographic dances and so forth. That is, the impact that digital technology has on how we create, access and finance cultural works. Thanks to digital technology and the Internet, we now

have access to more cultural works than ever before. The Internet has created a global marketplace and global stage for music, books, films and other creative works, which is wonderful for worldwide consumers and creators of such works.

The World Intellectual Property Day therefore offers a unique opportunity each year to join with others around the globe to consider how IP contributes to the flourishing of cultural works – such as music, books, films, TV, art, video games and so forth - and the technological innovations that helps shape our world. In commemorating this World IP Day, we encouraged our local artists and creators to continue displaying their innovations and creativity through the use of various mediums that are now available through digital technology to devise new, unique and/or derivative works.

Launch of Electronic Payment System

On the 20th August 2015 the division in collaboration with the Asian Development Bank Private Sector Development Initiative, the Ministry of Finance- Division for Accounts and Reporting and the Bank of the South Pacific launched the installation and use of EFTPOS Terminals at the Ministry's Apia Office and the Salelologa Office to facilitate payments by clients using the new Online Companies Registry.

The Online Registry was launched in 2013 and whilst this expedited the incorporation of companies and the filing of annual returns for the maintenance of a company's registration but the main hindrance was the making of manual payments which must be made with the Ministry's Apia Office irrespective of which part of Samoa or the world a client is in.

This new development is a way forward towards online payments which will greatly facilitate online registration of companies once this is fully implemented. It is anticipated that ADB – PSDI will continue work in coming July 2016 to upgrade the current Online Company Registration System, install the Internet Payment Gateway allowing clients to make payments from anywhere in the world; install the Personal Property Securities Online Register and to create online registers for other entities such Incorporated Societies, Cooperative Societies, Charitable Trusts, and Credit Unions.

Legislative Reform Initiatives

In the last financial year the division worked on finalising a number of outstanding legislative review and reforms of a number of legislation it administers. This is the *Credit Union Act 2015* and the *Intellectual Property Regulations 2015*.

The Credit Union Act 2015 repeals the Credit Union Ordinance 1960. The new Act updates the law pertaining to the incorporation of credit unions in Samoa. A distinctive addition is the updating of requirements for the formation of a federation of credit unions.

The Intellectual Property Regulations 2015 will set out the new and updated schedule of fees for trademarks, innovation patents and patents, designs, geographical indications,

plant breeder's rights and layout designs of integrated circuits. The Regulations will also set out the prescribed forms to be used in the registration of such intellectual properties and the maintenance of their registrations.

International Treaties and Agreements

Trade Related Aspects of Intellectual Properties (Public Health Amendment) Protocol

The Division was asked to provide a position for the Ministry to inform Samoa's position on the supporting the delay in the implementation of the above Protocol. The Division identified that the proposed amendment will no doubt lighten the burden on the national economy due to the purchasing of drugs. With the amendment in place it will provide a proper framework for Samoa to seek assistance from other WTO members to provide Samoa with generic medicines. Samoa can also rely on the MFN principle to tap into arrangements between countries in other regional trade areas. Furthermore, the quality and variety of generic medicines that will be available domestically will improve and increase.

However on the regulatory side of things, this will also call for the better regulation of mechanisms in place to better monitor the importation and sale of generic medicines domestically. Technical assistance and capacity building will be needed by Samoa in this area. It will require legislative reform to properly regulate the importation of generic medicines from member countries with economies of scale and the development of relevant standards to complement the domestic monitoring work.

The Division made recommendations to support the delay in the implementation of the above Protocol. The Division believes that Samoa took the recommendation and endorsed the delay in the implementation of above Protocol.

Beijing Treaty on Audiovisual Performances (BAT)

The main objective of this workshop was to inform the participants on the current National Copyright Legal Framework, identify needed reforms to the current legal framework and gauge their views on Samoa ratifying the BAT. The majority of participants supported the move to ratify BAT in light of the benefits it offers.

Samoa is not a party to this Treaty but has conducted public consultations during the National Copyright Workshop in late 2015 to gauge the views of relevant stakeholders to help the Division in making recommendations to Cabinet whether to ratify BAT or not.

An Information Paper was prepared to identify the benefits to Samoa ratifying MVT and proposed recommendations in support of a ratification.

Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (MVT)

The main objectives of this workshop was to inform the participants on the current National Copyright Legal Framework, identify needed reforms to the current legal framework and gauge their views on Samoa ratifying MVT (In addition to the Beijing Treaty). The majority of participants supported the move to ratify MVT in light of the benefits it offers.

Samoa is not a party to MVT but has conducted public consultations during the National Copyright Workshop in late 2015 to gauge the views of relevant stakeholders to help the RCIP Division in making recommendations to Cabinet whether to ratify MVT or not.

An Information Paper was prepared to identify the benefits to Samoa ratifying MVT and proposed recommendations in support of a ratification.

ISSUES AND CHALLENGES

The terms of reference of the Division involves more than the mere statements of the Ministry Corporate Plan. That is, apart from maintenance of the registries, the division is supposed to carry out onsite visits, undertake investigation of breaches of the legislation it is responsible for and undertake awareness, workshops and trainings for its relevant stakeholders. This is also in addition to its advisory role on policy matters pertaining to its mandates.

In the previous years the Division has struggled to achieve its deliverables because of its high turnover of staff and the limited number of staff employed to discharge the division's mandates. The Division therefore has been working on reviewing its divisional structure and more importantly an increase in the salaries of current staff to keep their experience and knowledge within the team.

In laying the foundation for its divisional structural reform and salary increase, the team has been working on properly documenting its work duties and activities as set out by legislation and to properly reflect this in the new One MCIL Corporate Plan. The Division has failed to meet a number of its Performance Indicators but as pointed out some of these indicators need to be reviewed as estimations based on indicators set in earlier years were unrealistic. As the Division continues to work on quantifying its activities, these performance measures and indicators will be more precise as well as budgetary estimations. The Division is hopeful that with the better reflection of its staff's activities and achievements there will be a better outcome of follow up on their application for structural review and salary increase for its staff.

Despite these issues, the Division has noted a steady increase in the amount received from its annual non tax revenues. This period from July 2015 to June 2016 the Division has brought in revenues of a total of ST\$279,717. The Division is optimistic that this amount will continue to increase steadily as it activates other registers such as the personal property and securities register as well as a number of intellectual property registers, in the coming year.

SECTION 3 INSTITUTIONAL SUPPORT SERVICES

3.1 HUMAN RESOURCE & STAFF PROFESSIONAL DEVELOPMENT

By the end of the financial year the total number of staff stood at seventy eight (78) divided amongst the 8 various divisions of females (58%) and males (42%). The ministry like other government agencies faces high turnover due to promotion opportunities in other government agencies. By the end of the financial year, the number of staff in the Ministry dropped due to change of ministerial support staff. **Appendix 2** highlights the management structure with corresponding divisions for which the Ministry operates as at end of June 2016. PSC has approved the additional 9 staff members to administer implementation and compliance of new legislation, which will be recruited in the next financial year.

During the past financial year Ministry was fortunate to take advantage of the numerous training opportunities for its staff to get hands on exposure both at the national and international level. These help with the *professional development of staff* in enhancing their capacity in the various focal areas of the Ministry. This includes the in-house knowledge sharing sessions by staff members who had attended overseas trainings for further development of staff members.

The Ministry continues to review its key priorities for the development of staff as set out in our Workforce Plan of 2012-2016. The key priorities include: the need for on-going professional development of staff and efforts are made for existing staff to pursue higher qualifications, and enhance leadership skills of top management to engage with staff to identify, nurture and inspire them to develop skills, knowledge and passion in the public service. The Ministry also promotes a safe and healthy working environment by complying with the Occupational Health and Safety regulations and also promoting a policy compliant work environment to boost staff morale and to improve productivity in the workplace.

3.2 INFORMATION & COMMUNICATION TECHNOLOGY

Information & Communication Technology services continued to provide IT supports advice and daily backups of all divisional data. The Ministry's website was revamped in March 2016 to ensure our clients and partners are provided with detailed and accurate information on the Ministry's services. Internet usage is opened to all staff to assist with policy researches and online training courses. ICT services lead the Communications team in developing quarterly e-newsletters; the ministry's social media account (Facebook) and the review of the ICT Policy. ICT continued to develop ICT tools for staff to utilize for the continuous improvement for an effective and efficient performance and service delivery. These ICT tools include the IT Help desk, ministry's shared drive for knowledge and sharing of information, Wi-Fi connection in some part of the ministry for training and meetings with clients and partners, improved network access and security of

data with the procurement of firewall license for three (3) years.

3.3 BUDGET AND FINANCE

The Ministry's Finance team continues to work closely with the Executive Management in providing recommendations for reallocation of funds where managers require funds be redirected. Annual refreshers for budget planning and procurement processes are carried out during the year. Internal controls have also been strengthened to increase awareness of control measures for procurements of the Ministry. Within this financial year, the Ministry was called by the Public Accounts Committee to discuss the Ministry's Public Accounts of 2014-2015. The Ministry has completed its 2014-2015 audit and the issues raised by the Audit Office has helped the Ministry in strengthening some of the gaps in its internal controls for financial years ahead. The Ministry is preparing for the audit of the financial year 2015-2016.

SECTION 4 MCIL STATEMENTS OF EXPENDITURES BY OUTPUT APPROPRIATION JUNE 2016

STATEMENT OF MINISTRY RECEIPTS BY REPORTING CATEGORY

AND EXPENDITURE BY OUTPUT

APPROPRIATION ACCOUNT

for the financial year ended 30 June 2016

	2016 \$	Original Estimate \$	Final Estimate \$	(Over)/Under \$	2015 \$
COMMERCE, INDUSTRY & LABOUR					
RECEIPTS					
Ordinary Receipts					
Other Revenues					
Fees & Other Charges	795,287	538,089	538,089	(257,198)	962,719
TOTAL RECEIPTS	795,287	538,089	538,089	(257,198)	962,719
PAYMENTS					
Outputs					
1.0 Policy Advice to the Responsible Minister	611,592	660,917	631,183	49,325	633,994
2.0 Ministerial Support	419,181	425,328	425,328	6,147	441,205
3.0 Management of Investment Promotion & Industry	451,929	489,683	489,683	37,754	421,487
4.0 Enforcement of Fair Trading and Codex Development	662,245	680,195	709,929	17,950	711,868
5.0 Administration of Apprenticeship Scheme & Employment Services	476,208	535,065	535,065	58,857	489,559
6.0 Enforcement of Labour Standards & Work Permits	387,488	401,243	401,243	13,755	374,025
7.0 Enforcement of Occupational Safety & Health Standards	171,174	174,597	174,597	3,423	181,334
8.0 Management of the Registries of Companies & Intellectual Properties	608,231	617,822	617,822	9,591	590,784
Total Outputs	3,788,048	3,984,850	3,984,851	196,802	3,844,256
Third Party Outputs					
Samoa Tourism Authority (STA)	9,318,723	9,318,723	9,318,723	0	10,187,010
Samoa Business Enterprise Centre (SBEC)	450,000	450,000	450,000	0	450,000
Total Third Party Outputs	9,768,723	9,768,723	9,768,723	0	10,637,010
Transactions on Behalf of State					
Membership Fees					
International Labour Organisation	10,268	0	11,142	(10,268)	10,598
International Organisation for Consumer Union	2,712	0	6,200	(2,712)	1,270

World Intellectual Property Organisation(WIPO)	9,810	0	10,000	(9,810)	4,916
World Association of Investment Promotion Agency	11,913	12,500	12,500	587	6,100
United Nations Industry Development	2,045	11,560	11,560	9,515	2,037
	36,747	24,060	51,402	(12,687)	24,922
Government Policies / Initiatives					
Contribution to Private Sector	200,000	200,000	200,000	0	200,000
Apprenticeship Training Provider NUSOT	125,300	125,300	125,300	0	125,300
	325,300	325,300	325,300	0	325,300
Counterpart Costs					
Private Sector Support Facility (PSSF)	50,000	50,000	50,000	0	50,000
Rents and Leases					
ACB Building Rent/Lease	674,161	704,977	704,977	30,816	684,671
Yazaki Rent/Lease	928,032	928,033	928,033	1	696,024
Government Building Lease	37,250	37,250	37,250	0	37,250
Rent - Fair Trading Division Office in Savaii	4,477	5,616	5,616	1,139	4,884
	1,643,920	1,675,876	1,675,876	31,956	1,422,828
VAGST Output Tax	318,092	399,466	399,466	81,374	278,235
Total Transactions on Behalf of State	2,374,060	2,474,702	2,502,044	100,642	2,101,285
TOTAL PAYMENTS - COMMERCE, INDUSTRY & LABOUR	15,930,831	16,228,275	16,255,619	297,444	16,582,550
RECEIPTS OVER PAYMENTS	(15,135,544)	(15,690,186)	(15,717,530)	(554,642)	(15,619,831)
GOVERNMENT DEVELOPMENT PROJECTS					
External Receipts					
Grants - GDP					
Enhanced Integrated Framework Trade (UNDP)	1,182,866	1,947,218	0	764,352	0
Samoa Tourism Support Programme (NZAid)	581	0	0	(581)	2413
	1,183,447	1,947,218	0	763,771	2413
Payments					
Donor funded					
Enhanced Integrated Framework Trade (UNDP)	2,274,684	0	0	(2,274,681)	0
Samoa Tourism Support Programme (NZAid)	160,978	0	0	(160,798)	594,083
	2,435,662	0	0	(2,435,662)	594,083
RECEIPTS OVER PAYMENTS	(1,252,215)	1,947,218	0	3,199,433	(591,670)

Appendix 1 Legal and Regulatory Framework

Legislation the Ministry Administers

- Apprenticeship Act 2014
- Apprenticeship Regulations 2015
- Charitable Trusts Act 1965
- Citizenship by Investment Act 2015
- Companies Act 2001
- Companies Regulations 2008
- Competition and Consumer Act 2016
- Consumer Information Act 1989
- Cooperatives Societies Ordinance 1952
- Cooperatives Societies Regulations 1954
- Copyright Act 1998
- Credit Union 2015
- Daylight Saving Act 2009
- Fair Trading Act 1998
- Foreign Investment Act 2000
- Foreign Investment Amendment Act 2011 & 2015
- Foreign Investment Regulations 2011 & 2015
- Incorporated Societies Ordinance 1952
- Incorporated Societies Regulations 1973
- Intellectual Property Act 2011
- Intellectual Property Regulations 2015
- International Date Line 2011
- Labour and Employment Relations Act 2013
- Labour and Employment Relations Regulations 2015
- Metrology Act 2015
- Occupational Safety and Health Act 2002
- Occupational Safety and Health Regulations 2014
- Personal Property Securities Act 2013
- Public Holidays Act 2008
- Receiverships Act 2006
- Securities Act 2006
- Trade Commerce and Industry Act 1990 & Amendments 2014
- Transitional Provision Act 2006

International Organisations Treaties and Obligations, Trade Agreements

CODE ALIMENTARIUS COMMISSION

- Food Standards
- Food Labelling
- Toy Safety Standards

Consumer International

- World Consumer Rights Day
- Consumer Rights and Consumer Protection
- Consumer Information

International Labour Organisation ILO Conventions

- C029 Forced Labour Convention 1930
- C087 Freedom of Association and protection of rights to organize convention 1948
- CO98 Right to organise and collective bargaining convention 1949
- C100 Equal remuneration convention 1951
- C105 Abolition of Forced labour convention 1957
- C111 Discrimination (employment and occupation) convention 1958
- C138 Minimum age convention 1973
- C182 Worst forms of child labour convention 1999
- MLC Maritime labour convention 2006

United Nations Industrial Development Organization

- Industry Developments

World Intellectual Property Organization

- 1967 Convention Establishing World Intellectual Property Organisation
- BERNE Convention for the Protection of Literary and Artistic Works
- Paris Convention for the Protection of Industrial Property

World Agencies for Investment Promotion Agencies

- Investment Promotion Agencies

African Caribbean Pacific – European Union

- Economic Partnership Agreement – ongoing

Pacific Agreement on Closer Economic Relations (PACER PLUS) and Pacific Island Countries Trade Agreement (PICTA)

- General Agreement on Trade in Goods
- General Agreement on Trade in Services
- Investment Chapter
- Trade In Services
- Temporary Movement of Natural Persons

World Trade Organization

- Anti-dumping and Countervailing Measures
- Sanitary and Phytosanitary Measures
- Technical Barriers to Trade
- Trade Related Aspects of Intellectual Properties
- Trade Related Investment Measures
- General Agreement on Trade In Services

Other Regulatory Roles and Obligations:

- Strategy for the Development of Samoa 2012-2016 – **Priority Area 1: Key Outcome 3 Revitalized exports and Key Outcome 5: Enabling Environment for Business Development**
- Trade Commerce and Manufacturing Sector Plan 2012-2016,
- Customs Act 2014
- Income Tax Act 2012
- Immigration Act 2004, amendments and regulations
- Ministerial and Departmental Arrangements Act 2003,
- Public Finance Management Act 2001, amendments, regulations, manuals and instructions,
- Public Bodies (Performance and Accountability) Act 2001 and,
- Public Service Act 2004, amendments, regulations and instructions
- Trusts Act 2014

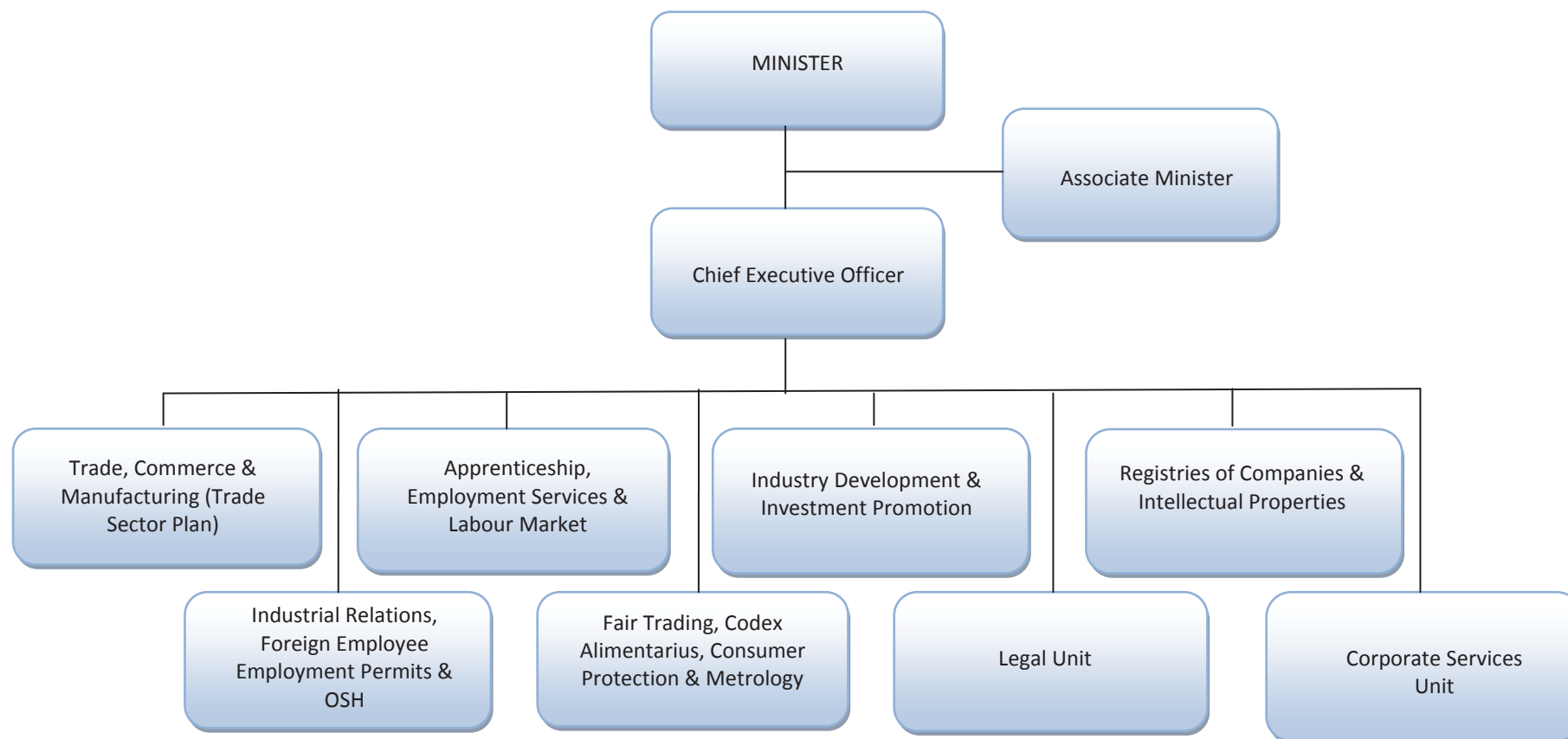
Legislated Boards and Committees:

- Apprenticeship Council
- Trade Commerce and Industry Board
- Samoa National Codex Committee
- Prices Control Board
- Samoa National Tripartite Forum
- Trade, Commerce and Manufacturing Sector Steering Committee
- Foreign Investment Advisory Committee

Other Affiliations:

- Accident Compensation Corporation (ACC) Board
 - Agriculture Sector Plan – Steering Committee & Working Group(MAF)
 - Anti-Money Laundering Task Force (CBS)
 - Disaster Advisory Committee – (MNRE DMO)
 - Convention on Elimination of Discrimination Against Women (CEDAW-MWCSD),
 - Climate Change committee (MNRE)
 - Commercial Fisheries Management Advisory Committee (CF- MAC - MAF)
 - Electric Power Corporation Board (EPC)
 - Environmental Sector Steering Committee (MNRE)
 - Fire Emergency Service Committee (FESA)
 - Forestry Board (MAF)
 - Investment Committee (MOF)
 - Intangible Cultural Heritage Task Force (MESC)
 - Livestock – Management Advisory Committee (L-MAC – MAF)
 - National Disaster Management Committee (MNRE)
 - National Energy Committee (MOF)
 - National Heritage Committee – (MESC)
 - National Revenue Board (MOF)
 - National Tobacco Control Committee (MOH)
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- National University of Samoa (NUS)
 - National Working Committee on Trade Agreements (MFAT)
 - OECD Peer Group Review Task Force (MfR)
 - Ozone Committee (MNRE)
 - Pesticides and Pollutant Committee (MNRE)
 - Petroleum Taskforce Committee (MOF)
 - Samoa Market Access Working Group – Pacific Horticultural & Agricultural Market Access (PHAMA) (MAF)
 - Post-Secondary Education training (PSET) Committee,
 - SACEP – Agriculture (MAF)
 - Samoa Bureau of Statistics (SBS) Steering Committee
 - Samoa National Youth Forum (MWCSD)
 - Samoa Qualification Authority (SQA)Board
 - Small Business Enterprises Centre (SBEC)
 - Tourism Cyclone Recovery Programme (STA)
 - Trade Advisory Panel (SQA)
 - Traditional Knowledge Committee (SQA)
 - TVET Implementation Committee (MESC)
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Appendix 2 ORGANISATIONAL STRUCTURE

Output 1 : Policy Advice to the Minister of Commerce, Industry & Labour**Output Performance Measures, Standards or Targets**

	Baseline Data	2014-15	2015-16		
Performance Measure/Indicator	Baseline (Base Year)	Estimated Actual	Budget Standard or Target	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
2014/2015 annual report tabled in parliament	N/A	Dec-15	December 2015	Completed/Achieved	Discussion of Annual Report 14/15 with the Economic Sector Parliamentary Committee is completed
Annual HR report for PSC and Procurement report for MOF submitted on time	N/A	Annual Human Resource Report, CEO Quarterly Procurement before 15th of month following every end of quarter	June 2016	Completed/Achieved	4x quarterly procurement reports submitted to PSC/MOF (Apr-Jun'15, Jul-Sept'15, Oct-Dec'15, Jan-Mar'16). Apr-Jun'16 to be submitted in July 2016. 4x quarterly HR reports submitted to PSC during the FY
Action plan for Cplan mid term review recommendations, formulate Ministry Communication plan.	N/A	December 2015 and April 2015	June 2016	Completed/Achieved	ONEMCIL Corporate Plan 2016-2021 in draft form. Draft Communication plan completed
Mainstream Trade Sector Initiatives into SDS and Ministry Corporate Plan	New Measure	New Measure	June 2016	Completed/Achieved	SDS 2012-2016 still valid until Dec 2016. Await formulation of Trade Sector Plan when new SDS 2016-2021 is launched

Improved Trade statistics for TCM sector	New Measure	New Measure	June 2016	Completed/Achieved	Business Activity 2013 completed and launched
2 x legal trainings for staff on new legislations	New Measure	Nov 2014 & March 2015	June 2016	Completed/Achieved	Trainings completed: Legislative Skills, Investigations Training, Legal Metrology, Competition and Citizenship by Investment
Provide legal support for review of at least 2 Legislations	New Measure	April 2015	June 2016	Completed/Achieved	Metrology, Citizenship by Investment and Intellectual Property Regulation

Output 2 : Ministerial Support					
Output Performance Measures, Standards or Targets					
	Baseline Data	2014-15	2015-16		
Performance Measure/Indicator	Baseline (Base Year)	Estimated Actual	Budget Standard or Target	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
Quarterly reports provided to Minister on Actions for Cabinet decisions	N/A	New Measure	4 reports to be submitted	Completed/Achieved	1. Export Development Scheme Deed and Guidelines submitted to Cabinet via Minister for approval in July 2015. (2) Labour and Employment Regulations 2015 approved by Cabinet in Sept 2015. (3) Citizenship by Investment Programme, (4) Metrology and Competition

Output 3 : Industry Development and Investment Promotion
Output Performance Measures, Standards or Targets

	Baseline Data	2014-15	2015-16		
Performance Measure/Indicator	Baseline (Base Year)	Estimated Actual	Budget Standard or Target	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
The number of new applications, and requests for additional goods & extension of the concessional period received and approved under the Duty Concession Scheme (Tourism & Manufacturing Development)	15 (FY2009/2010)	10	10	Completed/Achieved	A total of ten (10) new applications were received within this period

Seven (7) Manufacturing sector applications:

- 1) Nora's Plantation Co Ltd
- 2) Solar for Samoa
- 3) Krissy Company Ltd
- 4) Taula Co. Ltd
- 5) Samoa Coconut Cluster
- 6) Tank Guy Samoa Ltd and
- 7) Crystal's Samoa Orchids Development.

The first 6 companies were approved by Cabinet as "qualifying projects" except for Crystal's Samoa Orchids Development that was declined by the Investment Committee

Two (2) project applications received from the Tourism Sector applications:

- 1) Vailima Boutique Hotel & Accommodations and is still pending awaiting additional information from the application to complete the full assessment of the project
- 2) Stevenson at Manase has just received and is processing assessment and review before submitting to IC for consideration

One (1) project application was received from the Civil Aviation sector or Aviation Transport Development

- 1) Talofa Airways which has already been approved by Cabinet as a qualifying project.

PENDING APPLICATIONS FROM PREVIOUS FY:

Two (2) pending applications from previous FY were facilitated

- 1) TH Plantation
- 2) NETVO were facilitated.

Only TH Plantation was approved as a qualifying project. NETVO was declined by the Investment Committee as the project falls outside the sectors covered under the DCS Scheme.

REQUESTS FOR EXTENSION OF INCENTIVES:

A total of 6 requests were facilitated for extension of incentives granted upon lapsed of 2 years time frame.

- 1) Samoa Superior Ltd - Requested extension of timeframe to import the remaining approved goods and the new submitted list due to the MNRE project delay . The request was endorsed by Cabinet to continue incentive for another 1 year.
- 2) Samoa Beverage Company Ltd - Requested extension of incentives for importation of the new brew-house mainly targeted for the export market. The Investment Committee after review declined as it does not comply with the Customs (Tourism and Manufacturing) Regulation 2010 but the company has been advised of an alternative measure in order to qualify.
- 3) Aggie Grey's Hotel - Requested extension of incentives to back-date their approval to cover costs of importation from previous year. The request was endorsed by Cabinet and approval was granted to back-date FK to 1 July 2013.
- 4) Lava Hotel - Requested extension of timeframe to import approved list of office amenities as the project is yet to commence and this case is pending upon

reviewing of the Investment Committee.

5) Tropical Crisps- Requested extension of timeframe to import new machines to replace damaged machines and other tools used for production due to Cyclone Evan effects as well as for their new factory and it was declined as the request was received while the incentive timeframe granted to TC has already lapsed.

6) Nonu Samoa Enterprises- Requested extension of timeframe to import the machines and other tools needed to boost their production due to a number of sales and export orders received however it was also declined as their timeframe has already lapsed.

OTHER PROJECT REQUEST :

1) Yazaki EDS Ltd - The Ministry facilitated in liaison with MfR the request by Yazaki for extension of tax incentives under the Yazaki Enterprise Act 2010 which expires in November 2015; Cabinet endorsed this proposal for an extension of three (3) years. The Ministry has also liaised with the Attorney General's Office on the amendments of the Yazaki Enterprise Act 2010 to this effect.

2) Lava Hotel- Requested the Investment Committee to re-considered their approval for tax holiday from 10 years to 15 as well as being eligible for tax credits given the re-confirmation of level of investment. The committee approved 15 years of tax holiday and referred the Company directly to MfR to deal with tax credits.

3) Le Uaina- Requested the Investment Committee for tax credits, the IC advised them accordingly to liaise with MfR.

REQUESTS FOR ADDITIONAL GOODS:

A total of ten (10) requests were received for additional goods and were all approved by the Investment Committee & Cabinet as follows:

1) Taumeasina Lamana Development - 3 requests

2) Sun Pacific Limited - 1 request

3) Greenpower (Samoa) Ltd - 3 requests

4) Solar for Samoa - 1 request

5) Aggie Greys- 1 request and

6) Talofa Airways - 1 request

OTHER ACTIVITIES:

* 7 Investment Committee and 2 Sub-Committee meetings were attended for the reporting period

* Inspection site visits were conducted for the majority of qualified projects.

The Division recommended Investment Committee to approve all three cases.

The percentage of entries received, assessed and cleared as approved goods under the Duty Concession Scheme	100(FY2013 /2014)	N/A	90%	Completed/ Achieved	A total of 1027 entries were received (99% approval rate) and approved except for a few items from these entries that were considered duty payable as they were outside the lists of approved goods.
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Below is the allocation of entries received and cleared as approved goods under DCS:

- (i) Yazaki EDS Ltd – 387 entries
- (ii) Aggie Grey's Hotel – 271 entries
- (iii) Taumeasina Island Resort– 206 entries
- (iv) Solar for Samoa - 59 entries
- (v) Taula Beverage - 23 entries
- (vi) Samoa Superior Poly Products – 20 entries
- (vii) Greenpower Samoa Ltd – 19 entries
- (viii) Saletoga Sands Resort – 10 entries
- (ix) Krissy - 10 entries
- (x) Apia Deep Sea – 7 entries
- (xi) Willex - 7 entries
- (xii) Sun Pacific – 5 entries
- (xiii) Survivor Samoa - 3 entries
- (xiv) Samoa Coconut Cluster - 2 entries

Date by which the Duty Concession Scheme quarterly progress reports are submitted to Cabinet through the Minister of Commerce, Industry & Labor	N/A	1st report- 29 September 14 2nd report- 24 December 14 3rd report- 31 March 15 4th report- 30 June 15	1st report- 30 September 15 2nd report- 24 December 15 3rd report- 31 March 16 4th report- 30 June 16	Completed/ Achieved	These reports are now compiled on a 6 monthly basis. The report for the 1st 6 months (July - December 2015) was submitted to Cabinet on 20th January 2016. The 2nd report is being compiled and will be submitted to Cabinet in July 2016 (new financial year)
The number of small operators applying for duty exemption received and approved under the Code 121 Scheme (Manufacturers - agricultural, handicraft, elei and garment; commercial poultry farmers)	5 (FY2008/2009)	5	5	Incomplete	No applications received for this scheme

Date by which further review of the eligibility criteria (threshold) will be completed.	N/A	31 December 2014	31 December 2015	Incomplete	Still awaiting response from MfR - the Ministry also noted that the threshold has been increased to SAT\$130,000. The division will continue to liaise with MfR on this matter
Date by which the Cabinet approves the Revised EDS Scheme (EDS) Deed of Guarantee and Guidelines) for implementation	New Measure	New Measure	31 August 2015	Completed/Achieved	The EDS Deed of Guarantee & Guidelines were approved by Cabinet on 22 July 2015 [FK(15)25]. Secretariat has forwarded the final versions of the Deed of Guarantee and Guidelines to all Commercial Banks for their information prior to implementation of the scheme. The matter has been delayed awaiting commencement date. It is anticipated that EDS will be launched in the new financial year (2016/2017)
The number of applications received, assessed and approved by the EDS Committee and Cabinet.	N/A	3	3		Refer above - No application received as the scheme is yet to be implemented. Scheme is yet to be launched until next financial year.
The number of Private Sector Support Facility (PSSF) applications received and approved by the Project Approval Committee (PAC) and Steering Group (SG).	57 (FY2009/2010)	100	150		The submission of new PSSF applications was put on hold from 30th June 2015 to allow the Secretariat to complete outstanding payments. The development partner is also reviewing the new framework for PSSF. Hence the reason for no applications received. MCIL is now awaiting framework from Development Partner. We are forecasting that a new framework will be announced in the next financial year 2016/17.

The percentage of PSSF applications approved by the 1) Project Approval Committee (PAC) for Categories A&B; and 2) Steering Group (SG) for Category C an indication of increased level of awareness and participation of private sector in accessing PSSF.	84% (2013/2014)	N/A	90%	Completed/ Achieved	The level of awareness and participation of private sector in accessing PSSF is very high. This is confirmed by the increased number of people enquiring to uplift forms and asking when the on-hold is lifted. To be revised once new framework is in place.
Date by which the Private Sector Support Facility Annual, and 6 monthly reports are submitted to the Steering Group, Ministry of Finance and Development Partners.	N/A	31 January 2015 (6 months) 31 July 2015 (annual)	31 January 2016 (6 months) 31 July 2016 (Annual)		The final report for the extended timeframe of PSSF i.e. after the previous FY i.e. to March 2016 to finalize all payment was submitted to the development partners on 8th April 2016. This report will also be submitted to Cabinet in the new financial year. The Annual Report 2014/15 is complete and has been endorsed by the SG.
Date by which PSSF PAC and Secretariat quarterly update reports are submitted to the Steering Group	New Measure	New Measure	1st quarter - 30 September 2015 2nd quarter - 24 December 2015 3rd quarter - 31 March 2016 4th quarter - 30 June 2016		Refer above - the scheme was on hold since June 2015 and hence the measure is not applicable. Work of the PAC will recommence when the new framework is in place.
The number of public awareness programmes on all schemes conducted on tv/radio/newspaper and with various private sector associations.	N/A	4	6	Completed/ Achieved	1) 3 newspaper ads in July, August and November to inform the public that the PSSF continues to be closed 2) MCIL quarterly newsletters continues to be a medium to expose and promote the assistance schemes (DCS, Code 121) 3) MCIL corporate website

The number of new and amendment applications received and approved for foreign investment registrations.	37 (FY2009/2010)	50	50	Completed/ Achieved	NEW APPLICATIONS: A total of 80 new FIE's were registered in this FY15/16
<u>Applications received were from the following sectors :</u> (28 Professional services, 6 Construction, 13 Retails, 2 Bank & Finance, 6 Restaurants/Cafes, 3 Repairs & Maintenance, 2 Information, 3 Entertainment & Recreational activities, 2 Wholesales, 6 Manufacturing, 2 Agriculture&Fisheries, 3 Importing & Exporting and 4 Other Services) <u>AMENDMENTS OF REGISTRATIONS MADE:</u> - o 20 additional activity - o 7 additional branches - o 11 other amendments - o 5 Issued Certificates - o 18 Renewed Certificates					
The percentage of foreign investors complying with requirements of the Foreign Investment Amendment Act 2011 (based on monthly monitoring/enforcement site visits).	N/A	90%	90%	Completed/ Achieved	Refer details below
With the current period the team has found 4 new cases which are in breach of the FIA 2000. These breaches include non-citizens being involved in reserved activities. Compliance is still met given the increased number of new FIEs being registered. Just to note also that these new cases are not registered FIE's, these are cases where non-citizens are found to be involved in a reserved activity such as a grocery store that is registered under a local. The team continues to carry out monitoring activities in the field and continues to strengthen working relationships with internal divisions as well as line ministries (MfR & Immigration) in order to minimize the occurrence of such issues. The Division continued with its monitoring activity. Recent inspections took place from 29 Feb to 1 March 2016 where a total of 17 businesses were inspected. A second follow up inspection was carried out from 24 to 25 May 2016 where a total of 23 businesses were inspected with a common non-compliant issue of the employment of non-citizens under Reserved activities. It has been noted from these inspections that the majority of non-compliant cases involve a local with a foreign spouse. Follow up letters and consultations with the owners are progressing. Joint monitoring with the IRWPOSH division has been strengthened. Similarly ongoing communications with MFR and the Immigration Department (MPMC).					

Date by which the Annual Foreign Investment report is submitted to the Minister of Commerce Industry & Labour	N/A	24 December 2014	24 December 2015	Completed/Achieved	Report for FY14/15 was completed in December and submitted to the Minister on 6th January 2016
1) Date by which assistance will be identified under the TCM Sector Plan for the review of Sector profiles (Manufacturing, Garment & Textiles, and Renewable Energy; 2) Date by which the review of the Services Sector profile is complete.	N/A	N/A	1) 31 January 2016 2) 30 September 2015	Completed/Achieved	1) No further assistance was sought for the other sector profiles until the services sector profiles are completed. 2) Draft copies of the reviewed services profiles including Renewable Energy were completed by the Consultant and submitted to the team for comments in September 2015. Finalized comments were provided by the Ministry in December 2015 for the consultant to finalise in January/February 2016. Study is now complete with 5 profiles, 1 promotional document and a policy document. The final 40% payment is now being processed through TCM.
The number of TCI Development Board meetings on private sector issues.	5 (2010/2011)	6	12	Incomplete	3 meetings were carried out during this reporting period (September, October and November). A meeting of the TCI Board was scheduled for May 2016 (new Minister of MCIL) however that did not fall thru. A meeting is scheduled to take place in the new financial year.
The number of foreign investment promotion activities and tools developed (e.g. social media as FB, update video clip on website and investment mission)	N/A	2	2	Completed/Achieved	Investment guide and national investment policy statements are the 2 booklets used as promotional materials as well as the investment pull up banners and information on the Ministry's website as well as the Investment video that needs updating. An investment video, brochures & pull up banners have been requested in the

					2016/17 budget. These are required for the proposed investment mission to PNG and other targeted destination in the next financial year.
To complete the review of the National Investment Policy Statement (NIPS) and Samoa Investment Guide (SIG).	N/A	N/A	24 December 2015 (SIG) 31 March 2016 (NIPS)	Completed/Achieved	Review of IG was completed in January 2016 and 100 copies have been printed. Review of NIPS is progressing & should be completed in July.
Date by which assistance will be identified under the TCM Plan for the review of the Foreign Investment Act 2000, Amendment and Regulations 2011 (Wholesaling and Reserved List)	N/A	31 May 2015	31 July 2015	Completed/Achieved	TOR was submitted to TCM in November 2015 and the advertisement for a TA was carried out. A total of 3 bids were received for this study. The consultant has been selected and should commence work on this project in the new financial year once the contract is signed.
The percentage of registered Foreign Investment Enterprises that have successfully established and set up their businesses.	N/A	50%	60%	Incomplete	Of the 80 FIE's registered within this reporting period, a total of 29% (23) have successfully commenced operations while 28% (22) are contracted by the Government Ministries and businesses within the Private Sector to provide consultancy services. Together these make up the figures for successfully commenced business operations with a combined total of 57% (45). The remaining 43% are either yet to commence (29%) while others cannot be reached (14%). This just falls slightly below the target but it is scheduled to meet the target in the coming months.

Output 4: Enforcement of Fair Trading & Codex Development					
<i>Output Performance Measures, Standards or Targets</i>					
	Baseline Data	2014-15	2015-16		
Performance Measure/Indicator	Baseline (Base Year)	Estimated Actual	Budget Standard or Target	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
Number of food safety standards to be developed and approved by the National Codex Committee. The National Bottled Water Safety Standards Regulations to be enforced by MOH.	1 (2010)	1	1	Incomplete	Final draft of Ava Standard is with the Attorney General's Office for their review and legal drafting.
Percentage of trader compliance in using accurate weighing and measuring equipment (length and mass) in accordance with the Legal Metrology Act 2015, for the protection of consumer interest.	93% (2013)	94%	99%	Completed/Achieved	95 % of traders complied. 1156 traders visited and 1098 complied. The new Act transition period is now extended to another 10 months to give ample time for traders to procure new scales as well as consumers to familiarize with these new changes. More awareness programs will be carried out to further educate traders on their legal obligations before full commencement in January 2017.
Percentage of trader compliance in accurately weighing pre-packaged goods on sale.	87% (2013)	91%	95%	Completed/Achieved	95% of traders complied. Out of 1156 traders visited, 1099 traders complied with accurately weigh pre-package goods. More awareness programs will be carried out to familiarize traders on using accurate weighing pre packaged goods as this is another technical obligation under the new Metrology Act.

Percentage of trader compliance in the application of prices on goods under price control, displaying Price Orders, marking of prices on goods/ shelves for consumer information and issuance of receipts upon demand as per Fair Trading Act 1998.	86% (2013)	85%	90%	Completed/Achieved	91% of traders complied. 1156 traders visited and 1052 are complying. Non-compliance were given verbal reminders and warnings.
Number of complaints and enquiries received and/or resolved by Upolu and Savaii offices per year.	114 (2013 Upolu only)	208 (2014 Upolu and Savaii)	250	Completed/Achieved	A total of 440 complaints and enquiries received. For Upolu, 72 complaints received and 139 enquiries. All complaints were successfully resolved. Savaii received a total of 205 enquiries and 24 complaints related to industrial relations and fair trading issues. All were resolved and referred to main office in Upolu.
Date for Consumer and Competition Bill to be passed by Parliament, with 12 months transition period for aggressive public awareness programs.	N/A	1 June 2015	1 June 2016	Completed/Achieved	Competition and Consumer Act was passed by Parliament in February 2016 and in its transition period of 15 months before it commences in July 2017. Awareness programs will be carried out in the next FY.

Output 5 Apprenticeship Scheme, Employment Services and Labour Market

Output Performance Measures, Standards or Targets

	Baseline Data	2014-15	2015-16		
Performance Measure/Indicator	Baseline (Base Year)	Estimated Actual	Budget Standard or Target	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
Number of existing Apprentices	111 (2009/2010)	150	150	Completed/Achieved	About 153 existing apprentices recorded

Number of Apprentices terminated	20 (2009/2010)	10	10	Completed/ Achieved	5 apprentices being terminated via pulled out of the program due to personal reasons and others left the country under the NZ Quota scheme, which is a good reflection of the A/P
Number of inspections for Apprentices to ensure full compliance of parties involved in the Apprenticeship Scheme: (Inspections/Follow Ups)	300 (2009/2010)	350	350 - inspections	Incomplete	About 54% of the target number is achieved
	300 (2009/2010)	260	260 - Follow ups	Incomplete	82% of the proposed target is achieved.
Number of training and awareness programs to increase the employability of local trades people	New Measure	New Measure	3 (2 - Upolu and 1- Savaii)	Completed/ Achieved	3 Awareness programs were implemented.
Number of Apprenticeship Council Meetings	4 (2009/2010)	4	4	Completed/ Achieved	5 Apprenticeship Council Meetings were conducted inclusive 1 special meeting- 31st July 2015, 4th November 2015, 10th December 2015, 31st March 2016 and 24June 2016.
Number of new trades added under the Apprenticeship Scheme to extend scope of Program	New Measure	New Measure	2	Completed/ Achieved	2 new trades are added on the program (Panel Beating & Spray Painting & Electronic Technician
Number of new apprentices entered into the Apprenticeship Training Scheme	50 (2009/2010)	70	70	Incomplete	65 new apprentices entered the program for this financial year which is 93% of the set target
Percentage of Apprentices graduated from the Apprenticeship Scheme	New Measure	New Measure	80-90%	Completed/ Achieved	31 apprentices at their final year 2015 were all graduated. which is 100%of the projected target
Review National Competency Standards (NCSs) to match with require standards within Trades industries	New Measure	New Measure	On going	Completed/ Achieved	NCS's review for the trades under the Apprenticeship Program is completed.

Number of Jobseekers:				Completed/ Achieved	176 jobseekers registered.
- Registered –					
	121 (2009/2010)	130	135		
- Refer –				Completed/ Achieved	219 referrals during the reviewing period inclusive registered jobseekers from previous financial year.
	47 (2009/2010)	95	100		
- Place -				Incomplete	35% of jobseekers being referred to industries/employers were successfully employed or placed.
	35 (2009/2010)	50	40% of referrals		
Number of vacancies lodged and advertised through:					
- Employment Service				Incomplete	37 employment vacancies being advertised through employment service which is 82 % of the set target.
	23 (2009/2010)	40	45		
- Samoa Observer/Media				Completed/ Achieved	104 vacancies being lodged and advertised through Samoa Observer/Media which is far exceeded the set target.
	20 (2009/2010)	50	60		
Number of half yearly employment survey returns collected from employers				Incomplete	324 EPI being collected during FY 2015/2016 which is 72% of the set target
	385 (2009/2010)	445	450		
Number of jobseekers trained successfully to receive certificates				Completed/ Achieved	Training was carried out on the 19th February 2016, 48 JS were successfully trained and received certificates of attainment.
	14 (2009/2010)	35	40		
Industry Awareness				Completed/ Achieved	This activity was carried out on 11th Nov 2015, 10 out of 12 church youths were invited n participated as the target group which were colleges/senior school in Savaii were busy for their final exams.
- Number of Senior Schools attended					
	8 (2009/2010)	11	12		
- Number of Students participated				Incomplete	80% of the set target participated the awareness program
	80 (2009/2010)	100	110		

- Number of Presenters	8 (2009/2010)	8	10	Completed/ Achieved	7 presenters inclusive the Employment Team
Date the Labour Market and Employment Periodic Information Surveys are conducted	150 (2007/2010)	N/A	LMS – April-June 2016, EPI- every six month	Completed/ Achieved	2016 LMS Field work commenced on 18 April and completed 17th June 2016, the Coding is now in progress.

Output 6 : Enforcement of Labour Standards and Assessment of Work Permits

Output Performance Measures, Standards or Targets

	Baseline Data	2014-15	2015-16		
Performance Measure/Indicator	Baseline (Base Year)	Estimated Actual	Budget Standard or Target	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
Date by which the revised Labour and Employment Relations Regulations 2015 is approved and implemented	New Measure	New Measure	24th December 2015	Completed/ Achieved	Labour and Employment Relations Regulation 2015 was approved by Cabinet in Sept 2015 as per FK(15)29

Number of awareness programmes conducted to strengthen social dialogues and networking between employers and employees on all labour and employment relations working terms and conditions	5 (2008/2009)	100	- 5 for Upolu (Employers) by June 2016 - 5 workshops for Upolu (Employees) by June 2016 - 5 workshops for Savaii (Employers) by June 2016 - 5 workshops for Savaii (Employees) by June 2016 - 80 Social dialogues with employers and employees by June 2016	Completed/ Achieved	19 workshops conducted for private sector and organizations. 147 of these were Social dialogues with Employers and Employees on labour conventions for both Upolu and Savaii. 941 dialogues were queries received via email, telephone and walk in seeking advice on the LERA. Please note that there is a change in strategy for utilizing workshops to disseminate information to businesses
Number of reports consulted with the Samoan National Tripartite Forum on policy and/or best practice initiatives concerning labour and employment relations	3 (2009/2010)	12	- First Draft for the Labour and Employment Relations Policy Framework by June 2016 - Two (2) International Labour Standards Reports on Ratified Conventions - Quarterly reports on Labour and employment relations	Completed/ Achieved	An issue paper on Foreign Employment Permit Framework was presented to the SNTF on 4 February 2016. The Ministry has opted to prioritize the development of the Framework under the LERA. Four (4) International Labour Standard reports submitted to the SNTF for discussion; 1. Freedom of Association and Protection of the Right to Organise Convention. 2. Right to Organise and Collective Bargaining; 3. Equal Remuneration Convention; 4. Discrimination (Employment and Occupation) Convention were submitted to the ILO in September 2015

Percentage of investigations of all Labour grievances and disputes received are resolved	9 (2008/2009)	N/A	80%	Completed/ Achieved	165 grievances received from July 2015- April 2016. 81% was resolved and 32% are still in progress / delayed due to lack of cooperation of employers
Through routine inspections percentage of employers comply with all labour and employment requirements	92 (2009/2010)	N/A	-80% compliance from employers	Incomplete	113 routine inspections conducted. 47% (61) of employers complied with the LERA 2013, 46% (52) noncompliance. 7% of employers are family owned.
			- 70% of issued corrective actions are implemented	Completed/ Achieved	A total of 22 corrective notices were issued to employers in attempt to resolve employment grievances that the Ministry have found challenging to resolve. This process is only undertaken when the Ministry has executed all avenue to ensure the employer comply with the LERA requirements. From the total corrective notices issued, a total of 81% (18) complied and 33% (4) remain unsettled
Number of foreign employment permits are assessed and issued in line with the labour workforce demand and supply and the requirements of the LERA Act 2013	375 (2008/2009)	400	450	Completed/ Achieved	489 work permits issued. Six(6) were declined
Number of awareness programmes of ratified International Labour Standards	0 (2009/2010)	6	Four (4) by the end of June 2016	Completed/ Achieved	3 consultations were conducted on International Labour Standards, i.e. the Maritime Labour Convention was report was consulted with key Maritime shareholders.

Number of trainings conducted to enhanced capacity of staff on Labour and Employment Relations requirements, best practices and International Labour Standards (ILS)	N/A	4	Five (5) by the end of June 2016	Completed/ Achieved	1 training was conducted for labour inspectors on Labour and Employment Relations requirements (LERA) with the focus on the areas where most grievances were received from complainants and issues by employers. 1. Investigation training conducted by MCIL legal team, 1 training on Maritime Labour Convention in Solomon Islands, 1 training on ILO in Italy, 1 training on Trade in Fiji
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Output 7 : Enforcement of Occupational Safety & Health Standards					
Output Performance Measures, Standards or Targets					
	Baseline Data	2014-15	2015-16		
Performance Measure/Indicator	Baseline (Base Year)	Estimated Actual	Budget Standard or Target	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
Percentage of compliance through routine inspections on OSH requirements	300 (2009/2010)	500	80% Government Ministries 80% State Owned Enterprises (SOEs) 80% Private Sector (Small, Medium and Large Enterprises) 70% of issued corrective actions are implemented	Incomplete	14x Govt Ministries inspected: 83% compliance rate, 20x SOEs, 60% compliant, 172x private sector, 40% in compliant. About 40% of corrective notices issued and complied. For future actions, auditing and enforcement methodology to be upgraded to ensure non complied employers are penalized for failure to meet standards. Vehicle needs to be assigned to ensure efficiency of

					auditing activities. Major weakness areas are Private Sector and SOE compliance.
Number of workplace accidents, incidents and illnesses are expected to be reported by employers to the Ministry	40 (2009/2010)	70	70	Incomplete	50 accidents received (41 cases from ACC, 2 cases from employers and 7 from employees). Ways of improvement is to conduct public awareness to report accident cases to the ministry and to strengthen partnership with the ACC
Percentage of all investigations on all workplace accidents, incidents and illnesses reported are resolved in-line with the OSH Act 2002	70 (2009/2010)	70	80%	Incomplete	25 accidents investigated and 5 investigations completed. Future actions: each accident cases will be categorized in accordance with extremity levels, low level, medium to high level for better auditing and enforcement.
Number of awareness programmes to enhance understanding of employers and employees on all OSH legislative requirements and practice	3 (2009/2010)	300	5 workshops for Upolu (employers) by the end of June 2016	Completed/ Achieved	11 workshops completed for 95 businesses in Upolu. Employers and Employees combined. Each workshop was one on one
			5 workshops for Upolu (employees) by the end of June 2016	Completed/ Achieved	Please note that there is a change in strategy for utilizing workshops to disseminate information to businesses. This is due to the very low turnout to workshops by private businesses making the former workshop structure ineffective.
			5 workshops for Savaii (employees) by the end of June 2016	Completed/ Achieved	2 workshops completed for a total number of 47 businesses for Savaii. Employers and employees combined. Each workshop was one on one. OSH team to conduct three more

					workshops in Savaii for the remaining two months (1 - May and 2 - June)
Number of reports consulted with the Samoa National Tripartite Forum on policy and/or best practise initiatives concerning OSH	N/A	6	First draft of the National OSH Policy Framework by the end of January 2016 Quarterly reports on OSH	Completed/ Achieved	First draft to be endorsed by CEO
Date by which industry standards are developed and endorsed for employers and employees across two key sectors is endorsed	N/A	100	Road Construction by the end of June 2016	Incomplete	
			Food and Beverages Sector by the end of June 2016	Incomplete	
Number of awareness programmes of ratified International Labour Standards	New Measure	New Measure	Commence process for ratification of Convention 187 by March 2016 Commemoration of OSH Day by April 2016	Completed/ Achieved	the OSH framework will be developed first before ratifying Convention 187. OSH day was held on the 28th April. This needs to be split into 2 KPIs
Enhanced capacity of staff on OSH practices and International Labour Standards	N/A	10	Four trainings on OSH Act 2002 and OSH Regulations 2014	Completed/ Achieved	1 training conducted for 4 Labour Inspectors OSH, 1 investigative training conducted by MCIL Legal Consultant, 2 staff attended trade seminar in China and 1 staff attended ILO training in Italy

Output 8 : Management of Registries of Companies & Intellectual Properties
Output Performance Measures, Standards or Targets

	Baseline Data	2014-15	2015-16		
Performance Measure/Indicator	Baseline (Base Year)	Estimated Actual	Budget Standard or Target	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
Number of registration each year:	(2008/2009)			Incomplete	124 (59%) New companies registered within the FY. (124 Companies). This is out of control of the Team. Dependent on private interest of a potential customer.
- Companies	60	200	210		
- Incorporated societies	10	25	27	Incomplete	19 (59%) Incorporated Societies registered. This is out of control of the Team. Dependent on private interest of a potential customer.
- Charitable trusts	5	10	12	Completed/Achieved	16 (133%) New Charitable Trusts registered
- Cooperative societies	3	5	5	Completed/Achieved	6 (120%) Cooperative societies registered
- Credit Unions	1	4	5	Incomplete	(20%) 1 re-registration. The Team is putting together a research paper on how to make credit union structure attractive to customers.
Number of registration each year:	(2008/2009)			Incomplete	88 (34%) Trademarks registered. There was a high backlog of un examined trademarks. However, 120 have now been examined and are in the publication stage by the end of the financial year. The cause for the
- Trademarks	140	250	260		

- Patents					backlog is the limited number of trademark examiners. Now senior and junior IP staff have done examination training to assist. The WIPO will conduct training for Ip examiners in early 2017.
	4	15	15	Incomplete	0% Patent register. The main issue is the absence of a patent examiner. This has affected and discouraged applications. The WIPO has now agreed to conduct training for patent examiners in early 2017. Scientists from the Scientific Research Organisation of Samoa will take part. Also need to get scientists from NUS involved.
- Industrial designs					
	2	5	7	Incomplete	0% Design registered. There is an indication from the public that the fee is too expensive. The fee has been reviewed and with the Revenue Board. Need to review this indicator.
Number of inspections on video shops for infringement of Intellectual property	80 (2010/2011)	150	150	Incomplete	58% inspections carried out [87/150 by number; this no. consist of 9 inspections conducted at 9 video shops, inspections carried out at 33 stalls in the Fugalei market and 45 stalls in the flea markets]
Number of inspections for legal requirements under the Legislation	2010/2011				
- companies	450	700	728	Incomplete	56% (407) inspections carried out. Again the issue is getting a free staff to undertake these inspections. Similar to the IP Registries, the Team is preparing a submission to have its reception time

						from 9am to 1pm and free up the rest of the afternoon to attend to other administrative and undertake inspections. Need to review this indicator. This should be proportional to active staff.
- incorporated societies	45	80		85	Incomplete	58% (49) inspections carried out. A bulk of the time of the officers are spent on dealing with complaints and reception of applications. We see that to better organise the time, it would be best to set reception times from 9am to 1 pm and the rest of the afternoon should be made available to allow staff to attend to processing of applications and other administrative tasks including enforcement activities such as inspections.
Number of annual returns filed from Companies	600 (2008/2009)	950		970	Incomplete	81% (790) annual returns filed. The main hindrance is the manual payment of annual returns. The Team in collaboration with ADB will launch an online payment gateway next February 2017 which will enable clients to make payments from anywhere in the world. This should ameliorate this issue. Further, the Team is looking at reviewing the Companies legislation to provide for the disciplining of disobedient companies by having them temporarily removed from the register until they have paid their annual returns. The current fine need to be

					determined in court and this is impractical from the Ministry's view at this stage. This number needs to be reviewed to reflect actual annual returns that are expected to be filed within the financial year. This will vary from time to time depending on the numbers from the register.
Number of financial statements filed:	2008/2009				
	200	220		121	Incomplete
	- Incorporated Societies				56% (68) Financial statements filed because of the leniency in the way the Registry has been dealing with the receiving of Financial statements to date. The Team will explore ways to deal with delayed filings.
- Credit Unions	50	6		6	Incomplete
					16% credit unions (1). Because of the high interest rate for loans under credit union, this seems to be the unpopular option. There are other hindrances that have contributed to the unpopularity of this type of structure. A team has been appointed to investigate and research into credit unions to determine how these can be improved and made attractive for customers to adopt. The team is to report within the first 6 months of the FY 2016-2017. This number needs to be reviewed as well until the structure has become attractive to the public.

Number of trainings and awareness programmes for: stakeholders and other interested parties	4 (2008/2009)	12	12	Completed/ Achieved	283% (34) training /or workshop and awareness conducted (8 training/workshops conducted in Savaii; 21 trainings/workshops carried out in Upolu; 3 half days awareness programs carried out on 2 Radio Stations (Talofa FM & 2AP radio stations) and booths in Apia.
Number of filed:	2008/2009				
- Trademark applications	140	270	300	Completed/ Achieved	112% [336] Trademarks filed
- Patent applications	4	15	18	Incomplete	16.66% (3) Patents filed. The total number filed shows 100% of overseas filing. There is an issue with the process for the Registration in relation to examining domestic patent applications. Upon request, WIPO has agreed to examine local patent applications. Patent examiners training will be conducted in 2017 by WIPO that will include officers from the Registry and scientists from organisations such as SROS and NUS. This indicator needs to be reviewed as well in the future.
- Industrial design applications	2	6	8	Incomplete	0% Design filed. Stakeholders have complained that the fees are too high. The Ministry has reviewed the fee and this has been decreased by about 50% at registration and increased upon renewal. The proposal for fees change is with Revenue Board.
Number of de-registered:	2008/2009				

- Companies	20	32	30	Completed / Achieved	30% (9) of companies deregistered. The lesser the number of companies deregistered the better an indication of compliance due to ongoing inspections and awareness programs.
- Incorporated societies dissolved	10	25	24	Completed / Achieved	50% (12) incorporated societies deregistered. The lesser the number of incorporated societies deregistered that is the indication of compliance due to ongoing inspections and awareness programs.
Number of trademarks renewed	80 (2008/2009)	200	210	Incomplete	85.24% (179) Trademarks renewed. Need to review this indicator to reflect the actual numbers of Trademarks expected to be renewed during this period.
Number of trademarks abandoned	101	150	145	Completed / Achieved	119.3% Abandoned Trademarks [173/145 by number]
Number of trademarks advertised	92	180	200	Incomplete	36% (72) Trademarks advertised. There was a huge backlog of TM to be examined that needed clearing from pre 2015. This has been dealt with and there will be a huge number of TM will be advertised in the coming financial year. Also need to review this indicator to truly reflect the number of TM expected to be advertised in a financial year based on those being examined.
Date by which Personal Properties Securities Act (PPSA) is approved by Parliament	N/A	on going	on going await implementation of the electronic registry for the PPSA	Completed / Achieved	Approved by Parliament on October 2015

Implementation of the National Intellectual property strategy	N/A	on going	on going	Completed /Achieved	On going
Implementation of the new Intellectual Property Act	N/A	on going	on going	Completed / Achieved	Ongoing. The IP Act 2011 has commenced. The Proposal for the New Fee Schedule is being reviewed by the Revenue Board.
Date on which World Intellectual Property Day will be celebrated	N/A	on going	26 April 2016	Completed/ Achieved	On going