



GOVERNMENT OF SAMOA



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GOVERNMENT OF SAMOA

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all correspondence  
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*Office of the Attorney General*

**ATTORNEY GENERAL'S CERTIFICATE**

29 October 2014

Honourable Deputy Prime Minister

**APPRENTICESHIP REGULATIONS 2014**

1. I have considered the attached Regulations that were prepared by a consultant and reviewed by my Office.
2. I am satisfied that the Regulations:
  - (a) are appropriate as to form and content; and
  - (b) makes proper provision for the matters intended to be covered by them.
3. Accordingly, I recommend that the attached Regulations may proceed to Cabinet for their consideration.

(Precious Chang)

**ACTING ATTORNEY GENERAL**

attch:

# **APPRENTICESHIP REGULATIONS 2014**

## **SAMOA**

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**PURSUANT** to section 56 of the Apprenticeship Act 2014 ('the Act'), **I, TUI ATUA TUPUA TAMASESE EFI**, Head of State, acting on the advice of Cabinet, **MAKE** the following Regulations:

**DATED** at Apia this.....day of.....2014.

.....  
(Tui Atua Tupua Tamasese Efi)  
**HEAD OF STATE**

## **PART I PRELIMINARY**

**1. Citation and commencement** – (1) These Regulations may be cited as the Apprenticeship Regulations 2014 and commence on the date they are signed by the Head of State.

**2. Interpretation** – (1) In these Regulations, unless the context otherwise requires:

“dispute” includes a complaint;

“fund” means the fund established under regulation 3;

“Ministry” means the Ministry of Commerce, Industry and Labour.

(2) Any word used in these Regulations that are not defined and are used and defined in the Act has the meaning in the Act.

## **PART II PRIZES AND SCHOLARSHIPS**

**3. Establishment of fund** – (1) A fund for prizes and scholarships to be awarded by the Council is established.

(2) The fund is to be administered by the Ministry.

(3) Cabinet must approve the amount of funding to be provided for this purpose.

**4. Prizes and scholarships to be awarded by Council** – Any prize or scholarship to be awarded under the Act must be awarded by the Council.

**5. Council to determine categories of prizes and scholarships** – (1) The Council may determine such categories of prizes and scholarships to be awarded to apprentices as it determines appropriate.

(2) Where the Council determines categories under subregulation (1), it may issue notice of these categories by publishing them in the Savali or any other newspaper circulating in Samoa.

**6. Prizes and scholarships to be awarded on merit**– (1) No prize or scholarship shall be awarded on any ground other than on the ground of merit.

(2) Subject to subregulation (3) any prize or scholarship not awarded in accordance with subregulation (1) is void and a Notice of a scholarship being void may be published by the Minister in the Savali or any other newspaper in Samoa.

(3) The Minister may not publish a Notice under subregulation (2) if the Minister has good reason to believe that the prize or scholarship was awarded in accordance with subregulation (1).

### **PART III DISPUTES**

**7. Notice of dispute** – (1) Where an employer or an apprentice under an apprenticeship agreement has a dispute, either 1 of the parties must provide written notice to the Council of the dispute.

(2) When providing the notice, the injured party must provide evidence or any written information which shall form the basis of his or her arguments in relation to the dispute.

**8. Council to determine whether to deal with dispute** – Where the Council receives notice of a dispute, the Council may:

- (a) choose to deal with the dispute having regard to all the evidence or written submissions provided by both parties; or
- (b) refer the parties to arbitration under the provisions of the Arbitration Act 1976.

**9. Where Council chooses to deal with the dispute** – (1) Where the Council chooses to deal with the dispute, the Council must:

- (a) ensure that both parties provide written submissions relating to the dispute;
- (b) provide an opportunity for both parties to provide oral submissions where they request it;

- (c) allow for legal representation where the parties request it; and
  - (d) make a written decision upon hearing both parties to the dispute.
- (2) After hearing both parties to the dispute, the Council may make a written decision on the matter as it considers appropriate in the circumstances.

**10. Appeal of Council's decision** – (1) The party aggrieved by the decision of the Council may appeal to the Minister.

(2) Where the Minister receives an appeal under subregulation (1), the Minister shall review the decision of the Council and may:

- (a) confirm the decision; or
- (b) override the decision and either:
  - (i) deal with the matter and issue his or her own decision on the matter; or
  - (ii) refer the matter to the Council for a further re-consideration of the matter; or
  - (iii) refer the matter for arbitration under the provisions of the Arbitration Act 1976; or
  - (iv) refer the matter back to Council for Council to direct parties to file an appeal with the District Court.

(3) Upon the Minister determining an appeal under subregulation (2) the Minister shall cause to be served on the person appealing a written notice advising the Minister's decision.

#### **PART IV MISCELLANEOUS**

**11. Fees** – (1) In this regulation "fees" means training fees payable to training providers.

(2) The employer and the employee are liable to pay to training providers' part of the fees for undertaking training.

(3) The Ministry may pay training providers the contribution of the employer and the employee.

(4) If the Ministry pays the full fees to a training provider the Ministry may recover the contribution to be paid by the employer and the employee under subregulation (2).

(5) Any fee due and payable by an employer and employee is a debt owed by them to the Government and may be recovered in court by the Government.

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