



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



# **ANNUAL REPORT**

## **2020 - 2021**

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**Government of Samoa**

**OFFICE OF THE MINISTER**

**MINISTRY OF COMMERCE, INDUSTRY AND LABOUR**

**MINISTRY FOR PUBLIC ENTERPRISES**

Accident Compensation Corporation | Samoa Airways Ltd | Samoa Business Hub | Samoa Gambling Control Authority

Samoa Housing Corporation | Samoa Land Corporation | Samoa Sports Facilities Authority

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Honourable 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 July 2020 to June 2021, for consideration and discussion in this current session of the House.

Leatinu'u Wayne So'oialo

**MINISTER FOR COMMERCE, INDUSTRY AND LABOUR**



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



Honourable Leatinu'u Wayne So'oialo  
Minister for Commerce, Industry and Labour

Pursuant to section 15 of the Public Service Act 2004, I hereby submit the Annual Report of the Ministry of Commerce, Industry and Labour for the financial year July 2020 to June 2021.

Faafetai

Pulotu Lyndon Chu Ling  
**CHIEF EXECUTIVE OFFICER**

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## STATEMENT BY THE MINISTER



As Minister for Commerce Industry and Labour of the new Government Administration, it is my pleasure to present the Ministry's Annual Report for the 2020/2021 financial year.

Samoa continued to remain a COVID-19 free country in the Pacific and in the world. Our borders to the outside world have been closed since the advent of the COVID pandemic in early 2020. The Government continued to provide assistance and reprioritize available resources in keeping our people protected and safe. In April 2021, Samoa joined our Pacific Island neighbors in receiving the first 24,000 COVID-19 Oxford-AstraZeneca vaccine doses through the COVAX facility. This is an historic step toward achieving the goal to ensure equitable distribution of COVID-19 vaccines globally, in what will be part of the largest vaccine procurement and supply operation in history. The Government is most appreciative of the support through the COVAX facility and in particular the continuous support from our development partners who have made the journey with us to support vaccination efforts, vaccine donations and other crucial public health measures to keep our communities protected.

In June 2021, Samoa joined the 87 member countries of the International Labour Organization (ILO) on the first day of the 109<sup>th</sup> International Labour Conference in acknowledging the support of ILO to Samoa in mobilizing resources and technical partnerships to assist with our response to the global pandemic. It was also a good opportunity for Samoa to reinstate the commitment to stronger working relations with social partners to support the recovery of affected workers and employers through targeted and effective assistance; and to reaffirm the Government and its constituents' commitment to ratify Convention 190 on Violence and Harassment in the World of Work.

The Government continued to monitor and paid close attention to addressing the economic decline resulting from the country's border closures. The Government believes that with increased development opportunities and efficient allocation of resources inclusively to policy developments and programs implemented at the grassroots levels, the economy can return to and sustain high levels of growth if all citizens can participate together to develop and improve their quality of life.

Through this Ministry, we continued to work in close collaboration with the private sector businesses and our development partners through social dialogue and forums to ensure appropriate social protection mechanisms are in place as a mean for building inclusivity, expanding opportunities for improving livelihoods of the most vulnerable and increasing welfare across the country especially in response to shock and crisis.

I would like to extend my sincere gratitude to my predecessor, Honourable Lautafi Fio Selafi Purcell for his excellent contribution to the work of the Ministry. Last but not the least, to all the staff as well as our partners for your significant contribution in our efforts to progress through our development agenda to ensure that all Samoans have the means and opportunity to pursue a better life, and that no one is left behind.

Soifua.

## WORD FROM THE CEO



The Ministry's Annual Report 2020/2021 is a review of our financial and non-financial performance against our performance indicators, outcome and priorities. We continued to pursue our purpose to create an enabling environment for business development and innovation and create employment opportunities for our people. Despite the political impasse after the General Elections in April 2021, we continued to advise on and support the Government of the day key priorities and reforms and to ensure the smooth transition of the new Government administration into office.

The Ministry played a critical role assisting our development partners to oversee and implement national programs under the Samoa Decent Work Country Program. In May 2021, in partnership with our private sector businesses and Workers union an internship program took place as part of the ongoing recovery program for laid off workers identified from the ILO Rapid Assessment Survey on the Impact of COVID-19 on employment and enterprises in Samoa 2020. The internship program provided relief for affected workers with temporary employment that provide some form of income support while at the same time, offering advisory services for long term employment opportunities.

The Ministry and stakeholders recognized the challenges over the last year facing our labour and employment, thus the review of the Samoa National Employment Policy is timely. The SNEP-2 is a national policy that aims at assisting the socio-economic recovery from COVID-19 and addresses challenges encountered in the labour market. To achieve this, supportive economic and social policies are needed to ensure that disruptions to employment and incomes due to the impact of COVID-19 are addressed. This involves a comprehensive set of policy measures from stimulating the economy and employment to support workers to retain employment and possible assistance to be provided by our development partners and the Government to those who have lost their jobs.

In late 2020, Samoa was fortunate to secure additional seasonal employment opportunities in New Zealand and Australia where the demand from the two countries for workers in the Pacific was high to accommodate the labour shortages due to COVID-19. With the assistance from the two countries and approval from Cabinet, the ministry began the recruitment and deployment of more than 1000 workers to New Zealand and Australia and it is continuing since June 2021.

We have continued to provide assistance through our frontline staff and resources to the Government in efforts to protect our borders. This has been a true example of the spirit of service as our staff worked collaboratively to put in place the support mechanisms to keep Samoan safe and protected. I want to acknowledge our staff for the role they each play, in often challenging environments. We have been able to respond quickly, professionally and with empathy in any fast moving situations in our roles to serve our country.

Soifua

## OUR ORGANISATION

### Our Purpose

Our purpose is to facilitate an enabling environment for business development and innovation and employment creation for an improved quality of life for all. We work closely with other Government Ministries, State Owned Enterprises, and the Private Sector to achieve our purpose and to accelerate sustainable development to grow a productive economy.

### Our Vision

To become “a leader in promoting an enabling environment for diverse business innovation and employment in Samoa” in support of the Government’s vision of Accelerating Sustainable Development and Broadening Opportunities for all.

### Our Mission

Fostering economic growth and prosperity in Samoa by promoting public private partnerships, and ensuring a fair trading platform for businesses and consumers.

### Our Long Term Outcome

Enhanced investment resulting in increased employment, incomes and equitable distribution of the benefits leading towards poverty eradication.

### Our Legal Mandate

The Ministry is mandated to administer regulatory frameworks that:

- Promotes industry development, foreign investment and guarantees the rights of citizens to participate in the economy of Samoa;
- Sets standards to regulate fair competitive practices to promote a level playing field in all trades;
- Administers the Apprenticeship Scheme, Employment services, conducting of labour market surveys, collection and dissemination of Labour Market Information;
- Enforce labour and employment standards, approval of foreign employment permits and promote occupational safety and health;
- Administers the Labour and Employment Export Programs;
- Manage the registries of companies and other legal entities, Intellectual property registers, and the protection of rights of Intellectual Property holder and enforces statutory obligations.

## OUR STRATEGIC DIRECTION

Our strategic direction is guided by the Government's strategic priorities outlined in the Strategy for the Development of Samoa (SDS 2016/17-2019/20), the Trade, Commerce & Manufacturing Sector Plan 2017/08-2020/21 and our Corporate Plan 2016/17-2019/20 as illustrated below.

In line with our classification as an entity for Economic Development, our work together with our stakeholders are directly linked to the addressing of Samoa's trade deficit (SDS Key Outcome 3) through value addition and recognition of Samoan goods and services to overseas markets. The Ministry aims to strengthen the Public Private Partnership (PPP) concept with its stakeholders, in-line with the Government's objective of 'enhancing the participation of the private sector in national development' (SDS Key Outcome 5).

### Strategy for the Development of Samoa

Vision – Accelerating Sustainable Development and Broadening Opportunities for all

#### • Priority Area 1 – Economic

- Key Outcome 3 – Export products increased
- Key Outcome 5 – Participation of Private Sector in development enhanced

### Trade Commerce & Manufacturing Sector Plan

Vision – Sustainable trade, commerce and manufacturing for enhanced growth and development

• **Mission** – Maximise gains from trade and enhance private sector development to increase income generation opportunities for sustainable livelihoods

• **Goals** – 1. Improve industrial supply and productivity; 2. Increase processing activities and value-addition; 3. Enhance market access and visibility for Samoan goods and services; 4. Strengthen sector coordination, planning and support

### Corporate Plan

Vision – A leader in promoting an enabling environment for diverse business innovation and employment in Samoa

• **Mission** – Fostering economic growth and prosperity in Samoa by promoting public private partnership, and ensuring a fair trading platform for businesses and consumers

• **Goals** – 1. Development of the private sector and promotion of investment; 2. Encourage industry productivity and fair trade, and ensure a healthy and competitive market; 3. Create employment opportunities for local workforce and a healthy and safe environment for employees and employers

## SECTION 1

## HIGHLIGHTS OF 2020/21

This Annual Report highlights the progress the Ministry has made during the 2020/2021 in delivering on Government's expectations in providing an enabling environment for private sector development and creating decent employment opportunities for all Samoan. The following were key highlights for the 2020/2021 year.

### **GOAL 1: DEVELOPMENT OF THE PRIVATE SECTOR AND PROMOTION OF INVESTMENT**

The Ministry has been mandated by the Government to lead development of the private sector, and the MSME sector. Further, the Ministry's coordinated Trade Commerce and Manufacturing sector plan has key output of 'promoting the development of MSMEs and implementing macroeconomic policies and practices that are consistent with Samoa's objectives of increasing exports and enhancing competitiveness. Recognizing the government's vision to have globally competitive MSME sector that contributes to the growth of the country, the Ministry with the support from our development partners are developing relevant initiatives and programmes that will further support the development of the private sector

#### ***Samoa's Micro, Small and Medium Enterprises (MSME) Development Policy and Strategy 2020:***

The Government through the Ministry is committed to promoting and encouraging the development of MSME sector in Samoa. MSMEs are estimated to represent more than 90% of businesses in Samoa and contribute significantly to national development and employment. Hence the undertaking to develop the first and foundational Strategy is the first step of Government to formalise MSME context and policy issues, to re-focus efforts and interventions, to reconnect with development partners and to ensure growth and sustainability of MSME.

The MSME Development Policy and Strategy 2020 was officially launched on 1st April 2021 with main objectives to increase the number of MSME participating in the formal economy, to grow MSME contribution to GDP, to grow employment in MSME, increase profits, increase number of women owned MSME, to grow the value of exports and services, to build the international competitive advantage of MSME and to grow MSME participation in the tourism, agribusiness including manufacturing, professional services including digital information technology services sectors.

#### ***Catalyzing Women Entrepreneurship (CWE)***

The CWE project funded by the Government of Canada through UNESCAP is a 5 year regional initiative being implemented in six difference countries including Samoa. The aim of the project is to strengthen entrepreneurial ecosystems that foster women's entrepreneurship in the Asia Pacific Region. Women's entrepreneurship has been on the rise over the past 20 years in the Asia Pacific region. However, some of the main challenges faced by women entrepreneurs include limited access to finance and ICT, discriminatory legislative frameworks, lack of opportunity for capacity development as well as discriminatory socio-cultural norms and beliefs. Overcoming these challenges is key to unlocking women's potential to fully participate in the business arena leading to social and economic gains stretching from households to communities and economies. The CWE project will support the Ministry's mandate in achieving the vision of the MSME Policy and Strategy 2020, which is for Samoa to have sustainable and a globally competitive MSME sector that contributes to growth of GDP, employment and exports.

## ***Business Names Register***

The Ministry with the support from the ADB and PSDI is considering the Introduction of Business Names Register in Samoa to encourage private sector development and create an improved business enabling environment. The purpose of the reform is to expand opportunities for business formalization by providing a simple, concrete steps for sole traders, MSMEs and informal operators who wish to enter the formal economy. The framework will also achieve a number of other objectives, including legal protection for business/trading names, and improved transparency of business ownership

## **GOAL 2: ENCOURAGE INDUSTRY PRODUCTIVITY, FAIR TRADE AND A HEALTHY AND COMPETITIVE MARKET**

### ***National Industry Development Policy (NIDP) for Samoa***

With technical assistance provided with the support from Government of New Zealand through the Private Sector Development Program (PSDP), the Ministry began this undertaking to develop Samoa's first NIDP in November 2020. The long term objectives of the NIDP is to enhance and improve private sector inputs and boost exports of goods and services where Samoa has sustainable comparative and competitive advantages. The NIDP will provide important strategic guidance on how industrial development can be promoted in Samoa through economic diversification, strengthening competitiveness, enhancing linkages and promoting productivity in industries where Samoa may have competitive and sustainable advantages.

### ***Private Sector Financial Assistance***

The annual \$250,000 Private Sector Organization (PSO) grant is part of the Government's commitment to assist the development of the Private Sector and ongoing efforts to strengthen the public private sector partnership. The grants are allocated to eligible PSOs with commercial affiliations and are registered with the Ministry under the Incorporated Societies legislation and is intended to assist the PSOs with their administrative operations. Twelve (12) PSO were awarded with financial assistance to support their members' normal business operations during these challenging times and detrimental effect of the continuing COVID-19 pandemic.

### ***National Standards to increase compliance with fair trading and competition***

#### ***National Standards for Use Motor Vehicles.***

The initiative by the Ministry to develop such standard derives from the numerous complaints received by the Ministry with issues related to the quality of used vehicles in Samoa. The Ministry worked collaboratively with the assistance from WINTEC NZ and the local car dealers in developing and reviewing effective and efficient standard that can be used to address the issues raised by the consumers in relations to the quality of used vehicles. The public will be invited to provide comments once the standard is finalized.

#### ***National Standards for Labelling of Non Food items***

In addition to the used vehicle standard, the WINTEC team together with the Fair Trading Unit of the Ministry also developed a standard for labelling of non-food items. The need to develop a labelling standard for non-food items was due to the fact that some of the products available on the market that either have information or instructions labelled in foreign language or products not having information of the manufacturer or distributor marked on the item. The public will be invited to provide comments once the standard is finalized.

### **GOAL 3: CREATE EMPLOYMENT OPPORTUNITIES FOR ALL AND A SAFE AND HEALTHY ENVIRONMENT IN WORKPLACES.**

#### ***Seasonal Employment***

Despite the closing of travel borders, the NZ Government announced the recruitment of 2,000 workers from the Pacific to assist RSE employers with the harvest in the horticulture and viticulture sectors. Samoa was able to deploy 729 returning workers when RSE resumed in December 2020 to work in NZ for six months. These workers joined more than 2,000 workers who opted to extend their work visas to stay in NZ instead of returning home due to the impact of COVID-19.

For the Australia's Seasonal Workers program (SWP) and the Pacific Labour Scheme (PLS), a total of 1,025 workers were deployed for employment opportunities during the financial year and the recruitment is continuing due to the demand from the Approved Employers for workers to assist with the harvest and packing and in the Aged care sectors.

#### ***Apprenticeship Training Program & Labour Market***

Sixty one (61) tradespeople graduated during the Apprenticeship Graduation in January 2021, thirty four (34) apprentices who have completed their apprenticeship training and twenty seven (27) candidates who have passed trade tests in their respective trades. A significant increase of graduates was noted who successfully completed the two programs in comparison to the previous years (2018-2019). More trade tests were organized and conducted in 2020/21 compared to previous financial years.

A review of the Labour Market Information System (LMIS) has begun. The 2021 LMIS will assist the Ministry to have an effective and efficient online labour market for better networking and dispatching of LMI to stakeholders and the public at the stipulated timeframe. The provision of LMI will assist decision makers at the national level to make informed decisions regarding the demand and supply in the labour market to improve Samoa's economy.

#### ***OSH Compliance in the Workplace***

Ninety-one (91) inspections carried out to workplaces in the private and public sector, where 66.7% compliance was noted across private businesses, Government and SOEs. Nine (9) OSH Hazards Management guidelines were successfully launched during the World OSH day commemoration in April 2021. These guidelines included Hazardous Substance, Manual Handling, Working at Heights, Electrical, Respiratory Viruses, Emergency Preparedness, Wellness and Wellbeing, Plant and Equipment and Psychological aimed to support workplaces in complying with the OSH legislative requirements. This project was funded by the Government of Australia under the Samoa Governance Support programme. As part of the commemoration of the World OSH Day 2021, the Ministry in collaboration with ILO and Samoa Red Cross conducted the National First Aid Training. This activity is aimed to improve compliance across all sectors. Seventy (70) participants were officially certified first aid responders after undertaking the Training conducted by the Samoa Red Cross.

## MANAGING RISKS AND WAY FORWARD

As different sectors of the country continued to operate under the State of Emergency (SOE) restrictions due to COVID-19, the Ministry continued with its normal operations and monitoring roles to ensure the private sector businesses are in compliance with the relevant legislative requirements and regulations as well as advices and orders issued under the mandate of the SOE. From its monitoring, the Ministry has noted the continuous non-compliance of employers of their obligations under the relevant laws guiding the enforcement of labour relations and other matters in the workplace.

The wellbeing of our staff both their safety and health is a priority of the Ministry. We make sure that our staff are well prepared physically and mentally before they embarked in their normal duties as mandated by law. It is our responsibility to provide our staff with safety gears and equipment (personal protective equipment) when conducting field work and inspections to private and public sector workplaces and businesses. The Ministry has established a support service through our Disciplinary and Grievance committee where we receive and review public and staff grievances on areas that have lapsed in our service delivery and internal grievances related to leadership and management and our processes. Our work continued on embedding our values which provides us with a common language that guides our way of working together. They define how our staff will behave towards each other, our customers, our partners we work with and how we serve the people of Samoa.

Our staff numbers have increased by 15% compared to five (5) years ago. The Ministry continued to review its roles and functions as well as the resources required to ensure our long term objectives and our vision to be a leader in promoting an enabling environment for diverse business innovation and employment are realized. We worked in close collaboration with the Central Agencies such as the Public Service Commission (PSC) and the Ministry of Finance (MOF) on our restructuring proposals and funding when required. Not only recruiting new staff but we have taken into account the need to upskill and enhance the staff skills and knowledge for effective service delivery and efficient use of knowledge in our work. Therefore, the Ministry continually seek professional development opportunities for staff as well as encouraging them to pursue higher education for higher qualifications. The Ministry was fortunate to access to online trainings and workshops during the financial year with assistance from our key partners. One of the challenges that the Ministry is facing is keeping the institutional knowledge within its work environment when staff are moved to other employment opportunities. However, the Ministry believes in developing staff skills and knowledge that will open doors to other opportunities within the Government or elsewhere in the private sector.

## SECTION 2 OUR YEAR IN REVIEW

This section provides an overview of the Ministry's work that was achieved and the challenges faced in the delivery of our services during the period under review. We have organized this section into our core services to show how we are progressing to deliver our outcomes for the development of the private sector and creating employment opportunities for all. The status and progress of implementation of our Performance Indicators for the financial year are provided in details in **Appendix 1** of this Report.

### 1. MAXIMIZE GAINS FROM TRADE AND ENHANCE PRIVATE SECTOR DEVELOPMENT TO INCREASE INCOME GENERATION OPPORTUNITIES FOR SUSTAINABLE LIVELIHOODS

#### TRADE COMMERCE AND MANUFACTURING SECTOR

The Trade, Commerce and Manufacturing Sector Plan (TCMSP) 2017/2018 – 2020/2021 continues to ensure the economic development of Samoa through strengthening trade and private sector development policies and interventions. The Trade, Commerce, and Manufacturing (TCM) Sector continues to propel development initiatives hinged upon the overarching vision of the TCMSP – *“Sustainable trade, commerce and manufacturing for enhanced growth and development.”* Moreover, the TCMSP streamlines the key policy outcomes three and five of the Strategy for the Development of Samoa, which are respectively *“Export Products Increased”* and *“Participation of Private Sector in Development Enhanced.”*

#### SECTOR PLANNING

##### SDS Key Outcome 3 – Export Products Increased

Samoa's trade balance is characterized by a large deficit in merchandise trade and a substantial return from trade in services. However, the trade in services has declined to a deficit due to COVID-19. Our merchandise trade deficit balance for 2020/21 amounts to approximately -731.2 million tala, with imports and exports respectively estimated at 820.7 million tala and 89.5 million tala. Goods export for 2020/21 are comprised of fresh fish (32.5%), taro (10.9%), coconut and its by-products (10.9%), beer (6.6%), noni and its by-products (2.3%), kava (1%), others (8.3%) and re-exports (27.%). The imports for the reporting period comprise of petroleum (11.1%), food (10%), construction material (10.3%), motor vehicles (4.1%), and others (64.5%).

Samoa's economy is comprised of 83.9% services; 10.1% Agriculture and Fisheries; and 6% manufacturing. Samoa's trade in services balance dropped significantly from a surplus of 307.2 million tala in 2019/20 to an estimated deficit of -78.2 million tala in 2020/21. Consequently, the national trade balance increased by 92%, from -421.1 million tala in 2019/20 to -809.3 million tala in 2019/20.

##### SDS Key Outcome 5 – Participation of Private Sector in Development Enhanced

Samoa's real GDP deflated by 8.37% from 2.03 billion tala in 2019/20 to an estimated 1.86 billion tala in 2020/21. Samoa's estimated 1.86 billion real GDP is disaggregated as follows: Commerce Sector (32.4%); Financial Services (10.7%); Agriculture and Fisheries (10.1%); Public Administration (10.2%); Manufacturing, including food and beverages manufacturing (6%); Utilities (5.3%); and other Sectors accounting (25.3%).

## POLICY ADVICE AND PROJECT MANAGEMENT

In the last quarter of 2020/21, the Public Service Commission (PSC) approved the Ministry's request to reform the TCM Sector Coordination Unit as the Policy, Planning, and Project Management Division (PPPMD) of the Ministry. This request aligns the Ministry's policy work with the TCM Sector's work.

The TCM Sector Coordination Unit provided written advice and feedback on national COVID-19 response, social protection papers and measures, the Micro, Small, and Medium Enterprises Policy, Samoa National Employment Policy, and the National Industrial Policy.

The re-current budget of the TCM Sector is directly complemented by the New Zealand Ministry of Foreign Affairs and Trade (NZMFAT)-funded Private Sector Development Program (PSDP), where the Component one is implemented through the Ministry and component two via the Samoa Business Hub (SBH). The PSDP consolidates NZMFAT support under a single program that addresses several long-standing issues in the enabling environment for private sector development and provides a balanced package of direct support to small and medium enterprises (SMEs) comprising finance (loans and equity) and business development services. The overall goal of PSDP is inclusive economic growth and sustainable development of Samoa's private sector in alignment with national development objectives. The specific objective is to facilitate improved performance of Samoa's private sector to generate improvements in profitability and employment.

The PSDP Component one (PSDP-C1) is a mechanism to assist in developing responsive mechanisms to address business enabling environment issues and priorities. The PSDP-C1 provides numerous technical assistance assignments conforming to a five-year budget estimated at NZD400,000. An operational budget is also provided by New Zealand amounting to NZD20,000 (34,934.50 tala) for administrative expenses of the PSDP-C1 governing entities, including the TCM Sector Coordination Unit. There were three assignments implemented under the PSDP-C1 in FY2020/21: the development of the *"National Industrial Development Policy and Strategy"* under the Ministry's mandate; the carrying out of *"Financial capacity building for staff and clients of the Development Bank of Samoa, and the Samoa Business Hub"*; and the development of the *"Samoa Chamber of Commerce and Industries Strategic Plan 2021–2026"*.

Furthermore, the Samoa Trade information Portal (STIP) (<https://samoa.tradeportal.org/>) was completed and officially launched in July 2020 for public access and use. The STIP was funded under the Pacific Agreement on Closer Economic Relations (PACER Plus) Transparency Project, in collaboration with the United Nations Conference on Trade and Development (UNCTAD) and financial support from the Governments of Australia and New Zealand. The STIP is a facilitative measure to inform and enhance traders' knowledge of the processes and procedures for the import and export of goods. The availability of this streamlined online platform will enable our business community and the public who have intention to benefit from trade in goods, to have a user-friendly informational guide for importing or exporting of their goods. It also provides legal justification for the process, paperwork, and cost for a procedure.

## 2. SUPPORTING AN ENABLING ENVIRONMENT FOR BUSINESS INNOVATION AND GROWTH

### **UNESCAP'S CATALYZING WOMEN ENTREPRENEURSHIP (CWE) PROJECT: CREATING A GENDER RESPONSIVE ENTREPRENEURIAL ECOSYSTEM**

The CWE project is a 5-year regional initiative being implemented in six different countries including Samoa. The project is funded by the Government of Canada through UNESCAP and aims to strengthen entrepreneurial ecosystems that foster women's entrepreneurship in the Asia Pacific Region.

Some of the main challenges faced by women entrepreneurs include limited access to finance and ICT, discriminatory legislative frameworks, lack of opportunity for capacity development as well as discriminatory socio-cultural norms and beliefs. Overcoming these challenges is key to unlocking women's potential to fully participate in the business arena leading to social and economic gains stretching from households to communities and economies.

Following discussions and bilateral meetings, an agreement was formalized through a signed Letter of Agreement (LOA) between the Ministry and UNESCAP for certain activities to be undertaken that will overall support the implementation of the CWE Project. As part of this agreement, a budget of USD \$27,695.00 was allocated and made available to the Ministry by UNESCAP for implementation of these specified activities.

The CWE Project will also support the Ministry's mandate in achieving the vision of the MSME Policy and Strategy 2020, which is for Samoa to have sustainable and a globally competitive MSME Sector that contributes to growth of GDP, employment and exports.

Additionally, this LOA was signed in December 2020 and will expire in June 2022. The five main activities specified in the LOA to be implemented by the Ministry in collaboration with UNESCAP include the following:

- Baseline Study of Women led MSMEs in Samoa
- Implementation Strategy to increase the number of women entrepreneurs in Samoa contributing to Goals #2, 3 and 6 of the MSME Policy
- Technical Support for promoting registration of women entrepreneurs in the informal sector
- Rapid Assessment: Impact of COVID-19 on Women Entrepreneurs
- Project Advisory Group (PAG) under the Trade, Commerce and Industry (TCI) Board

For the reporting period, Activities 1 & 4 had already commenced with the recruitment of the TA in April 2021 and consultations were held with targeted stakeholders in June 2021. Reports will be made available in the next financial year for feedback followed by a validation workshop. Moreover, as the TCI Board could not meet due to parliamentary sessions as well as the current political situation, consequently the PAG could also not meet during this period. Nonetheless, the first meeting has been confirmed for July 2021 as an introductory meeting and to discuss progress of the project. Activities 2 and 3 will also be starting in the next financial year.

## POLICY DEVELOPMENTS

### ***National Industry Development Policy (NIDP) for Samoa***

Samoa has not documented an official Industrial Policy in the past, but there were legislative, concessionary and financial interventions implemented that had industry development aspects. To date, the Samoan Government has taken a vertical and reactive approach in designing and implementing interventions, and this has been the same for private sector development.

The Samoa National Planning Framework stipulates through several documents (specifically the Samoa Diagnostic Trade Integration Studies and the Trade, Commerce and Manufacturing Sector Plans) the need for a National Industrial Development Policy (NIDP) to direct interventions that will diversify Samoa's goods and services. Hence, a NIDP will provide important strategic guidance on how industrial development can be promoted in Samoa through economic diversification, strengthening competitiveness, enhancing linkages and promoting productivity in industries where Samoa may have comparative and sustainable advantages.

With technical assistance funded by the New Zealand's Ministry of Foreign Affairs and Trade (MFAT) through Component 1 of the Samoa Private Sector Development Programme (PSDP), the development of Samoa's NIDP commenced in mid-November 2020 following the recruitment of a lead international consultant, Mr. David Young (working remotely from Brisbane Australia) and a local consultant, Benjamin Harding of Samoa Innovative Business Consultants.

The long term objectives of the NIDP as included in the current Draft are to:

- Increase sustainable economic growth that supports improved prosperity for all Samoans;
- Support and encourage the transition from low to high productivity industries, whilst improving productivity across all sectors;
- Encourage investment in emerging/sunrise industries where Samoa has a potential competitive edge;
- Accelerate formalization and generate high quality jobs in the formal sector; and
- Improve Samoa's trade balance.

Consultations were carried out from January – February 2021 to forty-five (45) stakeholders both from the public and private sectors to gauge their views on what they see are the most important industries and issues to be addressed in the NIDP. The first draft of the NIDP was received within the reporting period and the validation and finalization of the NIDP will be conducted in 2021/22 financial year.

### **Business Names in Samoa**

The Ministry with the support of the ADB and PSDI is considering the Introduction of Business Names in Samoa to encourage private sector development and create an improved business-enabling environment.

The purpose of the Reform is to expand opportunities for business formalization by providing a simple, concrete steps for sole traders, MSMEs and informal operators who wish to enter the formal economy. The framework will also achieve a number of other objectives, including legal protection for business/trading names, and improved transparency of business ownership

Internal consultations were conducted not only to introduce the concept of Business Names but to seek the initial feedbacks and comments from all divisions on whether this framework is appropriate for Samoa. Further consultation will include the public sector and key Government ministries such as the Ministry of Custom and Revenue (MCR).

## **Companies and Personal Property Securities**

There was a noted decrease in the number of companies registered for the 2020/2021 financial year. The impact of the COVID-19 pandemic is felt among the companies with requests received by the Ministry to be removed from the register of companies because of associated challenges they faced such as inconsistency of shipments, the increase in ordering costs and poor sales capacity. In addition, companies are continued in using the electronic system to file annual returns, maintain and updated companies details.

Given the COVID-19 pandemic we have noticed the increased number of Personal Properties Security Interest registration during the period under review. The electronic system of PPSA contributed immensely to the improvement of registration and updating information pertaining to PPSA.

## **Intellectual Property Awareness Program for Youth Entrepreneurs and Secondary School Students to Commemorate World Intellectual Property Day.**

Micro, Small and Medium-sized enterprises take center stage at the celebration of the World Intellectual Property Day in April 2021. The program for the 2021 awareness was designed for five (5) days, two days' workshop for Upolu and three days' awareness campaign for the big Island of Savaii. The theme for this year's celebration is ***"Intellectual Property (IP) & MSME: Taking your ideas to market"***.

MSMEs significant contribution to national developments and employment is recognized, however, there is still a lack of knowledge about how IP can help them translate their ideas into products, and how IP can be a powerful tool for them to gain competitive advantages among the global trading environment in order to grow.

With the support of our Government, the Ministry was able to host four (4) workshops on various IP Rights: from Trademarks & Designs, to Geographical Indications and Branding & Marketing Strategies. From these consultations, it was evident that strengthening relationships and partnerships between the Government and Private Sector organization in IP protection framework is important for MSMEs. The outreached awareness campaign celebrates the creativity behind every MSME, their courage to make a difference, and their contributions to enhancing livelihoods. The workshops in Savaii participations were low. Though this was not expected, looking ahead, the Registries of IP will continue to work on our processes and legislation, and to put in place regulatory framework that will support MSMEs business and their IP rights.

## **Branding Bureau – Nonu Industry Branding Project**

The Branding Project financed by World Intellectual Property Organization (WIPO) and its support development partner Korean Intellectual Property Office (KIPO) have continuously contributed to the setting up of the Branding Bureau for Samoa. Through webinar meetings and discussions between the Regional Bureau for Asia and the Pacific, Development Sector of WIPO and our IP Office, it was evident that there is a need to help entrepreneurs in the critical transition process from idea generation and protection to business concepts and market entry strategies. In acknowledging this need, the goal was to provide branding and marketing expertise, advisory and counselling services locally to help start-up operations and MSME's. The role of the branding bureaus is to assist MSMEs turn their IP protection into lasting profitable business, thus benefiting the local economy including women and youth.

The 1<sup>st</sup> Phase of the project capacity building programs were conducted virtually in the first week of December 2020 until April 2021 for the Branding Bureau members and the Nonu industry to help develop an IP strategy, with the goal to create a strong and lasting brand to boost the industry exports performance and establish its market leadership position. The initiative complements the efforts of the Australia/New Zealand joint PHAMA Plus development initiative and the support of the Government.

Samoa is the largest exporter of Nonu Juice in Polynesia, and will be overtaken soon by its neighboring competitors unless it develops new strategies that differentiate and add value over the current unprocessed products. Samoan agriculture is still very traditional and an important employer is women and youth in communities and rural area. More than 1,700 small holder farmers are involved in Nonu production all year round making it a critically important cash crop for the local economy. In order to secure a future position in Nonu production, Samoa must change its business model from supplier of bulk commodities and become a widely known high value niche brand.

The program includes a marketing and branding strategy to launch the new brand locally and internationally, regain growth momentum and capture significantly more value out of this trade. The last meeting of the Noni industry confirms the brand name and the next phase of the project will confirm the intellectual property status and registration.

## **CHALLENGES AND WAY FORWARD**

There is always a need to maintain the integrity of the Registry through periodic inspections and proper enforcement of statutory requirements and would require more resources as the Ministry continues to transition towards an internationally renowned Registry Office in the Asia Pacific. WIPO through its Asia Pacific Division also funded a Resource and Management Diagnostic Review of the registries division to assist with its Organizational Structure Review to ensure that weaknesses are addressed and that all opportunities are utilized effectively.

Public capacity building is also important to increasing compliance and maintaining the integrity of the registries, hence there is a need for increased public awareness and workshops.

The Ministry continues to build its paperless registry. The continuous support from the ADB Private Sector Development Initiative (PSDI) and the World Intellectual Property Organization (WIPO) Division for IP Offices Business Solutions is bringing this dream into realization.

### 3. FACILITATE AN INVESTMENT FRIENDLY ENVIRONMENT

#### Promotions

Due to the State of Emergency restricting public gatherings, all public awareness programs for investment promotion such as the Ministry Awareness Day & Career Days had been cancelled during the period. All usual reminders on foreign investment through newspapers and other media outlets have also been on hold due to the political situation. These are expected to resume, when restrictions are eased and when a new Government is in office in the next financial year.

A short investment promotional video targeting potential Australian investors was produced during the reporting financial year featuring main sectors in Samoa that are opened up and attractive for foreign investment. This video was developed under the assistance of Pacific Trade Invest Australia.

The Samoa Investment Guide (SIG) and the National Investment Policy Statement (NIPS) have been reviewed and updated, as annually done every financial year. These promotional documents can be accessed online on the Ministry's website for information of potential investors and other stakeholders. ([www.mcil.gov.ws](http://www.mcil.gov.ws))

The Manufacturing Sector as well as the Tourism Sector were selected as the two main sector profiles to be reviewed during the period. Letters were sent out to relevant PSOs seeking their feedback and a request was submitted to a potential donor to fund the review of all sector profiles remaining.

#### Legislative Reforms

The *Review of the Reserved & Restricted Lists* as well as the *Review of the Citizenship Program* commenced in the last 2019/20 with consultations carried out to key stakeholders and discussions held with the Technical Advisors. However, funding for these projects had been suspended under the Samoa Governance Support Program and these projects are now being put on hold.

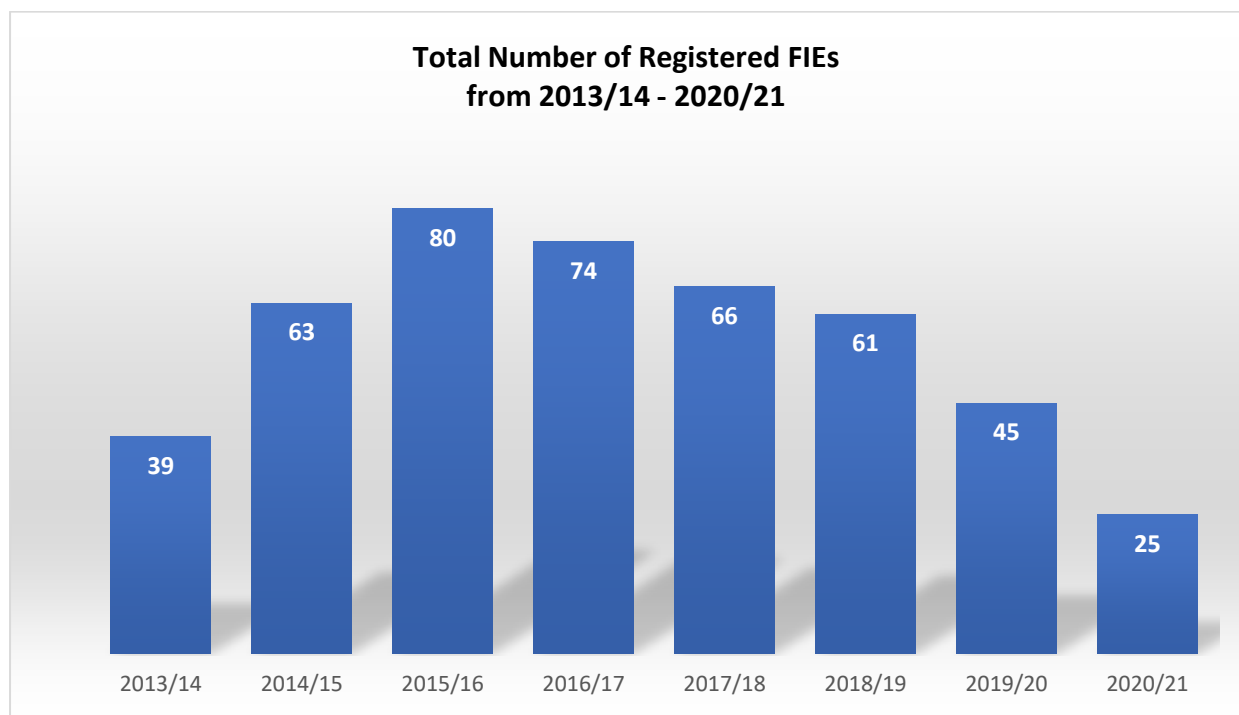
The completion of the *Review of the FIA 2000* was expected to be completed within this reporting period. Similarly, it is now also being put on hold, as funding were suspended by the facility who was funding the two projects.

Consequently, discussions were held with other potential development partners to assist with completing these three reviews as they are crucial for not only executing mandated roles and responsibilities but also to ensure a robust legislative framework in place in order to improve the investment environment of Samoa. It is now anticipated the review will re-commence in the next financial year.

## New Registered Foreign Investment Enterprises

For the reporting period, a total of **25** new Foreign Investment Enterprises (FIEs) were registered with the Ministry. In comparison to the **45** registered in the 2019/2020 financial year, this has critically declined by 44%.

The graph below depicts the trend of registered Foreign Investment Enterprises for the last eight consecutive financial years.



As illustrated above, the number of new registered FIEs continues to decline over the past eight consecutive financial years. The highest recorded was 80 in 2015/16 financial year and the lowest was 25 as recorded in the reporting period as a direct impact of the current global health crisis and other challenges present in the investment environment of Samoa. Although Samoa is fortunate to be Covid19 free, the far stretched economic effects of the pandemic has also greatly affected the economy of Samoa including both businesses and households concerning loss or reduction of profits and income earned.

Moreover, the **25** new registered FIEs are expected to create about two hundred and twenty-one (221) potential employment opportunities and have declared an estimated total initial working capital of **SAT \$839,473.97** in their application forms as their potential capital investment into Samoa's economy.

In comparison to the estimated initial working capital of **SAT\$1,846,041** recorded in the 2019/2020 financial year, the substantial reduction by 55% reflects the decrease in the number of new registered FIEs to 25 from 45 and also taking into account that size and nature of the businesses where mostly are MSMEs.

The 25 new FIEs were registered in the following industries and mainly dominating the commercial industry of Retail sale of commodities excluding food and drink items and also the Professional Services. Records in the preceding years revealed that these two industries are the most preferable to the investors. It should also be noted that there were no new businesses registered in the Tourism Sector due to closure of international borders as an impact of COVID-19.

SECTOR	TOTAL
Retail Sale of goods EXCLUDING food and drink items	9
Professional Services	5
Construction of house/roads	4
Other Services such as Salon, Car Wash etc.	4
Manufacturing	2
Wholesale and Delivery	1
<b>TOTAL</b>	<b>25</b>

### **Renewals and Amendments to Existing Foreign Investment Certificates (FICs)**

In addition to new applications, the Ministry also received applications for renewal of, and amendments to existing certificates. The table below summarizes the number of applications received for renewals and the various amendments made during the reporting period:

Number of Renewals & Amendments Applications	Total
Renewals	161
Additional activities	25
Other Amendments (change of location, addition/removal of trading name, change in shareholding details, etc...)	18
Additional Branches	13
Removal of Activities	6
<b>Total</b>	<b>223</b>

### **CITIZENSHIP BY INVESTMENT PROGRAM**

One application to market and promote the program, which was received in 2019/2020 financial year, was approved within this reporting period after awaiting due diligence reports and payment of associated fees of SAT\$1,000.00.

No application for citizenship under this Program was received during this reporting period but it is anticipated that upon completion of the Review, which is currently being put on hold, the processes, procedures and fees will be more attractive to entice new applicants under this program.

## **MONITORING AND EVALUATION**

During the reporting period, two inspections were carried out to 57 Foreign Investment Enterprises registered in the 2019/20 financial year in Upolu and for all FIEs in Savaii and the following was noted:

- 42% (24) confirmed active,
- 49% (28) confirmed for deregistration,
- 7% (4) temporarily closed due to renovations and impact of Covid19
- 2% (1) yet to commence operations

Out of the active and temporarily closed FIEs, 67% were compliant while 33% were partially compliant with the conditions of their approved FICs and the provisions of the Foreign Investment Act 2000. The partially compliant FIEs are those who haven't renewed their expired FICs but are operating the approved activities.

Aside from these two scheduled inspections, spot checks were carried out upon receipt of applications to renew and amend FICs. From the spot check findings, around 90% of these FIEs were found compliant with the relevant legislation thus FICs applications were approved.

### **Joint Action for Compliance and Enforcement (JACE)**

The JACE Taskforce continued to carry out its mandate set forth in its Terms of Reference as established in 2019 to monitor businesses and individuals concerning their involvement in foreign investment certificates, business licenses, work permits and residency permits.

There were two meetings held and one joint inspection carried out during this period to fifteen (15) retail shops in the Faleata and Vaimauga areas suspected with involvement of foreigners whereas licenses are registered under Samoan locals. Following this joint inspection, letters were sent out to the confirmed non-compliant shops to provide requested information and warn them on the consequences of breaching all relevant legislation administered by the three different Ministries.

#### 4. PROVIDE A HIGH LEVEL OF INDUSTRY DEVELOPMENT

##### GOVERNMENT ASSISTANCE SCHEMES

###### 1. PRIVATE SECTOR ORGANISATION (PSO) GRANTS

The PSO Grant is part of the Government's commitment to assisting the development of the Private Sector and ongoing efforts to strengthen the public private sector partnership. The grants are allocated to eligible PSOs with commercial affiliations and are registered with the Ministry under the Incorporated Societies legislation and are intended to assist the PSOs with their administrative operations. These grants are disbursed annually to eligible PSOs before the end of the financial year i.e. 30<sup>th</sup> June. However, due to the delay in PSOs submitting their reports, the caretaker Cabinet's approval could not be obtained in time in order for this financial year's PSO Grant to be disbursed by 30<sup>th</sup> June 2021 but was deferred to the 2021/22 financial year.

The monetary allocations to relevant PSOs for this financial year, were also slightly increased as a means of supporting them during these challenging times and the detrimental effect of the continuing COVID-19 pandemic on their members' normal business operations.

During this financial year, a previous recipient of the PSO Grant (Small Business Association of Samoa Arts and Handicrafts) withdrew itself from the PSO Grant due to its decision to merge with the SAME, since it was already operating from the SAME's premises. Also within the financial year, a new applicant – Samoa Information and Technology Association (SITA) - submitted its request for funding under the PSO Grant.

For this financial year, the total grant of **SAT\$250,000** to be considered by the Cabinet will be allocated to the following PSOs:

Private Sector Organisation	Grant Allocations for FY 2020/2021	Grant Allocations for FY 2019/2020
1) Samoa Chamber of Commerce	\$50,000.00	\$50,000.00
2) Women In Business Development Inc.	\$45,000.00	\$45,000.00
3) Samoa Association of Manufacturers and Exporters.	\$40,000.00	\$40,000.00
4) Samoa Hotels Association	\$35,000.00	\$35,000.00
5) Business of Salafai Association	\$22,000.00	\$20,000.00
6) Samoa Federated Farmers Inc.	\$20,000.00	\$12,000.00
7) Savaii Samoa Tourism Authority	\$13,000.00	\$12,000.00
8) Samoa Mamanu Designs & Manufacturers Association	\$10,000.00	\$7,000.00
9) Samoa Information and Technology Association	\$8,000.00	-
10) Tautai Samoa Association Inc.	\$3,000.00	\$4,000.00
11) Samoa Banana Farmers' Association Inc.	\$2,000.00	\$9,000.00
12) Samoa Farmers Association Incorporated	\$2,000.00	\$6,000.00
13) Small Business Association of Samoa Arts and Handicrafts Incorporated (Flea Market)	(Withdrew from the PSO grant)	\$10,000.00
<b>TOTAL</b>	<b>\$250,000.00</b>	<b>\$250,000.00</b>

## Review of the PSO Grant Criteria and Requirements

The PSO Grant criteria and requirements are reviewed annually. As part of approving the PSO Grant for the 2019/20 financial year, Cabinet directed the Ministry to review for the second time the requirements and Criteria for allocating the PSO Grant, to take into account financial assistance that some PSOs receive under the mandates of other Government agencies. Consultations with PSOs were therefore carried out in September 2020, with their feedback taken into account in the changes that have been made to the PSO requirements and criteria for the 2021/22 financial year and beyond. The revised Criteria and requirements were included in the Cabinet paper (PK) for the PSO Grant for this financial year.

The new revised Criteria for the PSO Grant to be endorsed by Cabinet are as follows:

- Proof of Registration and renewal of registration at the Ministry as an Incorporated Society with commercial affiliation.
- Proof of Growth in the number of current, registered financial members.
- Strategic Plan and/or Annual Work Plan highlighting Projects and planned activities targeted at enhancing members' productivity and employment opportunities.
- Annual Report and Audited Financial Statements – immediate past or current financial year.
- Advocacy Work – Proof of at least 1 submission to the Ministry on a critical industry issue relating to development per financial year; and/or proof of participation in consultations, meetings and workshops as part of their Advocacy role.
- Proof of efficient utilization of previously allocated PSO Grant funding.

## 2. DUTY CONCESSION SCHEME (DCS)

**Applications received, assessed and approved/declined/pending:**

INDUSTRIES	STATUS			
	Total	Declined	Pending	Referred
Manufacturing	-		-	-
Agriculture	3	1	1	1
Fisheries	1	-	1	-
Applications not within the scope of the DCS – Sports Entertainment	1			1
<b>Total</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>2</b>

A total of five (5) new applications were received, facilitated and assessed within this reporting period; a decrease from the 9 applications received and facilitated in the previous financial year 2019/20.

Of the 5 new applications received and assessed:

- 2 are pending a decision by the Investment Committee;
- 1 declined by the Investment Committee due to the request being beyond the scope of the Duty Concession Scheme and the applicant was a former recipient of DCS assistance which had expired; and
- 2 were referred for approval under Schemes mandated by other Government authorities (MOF & MAF).

- No applications were received from both the Tourism and the Aviation sectors, reflecting the adverse impact of the Corona Virus Pandemic on the Tourism and Aviation industries as a result of travel restrictions and international border closures thereby limiting the inflow and outflow of tourists.

The total investment by the above-mentioned applicants into the economy, as indicated in their applications for duty assistance, is estimated at approximately SAT\$10.05 million. This is a significant drop from the estimated total investment of approximately \$71 million from Projects reported in the 2019/20 financial year. The total estimated investment of SAT\$10.05 million is based on only three of the above-mentioned projects that provided estimates in their applications, of their proposed investment into Samoa.

The adverse impacts of the COVID-19 pandemic is also reflected in the reduction in the number of businesses that applied for DCS assistance, as businesses sought to constrain their acquisitions of capital items and materials from overseas as a means of controlling their operating expenses during these difficult times.

**Requests for extension of time for Duty Concession incentives:** Four (4) requests for extensions of timeframe for eligibility were received, assessed and referred to the Investment Committee (IC) for decisions. Only 1 request from the Manufacturing industry was approved and 3 are pending a decision by the IC. Of the 3 pending requests, 2 are from Qualifying Projects in the Manufacturing Industry; and 1 from the Tourism Industry.

**Request for Additional Goods:** Only 1 request for additional goods to be imported was received and assessed but was put on hold due to the intended imported goods not comprising an integral part of the Qualifying Project's 'manufacturing' process.

**Pending cases from the 2019/2020 financial year:** Four (4) applications received and reported in the previous financial year were carried forward to the current reporting period. Of the 4 applications:

- 2 were approved by the Investment Committee and the Cabinet as qualifying Manufacturing Development Projects.
- 1 is currently on hold pending amendments to the Customs (Development Projects) Regulations 2010 to expand the scope of Tourism Development Projects to include Amusement Parks; and
- 1 was withdrawn as the applicant chose to proceed instead as a Code 121 beneficiary.

**Amendments to the Customs (Development Projects) Regulations 2010:** Ongoing review of the Duty Concession Scheme and its Regulations by a Working Committee of the Investment Committee (that includes the Ministry) which was established for this purpose, is a continuing work in progress. Proposals considered by the Working Committee include:

- expanding the scope of Tourism Development Projects to include other tourism related services,
- inclusion of other key industries (e.g. ICT),
- revising Determinations to align with current and new amendments in progress;
- revising timeframes of Construction Materials and Office Amenities; and
- revising proposed conditions for Agricultural and Fisheries development projects.

The outcomes of this ongoing Review will be reflected in necessary amendments to be made to the Customs (Development Projects) Regulations 2010.

### 3. CODE 121 SCHEME

**Applications received, assessed and approved/declined/pending:** Three (3) new applications under the category of Commercial Manufacturers of Agricultural Products for Export & Import Substitution were received and assessed:

**Additional Goods Requests:** Three (3) new requests for additional goods to be imported duty free under the Code 121 were also received from prior approved businesses. The qualifying status of all 3 applicants were approved and referred to the MCR for their final approval of the imported goods.

#### **COVID-19-Expanded CODE 121 Stimulus Assistance Package**

The Government's COVID19 Stimulus package assistance included the expansion of the CODE 121 Scheme to include all equipment and inputs required for Agricultural and Fisheries Development Projects, regardless of their qualifying project status.

Five (5) applications were received, assessed and approved within this financial year. Of the 5 applications received, 4 were approved as Agricultural Development Projects and 1 was approved as a Fisheries Development Project.

The duration of this assistance which commenced in the previous financial year, ceased in December 2020.

**Pending Cases from the 2019/2020 financial year:** One application received in the 2019/20 financial year and carried forward to this reporting period was approved as an Agricultural Development Project conditional upon the MCR waiving the requirement for a valid business license and accepting the proposed arrangement between the applicant and a main supplier who will import the goods into Samoa.

## 5. ENHANCE AND PROMOTE EFFECTIVENESS OF COMPETITION AND FAIR TRADE IN MARKETS TO BENEFIT CONSUMERS, BUSINESSES AND THE COMMUNITY

### COMPETITION AND CONSUMER PROTECTION

Two meetings were held within the reporting period; September 2020 and December 2020. Online communications were also held mainly for complex competition and consumer cases. The annual report 2020/21 outlining all the work progress of the Commission during the period was submitted to Cabinet.

#### Price Control Order

The State of Emergency (SOE) stems the revival of the Price Control Order (PCO) under Article 106 of the Constitution given the effect and impact of the COVID-19 pandemic mainly to protect consumers from businesses that may have taken advantage of the pandemic to escalate their prices unreasonably.

Three PCOs for essential basic food items that were considered to be consumed by consumers on a daily basis were issued during the SOE. All traders were strongly advised to comply with the stipulated prices and display PCOs for ease of public's access to price information.

#### Price Control Review

The second review of the Price Control Policy was carried out by Mr. Graham Powell with the assistance of the Samoa Governance Support Program (SGSP) focusing on the recommendations outlined in the Phase One report which was completed in October 2019. The review of the Price Control branches from challenges following the enactment of the Competition and Consumer Act (CCA) 2016.

The following legislative reform implications were the centre of the review;

- A new provision setting a time limit for solving complaints and for allowing closed complaints to be reopened if further evidence can be found to justify it. New provision, regulations or guidelines that deal with hidden forms of ineffective competition such as undeclared activities and/or practices (e.g., informal sector, tax evasion, etc.)
- New provision that permits the imposition of price controls (price ceilings *and* price floors) for purposes other than the correction of market failures, such as food security and the protection and development of national industry (e.g., anti-dumping measures)
- On account of the constraints imposed by the COVID-19 pandemic, all consultancy works for the review were carried out remotely (home-based). Consultation activities and the presentation of outputs were also conducted using video conferencing, emails and online questionnaires.

The outcome report is ready to be submitted to Cabinet for endorsement. Included in this report were possible legislative reforms to the CCA that were considered advantageous and significant advance to sustainable and reasonable economic development.

## **Consumer Council**

The Ministry was fortunate to host Ms. Cecilia Beatriz Escobar to undertake the project on the establishment of a Consumer Council with the support of the SGSP. The resulting report of the Price Control policy, legislation, and practice in October 2019 identified the absence of a formal association in Samoa (a consumer council) to represent and protect consumers' interests and welfare stems the execution of this important task.

The final report detailed an informed and evidence based assessment providing feasible recommendations taking into account the final goal of the assignment, viz.: to improve consumer protection in Samoa for the purpose of promoting effective competition in its markets and contributing to a sustainable and equitable human and economic development.

## **World Consumer Rights Day (WCRD)**

The one week celebration was held in Savaii, 15 – 19 March 2021 aiming to boost awareness to all stakeholders (consumers/traders) to further enhance understanding of their obligatory roles and conduct inspections to ensure the rise in compliance of all traders.

Joining the Ministry's awareness program were other Government agencies i.e. Ministry for Customs and Revenue (MCR), Ministry of Health (MOH) and the Office of the Regulator (OOTR) (MPMC, MFR & SBEC) that are involved in different processes for business development activities and consumer protection. Feedback and issues raised by participants were very useful for improving consumer protection services of the Ministry and other Government agencies. The second phase of the program was to conduct inspections to all traders in Savaii and recorded the majority of traders complied with their obligatory roles while a few were advised to adhere to their obligations and will be monitored in follow up inspections.

## **E-Commerce**

The UNTACD assessment revealed that a digital economy is possible in Samoa. However, absence of a national E-commerce Strategy and limited technical ability of implementing agencies involved continues to hinder the progress of the e-Trade Initiative. The assessment laid out a number of objectives and indicative actions to enhance each policy area. The Ministry being the focal point for E-commerce conducted an oversight of these policy areas and noted the progress made on some of the policy areas.

As part of the starting work, the focus is on the establishment of an E-commerce committee which is crucial as moving forward requires a sectorial approach from all stakeholders. The next step would be requesting approval from the Cabinet for an E-commerce committee to support planning, monitoring and evaluation of all E-commerce initiatives.

One of the challenges in the progress of this project is securing financial assistance from development partners. Consequently, the Ministry plans to meet with the Pacific Islands Forum Secretariat (PIFS) to discuss possibilities of financial assistance and procurement of a consultant.

The Ministry recently attended a workshop hosted by PIFS on the Pacific Regional E-commerce Strategy and Roadmap which expanded our knowledge and understanding on how we can proceed further. This workshop allowed for networking where we have built a relationship with Mr. Sven Callebaut; Lead Consultant of Trade-worthy who implemented several e-commerce related projects in the Pacific region. He has kindly offered his services regarding technical aspects of strategy formulation (concept note, stakeholders, policy areas, phases, etc.). Therefore, it would

be ideal to secure funding to allow Trade-worthy to expedite the strategy formulation and implementation.

## **NATIONAL STANDARDS BODY**

### **National Standard for Used Motor Vehicle**

The Ministry was able to secure technical assistance under the SGSP to develop a national standard for used motor vehicle. The initiative by the Ministry to develop such standard derives from the numerous complaints received by the Ministry with issues related to the quality of used vehicles in Samoa.

The Waikato Institute of Technology (WINTERC) team from New Zealand in collaboration with the Ministry facilitated the development of the used motor vehicle standard, following the guidelines and process set out in the Standardization Guide 001. A technical working group comprises of local car dealers and government agencies was established to provide their knowledge and technical expertise in developing and reviewing an effective and efficient standard that can be used to address the issues raised by the consumers in relation to the quality of used vehicles. The used motor vehicle standard is still in draft form and is yet to be release for public comment before it is approved and publicized on the Ministry's website.

### **National Standard for Labelling of Non-food items**

In addition to the used vehicle standard, the WINTERC team in collaboration with the Ministry developed a standard for labelling of non-food items. The need to develop a labelling standard for non-food items was due to the fact that some of the products available on the market that either have information or instructions labelled in foreign language or products not having information of the manufacturer or distributor marked on the item.

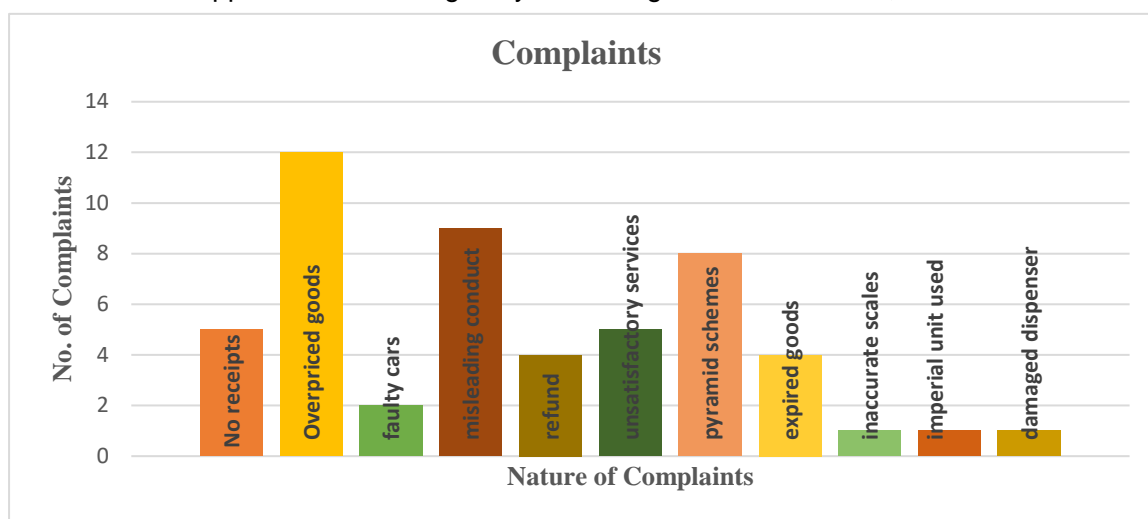
The national labelling standard incorporates that non-food products should be labelled with a language that is not foreign to consumers here in Samoa and the details of the manufacturer or distributor of such products should labelled on the item for traceability purposes. The standard is yet to be release for public comment period before it is approved and publicized on the Ministry's website.

## MONITORING AND EVALUATION

**Awareness programs:** As one of our key responsibilities to keep consumers and the business community informed of their obligatory roles, four engagement programs were successfully carried out in the entire country to further enrich their awareness. Television advertisements on the significance of receipts and a general warning on pyramid scheme have been televised to elevate awareness on the substantial purpose of receipts and impacts of such schemes on consumers and the businesses.

**Inspections:** The Fair Trading unit was consistently on the ground making sure that traders adhere to the CCA 2016 and sustain business continuity especially now in these times of uncertainty. Simultaneously, ensuring consumers were also protected and engaged in a healthy trading environment. A total of 784 traders were inspected during the reporting period. 90% compliance rate was recorded. Non complied traders were given warnings and monitored by follow up inspections.

**Complaints:** A total of 52 complaints were recorded. These complaints were received through telephone, email, formal written statements and in person. 90% of these complaints were lodged by consumers as opposed to 10% lodged by traders against other traders;



The graph exhibited that overpricing constitutes the highest number of complaints. These overpricing complaints related to complaints lodged by consumers regarding high prices charged by traders as contradicted to stipulated prices in the Price Control Order and were mainly on sugar, rice and freezer goods. There were also fair number of complaints relating to misleading conducts, pyramid schemes, unsatisfactory services and traders unable to provide receipts to customers when purchasing products. The vast majority were resolved on spot while others were investigated and through the conciliation process.

**Enquiries:** A total of 138 enquiries were recorded for the main island of Upolu; 98 enquiries related to Competition. 17 enquired about clarifying the Competition and Consumer Act 2016, 10 on refunds, 3 on receipts issued by traders to consumers, 3 on costing information provided by importers and 65 related to the Price Control Order particularly on prices of daily products; such as sugar, rice, chicken, cigarettes and beer.

- 16 enquiries linked to Metrology; 14 related to scales verifications and 2 on daylight savings.
- 7 enquiries fell under Codex; 5 enquired on expired products and 2 on codex awareness.

- 17 enquiries related to others, such as tax payments, business license requirements and opening hours for traders since the State of Emergency started.

## **CODEX & TECHNICAL BARRIERS TO TRADE (TBT)**

**Samoa National Codex Committee (SNCC):** Two meetings were held during the period to ensure food safety and on-going projects for the improvement of Codex in Samoa.

**Technical Cooperation Program:** The Technical Cooperation Program project was officially completed in the reporting period with all the activities being implemented. The Project focused on enhancing the capacity of the Codex contact point and members of the Samoa National Codex Committee on Codex standard development process and the promotion of codex standards in the Samoa market. The project also carried out awareness programs in Upolu and Savaii communities and relevant stakeholders to highlight the importance of codex standards and the role it plays in food safety and security.

**Codex Trust Fund:** The Food and Agriculture Organization (FAO) has approved a funding of USD150,000.00 under the Codex trust fund to further develop Codex in Samoa through strengthening codex structures and to improve food security systems. The Ministry through its Fair-Trading Division will be spearheading the implementation phase of the project within a 3-year period (2021-2023), with the assistance of the FAO sub-regional office.

**Kava pilot program:** The kava pilot program was initiated to relook at the restrictions imposed by the Australian government on the importation of kava. The pilot program consist of two phases which includes phase 1: ease of restrictions on the importation of kava for personal use. This phase is now completed with the condition that travelers of 18years and over are permitted to bring into Australia 4kg of kava for personal use only. Phase II relooks at the restrictions on the commercial importation of kava into Australia. Proposal for phase II of the programme is still in progress.

**Regional Standard for fermented Noni juice** - The SNCC in collaboration with the Samoa Noni Industry conducted testing for their fermented Noni juice at SROS to identify the level of Scopoletin in its products and to generate the scientific data that is required by the Codex Alimentarius Commission to finalize and approve the regional standard for fermented noni juice in the Pacific. The first round of testing results for the four noni juice suppliers (R&L Keil, Willex Samoa, Skyline Company Ltd, and Samoa Nonu Enterprise) indicates that the level of Scopoletin identify in their products are below the stipulated amount in proposed regional standard for noni fermented juice. Further testing is required to ensure the accuracy of the results before it is submitted to the Global Environment Monitoring System database of the WHO for their final analysis and report to the Codex Alimentarius Commission.

## METROLOGY

**Verification & Inspection of Weighing Instruments and Calibration of Petrol Stations:** The inspectors verify and inspect weighing and measuring equipment's by using its approved working standards on a quarterly basis. The Ministry charges this service to businesses in accordance with the approved fees and class system to carry out its duties.

All suppliers of weighing equipment (scales) had registered in January 2021 by submitting their business' credentials (including business license) for review, before paying the approved fees. Approved businesses receive a certificate of approval (COA) to manufacture, sell, and repair scales. The initial verification and inspection of new and used scales continued efficiently on schedule for all traders in both Upolu and Savaii. The unit also calibrated all Service Stations throughout the financial year, with a high compliance rate of 96% for the latest calibration conducted in June 2021.

**Petroleum Task Force Committee:** The Petroleum Task Force (PTF) works in conjunction with the Ministry of Finance (MOF) to oversee the determination of health, safety, security and environmental standards for the importation, storage, distribution and resale of petroleum products within Samoa. The Metrology unit and the Occupational Safety and Health (OSH) unit represent the Ministry in the PTF, as it calibrates the fuel dispensers, checks the accuracy of the flow meters and detects any defective figures on the pumps.

**Petrol Adjustments:** The MOF regulates the prices of all fuels sold in Samoa and releases the monthly change in price on the last day of every month. The inspector's therefore ensures that all Service Stations comply with the stipulated prices in its Price Adjustment inspections, performed every first day of the month and duly reports non-complying businesses to the Chairman of the PTF.

**Daylight Saving Time:** The Ministry administers the Daylight Savings Act 2009, which commenced on 16 September 2010 to achieve energy conservation by allowing an 'additional' hour of daylight in the evenings. This initiative aimed at ensuring more time was available for recreational and productive activities for the public and workforce to stimulate economic growth, and promote healthy lifestyles nationally. The Daylight Savings Survey conducted every four (4) years to collect the public's opinion and feedback, is due in the following financial year to assess the validity of the Daylight Savings Time (DST).

**Town Clock:** The maintenance works for the Town Clock Tower (TCT) detected minor issues mid-year that required a new UPS system. The companies that used the TCT for promotional purposes repainted it after use in accordance with the approved contract. The Cabinet, in the last financial year, approved the necessary fees for the use of the TCT by companies and organizations, subject to the guidelines and Cabinet's approval. The TCT is serviced every two (2) year's, however the COVID-19 lockdowns has restricted travelling for the certified engineer in New Zealand, Tim Tracey. As a result, the TCT is no longer working due to an inner dial that is out of place and has stopped rotating, which the Ministry is working to mitigate.

## THE MINISTRY SAVAII BRANCH

The Savaii Office continues to provide the services and as a gateway for all matters relating to the whole Ministry in Savaii. It has been a successful year despite the SOEs due to COVID-19 pandemic. The team represented the Ministry in the Samoa Business Hub Awards, Energy Awareness Program and Petroleum Task Force Visit as well as the divisional awareness programs and activities in Savaii. Outlined below were the activities conducted within the reporting period:

**M & E Inspections:** A total of 339 traders was recorded and inspected on a weekly basis in Savaii during the reporting period including follow ups. An average compliance of 87% was recorded of traders who complied with all the various obligations under Competition and Consumer Act 2016 and Metrology Act 2015. 13% represents traders that have not complied mainly in the areas of not displaying the PCO, marking of prices on products or shelves and unable to provide receipt for purchase when requested.

**Enquiries:** A total of 753 enquiries have been recorded. The majority of enquiries related to matters pertaining to the entire Ministry particularly on labour issues, seasonal works and registry of companies as well as issues related to other ministries such as Revenue, Health, Building and Gambling permits. An increase in the number of enquiries was due to the seasonal employment registration and related matters.

**Complaints:** 43 complaints received within the period. 12 complaints were on industrial relations & labour matters and 31 on fair trading and competition issues. All cases on Fair Trading and competition matters were resolved while others on labour issues were referred on time to the responsible Division

**Metrology:** Scale Verification is conducted on a quarterly basis in coincidence with the M & E inspections to all traders in Savaii. A total of 346 traders including hardware's (5) and manufacturing businesses (2) were inspected and verified their scales equipment within the reporting period.

On-going petrol adjustments on a monthly basis and half-yearly calibration of eight (8) petrol stations - Salelologa (2), Lalomalava (1), Sasaai (1), Saleaula (1), Asau (1), Salailua (1) & Tufutafoe (1) in the island. The team also represented the Ministry in the Petroleum Task Force site visit on a quarterly basis as well as Energy Sector Program held in Savaii.

## 6. STRENGTHEN SOCIAL DIALOGUE AND ADVICE ON INDUSTRIAL RELATIONS, FOREIGN EMPLOYEE EMPLOYMENT PERMITS AND OCCUPATIONAL SAFETY AND HEALTH

### INDUSTRIAL RELATIONS

The Industrial Relations 'IR' unit primarily focuses on enforcement of labour and employment relations standards across the private sector and the State Owned Enterprises. This aims to provide a fair and level playing field for both workers and employers while promoting compliance with the labour laws in place.

Six (6) meetings were called for the Samoa National Tripartite Forum (SNTF) despite the disruptions due to COVID-19 and the resulting SOE restrictions. The forum was able to deliberate on key national documents including the Rapid Assessment of Impact of COVID-19 on Businesses, Employees and Households, and submission from constituents to Cabinet on the impacts of COVID-19.

In terms of grievances received, 108 were registered with the division, 102 employment grievances were settled with the majority of cases concerning final pay entitlements upon termination.

Five (5) M & E covering over 150 businesses were conducted during the 2020/21 financial year for both Upolu and Savaii and 87% level of compliance was noted for relevant requirements of the Labour and Employment Relations Act (LERA) and the Labour and Employment Relations Regulations (LERR). The main issue is the availability of records and the employment of non-citizens without valid employment permits.

### FOREIGN EMPLOYEE EMPLOYMENT PERMITS

<i><b>FY</b></i>	<i><b>Total FEEP Issued</b></i>	<i><b>Top 3 Countries (Ranking top &gt; lowest)</b></i>			<i><b>Top Industries (Ranking top &gt; lowest)</b></i>		
<b>17/18</b>	<b>553</b>	Fiji	China	Philippines	Construction	Tourism & Hospitality	Domestic
<b>18/19</b>	<b>387</b>	China	Fiji	Philippines	Construction	Domestic	Tourism & Hospitality
<b>19/20</b>	<b>359</b>	Fiji	China	Philippines	Retail	Hospitality	Domestic
<b>20/21</b>	<b>273</b>	China	Fiji	Philippines	Construction	Domestic	Wholesale

As noted above there were recurring issues of non-citizens found employed without valid employment permits; the majority of which were found on visitors or family reunion visas. Joint efforts are continuing with the Immigration division to ensure that those found repeatedly in breach of labour laws are identified and processed for repatriation to their country of origin or deportation.

There is notably a continuing decrease in the number of FEEP issued due to closure of our travel borders. The foreign employees who cannot travel at the expiration of their work visas were given special consideration to extend their contracts of employment until borders are opened gain.

The JACE taskforce was active this year with two (2) meetings conducted including a joint inspection with Immigration, Ministry of Customs and Revenue (MCR) and the Ministry inspectors. The non-citizens and businesses identified and found to be repeat offenders have been referred

to MCR for cancellation of business licenses and Immigration to proceed with deportation/repatriation.

## ISSUES AND CHALLENGES

The Ministry noted many of the issues found are the same as reported in the 2019/2020 period however we still managed to achieve all our targets for the 2020/2021 financial year.

- **Misinterpretation of the labour laws (LERA 2013 & LERR 2016):** This has been an ongoing issue where the employers tend to challenge the interpretation given out to them referring to the laws being too general and open to different meanings. There are also gaps already identified in the labour laws hence why the LERA has been reviewed.
- **Ignorance of the law by employers and so forth:** This is a common issue during M&E and inspections. Some employers continue to ignore their responsibilities stated in the LERA and are often found to be non-compliant or partial compliant. For instance, in the recent follow up inspection for Savaii, there are still employers who are non-compliant though they were given warnings in the initial inspection.
- **Impacts of External Factors e.g. late progress on LERA Review:** The Office of the Attorney General has issued a certificate for the LERA Bill in October 2020 and was submitted to Cabinet in November 2020 however due to the April elections and delay in Parliament convening, this work is on hold.
- **Lack of authority under the LERA 2013 & LERA 2016:** Despite our existing employment grievances processes, it is noted there are still several outstanding cases which have lasted more than six months. There are no current provisions that allow us to really enforce our preliminary assessment results and penalize the employers when they fail to comply with our notices and advice.
- **Limited Resources:** As is the norm, resources are limited in terms of staff and budget to ensure full coverage businesses and workers.
- **Delay on ILS Reporting:** Reporting obligations are also a key responsibility and the team is working with constituents (workers and employers) to ensure the process is transparent and reports are comprehensive.

## WAY FORWARD

- Stronger enforcement and follow up actions through the JACE Taskforce targeting business licenses and residency status of employers and non-citizens respectively.
- Continued capacity building for IR labour inspectors to ensure professional and personal development.
- Ratification of key ILO instruments – Violence and Harassment, Labour Inspection.

## OCCUPATIONAL SAFETY AND HEALTH

The Occupational Safety and Health ('OSH') Unit is mandated to administer the Samoa Occupational Safety and Health Act 2002 ('Act') and its Regulations 2017 to ensure safety and health is prioritized within all workplaces in Samoa. This is achieved through providing effective and efficient advice based on the legislation, conduct inspections to ensure compliance, investigate thoroughly reported workplace accidents and incidents, provide sound resolutions to address safety and health matters and importantly, Ministry to educate and provide awareness to ensure that employers and employees are well aware of their obligations. In addition to regulatory functions, the Ministry has enhanced its priority for OSH under the Samoa Occupational Safety and Health Framework 2018, through a collaborative inter-agency approach to improve OSH at the national level.

Achievements for the review period include the successful launch of the 9 OSH Guidelines; work on a national OSH e-registry is in progress; online trainings for staff on the Maritime Labour Convention and International Labour Standards; collaboration with Samoa Red Cross to train the Ministry staff and key stakeholders; commemoration of the World OSH Day for Safety at Work 2021; continuation of joint inspections with selected OSH Taskforce members.

### Inspection

Ninety one (91) initial inspections (see *Table 1*), were conducted within the 2020/2021 financial year. This includes three (3) Monitoring and Evaluation activities conducted for all Government Ministries, State Owned Enterprises, Buildings, Petrol Service Stations in Upolu and Savaii, Waste Collector Businesses and Constructions in Savaii. Due to the SOE for COVID-19 and restraints on the budget, the team was unable to capitalize on some inspections to verify compliance level within the review period. The priorities for the new financial year is to focus on M&E's to high risk industries and continue with awareness on the 9 Guidelines to assist with improving compliance across public and private sectors.

Sector/Industry	Total number of Inspection
Government Ministries	21
SOE	19
Waste Collectors	3
Constructions	6
Gas Service Stations	23
Others – initial inspections	19

### Workplace Investigation

For the review period, 3 reported workplace accidents, 1 ongoing while 2 have been resolved. The Ministry is still experiencing under reporting of workplace accidents/incidents and illnesses and hence ongoing non-compliance of employers in adhering to their reporting obligation. The Ministry has in place a MoU with the Accident Compensation Corporation (ACC) since 2018 and within the review period 33% of workplace accidents were reported and received by ACC, the Ministry believes this is driven by compensation. The Ministry will continue its awareness campaign on section 20 and 21 of the Act on the reporting obligation, in addition to the progress work towards

an integrated OSH data system through strengthened collaboration with government agencies that the Ministry have agreements with. (refer to table 1 below)

Industries	No. of Incidents	% of Incidents	Degree of Severity
Government Ministries	0	0%	n/a
SOE	2	67%	Serious
Private Sector	1	33%	Serious to Fatal
Construction	0	0%	n/a
Tourism and Hospitality	0	0%	n/a
Services	0	0%	n/a

**Awareness and Social Dialogue:** Nineteen (19) awareness programs were conducted in FY2020/2021; this number includes requests by employers directed to the Ministry and our ongoing partnership with Samoa Business Hub in educating small business owners. Moreover, given the circumstances with State of Emergency requirements regarding COVID-19, awareness and ongoing dialogue with our stakeholders in terms of numbers has been cut to the required minimum until further notice.

**Professional Development:** The need remains for technical capacity of the team as highlighted under the National OSH framework to ensure training needs of the OSH team is addressed.

## ISSUES AND CHALLENGES

Every year the OSH Unit faces a number of obstacles that either delays or derails the execution of tasks. As mentioned earlier, the reporting of accidents directly to the Ministry is still an ongoing issue that the Ministry is trying to address through various measures. The insufficient resources approved through budgetary review, the legislation review, the need for relevant training for the unit are all contributing factors that limit its ability to deliver.

The following has been identified to continue to maintain progress in key areas:

- Provide awareness of the 9 guidelines to relevant stakeholders and industries
- Push for the ratification of C187 Promotional Framework for Occupational Safety and Health Convention.
- Continue with the next phase of the E-registry and central database project with the support of the ILO.
- Access to relevant trainings both virtually and local - exploring online trainings through the ITCILO with funding from ILO.
- To continue to build capacity of inspectorate to deliver technical advice and services in line with newly launched guidelines e.g. hazardous substances & electrical works.

## 7. CREATING EMPLOYMENT OPPORTUNITIES FOR ALL, GENERATING INCOME TO IMPROVE THE STANDARD OF LIVING

### LABOUR MOBILITY / SEASONAL EMPLOYMENT

COVID-19 not only posed challenges within the labour mobility schemes, but paved a way to new and improved practices with more emphasis on worker wellbeing. For the 2020/21 financial year, Samoa has been very fortunate with the resumption of more seasonal migration opportunities from Australia under the Seasonal Work Program (SWP) and the Pacific Labour Scheme (PLS). In addition, the Recognized Seasonal Employer (RSE) Scheme started its recruitment of returning workers only in the beginning of the last half of 2020/21. At the operational level, the introduction of the In-country Recruitment Database (IRD) has been very helpful with the work of the Labour and Employment Export Program (LEEP) Unit in terms of the Recruitment and Selection Processes. This has assisted us with our work that has been initially started with the LEEPs Operational Manual being updated from time to time.

### RECRUITMENT AND DEPLOYMENT TO NEW ZEALAND AND AUSTRALIA

In the beginning of the 2020/21 financial year, all labour mobility schemes continued to be affected because of the impact of the COVID-19. Throughout the first six months of 2020/21, there were still no deployment to both New Zealand and Australia, however the LEEP used this opportunity to strengthen its Work Ready Pool activities such as conducting fitness training on a monthly basis and continued with the screening process for people who expressed their interest and registered in the 2019/20 registration. The screening process allowed LEEP to collect more information and details about the applicant's personal character, their past skills and to test their English level to ensure that the Ministry has up to date profiles of these workers when the Labour mobility restarts again.

In December 2020, the Government of New Zealand announced the recruitment of 2,000 workers from the Pacific where Samoa will deploy 729 returning workers as part of the Recognized Seasonal Employer Program (RSE) resumption. These workers started departing in January and February 2021 to work in different orchards in New Zealand for a contract period of six months. This is based on the demand from Approved Employers in New Zealand where they required the recruitment of experienced workers only due to the immediate need of workers with experience to catch up with the work that were put on hold since early 2020 and minimizing the cost of re-training new employees. The reduction in the number of RSE workers for the 2020/21 period has a huge impact on the normal quota for Samoa before the COVID-19 which leaves other returnees in limbo.

The two schemes in Australia has been a blessing to Samoa since its resumption in April 2021. The **Seasonal Workers Program (SWP)** employed 1,047 workers in Australia where 307 were employed from 2019/20 and 686 workers had been mobilized since April to June 2021. In addition the **Pacific Labour Scheme (PLS)** employed a total of 339 workers from Samoa for this financial year which makes up the total number of 1,025 of our workers in Australia as of the 30 June 2021. However, Samoa is fortunate to have a huge increase in the number of new employers in the new financial year 2021/2022.

As part of strengthening our operations process, the Ministry received technical assistance from the Australian Pacific Labour Facility to develop the first online **In-country Recruitment Database (IRD)**. The database has been the central part of the program in terms of its selection and recruitment processes. The IRD is a custom-built recruitment management system specifically designed to support our operations which allows us as users to create worker profiles, shortlist them and update their information. The IRD acts as a workflow management tool that will enable

us to process, validate, monitor and evaluate workers at various recruitment stages including collection of important data for reporting purposes.

## **2020/21 ACHIEVEMENTS FOR SEASONAL EMPLOYMENT**

- 1600 workers who have been screened and had their fitness test done and have them classified as work ready on the Work Ready Pool in the IRD.
- RSE resumption in January and February 2021 – 729 workers returning to New Zealand to work under the RSE scheme for a six to nine months contract to work in the agriculture and horticulture sectors in different parts of New Zealand. These workers will join the 2000 plus workers who opted to extend their work visas to stay in NZ instead of returning home due to the impact of COVID-19 although that they were given repatriation flights to return home.
- Increase in the intake of the SWP and PLS schemes since its resumption in April 2021. The LEEP Unit have successfully organized and completed the recruitment and selection of 1025 workers to travel with five flights organized to travel from April to June 2021.
- The development of the In-Country Recruitment Database (IRD) which enables the LEEP unit to effectively conduct its usual operational work.
- The development of a Village Information Package for village and church groups to build their knowledge and understanding of the Work Ready Pool recruitments as well as the recruitment and selection processes as part of transparency measures of our work.
- The continuation of our re-integration program for returning workers as we have successfully completed the target number of re-integration scheduled for this financial year.
- The successful completion of English courses for workers as part of their recruitment process to ensure that they are ready to be presented to employers.
- Due to impact of COVID 19, overseas job attachments for staff were not possible but the team managed to do our Strategic Plan review internally. This exercise allowed us to review our objectives and activities already completed and achieved whilst awaiting the completion of the review of the current LEEP Strategic Plan.
- The monthly submission of work progress updates reports from our Liaison Officers in New Zealand and Australia.
- Completion of close to 10 Pre-Departure Briefings for all flights to New Zealand and Australia as part of their capacity building program to prepare them before their work starts.

## **CHALLENGES AND WAY FORWARD**

- The capacity constraint of the LEEP Unit is an ongoing challenge as we continue to receive more grievances from clients.
- Ongoing issues with workers such high numbers of Extramarital Affairs, Excessive Alcohol Consumption causing social problems at work related incidents, vehicle accidents and others. Poor Performance, repeated violation of Company Rules & Regulations.
- As way forward, the recruitment of the Liaison Officers in New Zealand and Australia has assisted with the ongoing issues with workers.
- Re-enforcement of employer policies on workers alcohol consumption has contributed to minimizing the number of alcohol issues with workers.
- Signing of Pre-Departure Agreement whereby they declare acceptance of our Government expectations.
- Ongoing capacity development of internal staff with our Operations Manual is one of the actions in making sure that the staffs are guided with the proper advice to be given to our clients to avoid client grievances.
- Recruitment of the Training Officer and the IRD Officer will greatly contribute to the workload handled by the LEEP Unit and also the overlap of roles and responsibilities.

## APPRENTICESHIP, EMPLOYMENT AND LABOUR MARKET

### APPRENTICESHIP TRAINING PROGRAM

Due to preparatory work for the transitioning of the Apprenticeship Training program to its new structure which becomes effective once school year begins in 2022, there were no new entrants (Year 1 and Year 2) for the calendar year 2020 and the reporting period. Therefore, only sixty-eight (68) existing apprentices in Year 2 and Year 4 were recorded for the period. In January 2021, sixty one (61) tradespeople graduated in the Apprenticeship Graduation. Of the 61 graduates, 34 were apprentices who have completed their 4 year Apprenticeship training and 27 candidates who passed trade tests in their respective trades. A significant increase of graduates was noted who successfully completed the two programs in comparison to the previous years.

### EMPLOYMENT AND LABOUR MARKET

#### Samoa National Employment Policy

The Government through the Ministry requested financial and technical support from the International Labour Organization (ILO) to assist with the review of the current Samoa National Employment Policy (SNEP) 2016-2020 and the development of the next SNEP 2021-2025. The implementation period for the previous SNEP ended in 2020 and with the uncertainties posed by the COVID-19; now is the precise time to evaluate what has happened and re-define next steps forward.

The COVID-19 crisis has resulted in a massive disruption to the economy and labour market in Samoa and created a heightened level of uncertainty over economic recovery. Hence, policy responses are now aimed at mitigating the socio-economic impact of the COVID-19 crisis and developing pathways for recovery. A Rapid Assessment Survey conducted by the ILO and the Samoa Impact Assessment and Monitoring Taskforce from June to August 2020 highlighted the severe impact of COVID-19 on businesses, households, and employment (both formal and informal) in Samoa.

Prior to the COVID-19 pandemic, economic dynamics have slowed efforts towards achieving labour market progress in Samoa in recent years. While tourism and remittances remained robust, volatile external demand has weighed down some strategic export sectors. In this context, Policy efforts to foster decent and productive employment opportunities must be re-doubled. Unemployment and underemployment remain priority issues that are currently faced by most countries, including Samoa, especially with the current socio-economic impact of COVID-19 on enterprises, industries, and workers.

Therefore, the overall objective of this Policy is to prioritise remedial policy actions for employers and employees to endure and recover from the impacts of COVID-19, before re-focussing attention in the final year of this planning cycle on sustaining the developments post-COVID-19 and addressing the long-standing employment issues in Samoa. The Samoa 2040 provides the long term planning approach for Samoa and it is heavily linked to this policy. The Samoa 2040 vision is *“to transform the economy over the next twenty years to sustainably increase the incomes and employment of all Samoans, allowing each citizen the opportunity to pursue the best, most productive life possible”* (Samoa 2040, 2021:7).

## **Employment Service**

The Ministry in collaboration support from the ILO has sought expression of interest for the upgrading of the current Labour Market Information System (LMIS). The 2021 LMIS will assist MCIL to have an effective and efficient online labour market for better networking and dispatching of LMI to stakeholders and the public at the stipulated timeframe. The provision of LMI will assist decision makers at the national level to make informed decisions regarding the demand and supply in the labour market to improve Samoa's economy.

For the 2020/21 financial year, 166 jobseekers was recorded in the Employment Service (117 - online registration 117 & 49 - internal/manual) with 68% of jobseekers being referred to certain employment opportunities. Of this number, 46% were male, and 54% were female jobseekers. Increase in the number of jobseekers registered is partly due to the impact of COVID-19 to employment where people were laid off from hard-hit sectors namely the tourism industry.

Two (2) jobseekers training were conducted in the 2020/21 financial year, one in Savaii and one in Upolu. The purpose of the jobseekers training is to assist registered jobseekers in basic methods of job seeking skills when finding employment. The majority of jobseekers were early school dropouts hence the need to train them in such methods for finding employment.

A joint-awareness program was held in Savaii in June 2021 by the Ministry targeting students from seven (7) colleges across the island. The awareness aimed to promote employment service and apprenticeship program to senior students who will be transitioning from school to work in the next few years.

## **CHALLENGES AND WAY FORWARD**

- The successful implementation of the new and improved Apprenticeship Training Program requires the collaborative and coordinated commitment from key partners, such as the NUSIOT, SQA and Industries under the Apprenticeship Program re; implementation of the New Apprenticeship Structure is strongly recommended;
- The need to buy in and political will of SNEP Key Implementing Agencies, to encourage the effective implementation of strategies under the 2<sup>nd</sup> SNEP 2021/2025;
- Mismatch of expected skills and knowledge by employer and industries with what is taught in the classroom. The fast growth and emerging of new technology in workplaces remains a challenge. Ministry to continue to work in collaboration with industries, training providers and stakeholders, to address mismatching of appropriate skills and knowledge;
- Strengthen partnership with employers, training providers and key stakeholders inclusive team work amongst the ministry, to collectively implement target and budgetary activities in all financial years;
- Continue the review of trade curriculum, to meet the needs of the Trades Industries and to be able to adapt to the new changes and fast growing of technology under each. This will increase more employment opportunities in our local and overseas workforces.

Human Resource is responsible for managing, assisting and dealing with all employee related matters including such functions as policy administration, recruitment and selection process, working conditions and entitlements administration, new employee orientation, coordination of training and development, personnel records retention and payroll administration.

There were 99 staff members servicing the Ministry at the end of the financial year. Twelve (12) were contract employees including our 2 Samoa Liaison Officers for seasonal employment program who are residing in New Zealand and Australia, 78 permanent officers, 5 term employees, 2 Labour Mobility Consultants, and 2 Commerce Commissioners. Of this amount, 36 (36%) were males and 63 (64%) were females.

### RECRUITMENT AND SELECTION

Recruitment and Selection was completed for 15 vacant positions in the 2020/21 financial year. Of this number, 7 were recruited internally and 8 from outside the Ministry. Eleven (11) staff members left the Ministry for other job opportunities in other government agencies, 1 resigned to pursue Theological studies at Malua Theological College, 2 had retired after reaching the retirement age, and 8 were promoted to higher positions in other government agencies.

### STAFF RESTRUCTURE AND SALARY CLASSIFICATION

**Trade Commerce and Manufacturing Sector Coordination Unit** was re-designated as the Ministry's Policy, Planning and Project Management Division retaining all 5 staff members.

**Corporate Services Division** had restructured and reclassified 4 of its starting base level positions from A03 to A04 salary grading with new designations as Office Assistant – Records, Office Assistant –Administration and Customer Services Assistant and re-designation of the Administrative Clerk to A06 HRMIS Data Input Assistant. In addition, 2 new positions Records Supervisor and Senior ICT Officer were approved with funding.

**Labour Employment and Export Division:** Two new positions (1 Principal level position and 1 temporary senior position) was approved for the LEEP to cater for the rising need for additional staff as the work of the LEEP had expanded.

### ANNUAL EMPLOYEE AWARDS

This initiative by the Corporate Services Division started in the year 2014 and is continuing on as an Annual Event during the Ministry End of Year Function. The ceremony is the highlight of the End of Year Function to award the employees who had retired from the service, the Manager of the Year, Best All Year Round Employee from each division, best individual and divisional compliance to PSC policies and working conditions, individual and divisional compliance to the Occupational Health and Safety guidelines within the workplace and the best individual and divisional attendance of the year award.

## STAFF TRAINING AND DEVELOPMENT

The Ministry continued to support and encouraged all staff members at their own cost and time to pursue further studies for professional and personal development. Three (3) Management staff graduated with Masters in Development Studies and 2 graduated with Bachelor's Degrees in Arts and Commerce from the National University of Samoa. While the world is facing travel restrictions from COVID-19 pandemic, the Ministry was fortunate to continue on with training and staff development through virtual trainings and workshops from the following training providers.

Training Name	Training Provider/Funded by	Type of /Mode of Training	Total Participants
Enabling Intellectual Property Environment (EIE) through branding and designs	WIPO	International /Virtual	13
Project Management	NUS in collaboration with MNRE Water and Sanitation Sector	Local /face-to-face	1
Developed Market Oriented Export Promotion	JICA in collaboration with Hitonomori Co. Ltd	International /Virtual	1
Reporting on the Maritime Labour Convention, 2006	ILO	International /Virtual	2
National Employment Policies for a job-rich recovery from Covid-19 crisis Design and Implementation Tools	ILO	International /Virtual	1
Communications Skills Training	Adam Smith International (Samoa Governance Support Programme) funded by Govt of Australia)	International /Virtual	15
Managing Work Priorities Training	Adam Smith International (Samoa Governance Support Programme) funded by Govt of Australia)	International /Virtual	16
Reviewing Legislation and Achieving Legislation Reforms	Adam Smith International (Samoa Governance Support Programme) funded by Govt of Australia)	International /Virtual	21
Evidence Based Gender Equality - Care Economy	Adam Smith International (Samoa Governance Support Programme) funded by Govt of Australia)	International /Virtual	12
Intellectual Property Rights Regulation Formation	United States Department of State	International /Virtual	3
Branding and Marketing of Products	JICA Knowledge Co-Creation Program	International /Virtual	1
Patent Cooperation Treaty Training	WIPO	International /Virtual	5
Workshop on Copyright and Related Rights for Performers of South Pacific Countries	WIPO	International /Virtual	5

## SECTION 4 FINANCE

### REVENUE

The non-tax revenues or costs recoveries are fees and charges paid by third parties as mandated by law and regulations under the investment promotion, enforcement of fair-trading standards, registration for the apprenticeship training program and trade test and registry of companies, other legal entities and intellectual properties.

For the 2020/21 financial year, our revenue target was \$590,475 tala. By the end of the reporting period, the Ministry was able to receipt total revenue of \$849,514. The actual revenue collected exceeded the overall target revenue by 44%, but compare to 2019/20 period, overall revenue collected has decreased by 5%. This decrease in revenue collection is driven by a fall in registration of new companies and foreign investment enterprises and we believe the decrease in the number of applications and some companies (local and foreign) may have ceased operations due to the impact of COVID-19. Other reasons are companies can now search the database for companies online using the E-Registry portal free of charge.

Fees and charges received from the registries of companies, other legal entities and intellectual properties exceeded its target revenue by nearly 100%. Since Samoa became a party to the WIPO Madrid Protocol and Hague Agreement in 2019, the Ministry has receipted nearly \$1 million tala of registration fees from these International Intellectual Property Registries alone and will continue to increase in the future.

There were still no potential interests for foreign investment under the Citizenship by investment program since its inception, hence the low percentage of collection, however, fees and charges under the Foreign Investment Act 2000 have exceed its target of \$10,000 by 53% for the period under review.

The table below shows total revenue collection by revenue source for the 2020/21 financial year.

<b>NON-TAX REVENUES</b>	<b>ACTUAL 2021 SAT\$</b>	<b>TARGET 2021 SAT\$</b>	<b>% COLLECT</b>	<b>ACTUAL 2020 SAT\$</b>
<i>1530 – Management of investment and industry Development</i>	15,372	152,000	10%	136,628
<i>1540 – Enforcement of Far Trading and Codex Development</i>	30,648	23,475	131%	7,173
<i>1550 – Administration of Apprenticeship Scheme &amp; Employment Service</i>	13,790	15,000	92%	1,210
<i>1580 – Management of Registries of Companies &amp; Intellectual Properties</i>	789,574	400,000	197%	389,574
<b>TOTAL NON TAX REVENUES</b>	<b>849,514</b>	<b>590,475</b>	<b>144%</b>	<b>897,930</b>

## EXPENDITURE

The majority of the Ministry's annual expenditure programs are funded by the Government appropriation. We are fortunate to secure donor funding for short and long term projects. The funds appropriated for the Ministry by the Government in the reporting period were allocated to core budget categories as follows;

- **Output Delivered by the Ministry** – normal operations such as Personnel, Operating and Capital.
- **Outputs Provided by the Third Party** – government budget support to key Government Authorities and Private Sector organization under the Economic Sector.
- **Transaction on behalf of states** – our financial obligations such as membership fees to international organizations Samoa is a member of, rent and lease provisions as well as Government initiatives such as PSO Grants and contribution to the Apprenticeship Training program

In 2020/21, we were responsible for **\$20.14 million tala** of expenditure for our Operations to Outputs Delivered by the Ministry, grants and subsidies to Third Parties and for payment of memberships and other transactions on behalf of the Government of Samoa . During the financial year, funds were reprioritized within the various budget categories of the Annual budget to finance other Ministry's expenditure programs. At end of 2020/21, the Final Estimates was reduced to **\$20.050 million tala**. Of this amount, 66% was for allocated to Outputs Provided by Third Party, 26% was for Outputs Delivered by the Ministry and 9% for Transaction on Behalf of States.

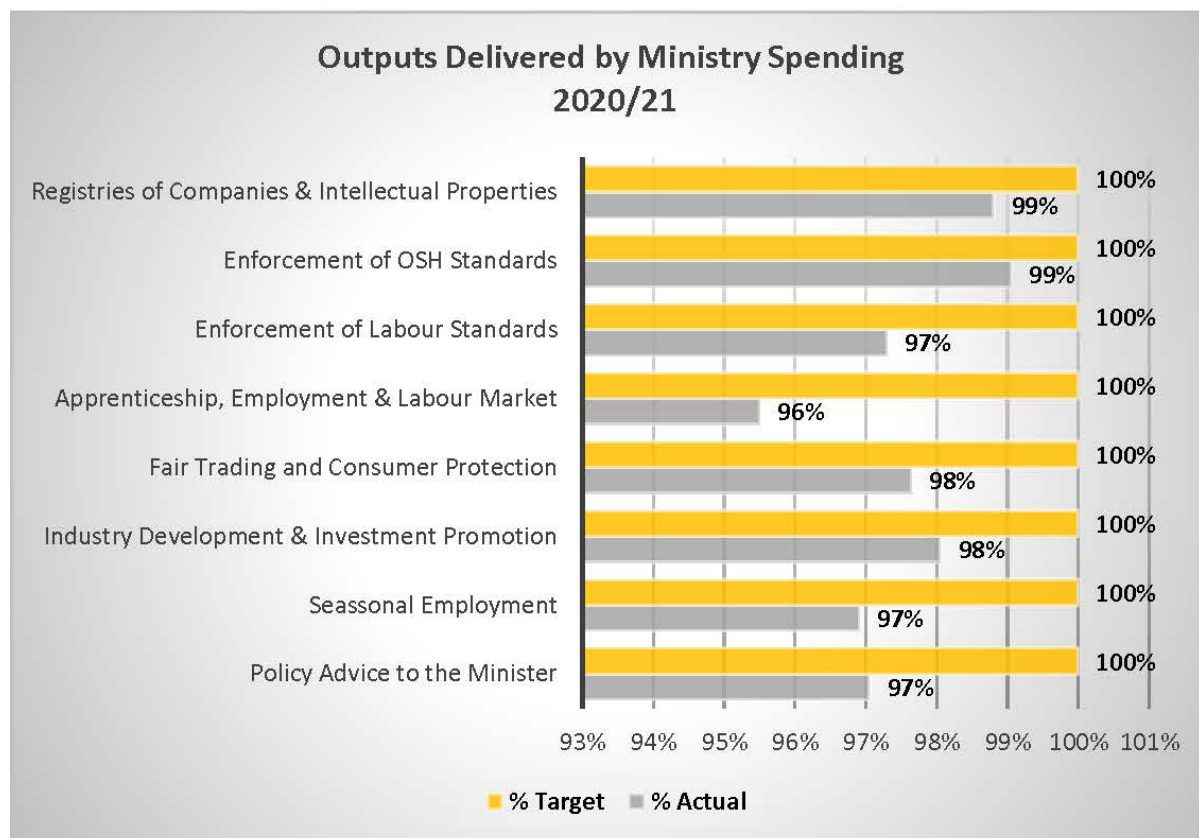
The variances of the Final and Original Estimates 2021 as reflected in the **Schedule 2.5 - Statement of Receipts and Expenditure for the period ending 30 June 2021**, were due to:

- reduction in Operations with the removal of all travel related costs from Operating budget of all Outputs Delivered by the Ministry total of \$153,065 including VAGST and reallocated to finance the priorities under the First Supplementary budget,
- additional funding of \$63,798 in the First Supplementary budget for the two newly established support Senior positions within the Corporate Service Unit,
- Unforeseen Expenditure appropriation at a total of \$75,194.00<sup>1</sup> to accommodate the rent increase for the Samoa Liaison Officer in NZ for seasonal work and the additional funding for Companies E-Registry support fees for the period of August 2020 to February 2021,
- re allocating savings incurred during the financial year from Personnel Budget for payment of staff benefits (Long service leave, resignation, higher duties allowances), Operating budget refurbish for utility costs under relevant outputs, and Capital Budget for the procurement of the Ministry's new assets to assist in the execution of the Ministry's official mandated roles and functions.

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<sup>1</sup> Refer Schedule 4 – Unforeseen Expenditure

At the end of 2020/21 financial year, we spent 97% of the \$20.050 million tala annual appropriation. By budget category allocation, 97% of the \$5.13 million tala was spent for Outputs operations and administration support, 100% of the \$13.18 million tala was spent on Third Party Outputs and 69% of \$1.74 million tala appropriation was spent for Transactions on behalf of state includes membership, rent and leases and counterparts cost. The graph below showed the utilization rates by Outputs at the end of the 2020/21 period.



## ASSETS

At the end of the reporting financial period, the Ministry has procured additional assets funded from mainly savings as well as from donors through various project sectors. The total value of all assets procured accumulates to \$267,362.00 excluding motor vehicle spare parts as shown on the table below. This is to accommodate written – off assets due to worn/torn conditions and assets no longer needed that has reached its potential usefulness and to for use by new staff recruited by the Ministry.

Assets Category	Amount SAT\$
Computer & Equipment	57,494.00
Furniture and Fittings	42,399.00
Motor Vehicle	85,000.00
Office Equipment	68,142.00
Plant and Equipment	14,326.00
<b>TOTAL ASSETS PROCURED 2020 -2021</b>	<b>267,362.00</b>

## DONOR FUNDED DEVELOPMENT PROJECTS

Our development partners continued to assist the Ministry in the implementation of our key projects under our various mandated functions. For the 2020/21 financial year, the Ministry with the assistance from the Ministry of Finance was responsible for the managing of the following projects.

<i>Development Projects</i>	<i>Comments</i>
<i>Samoa Private Sector Development Program (NZ) PSD-C1</i>	The project is in its Year 3 of implementation. Annual administration budget support of NZD20,000 (SAT34,788) is administered by the Policy Planning and Project Management division (formerly Trade Commerce and Manufacturing Sector (TCMSU) and its funds remain are carried forward to next FY until the completion of the project in two years time.
<i>Assistance to Support the Labour Mobility Unit of Samoa (Australia DFAT)</i>	Continuation of funding from DFAT to support Labour Mobility personnel for three years ending in FY21/22
<i>Technical Assistance for the Review of Samoa National Emergency Employment Policy (ILO)</i>	This short term funding from ILO of USD2,500 (SAT6,390) to assist the Ministry with the facilitation of public consultations for the development of the SNEP-2 in December 2020
<i>Catalyzing Women's Entrepreneurship- Creating a Gender Response Entrepreneurship Eco System (ESCAP)</i>	This project commenced in January 2021 with the first tranche of USD12,600 received (SAT31,328) for set up costs of the secretariat unit. Total Funds – USD27,695 for the duration of the project. Expected Project completion date is June 2022
<i>Pre- Departure Orientation and Debriefing Sessions for RSE &amp; SNP (ILO)</i>	The funding received USD15,000 (SAT37,413) to assist the Ministry with the seasonal work programs for Australia and New Zealand from December 2020 – May 2021 under the Decent Country Work and Social Protection.
<i>Occupational Safety and Health (OSH) Day (ILO)</i>	The funding received under the ILO Decent Work Country Program for OSH awareness total USD8,000 (SAT19,922) to commemorate World OSH Day from 12 – 28 April 2021
<i>ILO &amp; SWC Recovery Program Works for Laid-Off Workers from Covid-19 (ILO)</i>	The short term funding of USD11,000 (SAT28,116) to assist with the recovery program for laid off workers identified in the Rapid Assessment Survey Report on the impact of COVID-19 on employment and enterprises 2020. The program ended in June 2021

## **MINISTRY OF FINANCE**



### **STATEMENT OF CERTIFICATION**

*The Statement of Receipts and Payments, Schedule 2 and accompanying notes/information from other schedules of the Public Accounts on Unforeseen Payments (Schedule 4), Fixed Assets (Schedule 9) and Payables (Schedule 12) for financial year ended 30<sup>th</sup> June 2021 form part of the Financial Statements for the Ministry of Commerce, Industry and Labour. These are drawn up in accordance with the reporting requirements of the Public Financial Management Act 2001 and Amendments, Part XIV, Financial Reporting and International Public Sector Accounting Standard (IPSAS).*

*As required by PFM Act 2001 and Amendments, Section 110, Ministry of Finance hereby certifies that the attached Statements for Ministry of Commerce, Industry and Labour are based on the unaudited results for the year ended 30 June 2021, as reflected in the accounting records of the Ministry of Finance for the Treasury Fund.*

*On behalf of the Government of Samoa.*

A handwritten signature in blue ink, appearing to read 'Lelataua Henry Ah Ching'.

**Lelataua Henry Ah Ching**  
**Acting Chief Executive Officer**

**Date: 27 / 10 / 21**

# GOVERNMENT OF SAMOA

SCHEDULE 2.5

## STATEMENT OF MINISTRY RECEIPTS BY REPORTING CATEGORY AND EXPENDITURE BY OUTPUT APPROPRIATION ACCOUNT *for the financial year ended 30 June 2021*

	Notes	2021 \$	Original Estimate \$	Final Estimate \$	(Over)/Under \$	2020 \$
<b>COMMERCE, INDUSTRY &amp; LABOUR</b>						
<b>RECEIPTS</b>						
Ordinary Receipts						
Other Revenues						
Fees & Other Charges		849,514	590,475	590,475	(259,039)	897,930
<b>TOTAL RECEIPTS</b>		<b>849,514</b>	<b>590,475</b>	<b>590,475</b>	<b>(259,039)</b>	<b>897,930</b>
<b>PAYMENTS</b>						
Outputs						
1.0 Policy Advice to the Responsible Minister		805,037	888,229	822,187	17,150	910,231
2.0 Seasonal Employment Unit		717,608	740,264	726,393	8,785	582,980
3.0 Management of Investment Promotion & Industry Development		606,065	619,138	618,088	12,023	588,223
4.0 Enforcement of Fair Trading and Codex Development		742,862	763,089	760,805	17,943	722,071
5.0 Administration of Apprenticeship Scheme & Employment Services		554,164	576,975	580,258	26,095	529,541
6.0 Enforcement of Labour Standards & Assessment of Work Permits		536,273	546,638	551,154	14,881	531,701
7.0 Enforcement of Occupational Safety & Health Standards		373,827	369,997	377,403	3,576	312,001
8.0 Management of the Registries of Companies & Intellectual Properties		687,536	697,109	695,851	8,314	668,651
<b>Total Outputs</b>		<b>5,023,372</b>	<b>5,201,439</b>	<b>5,132,138</b>	<b>108,766</b>	<b>4,845,398</b>
Third Party Outputs						
Samoa Tourism Authority (STA)		12,680,117	12,680,117	12,680,117	0	13,263,582
Samoa Business Enterprise Centre (SBEC)		450,000	450,000	450,000	0	450,000
Samoa Chamber of Commerce	1	0	50,000	50,000	50,000	50,000
<b>Total Third Party Outputs</b>		<b>13,130,117</b>	<b>13,180,117</b>	<b>13,180,117</b>	<b>0</b>	<b>13,763,582</b>
Transactions on Behalf of State						
Membership Fees						
International Labour Organisation		11,585	11,642	11,642	57	11,019
International Organisation for Consumer Union		1,277	6,200	6,200	4,923	1,399
World Intellectual Property Organisation (WIPO)		0	12,000	12,000	12,000	8,258
World Association of Investment Promotion Agency		13,413	15,500	15,500	2,087	14,179
United Nations Industry Development		1,870	11,560	11,560	9,690	2,044
Corporate Registry Forum		1,106	1,565	1,565	459	1,115
Competition Commission		14,758	15,000	15,000	242	0
ISO Membership (Standards)		0	28,000	28,000	28,000	0
		<b>44,009</b>	<b>101,467</b>	<b>101,467</b>	<b>29,458</b>	<b>38,013</b>
Government Policies / Initiatives						
Contribution to Private Sector	1	0	200,000	200,000	200,000	200,000
Apprenticeship Training Provider (NUS)		93,867	178,000	178,000	84,133	140,560
E-Registry Database - Foster Moore (NZ)		60,483	60,705	60,705	222	0
World Intellectual Property Day (26 April)		8,984	10,000	10,000	1,016	0
Exporter of the Year Awards - SAME		0	10,000	10,000	10,000	10,000
OSH Day		9,982	10,000	10,000	18	0
		<b>173,316</b>	<b>468,705</b>	<b>468,705</b>	<b>295,371</b>	<b>340,560</b>
Rents and Leases						
ACB Building Rent/Lease		737,867	786,817	786,817	48,950	697,458
Rent - Fair Trading Division Office in Savaii		4,477	5,616	5,616	1,139	4,070
Rents & Leases for Home and Office of the Samoa Liaison Officers in NZ and Australia		88,986	127,785	127,785	38,799	71,451
		<b>831,329</b>	<b>920,218</b>	<b>920,218</b>	<b>88,888</b>	<b>772,979</b>
VAGST Output Tax		219,317	268,036	248,071	28,754	176,772
<b>Total Transactions on Behalf of State</b>		<b>1,267,972</b>	<b>1,758,426</b>	<b>1,738,461</b>	<b>470,489</b>	<b>1,328,325</b>
<b>TOTAL PAYMENTS - COMMERCE, INDUSTRY &amp; LABOUR</b>		<b>19,421,461</b>	<b>20,139,982</b>	<b>20,050,716</b>	<b>579,255</b>	<b>19,937,305</b>
<b>RECEIPTS OVER PAYMENTS</b>		<b>(18,571,947)</b>	<b>(19,549,507)</b>	<b>(19,460,241)</b>	<b>(838,294)</b>	<b>(19,039,375)</b>

# GOVERNMENT OF SAMOA

SCHEDULE 2.5

## STATEMENT OF MINISTRY RECEIPTS BY REPORTING CATEGORY AND EXPENDITURE BY OUTPUT APPROPRIATION ACCOUNT *for the financial year ended 30 June 2021*

### GOVERNMENT DEVELOPMENT PROJECTS

	Notes	2021 \$	Original Estimate \$	Receipts \$	Payments \$	Opening Balance \$
<b>Grants - GDP</b>						
Enhanced Integrated Framework Trade (UNDP)		(221,038)	0	52	237,163	16,073
Samoa Private Sector Development Programme (NZ)		49,002	34,288	34,882	34,678	48,797
Assistance to Support the Labour Mobility Unit of Samoa (AusAid)	2	67,492	0	35,146	83,031	115,432
Support for the Labour Mobility Unit (Samoa) (AusAid)		0	71,334	0	0	0
Technical Assistance for the Review of Samoa National Emergency Employment Policy (ILO)		(5,980)	0	0	5,980	0
Catalyzing Women's Entrepreneurship- Creating a Gender Response Entrepreneurship Eco System (ESCAP)		15,338	0	31,328	15,990	0
Pre- Departure Orientation and Debriefing Sessions for RSE & SNP (ILO)		5,644	0	37,143	31,499	0
Occupational Safety and Health (OSH) Day (ILO)		1,837	0	19,922	18,085	0
ILO & SWC Recovery Programme Works for Laid-Off Workers from Covid-19 (ILO)		2,697	0	28,116	25,419	0
<b>TOTAL GOVERNMENT DEVELOPMENT PROJECTS</b>		<b>(85,009)</b>	<b>105,622</b>	<b>186,588</b>	<b>451,844</b>	<b>180,302</b>

#### Notes

- 1 Unutilised funds of \$250,000 have been transferred to Special Purpose Account reported under Schedule 12 for utilisation in new financial year 2022 to fund the Private Sector Organisations Grants.
- 2 Non-cash transactions are not reported in this Statement but under Schedule 11.

#### Additional Information to Accounts:

##### Schedule 4 - Unforeseen Expenses

Revised Budget	75,194
Actual Payments incurred during the financial year	75,187

##### Schedule 9 - Fixed Assets

Opening Balance as at 1st July 2020	1,400,343
Additional Assets purchased during the financial year	289,861
Assets Disposed/Written-Off during the financial year	164,506
Closing Balance of Ministry's Fixed Assets as at 30th June 2021	1,525,698

## APPENDIX 1: PERFORMANCE MEASURES ACHIEVED FOR FINANCIAL YEAR 2020-2021

### Output 1 : Policy Advice to the Minister of Commerce, Industry & Labour

#### Output Performance Measures, Standards or Targets

Performance Measure/Indicator	2020 -2021 Budget Standard or Target	STATUS / PROGRESS	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
Dates by which Annual Report 19/20 is submitted to Cabinet and Parliament	i) Cabinet by October 2020 ii) Parliament by December 2020	ACHIEVED	Annual Report 19/20 completed and submitted to Cabinet and Parliament as planned
Dates by which the Annual HR report for PSC and Procurement report for MOF submitted	1st Report (Apr-Jun'20) July 2020 2nd Report (Jul-Sept'20) Oct 2020 3rd Report (Oct-Dec'20) Jan 2021 4th Report (Jan-Mar'20) Apr 2021	ACHIEVED	HR and Procurement Reports submitted as planned
Share of Commerce and Manufacturing Sector to the National Gross Domestic Product	40% of GDP	ACHIEVED	At current, the estimated average share of the Commerce and Manufacturing sectors to the national real GDP is 38.40%, noting the impacts of COVID19 pandemic
Number of opinions/advice on legal or policy matters provided on all issues, contracts and legislation related to Commerce, Industry and Labour	100 advice/opinions (verbal and written) by end of June 2021	ACHIEVED	200 advice/opinions (verbal and written) issued

Output 2 : Seasonal Employment Unit			
Output Performance Measures, Standards or Targets			
Performance Measure/Indicator	2020-2021 Budget Standard or Target	STATUS / PROGRESS	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
<b>Number of workers screened and deployed for NZ and Australia;</b> (i) Number of workers screened; (ii) Number of workers Deployed; (a) New Zealand: Recognized Seasonal Employment (RSE); Approved in Principle (AIP); Pacific Trade Partnership (PTP) (b) Australia: - Seasonal Workers Program (SWP); Pacific Labour Scheme (PLS);	(i) Number of Workers screened:1500; (ii) Number of Workers Deployed: <b>New Zealand:</b> (a) RSE - 2500; (b) AIP - 350; (c) PTP - 30; <b>Australia:</b> (a) SWP - 600; (b) PLS - 250	<b>NOT ACHIEVED</b>	Total number of workers screened and had their fitness test done – 1600 Total Number of workers deployed: <b>New Zealand:</b> (a) RSE - 729, (b) AIP-0, (c) PTP-0, <b>Australia:</b> (a) SWP-740, (b) PLS-339.
<b>NOTE:</b> Since the resumption of the RSE scheme in NZ in October - November 2020, a total of 729 returning workers was recruited for this season, which is a huge decrease in the number of workers recruited at the start of each season before COVID-19. The 729 joined more than 2,000 workers who opted to extend their stay in NZ instead of returning home. The decrease in the number of workers recruited during this period was due to costs of quarantine sites when workers arrived, as other small employers opted not to recruit as a result of added costs they will have to meet before obtaining an Approval to Recruit (ATR). AIP visas & PTP are issued with an essential skills visa which is quite different from the Limited purpose visa being used by the RSE scheme. As such there were no new recruits under the AIP and PTP, which is being put on hold during the COVID-19 whilst the Ministry of Business, Innovation and Employment (MBIE) continued to review both visas under the essential skills category.			
<b>Number of Employers visiting and recruiting from Samoa:</b> <b>New Zealand</b> <b>Australia</b>	<b>New Zealand:</b> Visiting - 15; Recruiting - 40.  <b>Australia:</b> Visiting - 10; Recruiting - 15	<b>NOT ACHIEVED</b>	There were no visits from the employers for this financial year because of COVID-19 travel restriction. However most of the recruitment by some new employers were done through Virtual & Zoom meetings. There were no new employers recruited from Samoa for RSE but there's one employer recruiting under PLS and one for SWP.

Number of Capacity building trainings for Workers; 1. Reintegration Training 2. English Course Training	i. Reintegration Training - 3; ii. English Course Training - 6	NOT ACHIEVED	A total of 3 reintegration trainings being conducted during this period, one in Savaii and two in Upolu. Another 3 English courses conducted by the Oloamanu Trainers, 2 in Savaii & 1 in Upolu.
Number of capacity building opportunities for LEEP Staff; 1. Internal Trainings; 2. Secondment for Staff	i. Internal Trainings – 2 ii. Secondment for Staff - 2	ACHIEVED	A Strategic Plan review exercise was carried out by the LEEP team under the guidance of the ACEO. The training reviewed the Objectives and activities already completed and achieved whilst awaiting the complete review of the current LEEP Strat Plan
Number of pre-departure orientations and debriefings conducted for workers	NZ & Australia combine - 2; PLS & SWP - 30	ACHIEVED	A total of 5 Pre-departure orientation for the resumption of the NZ Program and 12 PDOs for the Australian programs. 10 Debriefing sessions have been completed through out this financial year 2020/2021
Number of awareness programs for seasonal employment	6 awareness programs	NOT ACHIEVED	All deferred to availability of budget for FY2021/22
Number of reports submitted to CEO and Unit from NZ and Australia Based Liaison Officers	4 x quarterly reports each	ACHIEVED	12 Monthly reports submitted by the Australian LO, and 4 MR submitted by the NZLO
Conflict Resolution: Percentage of grievances received by the Division efficiently managed and resolved in accordance with policies and processes in place	90% resolved	ACHIEVED	More than 90% of grievances received by the LEEP Unit have been effectively managed and resolved. Some of the cases that warrants the intervention from our Legal Unit was also solved with letters sending to complainants of the outcome of their complaints.
2 policies to be developed and approved by the LEEP Committee	2 policies developed and approved by 30 June 2021	ACHIEVED	Labour Mobility current policies and the Operations Manual need to be reviewed and approved by the LEEP Steering Committee. There were 2 meetings held of the SC but discussions were deferred until a later date.
Satisfaction rate of employers and workers with performance delivery as measured by findings from end of season survey.	80% satisfaction rate for employers; 80% satisfaction rate for workers	NOT ACHIEVED	Deferred to the next financial year FY 2021/22 due to COVID-19 and the reduction in the number of new recruits under the RSE NZ in the last financial year.

### Output 3: Management of Investment Promotion & Industry Development

#### Output Performance Measures, Standards or Targets

Performance Measure/Indicator	2020-2021 Budget Standard or Target	STATUS / PROGRESS	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
<b>1.Private Sector Development / Assistance Schemes:</b>  i. Number of new applications received, approved & declined under the Duty Concession Scheme (Tourism, Manufacturing & Aviation Transport Developments); ii. Number of new applications received, approved and declined under the Code 121 Scheme (Commercial Manufacturers - Agricultural, Handicraft, Elei and garments; Commercial Poultry Farmers); iii. Number of new applications received and approved for a Grant under the Private Sector Organisation (PSO) Grant Scheme.	(i) DCS - 14; (ii) Code 121 - 3; (iii) PSO Grant - 12	<b>ACHIEVED</b>	(i) DCS = 14 (ii) Code121 = 12; (iii) PSO Grant = 12.

#### **NOTES TO THE ABOVE ACHIEVED TARGETS**

**(1) DCS - NEW APPLICATIONS:** 5 new applications were received and assessed in this FY - 3- Agricultural Industry, 1 -Fisheries, and 1 -from the Sports Entertainment industry. (1 declined as request was beyond the scope of the Scheme , 2 referred for approval under Schemes mandated by other Govt authorities (MOF & MAF) and 2 pending a decision of the Investment Committee.) **REQUESTS FOR EXTENSION OF TIME OF INCENTIVES:** 4 requests for extension of timeframe were received and assessed; 1 -approved, 3- pending a decision of the IC. **REQUESTS FOR ADDITIONAL GOODS:** 1 request for additional goods to be imported received and assessed but was put on hold due to the intended imported goods not comprising an integral part of the applicant's 'manufacturing' process. **PENDING CASES FROM PREVIOUS FY 2019/2020:** 4 applications received in the previous FY were carried forward to this FY. 2 were subsequently approved as Manufacturing Development Projects, 1 was withdrawn as the applicant chose to proceed instead as a Code 121 beneficiary and 1 is pending amendments to the Customs (Development Projects) Regulations 2010 to expand the scope of Tourism Development Projects to include Amusement Parks.

**(2) CODE 121:** 3 new applications were received and assessed in this FY. All 3 were approved under the category of Commercial Manufacturers of Agricultural Products for Export & Import Substitution. **ADDITIONAL GOODS REQUESTS:** 3 new requests received from 3 prior approved businesses, which all 3 applicants were approved and referred to the MCR for their final approval of the imported goods. **COVID19-CODE 121 STIMULUS PACKAGE ASSISTANCE:** 5 applications for the expanded CODE121 Scheme were received and assessed during this FY; 4 - approved as Agricultural Development Projects and 1- approved as a Fisheries Development Project. **PENDING CASES FROM PREVIOUS FY 2019/2020:** 1 application received in the previous FY and carried forward to this FY was approved as an Agricultural Development Project conditional upon the MCR waiving the requirement for a valid business license and accepting the proposed arrangement between the applicant and a main supplier who will import the goods into Samoa

**(3) 12 PSOs** were assessed and approved for receiving grants during this FY, from a total PSO Grant fund of \$250,000.

<p><b>2. Foreign Investment and Citizenship Investment Registrations:</b></p> <p>(i). Total number of new, renewals and amendment applications received &amp; approved for Foreign Investment registrations;</p> <p>(ii). Total number of Citizenship Investment applications received, assessed and approved by the Citizenship Investment Committee</p>	<p>(i) 110 new, renewals and amendments;</p> <p>(ii) 1 application received and assessed for the Citizenship by Investment Program</p>	<p><b>ACHIEVED</b></p>	<p>(i) A total of 248 FIC applications were received assessed and approved during the reporting period where 25 are new, 161 renewals and 62 amendments</p> <p>(ii) One application to market and promote the program which was received and assessed in the previous FY19/20 was only approved during the reporting period after receiving due diligence reports and payment of fees of SAT\$1000 by the applicant.</p>
<p><b>3. Policy &amp; Legislative Review Projects:</b></p> <p><b>Date by which:</b></p> <p>(i) Development of a National Industry Development Strategy (NIDS) &amp; Small Medium Enterprises (SME) Policy is finalised and implemented;</p> <p>(ii) Review of the Scope of the Duty Concessions Scheme (DCS) and necessary amendments to the Customs (Manufacturing &amp; Tourism Developments) Regulations 2010;</p> <p>(iii) Completion of the Project on the Review of the Foreign Investment Act 2000 and its Regulations;</p> <p>(iv) Review of current Processes, Guidelines and relevant Criteria pertaining to the Citizenship Investment Act 2015;</p> <p>(v) Review of the PSOs Grant Scheme eligibility Criteria and total funds approved by Cabinet for Disbursement.</p>	<p>By 30 June 2021</p>	<p><b>ACHIEVED</b></p>	<p>i) Public Consultations (Private and Public Sectors) for the NIDS commenced in November 2020, The MSME Policy endorsed by Cabinet in November 2020, and was officially launched in April 2021. Implementation is already commenced.</p> <p>ii) Ongoing reviews of the Regulations and the Duty Concession Scheme by the Investment Committee's Working Committee (involving IDIP)</p> <p>(iii) The Review of the FIA 2000 is still being put on hold following suspension of funds under the Samoa Governance Support Programme.</p> <p>(iv) The Review of current Processes, Guidelines and relevant Criteria pertaining to the Citizenship Investment Act 2015 also commenced in last FY19/20 but was also held up due to funding being suspended.</p> <p>(v) Consultations with PSOs were carried out in September 2020, with revised Criteria &amp; requirements were submitted to Cabinet in the reporting period.</p>

#### **NOTES**

i) Public Consultations (Private and Public Sectors) for the NIDS commenced in November 2020, to identify priority sectors and policy initiatives, to be included in the draft NIDS. A validation workshop is planned for early FY2021/22; The MSME Policy endorsed by Cabinet in November 2020, and was officially launched in April 2021. Implementation is already commenced.

ii) Ongoing reviews of the Regulations and the Duty Concession Scheme by the Investment Committee's Working Committee (involving IDIP) include proposals to expand the scope of "Tourism Development Projects" to include other tourism related services, as well as the inclusion of other key industries (e.g. ICT), revising Determinations to align with current and new amendments in progress; revising timeframes of Construction Materials and Office Amenities; revising Regulation 7 to include proposed conditions for Agricultural and Fisheries development projects etc. The outcome of this ongoing Review will be reflected in necessary amendments to be made to the Customs (Development Projects) Regulations 2010.

(iii) The Review of the FIA 2000 is still being put on hold following suspension of funds under the Samoa Governance Support Program. Nonetheless, discussions were held with potential donors to seek funding for the continuation of this review.

(iv) The Review of current Processes, Guidelines and relevant Criteria pertaining to the Citizenship Investment Act 2015 also commenced in last FY19/20 but was also held up due to funding being suspended.

(v) As part of approving the PSO Grant for FY2019/2020, Cabinet directed MCIL to again review the requirements and Criteria for allocating the PSO Grant, to take into account financial assistance that some PSOs receive under the mandates of other Government agencies. Consultations with PSOs were therefore carried out in September 2020, with their feedback received taken into account in the changes that have been made to the PSO requirements and criteria for the FY2021/2022 and beyond. Revised Criteria & requirements were submitted to Cabinet in the reporting period.

<b>4. Enforcement:</b> (i) Percentage of foreign investors complying with the requirements of the Foreign Investment Act (FIA) 2000 & Citizenship Investments Act 2015 (based on monthly monitoring/enforcement site visits). (ii) Percentage of DCS and Code 121 recipients complying with the requirements of the Customs (Manufacturing & Tourism Developments) Regulations 2010 and the Customs Tariff Amendment Act 2008 (based on quarterly monitoring/enforcement site visits)	(i) Compliance with FIA & Citizenship Act - at least 90% (ii) Compliance with DCS and Code 121 - at least 90%	<b>ACHIEVED</b>	(i) More than 90% of the FIEs were found fully compliant (ii) 100% compliance of beneficiaries with the conditions of their approvals under the relevant Assistance.
<b>5. Trade, Commerce and Industry Board (TCI):</b> Total number of TCI Board meetings on private sector issues	4	<b>NOT ACHIEVED</b>	Due to the impacts of the COVID19 restrictions and uncertainties in the lead up to the General Election 2021 and the period after the Elections on 9/4/2021, no TCI Board meetings were held during this FY.
<b>6. Public Awareness Programmes:</b> Total number of Public Awareness programmes conducted on all Private Sector Development Assistance Schemes, Foreign Investment Sectors and the Citizenship Investment Program - to be conducted on tv/radio/newspaper and with various private sector associations.	10	<b>ACHIEVED</b>	Advertisements for the Duty Concession and Code 121 Schemes were published in the local newspapers and MCIL's website and social media, for public awareness of the Assistance Programs.
<b>7 Annual Reporting: Date by which the</b> (i) Annual Foreign Investment Report and; (ii) Duty Concession Scheme Report completed and submitted to the Minister of Commerce Industry & Labour	(i) Annual Foreign Investment Report by 24 December 2020, (ii) Duty Concession Scheme Report - by 30 June 2021	<b>NOT ACHIEVED</b>	(i) Completed and submitted to Minister on 24th December 2020 (ii) The submission of the DCS Report will be aligned with the Annual FI report, that is, to be submitted by 24 December 2021.

<p><b>8. Review of Investment Promotional Tools: Date by which</b></p> <p>(i) A number of foreign investment promotion activities and tools developed are updated (e.g. use of social media such as Facebook, updated video clip on website and investment promotion missions conducted)</p> <p>(ii) Annually review the National Investment Policy Statement (NIPS), Samoa Investment Guide (SIG), Samoa Investment Promotion Video and the Investment Sector Profiles, are completed to ensure updated information is made available to potential investors.</p>	<p>(i) SIG &amp; NIPS - by June 2021, (ii) Review of 2 Sector Profiles - by 30th June 2021</p>	<p><b>NOT ACHIEVED</b></p>	<p>(i) SIG/NIPS finalised and printed in June 2021 (ii) Review of 2 Sector Profiles - In progress as the Office has yet to receive feedback that was sought from relevant PSOs in the Manufacturing and Tourism Sectors. Also, negotiating with potential donors on possible funding to review all sector profiles. A short investment promotion video was also produced during the period under the assistance of PTI Australia</p>
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Output 4: Enforcement of Fair Trading & Codex Development			
Output Performance Measures, Standards or Targets			
Performance Measure/Indicator	2020-2021 Budget Standard or Target	STATUS / PROGRESS	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. Food Standards to be enforced by MOH.	1 - Food Standard, 1 - Non Food Standard	NOT ACHIEVED	Regional standard for fermented noni juice is yet to be approved. Currently working on testing the level of Scopoletin for our noni juice products at SROS before we send the results to FAO GEMS FOOD database for analysis and finalize the approval of the standard. Work started in March 2021 on developing 2 non-food standards for used vehicles and labeling of non-food items.
Percentage of trader compliance in using accurate weighing and measuring equipment (mass, volume and length) in accordance with the Metrology Act 2015, for the protection of consumer interest.	90%	ACHIEVED	96% of traders inspected complied with the metric units applied for trading purposes. All 21 petrol stations were adjusted on a monthly basis and calibrated for both Upolu (December 2020 and June 2021) and Savaii (August 2020 and February 2021).
Number of Samoa Competition and Consumer Commission Meetings on competition and consumer issues	6 meetings	ACHIEVED	2 meetings were held in September and December 2020 and online meetings (circulation of cases for comment from SCCC).
Percentage of trader compliance in the obligations under the Competition and Consumer Act 2016	90%	ACHIEVED	98% of 45 complaints were received and resolved during the reporting period. 1 pending case as further information was required before a decision is finalized.
Percentage of complaints received from traders on anti-competitive practices and/or resolved as per Competition and Consumer Act 2016	90%	ACHIEVED	90% of traders compliance. Out of 784 traders, 706 traders complied. Non complied traders will monitor through follow up inspection.
Number of awareness programs on Competition and Consumer Act 2016 and Metrology Act 2015	4	ACHIEVED	Four awareness programs. 4 engagement programs held in Savaii (September 2020) and Upolu (November 2020), WCRD Workshop in Savaii to celebrate Consumer Rights Day and Price Control Review meeting with BOSA in May 2021. 1 TV advertisement and 1 TV Talk Forum.

Percentage of complaints and enquiries received and/or resolved by Upolu and Savaii offices per year.	90%	ACHIEVED	99% of complaints and enquiries received in Upolu were resolved. For Upolu, 45 complaints relating to CCA 2016, 4 complaints relating to Food Regulations 2017 & 3 complaints relating to Metrology Act 2015 and 138 enquiries received in July 2020 - June 2021. 1 pending complaint case during this period. For Savaii, a total of 753 complaints and enquiries received. All fair trading matters were resolved and other were referred to responsible division in Upolu and relevant ministries on a daily basis.
Number of Consumer Information Guide (brochure or video) to be developed on specific products or services for protection on Consumer	2	ACHIEVED	Two promotional videos were developed on (1) consumer rights with regards to receipts and related information and (2) Pyramid Scheme and similar schemes to further inform the public that is prohibited in Samoa.

## Output 5 : Administration of Apprenticeship Scheme & Employment Services

### Output Performance Measures, Standards or Targets

Performance Measure/Indicator	2020 – 2021 Budget Standard or Target	STATUS / PROGRESS	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
<b>1. Apprenticeship Training Scheme:</b> (i) Number of new apprentices enter the program FY2020/2021 (ii) Number of existing Apprentices (iii) Number of Apprentices terminated	(i) New entrants - 60-70 (ii) Existing Apprentices - 90 (iii) Terminated - 3-4	<b>NOT ACHIEVED</b>	There were no new entrants (Year 1 and Year 2) for the calendar year. . This will allow NUS to undertake transition from the current structure to the New Apprenticeship Structure that will commence early next year 2022. There are 68 existing apprentices ( Year 2 & Year 4) currently in the Program.
<b>2. Number of inspections for Apprentices to ensure full compliance of parties involved in the Apprenticeship Scheme:</b> <ul style="list-style-type: none"> <li>• Inspections</li> <li>• Follow Ups)</li> </ul>	Inspections - 50; Follow Ups - 200	<b>ACHIEVED</b>	60 Inspections conducted 199 follow-ups.
<b>3. Number of training and awareness programs to increase the employability of local trades people</b>	2 (1-Upolu, 1-Savaii)	<b>ACHIEVED</b>	11th June 2021 and Apprenticeship Program was also promoted during the jobseekers training on 18th September 2020 in Savaii .
<b>4. Number of Apprenticeship Council Meetings</b>	4	<b>NOT ACHIEVED</b>	2 Council meetings carried out as priority had given to organizing meetings and consultations with industries and training providers re; formulation of New Apprenticeship Structure and accreditation processes.
<b>5. Number of Samoa National Employment Policy Taskforce meetings</b>	4	<b>ACHIEVED</b>	9 SNEP Meetings conducted inclusive SNEP Review, consultations and training for the new SNEP (30th Oct 2020, 9th Nov 2020, 17th Nov 2020, 30th Nov 2020, 2nd Dec 2020, 11th Dec 2020, 26 April 2021, 27 & 28 April 2021 and 18th June 2021)

6. Number of Trade Tests conducted for FY20/21	3	ACHIEVED	1. Plumbing Trade Test-Upgrading class on 11 Nov 2020, Theory on 13 Nov 2020 and Practical on 14th Nov 2020. Welding Trade Test- 13 & 15 May 2021
7. Percentage of graduates from the: i) Apprenticeship Scheme (Year 4) and (ii) Trade Tests:	(i). Apprenticeship Training - 90%-100% (ii) Trade Tests Scheme - 90%-100%	ACHIEVED	100% of Year 4 students graduated on 22nd January 2021. 100% of students who sat the exams for 3 trade tests passed and successfully fulfilled all the requirements
8. Number of Meetings with Training Provider and Employers, mitigating challenges and suggest way forward for improvement of the Apprenticeship Scheme	4	ACHIEVED	More than 4 meetings carried out with Training Provider and Employers in trying to review the current Apprenticeship Structure
Employment Services 9. Number of Jobseekers:		NOT ACHIEVED	Registered jobseekers was 166, 68% referred to employers, about 89 jobseekers completed training, (51 in Savaii and 38 in Upolu). 89 Jobseekers were trained. Note the referrals did not meet the expected target and even jobseekers due to COVID-19.
(i) Registered on LMIS and in person;	i. Registered - 150		
(ii) Percentage refer to Employers to assessment	ii. Refer - 80%-90%		
(iii) Successfully completed Jobseekers training	iii. Jobseekers Trained - 120		
10. Number of half yearly employment survey returns collected from employers	400	ACHIEVED	This was done in parallel with 2019 LMS and the survey report was completed in October 2020
11. Number of Jobseekers Trainings conducted	2 Training of Jobseekers within FY 20/21 (1 Upolu, 1 Savaii)	ACHIEVED	2 JS training carried out with FY 2020-2021 (Upolu was 15th April 2021 and Savaii on 18th September 2021)

Output 6 : Enforcement of Labour Standards and Assessment of Work Permits			
Output Performance Measures, Standards or Targets			
Performance Measure/Indicator	2020 -2021 Budget Standard or Target	STATUS / PROGRESS	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
1. Relevant labour standards that protect the rights of workers and improve productivity of employers	(i). Revised LERA endorsed by Parliament by June 2021 (ii). Awareness and trainings of key stakeholders on revised LERA by June 2021 (iii). A 6 month lead-in period for the LERA to come into force upon approval of Parliament to ensure smooth transition to a new legal framework by June 2021 (iv). Develop Working Conditions Manual for provisions of the LERA and Regulations by June 2021	NOT ACHIEVED	Draft Bill is with Cabinet awaiting new Government to pass but awaits resumption of Parliament  Awareness complete for both Upolu and Savaii on the proposed changes in the LERA Bill Revised Working Conditions Manual in place and ready for dissemination once passed into law

<p>2. Enhance understanding and an informed employers and employees on labour legislation and best practices through effective awareness-raising initiatives</p>	<p>1. Conduct 2 Public Awareness on Working Terms and Conditions of the LERA and Regulations in Upolu and Savaii to cover the following areas:</p> <p>1.1 promoting written employment agreements at the commencement of an employment relationship;</p> <p>1.2 exploitation of workers (particular in domestic employment arrangement)</p> <p>1.3 forced labour (particular in Child Labour and Forced Labour)</p> <p>1.4 rights and obligations</p>	<p>ACHIEVED</p>	<p>Conducted 5 awareness programs which promote fundamental rights at work.</p> <ul style="list-style-type: none"> <li>i. Awareness through Breastfeeding week on TV 3 on 5th August 2020</li> <li>ii. 2-day Awareness on TV1 Good Morning Samoa Program on 21st and 23rd September 2020.</li> <li>ii. 2-day Awareness in Savaii on 12th &amp; 13th November 2020.</li> <li>v. Awareness for Upolu rural area at Return to Paradise Resort on 24th February 2021.</li> <li>v. Awareness for Upolu urban area at DBS Conference room on 9th March 2021.</li> </ul> <p>Conducted 5 one-on-one sessions.</p> <ul style="list-style-type: none"> <li>• 4 for Samoa Business Hub clients on the following:</li> <li>• Upolu on 20th July, 31st August, 31st May 2021.</li> <li>• Savaii on 13th August 2021.</li> <li>• Mapuifagalele on 27th January 2021</li> </ul> <p><b>ISSUES AND ADVICE DATABASE</b></p> <ul style="list-style-type: none"> <li>• 515 Issues received and advises given by the Ministry from Jul 2020- June 2021.</li> </ul>
<p>3. Strengthen Samoa National Tripartite Forum social dialogue on national decent employment policy issues and/or interventions pertaining to labour and employment standards for sound decision making</p>	<p>1. Quarterly Reports submitted on labour and employment matters and progress of work carried out by key stakeholders</p> <p>2. MCIL to contribute to 50% achievement of the DWCP by June 2020</p> <p>3. Conduct at least 6 SNTF meetings by June 2020</p>	<p>ACHIEVED</p>	<p>Quarterly reports submitted and up to date. DWCP completion at 67% with MCIL contribution meeting the 50% contribution of activities/targets. 6 SNTF meetings held meeting the target</p>

4. Implement relevant ILO International Labour Standard that promote decent work in Samoa	<p>1. Complete the ratification process for C81 Labour Inspectorate Convention by December 2020</p> <p>2. Complete the ratification process for C189 Domestic Workers Conventions by June 2021</p> <p>3. SNTF to endorse the ratification of C160 Labour statistics by December 2020</p>	NOT ACHIEVED	<p>C81 Labour Inspection, C187 OSH Promotional Framework, C190 Violence and Harassment will be targeted for ratification by end of 2021. Translation is complete and already endorsed by the SNTF in 20/21.</p> <p>The General Elections and delayed election outcome have caused a significant delay</p>
5. Compliance of Samoa's labour legislation increase by 5%	1. Resolve and close 80% - 90% of employment grievances by June 2021	ACHIEVED	<p><b>GRIEVANCES DATABASE</b></p> <ul style="list-style-type: none"> <li>•108 grievance cases.</li> <li>•102 employment grievances settled</li> <li>•6 more cases in progress.</li> <li>•94% cases/grievances resolved</li> </ul>
6. Improve data collection within the formal economy 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	<p>1. 400 employment permits received and processed accordingly</p> <p>2. Accurate analysis and reporting of the Foreign Employee Data with reference to relevant reports such as Labour Market Survey and employment statistics (SBS) .</p>	NOT ACHIEVED	<p>Permits received and processed 273.</p> <p>The incomplete number of permits processed is due to COVID-19 and its effects on our borders. Closed borders and Global situation meant the target would never be met. Relevant reports tabled for SNTF and provided to CEO as required</p>
7. Improve compliance level by 5% in the implementation of LERA and Regulations to ensure relevant terms and conditions within workplaces	<p>1. Conduct and complete 3 M&amp;E to at least 150 businesses/organisation/companies by June 2021</p> <p>2. 80% of employers inspected actively implement MCIL recommendations to ensure compliance with provisions of the LERA and Regulations by June 2021</p>	ACHIEVED	Completed 4 Joint M&E with IR to 203 businesses / companies / organisations

<p>8. A better informed Labour Inspectorates on best practices and International Labour Standards</p>	<p>1. Conduct two trainings to building the internal capacity of senior staff on legal interpretation of LERA and Regulations by December 2020</p> <p>2. Conduct two trainings to build capacity of labour inspectorate on applying the LERA and Regulations to real life inspection settings in the Samoan context by June 2021</p>	<p>ACHIEVED</p>	
<p><b><u>NOTES to KPI #8 above:</u></b></p> <p>i. Legislation Training conducted on LERA and LERR by MCIL legal team on 31st August 2020.</p> <p>ii. ILO On-line training on Fair Recruitment and Process for practitioners from 10th September to 30th October 2020 undertaken by Labour Inspector;</p> <p>iii. ILO On-line training on Maritime Labour Convention attended by Senior Labour Inspector.</p> <p>iv. ILS Training held on line attended by the team on 14th and 15th December 2020.</p> <p>v. Online Written and Oral Communication Skills Training Course conducted by Australian Aid and was attended by Labour Inspector on 19th January 2021.</p> <p>vi. Online training on Review of Legislation and Achieving Legislation Reforms attended by Principal Labour Inspector on 29th March 2021.</p> <p>vii. Online training on Senior Executive and Development Program currently attending by the Principal Labour Inspector and will be completed by August 2021.</p> <p>viii. First Aid Training attended by all Labour Inspector on 19th to 23rd April 2021.</p>			

**Output 7 : Enforcement of Occupational Safety & Health Standards**

**Output Performance Measures, Standards or Targets**

Performance Measure/Indicator	2020 – 2021 Budget Standard or Target	STATUS / PROGRESS	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
1. Improve compliance level by 5% in promoting Occupational Safety and Health (OSH) within workplaces	1. Conduct and complete 6 M & E to 150 businesses/organisation/companies by June 2021 2. 75% overall compliance level of OSH Standards to employers inspected by June 2021 3. 75% of employers inspected actively implement section 20 & 22 of the OSH Act 2002 by June 2021	<b>NOT ACHIEVED</b>	96 inspections were carried out by the OSH inspectorate 66.7% compliance was noted across inspections which included Private businesses, Government and SOEs. The OSH team prioritized the development of the OSH Hazards Management Guidelines which were successfully launched in April 2021. The COVID 19 restrictions also had an impact on planned activities for the first half of the financial year.
2. Resolved reported fatal and severe workplace accidents, incidents and illnesses to be in-line with the OSH Act 2002 and OSH Regulation 2017	1. 80% of total reported accidents /illnesses all resolved and closed by June 2021 2. 50% of recommendations are implemented by inspected employers by June 2021 3. Inquire and resolve OSH complaint and enquiries lodged/reported by June 2021 4. OSH Investigation Manual endorsed by National OSH Task Force by August 2020 and SNTF by November 2020	<b>ACHIEVED</b>	3 accidents were reported to the Ministry and investigations completed. Employers were notified of recommendations from the Ministry based on investigations. OSH investigation manual in its final draft and will be implemented once endorsed by NOSH Taskforce

3. Enhance understanding and an informed employers and employees on OSH management in accordance with OSH legislation and best practice	<ul style="list-style-type: none"> <li>1. At least 5 Public Awareness (Upolu &amp; Savaii) for the OSH Act 2002, OSH Regulation and the National OSH Framework by June 2021.</li> <li>2. OSH Day April 2021</li> </ul>	ACHIEVED	19 public consultations were held both in Upolu and Savaii. This includes joint awareness with our key partners such as business hub, ADRA, ILO etc. OSH Day completed including a week long first aid training and launch of national OSH guidelines
4. Promote genuine partnerships through regular dialogue with key stakeholders in promoting Occupational Safety and Health in Samoa	<ul style="list-style-type: none"> <li>1. 3 OSH Task Force meeting held to discuss implementation of the National OSH Framework by June 2021.</li> <li>2. 40%-50% of Framework Action Plan achieved by June 202</li> </ul>	ACHIEVED	5 meetings convened for the OSH TF included review of 9 OSH guidelines which was launched during the World OSH Day 2021. Implementation of OSH Framework at 30%
5. Strengthen Samoa National Tripartite Forum social dialogue on national OSH policy issues and/or interventions pertaining to OSH for sound decision making	<ul style="list-style-type: none"> <li>1. At least 3 Quarterly Reports submitted on OSH matters and progress of work carried out by the OSH Task Force / OSH division</li> <li>2. SNTF endorse the ratification of C187 Promotional Framework for OSH by December 2020</li> <li>3. OSH Codes of Practice and Guidelines endorsed by SNTF by June 2021</li> </ul>	ACHIEVED	All quarterly reports submitted through ACEO to CEO and Taskforce. SNTF has endorsed the ratification of C187 with translation pending. OSH Hazards Management Guidelines launched.
6. A better informed OSH Inspectorates on best practices and International Labour Standards	5 trainings by the end of June 2021	ACHIEVED	The OSH team has participated in various trainings including first aid training, ILS training, Maritime Labour Convention, Violence and Harassment at the Workplace, Implementation of a National Employment Policy etc.

Output 8 : Management of Registries of Companies & Intellectual Properties			
Output Performance Measures, Standards or Targets			
Performance Measure/Indicator	2020 – 2021 Budget Standard or Target	STATUS / PROGRESS	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
<b>1. Number of applications received:</b> <b><u>1.1 Companies</u></b>			
- Public, Private, Overseas	100	NOT ACHIEVED	76 companies application received we believe the number of applications decrease due to the COVID-19 Pandemic
- Incorporated societies	10	ACHIEVED	28 Incorporated Societies application received
- Charitable trusts	5	ACHIEVED	46 applications received for Charitable Trusts
Cooperatives	5	ACHIEVED	145 cooperative societies application received
- Credit Unions	1	NOT ACHIEVED	no application received for Credit Unions
- Personal Property & Securities	50	ACHIEVED	1192 Personal Property Security Interest applications received
<b><u>1.2 Intellectual Properties</u></b>			
- Designs	2	NOT ACHIEVED	None
- Marks & Collective Marks	200	ACHIEVED	482 Trademark Application filed
- Geographical Indications	1	NOT ACHIEVED	None
- Patents & Innovative Patents	1	ACHIEVED	3 Patent Application filed
- Plant Breeder's Rights	1	NOT ACHIEVED	Samoa is yet to be a party to the PBR treaty
- Layout Designs of Integrated Circuits	1	NOT ACHIEVED	Samoa is yet to be a party to the LDIC treaty
<b>2. Number of new registrations</b> <b><u>2.1 Companies:</u></b>			

- Public, Private, Overseas	100	NOT ACHIEVED	75 companies registered this is not met because a lot of business closed down due to the COVID-19 Pandemic
-Incorporated Societies	10	ACHIEVED	28 Incorporated Societies registered
-Cooperative Societies	5	ACHIEVED	145 cooperative societies registered
- Charitable Trusts	5	ACHIEVED	46 charitable trusts registered
- Credit Union	1	NOT ACHIEVED	no credit union registered
- Personal Property & Securities	50	ACHIEVED	1192 PPS Interest registered
<b><u>2.2 Intellectual Properties:</u></b>			
- Designs	1	NOT ACHIEVED	none
- Marks & Collective Marks	200	ACHIEVED	587 Trademarks were registered
- Geographical Indications	1	NOT ACHIEVED	none
- Patents & Innovative Patents	1	ACHIEVED	1 Patent examination almost completed
- Plant Breeder's Rights	1	NOT ACHIEVED	none
- Layout Designs of Integrated Circuits	1	NOT ACHIEVED	none
<b>3. Number of Re-registrations / Renewals / Annual Returns / Continuations / Restorations:</b>			
<b><u>Companies:</u></b>			
- Public, private, Overseas	600	ACHIEVED	833 Annual Returns filed for companies
- Incorporated Societies	120	ACHIEVED	136 Incorporated Societies filed Financial Statements and Renewals
- Cooperative Societies	10	ACHIEVED	12 Cooperative societies filed Returns

- Credit Union	2	ACHIEVED	3 Annual Returns filed for Credit Unions
- Personal Property & Securities	1	ACHIEVED	151 PPS Amended for continuation
<b><u>Intellectual Properties:</u></b>			
Designs	-		As per section 43 of the Intellectual Property Act 2011, designs can be subject to Renewals after 5 years from date of registration
Marks & Collective Marks	250	NOT ACHIEVED	209 Trademarks were renewed and 5 Patents were maintained
Patents & Innovation	-		A patent expires after 20 years from the date it was registered.
<b>4. Number of Removals from the Registers (incl Abandoned Marks &amp; Collective Marks)</b>			
<b><u>Companies</u></b>			
- Public, Private, Overseas	1	ACHIEVED	175 Companies removed
- Incorporated Societies	0	NOT ACHIEVED	3 Incorporated Societies removed for non compliance with legal obligations.
- Cooperative Societies	0	ACHIEVED	
- Charitable Trusts	0	ACHIEVED	
- Credit Unions	0	ACHIEVED	
- Personal Property & Securities	10	ACHIEVED	636 PPS Interest terminated
<b><u>Intellectual Properties</u></b>			
- Designs	None	ACHIEVED	None
- Marks & Collective Marks	None	ACHIEVED	None
- Patents & Innovative	None	ACHIEVED	None

5. Number of Awareness Programs(Trainings, workshops) conducted	Companies - 4; Intellectual Properties - 4; World IP Day - 3	ACHIEVED	<ul style="list-style-type: none"> <li>6 trainings for Business Names within the ministry and awareness for Pesega College</li> <li>4 Workshops conducted for young entrepreneurs to celebrate WIP day (2 days for Savaii &amp; 2 days for Upolu);</li> <li>13 PCT online training</li> </ul>
6. Number of media advertisements (Awareness and Registration Processes)	Companies - 5; Intellectual Properties - 10	ACHIEVED	<ul style="list-style-type: none"> <li>5 advertisement for companies</li> <li>506 trademark publications advertised on Savali newspaper</li> </ul>
7. Number of Registry Searches conducted	Companies - 100; Intellectual Properties - 50	ACHIEVED	<ul style="list-style-type: none"> <li>51,520 companies online searches</li> <li>2,916 PPS online searchers</li> <li>80 IP searches via phone call, walk-ins and emails</li> <li>80 searches recorded for IP</li> </ul>
8. Number of Examinations conducted			
- Designs	5	NOT ACHIEVED	NIL
- Marks & Collective Marks	50	ACHIEVED	569 Trademarks were examined
- Patents & Innovative	1	ACHIEVED	1 Patent examined
9. Number of Complaints Received	Companies & Others - 50; Intellectual Properties - 50	ACHIEVED	5 were received from IP on IPAS (Intellectual Property Automated System) and was resolved within 3 days.
10. Number of Inspections / investigations Conducted			
<u>Companies</u>			
- Public, Private, Overseas	100	ACHIEVED	208 companies inspected for Upolu and Savaii
- Incorporated Societies	50	ACHIEVED	62 incorporated societies inspected both Upolu and Savaii
- Cooperative Societies	10	ACHIEVED	96 cooperative societies inspected both Upolu and Savaii
- Charitable Trusts	10	ACHIEVED	44 Charitable Trusts inspected

- Credit Unions	5	NOT ACHIEVED	3 Credit Unions inspected
<b><u>Intellectual Properties</u></b>			
- Designs	40	ACHIEVED	41 inspections conducted a flea market / in front of shops
- Marks & Collective Marks	40	ACHIEVED	42 Inspections conducted at the market / shops / RTV restaurant in Savaii for TM
- Copyrights & related	40	ACHIEVED	40 inspections conducted for Copyright issues
<b>11. Number of staff Capacity Building Activities</b>			
<b><u>Local (incl In House) meetings, trainings</u></b>			
- Companies & Others	6	ACHIEVED	11 consultations conducted for Business names
- Intellectual Properties	6	ACHIEVED	8 meetings/trainings in house. 2 awareness programs in Upolu and 2 awareness programs in Savaii; 15 EIE Brands & Design webinar meetings
<b><u>International/Regional Meetings, Trainings</u></b>			
- Companies & Other	2	ACHIEVED	4 Business Names zoom meetings
- Intellectual Properties	2	ACHIEVED	2 Heads of Intellectual Property virtual Meeting; 1 Virtual meeting for Lisbon