



EXPRESSION OF INTEREST

COMMISSIONERS FOR THE SAMOA COMPETITION AND CONSUMER COMMISSION

('the Commission')

The Ministry of Commerce, Industry and Labour wishes to invite applications from interested persons who meet the general criteria outline below to apply for the positions of **two (2) Commissioners** for the above Commission.

INTRODUCTION

In recognizing the best practice recommendation that competition agencies should be independent of government, the Government of Samoa, through the Ministry of Commerce, Industry and Labour (**MCIL**) has enacted the Competition and Consumer Act 2016 (**Act**) which establishes an independent Competition and Consumer Commission (**Commission**). The Competition and Consumer Commission is the independent authority established to administer the Act, recognising that the objects of the Act pursuant to section 3 are:

- a) to promote competition in markets in Samoa; and
- b) to establish standards of conduct for those engaged in trade in Samoa; and
- c) to contribute to a trading environment in which the safety and interests of consumers are protected and consumers and businesses participate confidently.

FUNCTIONS OF THE COMMISSION

The Commission is responsible for administering and enforcing the Act, including the competition rules and consumer protection rules under the Act. Certain powers are vested in the Commission, which it may exercise for the purposes of the Act.

The specific functions of the Competition and Consumer Commission under section 7 of the Act are:

- a) to advise the Minister on competition, consumer protection and prices in Samoa;
- b) to conduct research into matters affecting competition, consumer protection and prices in Samoa;
- c) to promote the use of internal controls and risk management measures by persons carrying on business in Samoa to ensure compliance with this Act;
- d) to promote research into and the development of skills in relation to the legal, economic and policy aspects of competition, consumer protection and prices oversight in Samoa;
- e) to promote public understanding of the value of competition and consumer protections; and
- f) to carry out any other functions conferred by this Act or any other written law.

GENERAL CRITERIA

- a) A person must have reasonable experience and skills relating to governance and leadership
- b) A person who has appropriate skills and expertise in industry, commerce, economics, law, accountancy, public administration or consumer affairs;
- c) A person must not apply if his or her background falls into any of the following disqualification criteria of the Public Bodies (Performance & Accountability) Act 2001:
 - a. Under 21 years of age;
 - b. An un-discharged bankrupt;
 - c. Adjudged to be mentally defective under the Mental Health Act 2007;
 - d. Disqualified from being a director under sections 202, 203 or 204 of the Companies Act 2001, or disqualified previously under section 189 of the Companies Act 1955;
 - e. Is convicted in Samoa or elsewhere of an offence punishable by death or by imprisonment for a term of 2 years or more;
 - f. Was a director or manager of a company at the time the company has been replaced in receivership/liquidation;
 - g. Has a history of failing to repay on time any money legally owned by the person to any Public Body;
 - h. Is an employee, director or shareholder in another business that potentially in conflict with the Commission;
 - i. A member of Parliament, Public Servant or constitutional officer;
 - j. A person employed or engaged by any other SOEs may be eligible for appointment but without remunerations;

Submitting an application expressing interest in a Commissioner's position signifies the person's agreement for the Competition and Consumer Commission to carry out investigations relating to these criteria.

Application form and information package can be uplifted from the Ministry of Commerce, Industry and Labour, Level 4 Accident Compensation Corporation Building or visit our website www.mcil.gov.ws to download application package or email Sina Tuautu sinatalai.tuautu@mcil.gov.ws for electronic application package.

All applications must be submitted **no later than 5pm on Monday 11th September 2017** to the following address:

**The Chief Executive Officer
Ministry of Commerce, Industry and Labour
Level 4, Accident Compensation Corporation Building
APIA**

Incomplete and late applications will not be considered. For further information, please contact Fepulea'i Roger Toleafoa, (roger.toleafoa@mcil.gov.ws) ACEO Fair Trading, Codex Development, Consumer Protection and Metrology, or Leuluaiilii Ioane Okesene (ioane.okesene@mcil.gov.ws) Legal Consultant or call 24084 or 20441.