



Members of the Competition and Consumer Commission (Commissioners) Terms of Reference and Expectations

1. Key Roles of the Commissioners under the Competition and Consumer Commission Act 2016 (section 7)

- 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.

2. Disclosure of interests (section 13)

- 1) A member must disclose in writing to each other member all interests that the member has that could conflict with the proper performance of the functions of the office.
- 2) The disclosure must be given as soon as practicable after the member becomes aware of the interest.

The Commissioners share these responsibilities while acting in the best interest of Commission. Each member is expected to make recommendations based on his or her experience and vantage point in the community.

3. Length of Term

Under section 11 of the Act, each member holds office for up to three years from their date of appointment and members are eligible to be re-appointed after the expiry of their term.

4. Expectations of the Commissioners

- a) Be informed about the Commission's mission and vision, strategic and operational plans, policies and programs. Work with the rest of the Board to review, approve and oversee the Commission's mission and review performance in achieving it
- b) Attend and actively participate in all Board meetings on a regular basis and in special events as able. Serve on Committee's and undertake special assignments willingly and enthusiastically when asked. Provide candid and constructive advice, comments and criticism. Ask timely and substantive questions at Board meetings consistent with conscience and conviction, while supporting the majority decision on issues decided by the board.
- c) Share your content expertise and knowledge and be alert to community concerns that can be addressed by the Commission's mission, objectives and programs
- d) Help communicate, and promote the Commission's mission and programs to the community
- e) Be a fiduciary of the organization by helping to set, approve and manage: strategic goals, policy, budget and programs for the Commission
- f) Maintain a role non-interference and independence with the review and decision making process of the Commission
- g) Be well versed, and follow the Commission's policies and procedures
- h) Declare any conflict of interests when making decision regarding complaints and issues received by the Commission for consideration
- i) Maintain confidentiality of the Commission's executive action
- j) Ensure legal and ethical integrity, and maintain accountability and transparency to members, other constituents and the general public.

5. 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 Commerce 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 download application package from our website www.mcil.gov.ws or email Sina Tuautu at sinatalai.tuautu@mcil.gov.ws.

All applications must be submitted **no later than 5pm on Monday 11th of 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 Faalogo Ioane Okesene (ioane.okesene@mcil.gov.ws) Legal Consultant or call 24084 or 20441.