



MINISTRY OF COMMERCE, INDUSTRY AND LABOUR

# ANNUAL REPORT FOR THE PERIOD: JULY 2011 – JUNE 2012



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**OFFICE OF THE DEPUTY PRIME MINISTER**

*Ministry of Commerce, Industry and Labour, Audit Office, Legislative Assembly, Samoa Shipping Services & Pacific Forum Line, Polynesian Airlines, African Caribbean Pacific- European Union (ACP, EU); World Trade Organization (WTO); PICTA and PACER, Small Business Enterprise Center, and Consumer Protection*

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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 Years July 2011 to June 2012 for consideration and discussion in this current session of the House.



Fonotoe Mufesili P. Laufo

**MINISTER OF COMMERCE, INDUSTRY & LABOUR**



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[Inclusive of Registries of Companies and Intellectual Property]

Honourable Fonotoe N. P. Lauofo  
Deputy Prime Minister  
Minister of Commerce, Industry and Labour

Pursuant to section 15 of the Public Service Act 2004, it is my duty to submit herewith the Annual Report of the Ministry of Commerce, Industry and Labour (MCIL) for the period July 2011 – June 2012.

Ma le faaaloalo lava

A handwritten signature in blue ink, consisting of stylized, overlapping loops and a long horizontal stroke at the bottom.

Auelua T. Samuelu Enari  
CHIEF EXECUTIVE OFFICER

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**Acronyms:**

ACC	Accident Compensation Corporation
ACP	Asia, Caribbean and Pacific
AG	Attorney General's Office
CCP	Codex Contact point
DPM	Deputy Prime Minister
EPA	Economic Partnership Agreement
EU	European Union
FIC	Foreign Investment Certificate
FY	Financial year
GPO	General Price Order
IF	Integrated Framework
ILO	International Labour Organisation
IP	Intellectual Properties
LDC	Least Developed Country
LER	Labour and Employment relations
LER	Labour and Employment Relations
LRC	Law Reform Commission
MDGs	Millennium Development Goals
MfR	Ministry for Revenue
MOA	Memorandum of agreement
MoF	Ministry of Finance
MOH	Ministry of Health
MOU	Memorandum of Understanding
MP	Member of Parliament
MPMC	Ministry for Prime Minister and Cabinet
MSME	Micro Small Medium Enterprises
NES	National Export Strategy
NUS- IOT	National University of Samoa – Institute of Technology
OSH	Occupational Safety and Health
PACER Plus	Pacific Agreement on Closer Economic Relations
PICTA	Pacific Island Countries Trade Agreement
PIFS	Pacific Islands Forum Secretariat
PSC	Public Service Commission
PSIF	Public Sector Improvement Facility
PSSF	Private Sector Support Facility
SBEC	Small Business Enterprise Center
SDS	Strategy for the Development of Samoa
SNCC	Samoa National Codex Committee
TTRP	Tourism Tsunami Rebuilding Programme
UN	United nations
UNIDO	United Nations Industrial Development Organisation
WAIPA	World Association of Investment Promotion Agencies
WiBDi	Women in Business Development Incorporated
WIPO	World Intellectual Property Organisation
WTO	World Trade Organisation

**Introduction:**

The highlight of the Ministry achievements over the reporting period is Samoa's eventual accession as a member of the World Trade Organisation (WTO). This culminates efforts since 1998 to reform Samoa's trading regimes including the review of many of its trading legislation to simplify and harmonise with requirements of the WTO. So in December during the 8<sup>th</sup> Ministerial conference of the WTO, Samoa was welcomed as a WTO member. Whilst this was a major achievement, the Ministry continued its efforts to reform the remainder of its long outdated trade related legislation. The efforts of the Ministry paid off well seen with improved rating of Samoa in a World Bank report on ease of doing business index from position 61 in 2011 to 60 in 2012.

The major milestones to note for the Ministry in this financial year are as follows:

1. Samoa's membership of the WTO – which would guarantee Samoa's integration into the multilateral trading system and its participation in the global trade economy,
2. Foreign Investment Regulations passed – outlining criteria's for removing/adding reserved/restricted list of economic activities and fees for processing,
3. Initiated review of the Measures Ordinance 1960,
4. Initiated the consultancy for formulation of a Competition Policy and Legislative Framework for Samoa through funding initially from Comsec Hubs and Spokes Project and later from the Asian Development Bank in advancing toward the finalisation of the Policy and Legislative Framework,
5. Initiated plans for establishment of Ministry branch/office in the Salelologa Market, Savaii,
6. Launch of the Trade, Commerce and Manufacturing Sector Plan – articulating sector goals and objectives well aligned with Governments national planning goals in the SDS,
7. Publication of the Labour Market survey 2012,
8. Publication of National Intellectual Properties strategy,
9. Implementation of the International Dateline Legislation which saw Samoa move from the left of the International Dateline to the right therefore aligning its day with its main trading partners New Zealand and Australia,
10. Expansion of the MCIL office to level 3 of the ACC Building to meet increasing demand for office space and to accommodate increasing number of staff and their needs,
11. Finalisation of the modernisation of Samoa's Labour Law in conjunction with the Decent Work Country Programme 2008-2012,

## **SECTION 1: MINISTRY OF COMMERCE, INDUSTRY AND LABOUR**

### **1.1 OUR VISION**

**OUR VISION IS TO LEAD AND EXCEL IN THE PROVISION OF QUALITY SERVICE TO FOSTER ECONOMIC GROWTH FOR ALL.**

### **1.2 OUR MISSION**

**To provide quality advisory service and develop pragmatic regulatory frameworks to facilitate the development of the private sector, to stimulate investment, industry development, fair trade competition, create full employment of local workforce and highly qualified trades of people, generate more work opportunities, improve safe work environment, increase innovation and registry integrity in Samoa.**

### **1.3 OBJECTIVES OF OUR MINISTRY:**

The Ministry's objectives to support the implementation and achievement of its vision and mission are as follows:

- 1. Provide appropriate policy advice to the Minister of Commerce, Industry and Labour on all areas of the Ministry's mandate,**
- 2. Provision of an efficient and effective secretariat and administrative support to the Minister,**
- 3. Providing a high level of industry development and facilitating an Investment friendly environment,**
- 4. Setting standards for trade practices and for the production, distribution and trading of goods and services and enforcing compliance and protection of consumers from unfair trade practices,**
- 5. Encouraging highly skilled workforce of trades people and generation of more employment opportunities and full employment of local workforce,**
- 6. Enforcing labour and employment relations, foreign workers and ensuring safe work at the workplace,**
- 7. Full protection of rights of intellectual property creators and properties, Full compliance with registration obligations under the companies laws and other registries administered in the Ministry and Protection of efficiency and integrity of all registries and lastly,**
- 8. To ensure that sufficient resources (both financial and human) are available to support the effective delivery of the Ministry's services to achieve its Vision and Mission.**

### **1.4 OUR MANDATE :**

Overall, The Ministry is mandated to administer regulatory frameworks that:

1. Promote Industry development, foreign investment and guarantees the rights of citizens to participate in the economy of Samoa,
2. Sets standards to regulate fair competitive practices to promote a fair level playing field in all trade,
3. Administers the Apprenticeship Scheme, Employment Services and collection and dissemination of Labour Market information,
4. Promotes and enforces labour and employment relations, foreign worker employment and occupational safety and health,
5. Manages the registries of companies and other legal entities and enforces statutory obligations. Management of IP registers and protection of rights of IP holders.

The mandates of the Ministry are also affected by the following:

- ✓ Statement of Development Strategy 2008 – 2012
- ✓ Immigration Act 2004
- ✓ Ministerial and Departmental Arrangements Act 2003
- ✓ Public Finance Management Act 2000
- ✓ Public Bodies (Performance and Accountability) Act 2001
- ✓ Public Service Act 2004 and its amendments
- ✓ PSC Employment instructions.

The Ministry's mandate emanates from its 39 legislation (Annex 3) and provides the key responsibilities in support of national developments objectives as reflected in the Strategy for Development of Samoa.

- i. Fair trading regulation through the approved Eggs Standards that became effective on 10<sup>th</sup> May 2010,
- ii. Review of the Samoa Metrology Act started in early 2011 with assistance from the Commonwealth Secretariat aimed at replacing the outdated Weights and Measures Ordinance 1962. Draft is currently with the AGs office for review,
- iii. Review of the Labour and Employment Relations Bill (LER) to ensure compliance with ILO 8 core conventions,
- iv. Review of the Occupational Safety and Health Act to include provisions of OSH in the Labour and Employment Act 1972
- v. Conduct a general review of the new OSH Regulations,
- vi. Intellectual Property (IP) Legislative review was initiated with consultation with Stakeholders,
- vii. Passing by Parliament of the Intellectual Property Act 2011,
- viii. Personal Property Securities Act (PPSA) consultations were initiated to improve private sector access to financing by unlocking movable assets to form part of their financing security,

### **1.5 OUR VALUES AND PRINCIPLES:**

Our values encompass those values of the public service which are crucial to the successful delivery of our services. We aspire to keep and respect their importance as enabling tools for the achievement of our Vision and Mission:

- **Honesty** – we value honesty in the way we perform our duties of service to the public,
- **Impartiality** – we value impartiality by treating our stakeholders equally and fairly maintaining political neutrality,
- **Service and Commitment** – we aspire to provide a service that is unconditional with a commitment to satisfy our client needs,
- **Respect and empathy** – we respect the thoughts, feelings and concerns of others and seek first to understand than to be understood,
- **Transparency and Accountability** – we encourage open communication and commit to ensure that our actions and decisions are consistent and made with clear reasons in an open manner,
- **Efficiency and effectiveness** – employment of resources to achieve results of value to the public in the most economical way.

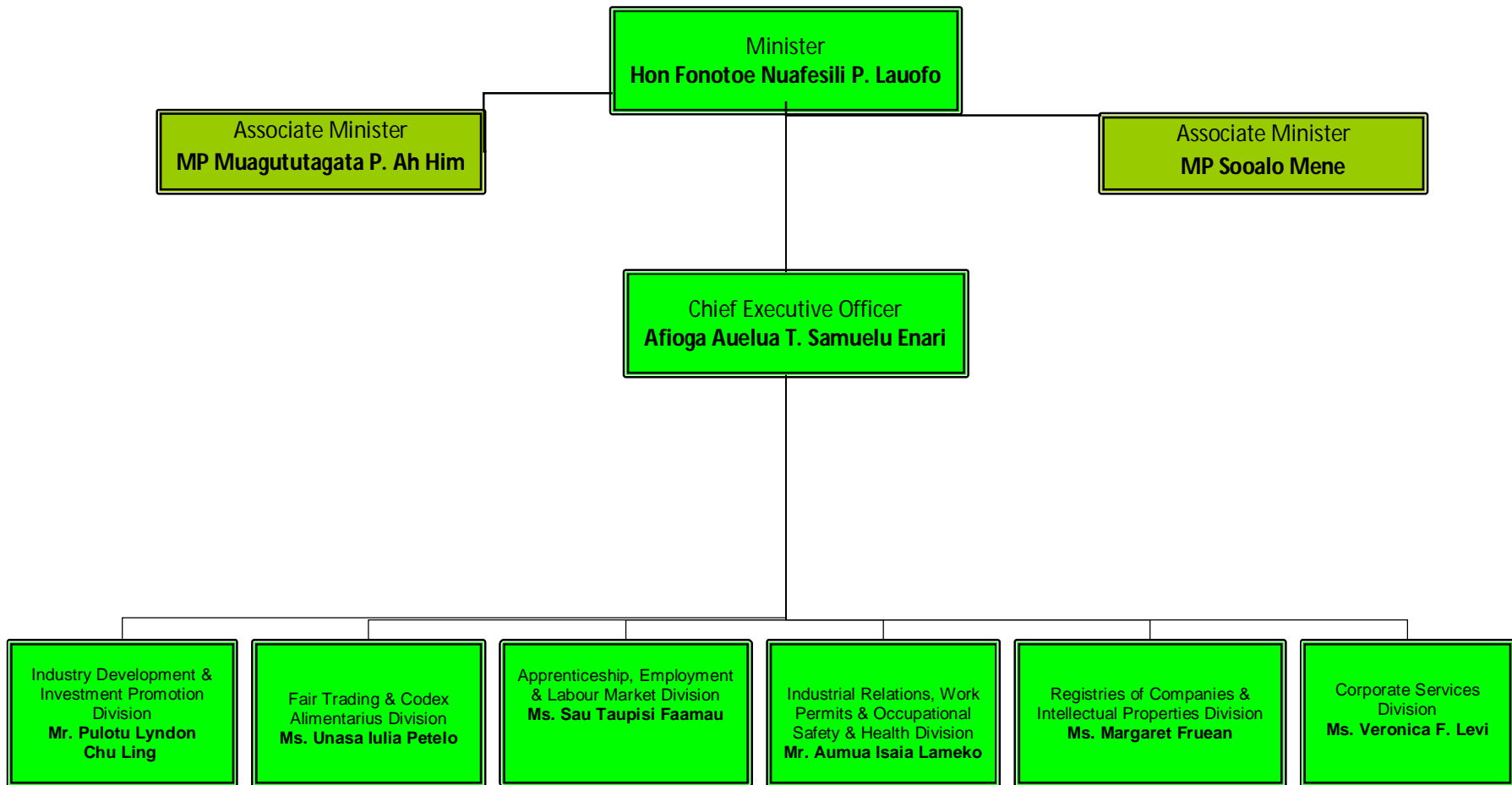
### **1.6 OUR ORGANISATION STRUCTURE:**

To be able to achieve its eight (8) key objectives highlighted above (1.3), the Ministry continued to ensure it had sufficient staff to support its growing mandate. By the end of the financial year, only three (3) new positions were added including two (2) support staff for the administration of the Private Sector Support Facility Project (PSSF) as well as a Principal Legal officer for the Ministry. However of the total vacancies there was an overall reduction in the rate of vacancies from 19% (13 vacancies out of 69) to 10% (7 vacancies out of 72) as the Ministry improved its recruitment and selection process to ensure it had sufficient staff to deliver on its annual results at the time it is needed. Approval was sought from the Public Service Commission (PSC) for the reclassification of five (5) of our existing positions, classified under wage/casual arrangements to be upgraded to permanent staff. A driver position was also upgraded to



reflect the seniority and scope of responsibilities required for managing and supervision of the Ministry's vehicles. This was to confirm the Ministry's commitment to ensuring that its staff received the same benefits and place value on the importance of those positions as permanent positions. It is envisaged that additional staff will be hired for the Trade, Commerce and Manufacturing Sector Unit as well as three positions for the Savaii office. There are six (6) different areas of the division delivering the eight (8) outputs of the Ministry and include:

- 1) Division for Industry Development and Investment Promotion with eleven (11) staff,
- 2) Division for Fair Trading and Codex Alimentarius with eight (8) staff,
- 3) Division for Apprentices, Employment and Labour Market with eight (8) staff,
- 4) Division for Industrial Relations, Work Permits and Occupational Safety and Health with eleven (11) staff,
- 5) Division for Registry of Companies and Intellectual Properties with thirteen (13) staff and
- 6) Division for Corporate Services (Human resource, Finance, ICT, Records and administration and assets management) with nineteen (19) staff.



## **SECTION 2: OBJECTIVES AND PERFORMANCE MEASURE ACHIEVEMENTS**

This section summarizes the main achievements within the reporting period as delivered by the various divisions of the Ministry.

### **2.1 OFFICE OF THE DEPUTY PRIME MINISTER & MINISTER FOR COMMERCE, INDUSTRY AND LABOUR**

**2.1.1 OBJECTIVE:** Provision of an efficient and effective secretariat and administrative support to the Minister.

#### **2.1.2 PERFORMANCE ACHIEVEMENTS:**

Support services provided by the Ministry included secretariat support in preparing relevant research and documents required for the Minister's meetings in Samoa (for Parliament, Cabinet, Private Sector, various Boards, overseas businesses/investors, and Government dignitaries) but also for official travels overseas where the Minister's presence is required. All preparations for the Minister's travel were well coordinated and prepared according to Cabinet approval and existing policies on travel arrangements. The Ministers office was refurbished with new furniture's and office equipments whilst old furniture's and office equipments were written off. Meeting documents/advice was provided on time and in accordance with the Minister's wishes.

In July 2011 the Hon. Minister and a delegation of Government officials were invited to a Noni exhibition in Shanghai, China. Following in September, the Minister attended, together with a high level delegation from Samoa (including the 2 Associate Ministers for the Ministry) an investment invitation from China to the Xiamen Province. In November the DPM represented and Prime Minister at the East West Centre Pacific Island Conference of Leaders in Hawaii.

Most significant in preparations in the last quarter of 2011, was Samoa's final preparations for accession into the WTO where a huge delegation from Samoa (both Government and Private sector), led by the Deputy Prime Minister, Hon. Fonotoe Nuafesili P. Lauofo, to participate to the WTO 8<sup>th</sup> Ministerial General Conference in Geneva, December 2011. It was in this meeting that Samoa was unanimously accepted to be a member of the WTO after almost 14 years of negotiation. This is a substantial achievement for paving the way for Samoa to integrate and reinforce participation in the global trading regime. After Samoa's acceptance by the WTO members in Dec 2011, ratification documentations were prepared and proceed through the formal protocol process in which Samoa then became the 155<sup>th</sup> member of the WTO on 10<sup>th</sup> May 2012. The DPM also attended the 13<sup>th</sup> Session of the UNCTAD held in Doha, Qatar in April 2012, where he presented a country position for Samoa. His participation was important in supporting funding access to the Enhanced Integrated Framework funding (EIF) which assists countries to mainstream trade in their National Development plans. He also attended a Competition Policy meeting in Australia in May 2012.

In the period under review, the DPMs office also played host to overseas official delegations including:

1. Hosting the Exhibition and Travel Group (ETG) from China,
2. Hosting of WIPO officials who were in country to carry out a Pacific sub regional workshop on Intellectual Properties in October,
3. Hosted IP consultant in February 2012 and
4. Australian Parliamentarians.

### **2.2 OFFICE OF THE CHIEF EXECUTIVE OFFICER (CEO)**

**2.2.1 OBJECTIVE:** Provide appropriate policy advice to the Minister of Commerce, Industry and Labour on all areas of the Ministry's mandate.

#### **2.2.2 PERFORMANCE ACHIEVEMENTS:**

One of the significant activities for the Ministry, which continued from 2010/2011, was the ongoing reviews of the thirty nine (39) legislation of the Ministry. Dialogue continued at regional and international level with the CEOs active and continued participation /attendance in meetings such as PICTA negotiations and Trans National movement of Natural persons held in Fiji (August 2011). As Samoa's trade senior official chief negotiator for Samoa's accession to the WTO, the CEO once again led Samoa's Trade officials delegation to the meeting in Geneva for the final review of Samoa's accession into the WTO, and the final mission in Geneva with the Hon. DPM for signing of Samoa's membership of the WTO, PACER Plus meeting in Brisbane (March

2012), UNCTAD meeting in Doha in April (2012) attended with the Hon. DPM and the Competition Policy meeting in Australia in May 2012.

Ongoing efforts were made to maintain an open and cooperative working relationship with the private sector through the management of the various Boards chaired by the Ministry including, the Industry and Development Board, Prices Control Board, Apprenticeship Council, National Codex Committee, Samoa National Tripartite Forum and the Personal Property Securities Act (PPSA-improving private sector access to financing, thus increasing economic activity by unlocking the value of movable properties lying idle). The management and leadership of these committees were efficient and effective with the use of a transparent system in place for the overall management of the Ministry. These committees continue to provide avenues for members both government and private sector to voice their opinions on Ministry activities. Six (6) monthly Board reports also continue to be provided to Cabinet to keep them abreast of development issues in the management and administration of these Boards.

The Ministry, weekly management meetings continued to take place for the CEO and his management team providing an open dialogue between the CEO and managers which allowed for sharing of knowledge/lessons learnt and best practices and problem solving on the implementation of various activities.

### **2.3 INDUSTRY DEVELOPMENT & INVESTMENT PROMOTION (IDIP) DIVISION:**

**2.3.1 OBJECTIVE:** Providing a high level of industry development and facilitating an Investment friendly environment,

As highlighted in its Corporate Plan 2010-2012, the Industry Development & Investment Promotion Division (IDIP) outcomes are:

***Outcomes:***

1. Industry Development – High level of Industry development,
2. Investment Promotion – An investment friendly environment

### **2.3.2 PERFORMANCE ACHIEVEMENTS IDIP:**

#### ***1. Industry Development:***

##### **Duty Concession Schemes (Tourism and Manufacturing) Developments:**

Received eleven (11) applications for duty concession for various projects, four (4) proposals were from the tourism sector and seven (7) were from the manufacturing sector. The division has completed assessments for 100% of proposals received for the consideration of the Investment Committee. In addition, 55% or 6 of received proposals were approved as qualifying projects by Cabinet. Four (4) proposals are with the Investment Committee with additional information required from the applicants before submission to Cabinet for a final decision. One (1) project was cancelled on the advice of the applicant. The division has attended all Investment Committee meetings in consideration of the received proposals and presented their recommendations for each proposal.

This scheme is mandated under the Customs Amendment Act 2007. The division conducted site visits and inspections of approved projects as well as facilitating approval of 35 entries for 11 qualifying projects. There was a significant reduction in entries due to other projects completing construction and commencing operations i.e. Tanoa Hotel and Seabreeze Resort.

##### **Code 121 - Duty exemption approved:**

No applications received under Code 121 during this reporting period. The division has targeted presentations to relevant associations to promote the scheme and increase awareness amongst target groups. Furthermore, review of the current annual turnover threshold will be considered to improve access to the scheme especially for vulnerable business operators.

##### **Export Development Scheme (Formerly known as GEGS):**

Subsequent to the approval by Cabinet in January 2013 of the Export Development Scheme, the guidelines, chairman and membership of the EDS Committee, the division has revised the following operational procedures for the implementation of the Export Development Scheme (EDS):

- EDS Guidelines - comments from Sub Committee have been noted and guidelines amended accordingly.
- Application forms (Registration and Export Finance Guarantee)
- Brochures- comments noted from Sub Committee and amended accordingly.
- Work plan (Jan-June 2012)

The Deed of Guarantee for the above scheme will also be reviewed in line with agreed changes and in compliance with the Public Finance Management Act 2001.

The Export Development Scheme Sub Committee held two (2) meetings in order to finalize operational procedures for the scheme. In addition, a tentative work plan was developed to guide the activities of the Committee which included consultations with insurance providers and commercial banks.

**Duty Suspension Scheme (DSS)** – Site visits and facilitation of entries continued for the three remaining companies under the scheme (Nonu Samoa, R & L Keil Holdings & CCK Trading). The scheme provides duty exemption on the importation of raw materials for these businesses offering job opportunities as well as foreign exchange earnings through exports.

**Private Sector Support Facility (PSSF)** – A total of 129 applications were received and assessed during the financial year an increase of 69% compared to 2011 – 2012. The Technology, Agriculture and Tourism sectors had the most application submitted under the scheme. This is due to the number of marketing programmes the technology and tourism sectors were involved in promoting their business activities, such as the development of websites, overseas participation to trade fairs and exploratory visits. There was also demand for water tanks and tools from the agriculture sector; fortunately the scheme considers the granting to water tanks to projects only in areas where water is a constraint to farming activities.

Promotions of the funding facility are ongoing through the local newspapers and website. An in country presentation was also carried out in collaboration with the Samoa Mamanu & Manufacturing Association. The Steering Group also carry out their monitoring and evaluation role through site visits to those sites which have been awarded funds under the facility. As a result of the PSSF Review conducted by KVA Consult Limited, the Ministry has established 2 project positions to assist the division in managing the PSSF secretarial work due to competing demands from Ministry core activities for the division. The review also recommends and endorsed the procurement of a vehicle to assist the Secretariat with the monitoring and administration of the Facility.

The Ministry also participated at the SBEC open day as part of its partnership arrangements to provide awareness to the business community on business related issues. Government also provides cost sharing funding support under the pooled funding budget support programme provided under the PSSF project for the private sector.

#### **PSSF - Tourism Tsunami Rebuilding Programme (TTRP)**

Under the Tourism Tsunami Rebuilding program (TTRP) a sub-category of the PSSF project, two (2) applications were received and approved by the Steering Group during FY2011/2012. This is in addition to 23 applications received and approved in the FY2009/2010; and 21 received and approved in the FY2010/2011. Therefore at the end of the reporting period a total of 46 out of the 58 operators eligible under the programme applied and were approved for assistance.

The remaining 11 that did not apply were not interested to rebuild; and 1 operator withdrew its application as it has been reclassified to Category 2 (Deluxe, Superior & Standard Accommodation). Out of the 46 operators that applied and approved, 80% of them have completed reconstruction by the end of FY2011/2012.

The Steering Group conducted site visits to all the approved operators as part of Monitoring. It was noted from these site visits that some of the operators did not comply with some of the requirements of the programme such as the Samoa Accommodation Standards, PUMA and Samoa Building Code requirements. These non-

complied operators were issued with warning letters and they have to comply or they will not be entitled to their remaining grant.

The programme was suppose to be wind up by end June 2012 however some of the approved operators have not completed reconstruction therefore the Steering Group agreed to extend to end December 2012.

***ii. The Investment Environment:***

The number of Foreign Investment Certificates applications decreased by 4.6% applications i.e., 58 new applications compared to 66 of the previous years with 100% approval rate recorded in the period under report. Professional Services remains as a sector with a high number of investments similar to that of the previous financial year with 'Other Services' also climbing to the top. The Division continued to carry out monitoring inspection/site visits to ensure compliance of FIC holders both in Upolu and Savaii.

The foreign investment database is maintained as it continues to keep important records regarding the developments brought about or the impact of Foreign Investment activities especially on the employment of locals.

***iii. Other Achievements:***

- i. ***Foreign Investment Amendment Act (FIAA) 2011*** – The Parliament at its meeting in August 2011 passed the new FIAA 2011 with the Foreign Investment Regulations 2011 promulgated by the Head of States in July 2011. The amendments include insertion of new provisions to clearly state that non-Samoan citizens are not allowed to be 'employed' in business activities outlined in the Schedule of Reserved List. Further, the regulations included the criteria of adding and removing a business activity from the Reserved or Restricted lists.
- ii. ***Foreign Investment Regulations 2011*** – The Regulations includes the Criteria for 'removing and adding' an economic activity to the Restricted List or Reserved List as well as clearly outlining the process for registering a Foreign Investment Enterprise in Samoa and the new Table of Fees.
- iv. ***Trade Commerce & Industry Development Board (TCIDB)*** – The TCI Board did not meet during the reporting period due to review the membership of the Development Board that was later approved by Cabinet in May 2012 (FK (12) 15). This then called for amendments to be made to the Trade Commerce and Industry Act 1990 and its Amendment Act 1994 to also clearly outline the role of the Board and the Industry Development & Investment Promotion Division as the Secretariat to the Board.

The division is continuing to work in collaboration with the Attorney General's office in finalizing the above process.

**2.4 FAIR TRADING AND CODEX ALIMENARIUS (FTCA) DIVISION:**

**2.4.1 OBJECTIVE:** Setting standards for trade practices and for the production, distribution and trading of goods and services and enforcing compliance and protection of consumers from unfair trade practices  
As highlighted in its Corporate Plan 2010-2012, the outcomes of the Fair Trading and Codex Alimentarius (FTCA) Division are:

**Outcome:**

3. Level playing field for Traders and Consumers

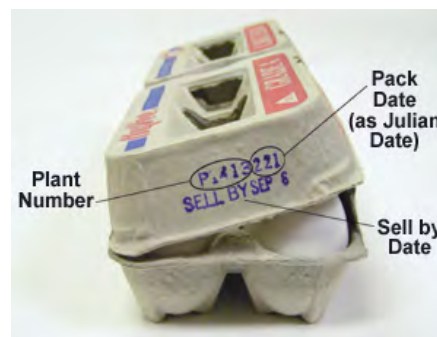
**2.4.2 PERFORMANCE ACHIEVEMENTS:**

In the period under review, the Division continued its promotion of consumer and trader awareness of their respective rights and obligations in the marketplace to enhance the welfare of all Samoans through the promotion of competition, fair trade, and consumer protection.

### **2.4.2.1. Number of food and non food standards developed and approved**

#### **i. Food Safety Standards:**

- a) ***The Fair Trading (Approved Eggs Standards) Regulations 2010 ("Eggs Standards"):*** The Eggs Standards came into force on the 10th May 2011. It had a twelve months grace period for importers and local egg producers to comply with the provisions before its enforcement date. During this grace period, the National Codex Committee ("the Committee") identified issues relating to the enforcement which included a Prohibition Order issued by the Office of the Attorney General to only allow cartons of eggs labelled with an expiry date to enter the country. Enforcers found cartons of eggs entering the country with expiry dates stamped on stick on labels which were also beyond their expiry dates. The Order did not include a specified timeframe but as long as the cartons entering the country have an expiry date. The Eggs Standards was therefore reviewed and amended before its enforcement date, to exclude stickers from labelling 'sell by dates' but for the farmers and importers to stamp the 'sell by dates' onto the cartons, counting 30 days from the date of laying.



During the period under review, two container loads of eggs were held up by the Quarantine Division of the Ministry of Agriculture due non compliance with certain provisions of this Standard. Interestingly enough, it was also during the drafting of this Eggs Standards that a local company decided to invest in farming fresh eggs, which to date, is flooding the fresh eggs market in Samoa. The Ministry prepared advertisements over televisions for to inform consumers of expiry dates on the egg packaging as well as information on storage. Eggs stored in the refrigerator, tended to remain fresh for longer compared to those stored in ambient or normal room temperatures.

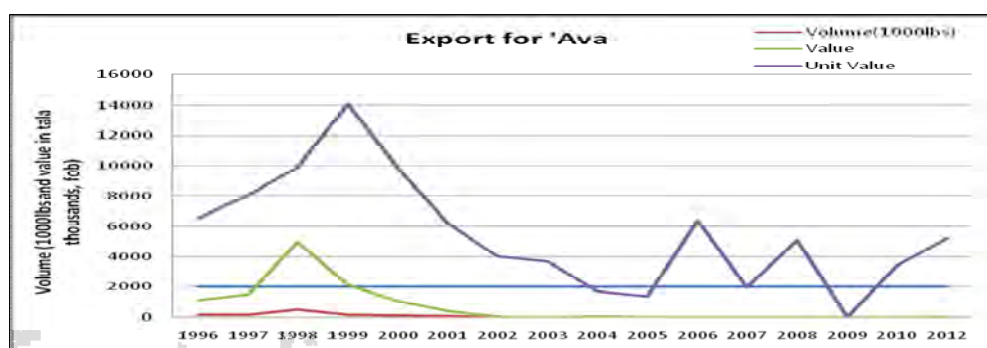
The Committee also identified a need to re-conduct scientific tests on the storage and shelf life of eggs utilizing the expertise of the Scientific Research Organisation of Samoa (SROS). Notwithstanding this, the Committee through the Ministry of Agriculture requested the Food and Agriculture Organisation (FAO) to assist with providing a Technical expertise to develop a Hazard Analysis at Critical Control Point Plans ("HACCP") for each egg farmer given the enforcement date of this Eggs Standards. These scientific tests and HACCP Plans were not conducted during the period of this Annual Report due to inadequate funding.

- b) ***The National Food Labelling and Packaging Standard ("Labelling Standards"):*** The Committee approved a sub-committee to develop the Labelling Standards. This sub-committee was chaired by the Ministry of Commerce, Industry and Labour with members from the Ministry of Health, Ministry of Agriculture and Fisheries, Chamber of Commerce Inc., Association of Manufacturers and Exporters, Women In Business Development Inc. and MCIL as secretariat. The Labelling Standard was developed from the Codex Alimentarius Standard. The sub-committee only met twice to draft the labelling standard which was decided to only include basic sections such as the name of the food, list of ingredients, name and address of the manufacturer, importer, country of origin, date marking and storage instructions, language which has to be English and or Samoan. This decision was for Samoa to immediately enforce our labelling standard given the many imported consumable products with foreign languages packaging other than English. Other labelling provisions for nutrition, claims and of genetically modified food will be inserted at a later stage. This draft was passed by the National Codex Committee and has awaited the passage of the Food Bill for the Labelling and Packaging Standard to be administered.
- c) ***The National Food Hygiene Standards ("Hygiene Standards"):*** The review of the Hygiene Standards drafted from the Codex Standards on Food Hygiene in 2008 prepared by the Ministry of Health (Chair) with members from the Ministries of Agriculture, Works and Infrastructure, Natural Resources and Environment, and the Chamber of Commerce Inc., Women In Business Development Inc., Research and Development Institute, Association of Manufacturers and Exporters, Chamber of Commerce, and MCIL as secretariat. It was an overarching standard that did not include the specs of a restaurant or

bar in terms of distance between kitchen and the dining room and its restrooms. The Committee however concluded that these specs can be included at a later stage. Similar to the Labelling Standards, this too awaits the passage of the Food Bill.

- d) **Standards for Ava:** Ava or Kava is a commodity traded internationally by Pacific island countries in the form of pounded ava roots for intake as a drink. A submission for this Standard to be developed was prepared by members of the region that are heavily trading these commodities Fiji, Tonga and Vanuatu. The Codex Committee for North America and South West Pacific ("CCNASWP") forwarded its submission to the Codex Alimentarius Commission and the CAC requested to form a Working Group to write a discussion paper: (i) providing more scientific evidence on the safety of kava products; (ii) clarifying the nature of the products to be standardized; and (iii) clarifying whether the proposal was for a regional or a worldwide standard. The CCNASWP will meet in October 2012 at Papua New Guinea to discuss the progress of this standard.

Samoa trades ava and as per statistics from the Central Bank of Samoa (Table: Export of Ava). It clearly illustrates a great decline in the export of Ava from 1996 to 2011. The only country that we export ava to since 2005 is American Samoa.



- e) **Standard for Nonu:** Nonu or Noni is a product also traded in the Pacific in the form of a drink. A proposal for the development of a standard for nonu was first tabled at the 9<sup>th</sup> session of the CCNASWP in Apia in 2006. It was proposed that this standard would cover three main products: (i) noni fruit puree; (ii) fermented noni fruit juice; and (iii) dried noni leaves. It was also noted that the European Food Safety Authority (EFSA) approved some noni products as "novel foods". However, like Ava, this standard requires scientific evidence to prove that nonu is safe for human consumption.

## ii. **Product Safety Standards:**

- a) **Toy Standard:** The Division conducted an investigation on toys due to a world-wide product recall on toys manufactured by Mattel China. In accordance with TVNZ news, the Toymaker Mattel recalled more than 18 million toys worldwide, a second major recall in a fortnight. A number of products sold in New Zealand were affected due to unacceptably high levels of lead and some toys that did not meet new standards to ensure parts of toys do not become dislodged.

It was reported that the investigation to 14 traders in the Apia area did not discover any of the recalled toys by the alleged manufacturer as per TVNZ One News. However, the findings from the investigation recommended that the Division develop safety requirement articles for consumers. A draft standard for toys intended for children under 14 years of age was therefore developed from international toy standards and a brochure was also developed for consumer awareness purposes. This Toy Standard is with the Attorney General's Office for their legal drafting.

### 2.4.2.2. **Complaints received on all matters pertaining to consumer protection, competition policy, prices, weights & measures and standards**

#### i. **Some functions of the Division**

Receiving complaints from any person or consumer groups on matters (including fraudulent or unfair practices) relating to the supply of goods or services is an ongoing function of the Division. There were

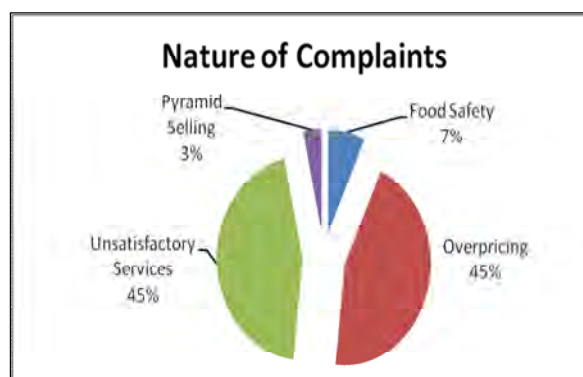


more than hundred complaints received per year, but those that are likely to contravene the law were only between thirty and forty. The Division deals with any such complaint whether or not in such manner as the Division considers appropriate; and therefore investigate the subject matter of a complaint received or refer the complaint to a public authority, or any other body that the Division considers to be best able to take necessary action, and or provide advice in relation to the complaint.

## ii. Nature of Complaints

During the reported period, the majority of complaints were received in person followed by complaints received by telephone then complaints received by email and only two complaints received by written statement. 86% of these complaints were lodged by consumers as opposed to 14% lodged by traders against another trader. 34% of total complainants were females and 66% by males. A very low number of complaints against Savaii traders which constitute only 13% of the total number received during the 12 months of the period reported while 87% were against Upolu traders.

The graph Nature of Complaints showed that overpricing and unsatisfactory services constitute 90% of complaints. By overpricing it meant that consumers were complaining about misleading prices offered by traders as opposed to prices stipulated in the General Price Orders issued by the Prices Board. The top commodities that consumers complained about were cigarette and beer. Unsatisfactory Services include complaints against car dealers or the motor vehicles market, electronics market and construction market. This period recorded a record



number of new complaints in view of the number of car dealers established. Of these complaints, 62% were resolved during this period while 38% either awaited responses from complainants, responses from traders, or the Office of the Attorney General for those complaints that required their legal advice. A legal mandate for all traders that sell goods under the General Price Order was that they display these Price Orders in a place that would be easily visible to consumers, and only 66% of the traders comply with it. The majority of these non-complying traders reside in Upolu. Warning letters were issued to these traders and follow-up were always conducted in three months during the issuance of the next General Price Order.

## iii. Trader Compliance

Of approximately 2000 traders in Samoa, inclusive of service providers, 52% of traders were considered to be fully complying with all the various obligations under the *Fair Trading Act 1998*, *Measures Ordinance 1960*, *Consumer Information Act 1989*, and *Sales of Goods Act 1975*. This percentage was from inspections conducted by the Division throughout the year to all traders that produce, sell, and distribute goods and services to consumers.

## iv. Consumer Awareness

A survey was conducted to 2000 consumers (1000 Upolu, 1000 Savaii) on their awareness of their rights and responsibilities in the market based on a questionnaire distributed. The outcome of this survey was exciting with a 75% awareness rate.

### 2.4.2.3. Development of the Trade, Commerce & Manufacturing Sector Plan

In October 2010, initial discussions were convened with various Ministries on the initiation of a Commerce and Manufacturing Sector Plan. Whilst these discussions were taking place, a Pro-Poor mission from UNDP included consultations with MCIL and the Commerce and Manufacturing Sector Plan was put forth for technical and financial assistance and was well accepted. UNDP indicated that US\$80,000 has been allocated for this sector plan. Human resources were sourced from Geneva, Thailand, Fiji and Samoa.

The discussions with the various Ministries lead to setting up a Steering Committee to drive the development of the Sector Plan in 2011. The Steering Committee included members throughout the various sectors as its focus was now broadened to include 'Trade'. The Chairmanship was initially the Chief Executive Officer of the Ministry of Finance, and it was later agreed that due to the need to integrate the activities of the two ministries, that the two CEOs would co-chair the Sector Plan. A Task Force was appointed to move the work forward and consultations were held with the Public and Private Sectors and civil society. The Trade, Commerce and Manufacturing Sector Plan 2012 – 2016 was launched on the 24<sup>th</sup> May 2012.



The Deputy Prime Minister, Hon. Fonotoe Nuafesili Lauofo in his speech stated that the “consistent and timely assistance from the UNDP, their commitment and effort in steering the development of this sector plan in partnership with Government and her stakeholders deserves much applaud. It is hoped, that the same momentum will continue during the implementation period of the plan”.

#### **2.4.2.4. Competition Policy and Law:**

A proposal was sent to the Commonwealth Secretariat and the Pacific Island Forum Secretariat (“PIFS”) for technical assistance to develop a National Competition Law and Policy Framework for Samoa. The PIFS accepted which later resulted in a consultancy team being selected, led Paul H. Karlsson from USA (Lawyer and Competition policy expert) and Geoff Parr from NZ (Economist). Karlsson and Parr started consultations in May 2012 on the competition policy. Included a meeting with the Prime Minister who provided advice and a clear direction on the needs required for the competition policy. Karlsson and Parr were given ten weeks to work on a draft policy which ended in June 2012. However, it was revealed that there was a lot more to be considered for competition policy in Samoa and a second consultancy was carried out under the assistance of ADB to finalize and complete the task for drafting a competition policy.

#### **2.4.2.5. Prices Board**

The Board continued to perform its functions to ensure that prices of necessary food items were made available at affordable costs for consumers. Four meetings were held during this financial period. All items that were price controlled continued to follow the maximum stipulated price arrangement while potatoes and onions were subject to percentage markup arrangement. This arrangement was due to potatoes and onions been durable goods and they were imported almost every fortnight and their prices vary before the next GPO comes into effect. Other items such as chicken leg quarters and sugar are eliminated from the markup arrangement as their turnover is regular as other items. Submissions were also reviewed for price increases for local products namely cigarettes and LPG (Origin Energy Samoa Co. Ltd). Product composition in the General Price Order increased in every review. A total of 117 products have been recorded since the end of this financial period. In every review, some products increased in prices while some reduced. Some products remain unchanged due to lack of information received for the review of their prices or retained as some were still found on retail shelves.

In May 2012, a Special Price Order on the prices of cigarette and tobacco and beer products were issued due to the adjustments in excise tax which of course resulted in the increase in prices for these goods.

To facilitate Fair Trading and Consumer Protection, the Board met quarterly to review prices of Goods under price control. Approvals by the Board in the form of Price Orders were widely distributed by

the Division using the media such as television, radio and newspapers as well as distribution to each store around Upolu, Manono and Savaii. Usually, distributions were carried out before the effective date. The number of traders in Samoa according to distribution records continued to increase from 817 in the first six months to 840 at the end of this financial period. Ensuring effective compliance and freedom of consumers to exercise their rights in the marketplace has been governed by ongoing weekly inspections.

#### **2.4.2.6. Review of the Measures Ordinance 1960**

This project has been in the pipeline for more than ten years but the lack of budgetary support delayed it even further. However, a cost effective approach to ensure a way forward was designed during this period. Much of the ground work has already been done. An initial review of the legal metrology framework and a draft bill was undertaken in 1998 and in 2006.



This work was initiated in recognition of the fact that the 1960 Weights and Measures Ordinance was outdated to regulate new developments in the market as it provided for use of standard units in the imperial system only. On the contrary, the metric system has become the predominant system of measurement in use. In its consumer protection role, the Ministry is the impartial third party watchdog employed to ensure fair and honest play. The basic tools of the weights and measures official are laws to ensure honest trade, standards with which to determine accuracy of transactions, and a desire for justice.

The Division identified the services of Barker Metrology Consultants Limited (BMCL) New Zealand because of their past work experience with Pacific Island Countries and their assistance towards our Ministry during the visits and work attachments we have had in New Zealand in our twin arrangement with the New Zealand Ministry of Consumer Affairs. Barker Metrology Consultants Limited (BMCL) of New Zealand is an expert in the Legal Metrology Field and Mr. John Barker was partly responsible for the development of the Pacific Regional Metrology legislation Model that is used widely by the Forum Island Countries. Funding was granted from the Commonwealth Secretariat.

The review outcomes included the change in name to the legislation – Samoa Metrology Bill. It provided three-sets of draft regulations, a series of test procedure and policy documents, and staff training on the legislation. The progress included version five of the Legal Metrology Bill that was with the Office of the Attorney General for their second review. Training was conducted to MCIL staff and of other relevant Ministries and NGOs for a week. It included visits to trading places that utilizes proper weighing instruments (platforms/weighbridges) from pounds (retailers and wholesalers) to tons (Pacific Coconut Oil).



#### **2.4.2.7. World Consumer Rights Day:**

World Consumer Rights Day is Celebrated every 15th day of March as required by a Cabinet Directive. This financial year's focus was commemorated as the promotion on the Consumer Right to Choose. We publicized this special day using advertisement on television for a number of days promoting Consumer Rights on Fair Financial Services. That is, for all consumers to be aware of charges and fees given to them by Financial Services Companies in the country. The main aim of this promotion is to

draw peoples' attention to their rights as consumers when dealing with financial services to choose wisely. The banner of the World Consumer Rights Day was also hung underneath the town clock.

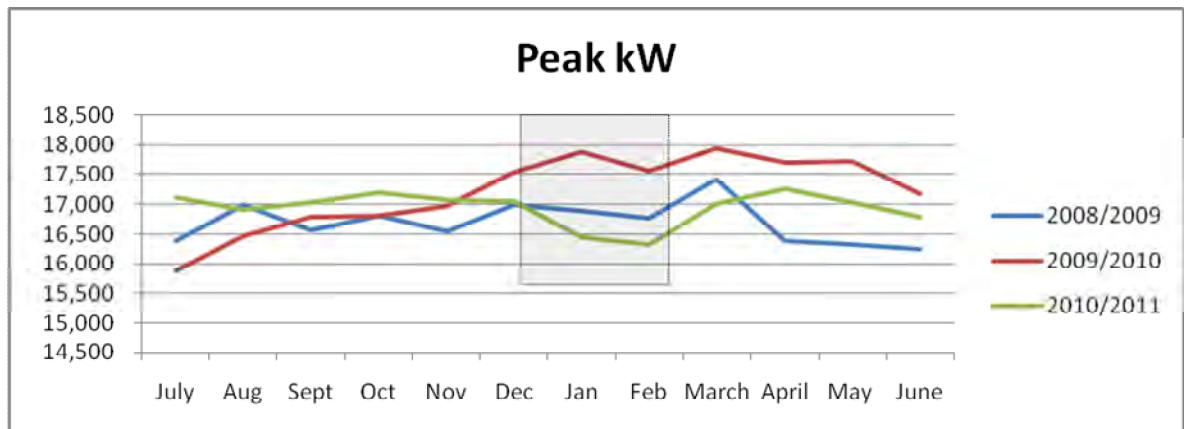
**2.4.2.8. Daylight Savings:**

Daylight Saving Time ("DST") took place for the first time in Samoa in 2010 from Saturday the 26th September to Saturday, the 2nd April 2011. The application of the DST was one of the national strategies instituted to address the worldwide crises in fuel and food price increases. It was one of the most uniformly applied policies worldwide intended primarily to effect energy conservation by providing an "additional" hour of daylight in the evenings. The objective of this was to contribute to more time spent in outdoor recreation and productive activities which would add to the national product and subsequent economic growth.

After a year of the first DST, the Division carried out a survey to find out the public's reaction on the implementation of the DST to determine whether we have achieved some form of energy conservation and productive activities during this time or not. Both English and Samoan versions of the survey were distributed electronically and via the distribution of the General Price Order. Coverage included banks, airlines, accommodations, internet cafes and general consumers. A total of 1,001 questionnaires were issued. Four hundred and eighty four (484) responses were received. Of this, 327 were from Upolu, 158 from Savaii and 6 from Manono Tai. Responses received corresponded to approximately 0.3% of the total population 180,000. Of total responses, an estimated 93% were from the business community and the remaining 7% is shared between consumers (5%) and 'Others' (2%); of which the latter consist of NGOs, International Organizations and unspecified "Others".

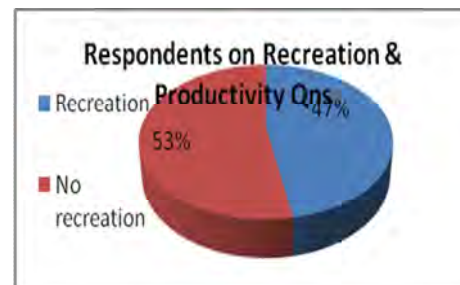
**i. Energy Conservation:**

Those who indicated that energy was saved were 46%, those who indicated no energy saved and increased usage of electricity was 40% and the neutral group indicated 14%.



The data from the Electric Power Corporation (EPC) highlighted production profile for the past four years from July 2008 to June 2011 (Graph: Peak kW). According to EPC, there was insufficient data to accurately present with certainty the impact of the DST but they did note changes which included:-

- a. Reduction and delay in night peaks
- b. Maximum monthly demand dropped by 6% corresponding to 1MW drop from normal
- c. Energy demand dropped an average 4% from December 2010 to March 2011 which corresponded to the second 3 to 4 months of the DST and highlighted with a rectangle shape above.
- d. Accordingly Fuel savings were 319,000 liters.



The results of the Ministry survey where the high percentage of respondents confirmed having saved energy during the DST is confirmed by the EPC data as highlighted.

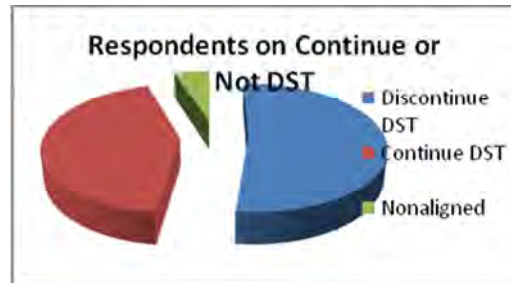
**ii. Encourage recreation and productive activities with the extra daylight hour**

The Chart displays the number of respondents by (i) those that performed some recreation and other productive activities during DST (47%) and (ii) those that did not (53%).

**iii. Continuation of DST or Not:**

The Chart illustrate the number of respondents by (i) those who prefer to discontinue the DST (52%), and (ii) those supporting continuation of the DST (43%) and those not really concern either way (5%).

An interesting scenario is revealed. Energy saved respondents had a high recreation and productive performance level compare to those respondents saving no energy with a low performance level.



**2.4.2.9. Change in the International Dateline**

The International Date Line change for Samoa was our bid to try and improve ties with our major trading partners who are Australia and New Zealand. This change came 119 years after we moved from being the first sunrise in the world to the last sun set to be aligned with the United States of America in an effort to aid trade. A leap into the future again commenced at 12 o'clock midnight, on Thursday 29<sup>th</sup> December 2011. In effect, Samoa slept on Friday 29<sup>th</sup> and awoke to Saturday 31<sup>st</sup> December 2011, losing one Friday in our lives, 30<sup>th</sup> December 2011.



Samoa Standard Time is 13 hours in advance of Co-ordinated Universal Time, or +14 during Daylight Saving Time.

A ceremony was held at the Maota Tatalo from 11:30pm with invited guests from the Head of States, Parliamentarians, Prime Minister and his Cabinet, Diplomatic Corps, Chief Executive Officers of Ministries and Corporations, Private Sector, Civil Society, NGOs as well as international media.

The town was alive with sirens and church bells ringing with vehicle horns beeping way into the night including the town clock which rung for 30 minutes after 12midnight. Hon. Prime Minister Tuilaepa Sailele Malielegaoi stated that he expected immediate benefits from the change, particularly for the tourist industry, as Samoans would now have five working days of continuous contact with counterparts in New Zealand and Australia. "While it's Friday here, it's Saturday in New Zealand, and when we're at church on Sunday, they're already conducting business in Sydney and Brisbane". He added that the change would have particular benefits for Samoans needing to travel to New Zealand to attend to family business.



## **2.5 APPRENTICESHIP, EMPLOYMENT AND LABOUR MARKET DIVISION**

### **2.5.1 OBJECTIVE:** Encouraging highly skilled local workforce and their full employment

As highlighted in its Corporate Plan 2010-2012, the outcomes of the Apprenticeship, Employment and Labour Market division are:

**Outcomes:**

4. Full Employment of workforce,
5. Highly skilled workforce of trades people

### **2.5.2 PERFORMANCE ACHIEVEMENTS:**

**Administration and coordination of Apprenticeship Council Meetings:** There were four (4) meetings of the Apprentice Council conducted during the financial year 2011/2012. Apart from identification of strategies for the efficient facilitation and continuous development of the Apprenticeship program, these meetings also focused on discussions on the progress of the Apprenticeship Legislation Review which was a collective effort by the consultants, MCIL and its stakeholders. Notably was the introduction of National Competency Standards (NCS) prepared and compiled by Lynn Stanton, a technical consultant from New Zealand hired through SQA to undertake this specific task. The NCS consultation was conducted by the above consultant for the Apprenticeship Council, NUS, vocational schools and the relevant industries. The Memorandum of Agreement (MOA) signed between the Apprenticeship Council and NUS being the Training Provider on February 2010 is now under review to cater for emerging issues that may arise under the agreement from time to time. Currently, as per agreement, the Apprenticeship Council and NUS have extended another year of partnership with NUS as training provider. The Council received 70 new applications to the scheme during the period under review which is a remarkable increase in comparison to the previous financial year.

**Administration and coordination of Trades Testing:** The ministry saw an increase in the number of those who applied to sit trade tests especially in the Carpentry and Joinery trade. There were four trades tests conducted during FY2011/2012, Plumbing Grade 2 14<sup>th</sup>/ 15<sup>th</sup> October 2011, Carpentry & Joinery Grade 2 18<sup>th</sup> /19<sup>th</sup> November 2011, C/J Grade 1 25<sup>th</sup> /26<sup>th</sup> May 2012 and C/J Grade 1 15<sup>th</sup> /16<sup>th</sup> June 2012. A good number of tradesmen, (carpenters 19 and plumbers 6) graduated in December 2011. As most applications fall in the carpentry, welding, motor mechanic and electrical trades, the division has been prepared to cater accordingly to meet the demand. Specifically by trade, the number of applicants update are Electrical 13, Welding 7, Motor Mechanic 11 and Carpentry & Joinery 23. Advertisements were posted in the media on all seven trades.

**Awareness on the Administration of Apprenticeship Scheme:** The Apprenticeship, Employment and Labour Market (AELM) division in collaboration with one of its key stakeholders, the National University of Samoa had collaboratively coordinated awareness programs inclusive NUS Open Day for Year 13 students to enhance their knowledge in the trades area. The division also conducted Industry Awareness programs, to promote awareness of senior classes for both government and church colleges in Savaii on the importance and the benefits of the Apprenticeship Scheme for self development. Thus contribute to the development of our country's economy.

### **Reviewing of the Apprenticeship Legislation:**

Another milestone by the ministry under the AELM division was the reviewing of the Apprenticeship Legislation for the first time. Consultation for the 41 year old Apprenticeship Act 1972 and the Apprenticeship Regulations 1973 commenced on March 2012 after numerous meetings with the Tanoa Consulting Agency. The bill has been drafted and sent to the Attorney General's Office for comments and a meeting is scheduled for discussion of AG's comments prior to submission to Cabinet for approval.

**Facilitation of Employment Service:** Number of job seekers being registered during FY11/12 was 184 and 98% of those registrants were referred to employers for interviews. About 10% of those job seekers referred were placed successfully in paid employment and is mainly due to the fact that the placement part of the service is totally up to the discretion of an employer. The number of vacancies lodged through the service is recorded a slight increase from previous year in comparison to the number of vacancies advertised in newspaper or through media.

**Half yearly survey of employment returns:** Data collected from other sources is used for updating the registry of employers' database. The updated register shows an increase of 20% if compared to the same period of last year, a good indication of the growth in the number of businesses established and in operational from time to time. The collection of employment returns from employers in the private sector has exceeded the target set out to be achieved by 70% more is a reflection of the employers' compliance with the laws and also the hard work of the officers of the division. This function is for the purpose of collecting information on employment situation of the formal private sector employers. The employment update report is available to users whenever is needed.

**Training of Jobseekers:** The training of jobseekers aims at those persons who are in search of livelihoods or job opportunities, to enhance knowledge, know the important values and related criteria, the appropriate skills required, the methods apply to finding job opportunities and entering into the labour force. The participating rate for the above training during the reviewing period is 100% was recorded a success and great achievement when compared to target achieved in same period of last year. Participants were chosen or selected from the ministry's jobseeker register where we emphasised the utilization of our employment service and as a part of the service is to provide training for these people. They were awarded with certificates at end of training and participants who attended previous training showed a positive feedback with some have found paid employment and are currently in the workforce.

**Labour Market Survey of Private sector employers:** This is one of the core activities for the AELM division in every two to three years is the coordination and implementation of Labour Market Survey for employers in the formal private sector and the previous survey was carried out on October 2010. The analysis and reporting stage of survey was behind schedule due to some unforeseen circumstances. Despite the ministry's efforts to collect data from all private sector employers operational and on the current register of employer, the response rate was 63% of the target group or population. Some of the contributing factors to the response rate were stated as the ①unavailability of employers at time of survey, ②limited time (45 working days) to carry out the field work, and limited allocated funds. Information collected is being compiled, tabulated and analysed to provide a report for policy decision. The copies of the 2010 LMS Report have been printed and distributed to Cabinet, stakeholders and those employers covered by the survey.

**Industry and Career Awareness Programs:** The industry awareness program for FY2011/2012 has been carried out on March 2012 in the island of Savaii targeting year 13 students from both government and church colleges. The participating group has slightly increased since initiated and also showed eagerness in trying to focus and make the right choice of careers they aim to pursue and achieve or choose from job opportunities available in the market. The division as part of awareness participated in the NUS open day for senior schools and colleges by setting up a booth to showcase all the relevant materials such as posters, pamphlets and brochures on different available job guides and vacancy information. The above program aimed at encouraging school children to be well aware of the many job offers and livelihood opportunities within most of the industries in the country while in final years of secondary education.

## **2.6 INDUSTRIAL RELATIONS, WORK PERMITS AND OCCUPATIONAL SAFETY AND HEALTH DIVISION (IRWPOSH):**

**2.6.1 OBJECTIVE:** Enforcing labour and employment relations, foreign workers terms and conditions of employment and safe work at the workplace.

### **Outcomes:**

6. Strengthen national labour and employment relations (LER) systems,
7. Improve Labour and Employment relations inspection and compliance with the LER Bill and Regulations,
8. Promote LER activities in collaboration with the tripartite partners of employers' organisations and workers' organisation,

9. Develop and enhance processes and systems on the approval of work passes for foreign workers in accordance with the terms and conditions of employment
10. Strengthen national occupational safety and health systems,
11. Implement special programs for hazardous occupations,
12. Extend OSH protection and activities to include Government Ministries, small to medium enterprises and rural and informal economy workplaces.

### **2.6.2 PERFORMANCE ACHIEVEMENTS:**

**Strengthening national labour and employment relations systems:** Since Samoa became a member state of the International Labour Organization in 2005, its obligations to the ILO have resulted in the requirement for a review of its laws to ensure compliance with various ILO Conventions relating to the protection of workers as well as to ensure that the law is relevant and up to date with current practise. There were several requirements and 8 core conventions ratified and were included under the Labour and Employment Relations (LER) Bill 2011 to ensure compliance of the local processes and systems with ILO conventions.

One of the ILO requirements of member states is the formation of a Tripartite Committee to include all of its constituents such as the Workers' Organisations and the Employers' Organisations. The new Labour and Employment Relations Bill 2011 had a provision that address this issue. A first meeting of the Samoa National Tripartite Forum was held in March 2010 to familiarise the members with its purpose, objectives, roles and obligations and to discuss the issues on the modernisation of the Labour Law and to consider various Conventions for ratifications.

In 2012, the Ministry considered a resolution from the Forum meeting in May 2012 to add an extra member in each tripartite partner to make it 4 members from respective parties rather than 3 that was currently in place.

**Improve labour employment relations inspection and compliance with the Labour and Employment Act 1972 and Regulations 1973: The Labour Inspectorate Team of Industrial Relations and Employment Permits Section conducted** 294 inspections of employers organisations on terms and conditions of employment whether they are comply with the provisions of the Labour and Employment Act 1972. The findings reflects that most of employers maintain a good record keeping of its employment and are fully aware of their obligations under the Labour and Employment Act 1972. On another issue, employers need to maintain employment records as well as clarifying some of the provisions of the Labour Act. For instance the calculations of overtime, public holidays, authorised deductions and understanding of what entitlements should be paid out at the time of resignation and termination of employment.

A new database was developed to capture information received from MfR on business licence and NPF, with classifications by industry sector etc. The purpose of this database is to enable inspectors to identify the Zones or location, types of industry, entity and kind of business operated there for easy referencing during inspections not only for industrial relation but also work permit and to identify which industry sector employed more workers.

84 investigations were conducted and it arose from the industrial relations grievances and disputes raised by the workers against the employers. The notable provision was the termination of employment without a valid notice. To address the issue, the Division held 4 workshops in Savaii and Upolu with regards to termination clause 21 of the Labour and Employment Act 1972. Industrial Relations Grievances and Disputes cases were settled through effective mediation and conciliatory techniques applied by the Labour Inspectorates Team. The Division's duty was to provide advice to both the workers and the employers on the provisions of the Labour and Employment Act 1972 and Regulations 1973 that were complied with.

**Promote Labour and Employment activities to the Employers and Workers Organisations:** The Division carried out five (5) social dialogues with the Employers and Workers Organizations. These social dialogues were joint presentations by OSH and Industrial Relations & Work Permit Division as requested by the employers' organisation to explain to their workers' contract of employment which included the terms, conditions and safety procedures in works for the sake of workers.



The Samoa National Tripartite Forum held a Social Dialogue with its Tripartite Partners in May at the Orator Hotel, where a mission from ILO Suva provided assistance in leading and spearheading discussion on the following:

- i) Briefing Parliamentarians on the Maritime Labour Convention,
- j) Review of the Decent work country Programme (DWCP) where a retreat was held at the Orator Hotel where it was concluded that a TOR would be drawn up for a Consultancy to review the DWCP whilst the ILO would provide stock take of the existing programme, and
- k) iii) International Labour Standards session with MCIL Labour inspectors on reporting requirements of the conventions, aimed at assisting staff in preparing reporting skills when reporting on the 8 ILO conventions which Samoa has ratified and required to report on.

***Develop and Enhance processes and systems on the Approvals of work passes for foreign workers:*** The Division received 472 work permits applications from the Immigration Division of the Ministry of the Prime Minister and Cabinet. They were assessed in accordance with Part VIII of the Immigration Act 2004; Labour and Employment Act 1972, Regulations 1973, OSH Act 2002, Public Holidays Act 2008, Shops Ordinance 1960. The Division conducted the assessment and analysis and made recommendations to the CEO of MCIL to either approved or rejected the applications. In terms of approval as compared to the rejected applications, it had a ratio of 9: 1 (90% approved, 10% rejected) .

For work passes, the Division is envisaging a way forward as to make provisions in the new Labour and Employment Relations Bill to transfer the administration and implementation of employment permits to the Ministry of Commerce, Industry and Labour.

***Strengthen national occupational Safety and Health systems and Improve Safety and Health Inspection and Compliance with OSH Law:*** *The new* OSH Regulations has been drafted and consulted with the key stakeholders of Workers' Organisations and Employers' Organisations. Ongoing trainings were carried out for new officers/inspectors to enhance their level of understanding of the legislations and reporting requirements. A total of 23 work accidents were reported and investigated. Most of the accidents reported were from the construction industries. Investigations were able to determine the cause of the accidents were due to the non-compliance of workers and employers with safety requirements at the workplaces. Employers were issued with the corrective actions and were given 7 consecutive days to comply. 40 investigations were conducted after the Routine Inspections of Employers' organisations by the Labour Inspectors of OSH. One of issues is the failure of the workers to use the personal protective equipments (PPEs) at the workplace. ;

There are provisions in the OSH Act 2002, to strengthen the powers of the inspectors in the enforcement of the law. A total of 182 inspections were conducted to ensure the safety and health of workers in the workplace. The level of compliance by the employers covered with regards to their legal obligations was discovered satisfactory.

The constructions sites were inspected to ensure compliance with legislations and also to develop a Code of Practice for this industry. ***Extend OSH protection to small to medium enterprises and rural and informal economy workplaces:***

The MCIL through its Awareness Programme provided workshops for small to medium enterprises in the rural and informal economy regarding the need for them to consider special requirements for the safety and health of workers at their workplaces. In close collaboration with the Small Business Enterprises Centre (SBEC), we are able to advocate for better understanding for small to medium enterprises businesses to take on board appropriate measures and terms and conditions in the employment of the workers nationally. The workplaces within the informal economy included family businesses, and greater care must be exercised at all times because it included a private household.

## **2.7 REGISTRIES OF COMPANIES AND INTELLECTUAL PROPERTIES (RCIP) DIVISION:**

**2.7.1 OBJECTIVE:** To provide full protection of rights of intellectual property creators and properties, strengthen compliance with registration obligations under the companies' laws and other registries administered in the Ministry and Protection of efficiency and integrity of all registries.

**Outcomes:**

13. Full protection of rights of intellectual property creators and proprietors,
14. Full compliance with registration obligations under companies laws and other registries administered in the Ministry and
15. Protection of efficiency and integrity of all registries

### **2.7.2 PERFORMANCE ACHIEVEMENTS:**

**Registration of Companies, Incorporated Societies, Cooperatives, Charitable Trusts and Credit Unions:** In the period under review, the Division continued to carry out regular inspections of companies and other legal entities and as a result the total number of Companies registered has steadily increased from the previous financial year to 296 in the financial year ending 30/6/2012. Improved monitoring and identification of inactive entities resulted in the deregistration by year end 30<sup>th</sup> June 2012, of 537 inactive companies previously registered under the Companies Act 1955, but did not re-register under the Companies Amendment Act 2006.

The number of newly registered Incorporated Societies increased to 15 in 2011-2012 and this was accompanied by increased inspections as reflected in the total of 90 inspections performed during the financial year. The impact of the increased inspections is reflected in the noticeable improvement in the Incorporated Societies' compliance with the statutory requirement to file audited financial statements to the Registrar.

Whilst no new Credit Unions were registered during the financial year, newly registered Charitable Trusts increased to 16 in 2011-2012.

**Registration of trademarks, patents and industrial designs:** The Registration of Trademarks declined to 124 in the financial year ended 30<sup>th</sup> June 2012. In contrast, there was notable increase in the number of trademarks filings received by the Registry.

The registration of Patents and Industrial Designs has increased steadily, there was a significant increase for Patents from 3 registered Patents in 2010-2011 to 17 registered in 2011-2012. Registration of Industrial Designs increased from none to 4 registered in 2011-2012.

**Computerisation of trademarks:** The project for the electronic registry of trademarks has completed its first phase and negotiation for the completion of this project is continuing. The implementation of the IP Automated system (IPAS) will help to reduce time taken to do searches and registration of Trade Marks.

The total number of Trademarks files that have been back captured is 2,227 and 216 new trademarks applications were entered during the period of the report.

**National Intellectual property Strategy:** The NIPS for Samoa was designed in February 2012 to complement the work on modernising Samoa's intellectual property laws and bringing them into line with the requirements of the TRIPS Agreement. As part of World Intellectual Property Organisation (WIPO) technical assistance programme, the WIPO accepted a request from the Government (through the Ministry) to assist with the development of a national intellectual property strategy for Samoa. WIPO, in co-operation with the Intellectual Property Office of Australia who assisted with funding travel, recruited an international expert to develop the strategy and also funded a national consultant in Samoa to assist with the project.

The Ministry organised consultative meetings between the international expert from Australia and members of the Government and the stakeholders. Further consultation workshops were conducted on 17-19 February 2012 to discuss the report on a National Intellectual Property Strategy for Samoa and the Draft Strategy. The Ministry of Commerce, Industry and Labour

workshops were organised around five sectors of Samoa's economy and society; the Tourism Sector, the Music, Performance, Recording and Broadcasting Sector, Education and Research Sector and Manufacturing and Commerce Sector. The workshop was opened by the Deputy Prime Minister also the Minister for Commerce, Industry and Labour. Presentations were made at the workshops on the draft strategy by members of the project team; Mr Federico Guicciardini from WIPO, Dr Ian Heath, the international expert on the project and Ms Fiona Ey, the national consultant.

The overall Strategy is based on the Report on a National Intellectual Property Strategy for Samoa that was prepared with the WIPO's assistance and incorporated feedback gathered from further consultations with stakeholders during the abovementioned workshops.

The finalised NIPS sets out four strategic goals that are supported by a number of strategic initiatives. The four strategic goals are:

**Strategic Goal 1:** Modernise Samoa's Intellectual Property legislative and administrative arrangements to comply with the standards set out in the TRIPS Agreement of the WTO in a manner that enhances the social, cultural, economic and commercial development of Samoa and reflects Samoa's customs and traditions.

**Strategic Goal 2:** Establish appropriate arrangements for the protection of Samoa traditional knowledge and traditional cultural expressions, consistent with emerging international norms, to protect from misuse such knowledge and expressions and to facilitate through appropriate prior informed consent and benefit sharing the commercial use of such knowledge and expressions.

**Strategic Goal 3:** Improve through structured government support and information programmes the capacity of Samoa's commercial, and education and research sectors to identify valuable intellectual property and to utilise intellectual property protection to support and enhance the development of domestic and export business.

**Strategic Goal 4:** Improve the capacity of Samoa's music, performance and broadcasting sectors to benefit from and comply with intellectual property protection norms.

**The New Intellectual Property and Copyright Amendment Act:** The Modernisation of Samoa's Intellectual Property laws project commenced in February 2011. The project was funded by AusAid to assist the Government of Samoa in engaging a legislative drafter in carrying out the work.

The project involved the reviewing of Samoa's current Intellectual Property laws and policy settings and the drafting of modern IP legislation to address current developments in the area of IP in order to improve standards and protections for Samoa as well as meeting international standards. E.g. TRIPS (WTO) and WIPO. To meet the standards set out in the TRIPS Agreement and WIPO model rules which has been widely adopted by other WTO members, Samoa's drafted IP laws was circulated amongst member of the WTO. Samoa's drafted IP laws were also circulated to the law firms in New Zealand and the Intellectual Property Office of New Zealand as part of the consultation process.

The Ministry assisted the local consultant in the organising of consultations, meetings and/or workshops with the public and the private sectors. As a result of this project, Samoa's IP legislation have been modernised to include new forms of legal protection for; Geographical Indications, Plant Breeders' Rights and Circuit Layouts as well as updated legal protections for Patent, Trade Marks and Designs. Furthermore, new provisions have been enacted to amend the Copyright Act 1998 to make it TRIPS compliant. The Intellectual Property Act 2011 and the Copyright Amendment Act 2011 was passed by parliament in October 2011 and became effective on 1st October 2012.

**Sub-Regional Meeting for Decision makers of South Pacific Countries:**

The Sub Regional Meeting on Copyright for decision makers of South Pacific countries was held on 24- 26 October 2011. The meeting was funded by the World Intellectual Property Organisation (WIPO) with the assistance of the Government of Samoa through the Ministry to organised meeting venue, to confirmed accommodations for overseas participants and invitations for local participants.

The objectives of the meeting were;

- I. To exchanged views and information on policy and strategy considerations relating to copyright and related rights.
- II. The role of copyright and related rights in promoting creativity and development.
- III. To exchange views and experiences in strengthening the copyright infrastructures and capacities and explore possible areas of cooperation among copyright offices in the South Pacific region.

Participants of the meeting were from Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, Papua New Guinea, Republic of Marshall Islands, Solomon Islands, Tonga, Vanuatu and representatives from the Pacific Islands Forum Secretariat and the Secretariat of the Pacific community. In addition there were participants from the Government enforcement agencies like the Ministry of Police, the Customs Office, the International Crimes Unit and the Staff of the Registry of Companies and Intellectual Property. The senior officials whom have attended the meeting were given 10-15 minutes to present a country report on the recent development of Copyright and Related Rights in their island country.

The meeting was successfully closed with recommendations from the forum that this kind of meeting is useful to find out how other island countries improved the enforcement of Copyright and Related Rights and enhancing competitiveness of copyright holders.

**Computerisation of companies Registry:**

Information on 620 companies was updated on the Excel Spreadsheet in preparation for the work on the electronic registry of companies.

**Maintain and update the Register of Companies, Incorporated Societies, Cooperatives and Credit Unions (CU):**

The inspections for Companies share registers and registered offices have continuous during the Financial Year and 1,082 companies were inspected. In parallel with company's inspections Inspectors for Incorporated Societies and other legal entities have also carried out inspections and 115 incorporated societies were inspected.

As a result of on-going inspections 646 companies' annual returns filed, 61 audited financial statements filed from incorporated societies, and 16 de-registered incorporated societies.

**Maintain and update the Register of Trade Marks, Patents, Industrial designs and copyright:**

Whilst there is a downfall of registered trademarks, local and overseas trademarks rightful holders' interest increased and therefore have requested for extension of the protection period for their trademarks and trademarks renewal increased to 143 in the period under review.

We have carried out video and DVD/OR CD's inspections to remind video shops of their obligations under the Copyright Act and over the year 110 inspections were carried out.

**Carry out training and awareness programmes:**

The trainings on the Trademark e-registry was mainly on training the staff involved in phase 1 of the project on cropping trademark logos and entering information from existing files and new application, into an Excel spreadsheet. It is envisaged that further training will be provided by the WIPO experts in the future, prior to the Excel data being migrated to the Trademarks E-registry system and the subsequent implementation of the E-registry.

The Division continues to liaise with WIPO on development of IP issues and IP awareness programmes. As part of this process WIPO provided technical assistance in funding a Sub-regional meeting on Copyright for decision makers of South Pacific countries that was held on 24-26 October 2011. This was followed by a National Seminar for local stakeholders and the public sectors on Copyright and Related Rights issues on 27-28 October 2011.

In addition to the financing of technical experts the WIPO had also offered assistance through the provision of four computers, printer, scanner and a server to be used for the project.

The WIPO also provided trainings for the staff to enhance their capabilities on the different aspects of Intellectual Properties. In addition training was also received under the Short Term Training Awards programme (STTP) funded under NZAid. The Assistant CEO, Registries of Companies and Intellectual Properties Ms. Margaret Fruean was selected to attend a 3 months attachment programme from June-August 2011; hosted at the Intellectual Property Office of New Zealand (IPONZ) Ministry of Economic Development.

The trainings had assisted the staff in upgrading their existing skills and acquiring new ones on the different types of IP and how these could be used for economic development; given the evolving nature of such subject matters.

**Prepare programmes for the celebration of the World Intellectual Property Day:**

The RCIP had been carrying out various activities to celebrate the World Intellectual Property Day which is on the 26 April of every year. During the period of the report there were four trainings carried out on Intellectual Property protections and enforcement including a National Seminar on Copyright conducted by the WIPO. Some of these trainings have been conducted by the staff of the Registry which was carried out in Upolu.

We noted in these trainings that it was evident that most of the participants have limited knowledge on the Intellectual Property protections. It is recommended to conduct more trainings and awareness programme not only in Upolu Island but also in Savaii.

**Establishment of a licensing and membership mechanism to facilitate the enforcement of rights of copyrights holders:**

During the period of the report the RCIP took a proactive stance in the creation of a data base of Copyrighted works. That work was seen to be a crucial initial step towards the establishment of a Collective Administrative system of Rights for Copyrighted works.

The works were collected from different authors who had approached the office to seek our advice on copyright issues that are pertinent to their works. At the start the main works that were recorded were mainly musical works and some short stories from locally based authors.

The major difficulties encountered with the establishment of the database are the collection of different works and identification of the true authors of such works.

## **2.8 CORPORATE SERVICES UNIT (CSU):**

**2.8.1 OBJECTIVES:** To ensure that sufficient resources (both financial and human) are available to support the effective delivery of the Ministry's services to achieve its Vision and Mission.

**Outcome:**

16. Sufficient resources (people, financial, tools and methods) are available to support the Ministry in achieving its vision and mission.

### **2.8.2 PERFORMANCE ACHIEVEMENTS:**

The Corporate services unit continues to maintain its central role in providing support to the office, ensuring that all of the divisions are able to work coherently in a more efficient and effective manner in delivering at its

best its results. Realising that financial resources will always be a constraint, the corporate unit had an important role to play in encouraging divisions to be more innovative in the way resources (financial and human) are utilised to deliver on results.

These were some of the key highlights for the corporate services division:

- Coordinate the consultations (internal as well as with Stakeholders) drafting of the review of the 2003-2007 Corporate Plan and formulation of the 2010/2012 Corporate plan. The Ministry incorporated all comments provided by participants from various Government, non government and private sector actors in its final corporate plan,
- Prepared and finalised including submission to Parliament of the 2010/2011 Annual report.

Both the Corporate planning and Annual reporting activities were significant in bringing together the Ministry in formulating its vision based on lessons learnt from experiences/barriers encountered, and celebrate achievements documented. It fostered even more collaborative planning, inspiring the six divisions to draw up a combined vision for the Ministry over the next 2 year.

- i. The Ministry Capability plan was formulated and finalised in August highlighting key capacity gaps and strategies to address them such as the need for training on analytical report writing, strengthening partnership on private sector issues, improving internal systems and processes (including capturing, retain and share Ministry knowledge) to achieve or go beyond the Ministry's objectives.
- ii. Service Charter was reviewed and republished and refresher for staff carried out to remind staff of their obligations/expectations from the public – the overall impact was a green rating on the PSC telephone spot check monitoring reports of Nov 2011 and May 2012,
- iii. Proposal was provided and approved by PSC for the upgrading of all casual positions within the Ministry to more permanent positions. This was a move to secure and build staff confidence in the Ministry in anticipation of an improved support service to the Ministry,
- iv. Refreshers and knowledge sharing continue to be carried out by the Corporate Services on Human resource (working conditions and entitlements, Finance (procurement) and administration matters, to enhance re-affirm staff understanding of policies and procedures of working in the public service. Weekly reminders are sent to staff on areas where concern is great
- v. R&S improvement in % of vacancy from 14% to 10%
- vi. Probation reports were now prepared for new staff to assess their performance and confirm how well they performed to meet the Ministry's common purpose,
- vii. Vehicle guide was updated and circulated to all staff to remind them of policies on use of Government vehicles,
- viii. Proposal for a legal officer was finally approved by the PSC at the ACEO level to assist the Ministry with review, formulation of policies and interpretation and awareness of the Ministry's 38 legislation,
- ix. Carried out a Staff Satisfaction survey as a means of engaging with staff on how they felt about their work and management of the Ministry,
- x. Significant procurements – procured three new vehicles for the Ministry after writing off 3 old vehicles for the Private sector support facility, Chief executive officer and a van for the Ministry,
- xi. Black out Fridays was initiated in the Ministry whereby the office lights were switched off on Friday for the use of natural light as a means of conserving electricity costs and contribution to environment conservation efforts,
- xii. Negotiated and finalised the amendments to the MCIL lease with ACC to extend the office space to Level 3 previously occupied by the Ministry of Agriculture and Fisheries,

- xiii. A communication team was established in the Ministry to look at communication activities including regular updating of the website, brainstorming of a Ministry newsletter and other corporate initiatives to do with information for the Ministry,
- xiv. With a Information Technology and Communication Officer (ITC) in place and IT infrastructure procured (including extension of IT/Server room) and established, the following were implemented in this reporting period:
  - an Information Technology (IT) policy was formulated and finalised to provide staff with the a better practice guideline on use of Ministry IT assets and infrastructure which included policy on use of internet, anti-virus, email and data security,
  - Ministry shared drives were created as an enabling tool to facilitate sharing and retention of information within divisions as well as between staff as a whole,
- xv. Under the leadership of the Public Service a task force was set up within the Ministry to carry out the formulation and finalisation of the Ministry Workforce plan. Awareness was carried out for the executive management team. The intention of the plan was to articulate what human resources/capital is required in order for Ministry objectives,
- xvi. A state of the Ministry health check was carried out with the assistance of the National Kidney foundation, where they provided awareness and carried out health check for all staff on the status of their health. This activity will be an annual event for the Ministry

### SECTION 3: HUMAN RESOURCE & STAFF PROFESSIONAL DEVELOPMENT

By the end of the financial year total number of staff stood at seventy two (72) divided amongst the 6 various divisions with an equal distribution between males (49%) and females (50%). The vacancy rate which would reflect the improvements in the processing of the recruitment and selection process improved from 19% in 2011 to 10% by end June 2012. It is a fact in the public service that high turnover is noted around the age group 25-35 and this is mainly due to transfer of public servants between Ministries as well as migration to New Zealand under the quota. It is therefore difficult to retain knowledge and it takes time for new and fairly young staff to catch up. However, as usual, the Ministry is fortunate to enjoy the numerous training opportunities for its staff to get hands on exposure both at the national and international level. These help with the **professional development of staff** in enhancing their capacity in the various focal areas of the Ministry. Annex 1: outlines overseas trainings/meetings and workshops where Ministry staff participated in the financial year. With the initiation and formulation of the Workforce plan, the Ministry should be able to determine a better match between its regulatory roles, its administrative duties and those required of their staff to determine areas where staff professional development is to continue.

Another tool which the Ministry has put emphasis on use of ICT resource available in the Ministry as an enabler of innovation. This is particularly in sharing of knowledge by capture/retain and enhance staff sharing of knowledge on the functions/duties and roles of the Ministry through shared servers not only within Divisions, but also the Ministry as a whole. It is envisaged that any departure or absence of staff will not be a threat to the Ministry's desires and objectives.

**SECTION 4: MCIL BUDGET APPROPRIATION 2011 - 2012**

**4.1 COST RECOVERIES/REVENUE COLLECTION FOR PERIOD 2011/2012:**

For the period 2011/2013, the Ministry managed to collect 97% of its projected revenue an increase of 10% compared to projected revenues of last year (2010-2011). This is out of the three recovery outputs of the Ministry, ie Registration fees for Foreign Investment Certificates, Apprenticeship Scheme training fees, as well as fees collected for Registries of Companies and Intellectual properties. Table 1 below provides further details of recoveries for the period.

**Table1:**

STATEMENT OF MINISTRY RECEIPTS BY REPORTING CATEGORY				
AND EXPENDITURE BY OUTPUT APPROPRIATION ACCOUNT				
for the financial year ended 30 June 2012				
	2012	Estimate	(Over)/Under	2011
	\$	\$	\$	\$
<b>COMMERCE, INDUSTRY &amp; LABOUR</b>				
<b>RECEIPTS</b>				
<b>Ordinary Receipts</b>				
Sales, Fees, and Other Charges	263,839	254,804	(9,035)	260,859
<b>TOTAL RECEIPTS</b>	263,839	254,804	(9,035)	260,859

Source Ministry of Finance, Unaudited financial statements

**4.2: EXPENDITURE DETAILS:**

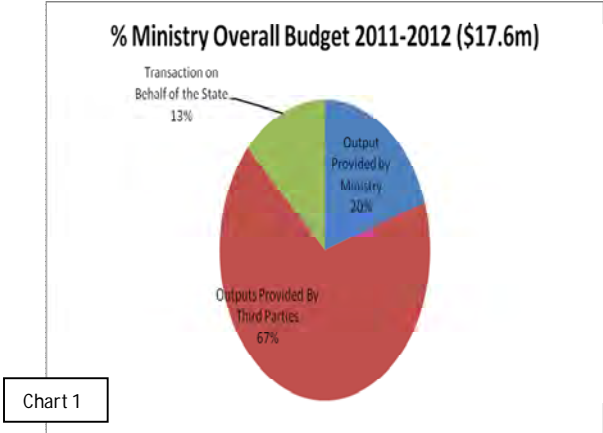


Chart 1

As outlined in table 2 below, by the end of the financial year 2011-2012, the Ministry's total **approved budget stood at \$17.6m**, an increase of 10% from previous year's budget \$15.994m. As indicated by chart 1 on the left, **only 20%** (19% 2010/2011) of this was provided directly for the implementation of the **Ministry's outputs/activities, 67% was provided for Third Party Component** (TPC- which included provisions for the Samoa Tourism Authority –STA (\$11.4m or 96%) and rest with SBEC) and **13% for Transactions on behalf of the state (TBS)**.

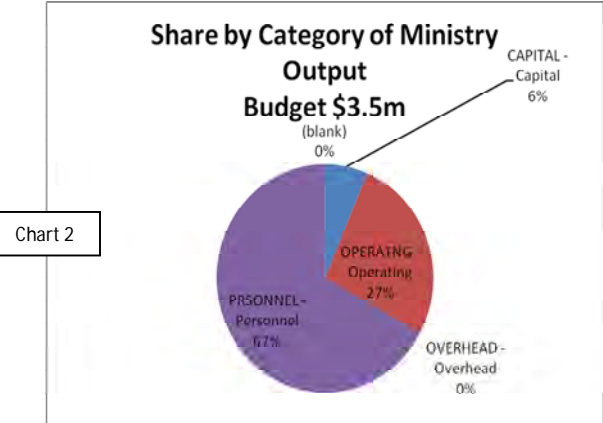


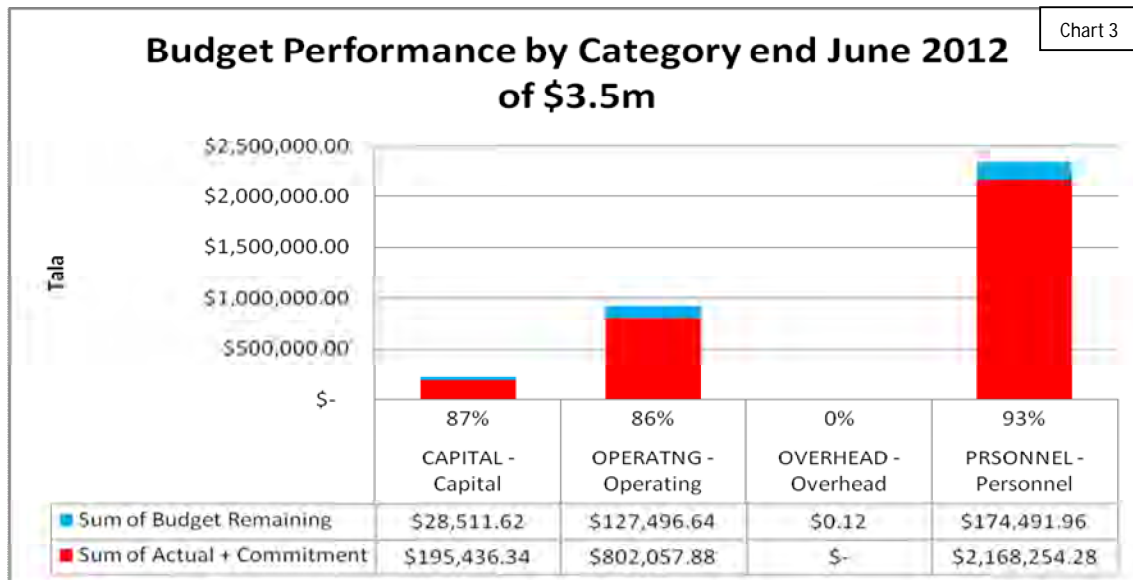
Chart 2

In terms of performance delivery, chart 2 on the left provides a snapshot of the distribution of the Ministry's budget by key component ie 27% to operating, 67% to personnel and 6% for Capital. By the end of the year, Chart 3 reflects the actual expenditures by these categories based on their approved budgets. Overall, the Ministry managed to maintain a delivery of **90%** of the **Ministry outputs** compared to last year. Of this 90%, 6% was spent on Capital items, 25% on Operating costs and 68% on Personnel.

For the **TBS component**, the Ministry maintained 96% of actual spending. To be noted and of significance is the Governments ongoing annual contributions through the Ministry's budget to the SNPF lease of premises for Yazaki EDS of \$0.98m. Other activities



which feature under this TBS category include membership to international organisations, Private sector grant (\$100,000 annually), Governments cost sharing grant for the PSSF project of \$50,000 and office space rental for the Ministry with ACC premises of \$0.55million. Another significant expenditure under this component was the \$107,927 payment to the NUS-IOT for the management of the Apprenticeship scheme as per the agreement signed in February 2010. **Third Party Outputs** achieved 100% of delivery for implementing work for Samoa Tourism Authority as well as Small business Enterprise Center (SBEC).



**Table 2: Statement of Expenditures**

STATEMENT OF MINISTRY EXPENDITURE BY OUTPUT AND APPROPRIATION ACCOUNT						
for the financial year ended 30 June 2012						
			2012	Estimate	(Over)/Under	2011
<b>COMMERCE, INDUSTRY &amp; LABOUR</b>			\$	\$	\$	\$
<b>Outputs</b>						
1.0	Policy Advice to the Minister		268,358	295,908	27,550	327,999
2.0	Ministerial Support		378,211	421,662	43,451	289,070
3.0	Management of Investment Promotion & Industry Development		457,360	498,691	41,331	431,975
4.0	Enforcement of Fair Trading		512,946	584,283	71,337	493,670
5.0	Apprenticeship Scheme & Employment		468,837	508,473	39,636	439,806
6.0	Enforcement of Labour Standards & Work Permits		0	0	0	308,419
7.0	Enforcement of Occupational Safety & Health Standards		377,131	410,733	33,602	200,695
8.0	Management of the Registries of Companies & Intellectual		153,796	163,936	10,140	471,405
9.0	Enforcement of Occupational Safety & Health		549,110	612,564	63,454	0
			3,165,749	3,496,250	330,500	2,963,038
<b>Total Outputs</b>						
<b>Third Party Outputs</b>						
	Samoa Tourism Authority		11,395,560	11,395,560	0	10,361,359
	Samoa Business Enterprise Centre (SBEC)		400,000	400,000	0	400,000

Ministry of Commerce, Industry and Labour

<b>Total Third Party Outputs</b>				11,795,560	11,795,560	0	10,761,359
<b>Transactions on Behalf of State</b>							
Membership Fees							
	International Labour Organisation			10,127	11,142	1,015	9,454
	International Organisation for Customers			4,964	6,200	1236	2,000
	World Intellectual Property Organisation (WIPO)			3,673	5,000	1,327	3,907
	World Association of Investment Promotion Agencies			5,954	9,000	3,046	7,602
	United Nations Industry Development			2,180	11,560	9,380	8,271
				26,898	42,902	16,004	31,234
	Contribution to Private Sector			100,000	100,000	0	100,000
Rents and Leases							
	ACB Building			545,029	550,077	5,048	550,076
	Yazaki Lease			984,277	1,012,399	28,122	984,277
	Government Building Lease - MCIL			41,461	42,500	1,039	41,461
	Fair Trading Division-Savaii Office			2,609	3,000	391	0
	Private Sector Support Facility			50,000	50,000	0	50,000
	Apprenticeship Training Provider NUSOT			123,800	123,800	0	107,927
				1,847,176	1,881,776	34,600	1,833,741
	VAGST			344,035	385,169	41,134	1,731,407
<b>Total Transactions on Behalf of State</b>				2,218,109	2,309,847	91,738	3,596,383
<b>TOTAL EXPENDITURE - COMMERCE, INDUSTRY &amp; LABOUR</b>				17,179,417	17,601,657	422,240	17,320,778
<b>RECEIPTS OVER PAYMENTS</b>				(16,915,578)	(17,346,853)	(431,275)	(17,059,919)

Source Ministry of Finance, Unaudited financial statements

**Annex 1: Overseas Trainings Attended by MCIL Staff during the FY2011-2012:**

NOMINEE	DIVISION	COUNTRY	DURATION	MEETING/TRAINING	FK APPROVAL
Fonotoe N P Lauofo	DPM	Shanghai-HK-China	27/7-2/8/11	Nonu Juice Exhibition/Tourism Development	FK(11)25
Pulotu L Chu Ling	IDIP	Shanghai-HK-China	27/7/-2/8/11	Nonu Juice Exhibition/Tourism Development	FK(11)25
Sooalo Mene	DPM	Papua New Guinea	4/8-10/8/11	Fisheries Development in the Pacific meeting	FK(11)26
Auelua S Enari	CEO	Fiji	23/8-28/8/11	Trade Negotiations under PICTA	FK(11)29
Faatuai Lemafa	FTCD	China	27/8/11-28/9/11	Seminar on Intellectual Property	FK(11)30
Fonotoe N P Lauofo	DPM	China	31/8-13/9/11	Trade and Investment Exhibition	FK(11)30
Rosita Meredith	DPM	China	31/8-25/9/11	Trade and Investment Exhibition	FK(11)30
Sooalo Mene	DPM	China	31/8-22/9/11	Trade and Investment Exhibition	FK(11)30
Muagututagata P Ah Him	DPM	China	31/8/-13/9/11	Trade and Investment Exhibition	FK(11)30
Ulises Rimoni	IDIP	India	1/9-26/11/11	WTO Trade Policy Course	FK(11)30
Jacinta Matulino	IDIP	Australia	17/9-22/9/11	FDI-Global Investment Promotion Benchmarking Standard Course	STSC 15-9-11
Toafa Leutele	IDIP	Australia	17/9-22/9/11	FDI-Global Investment Promotion Benchmarking Standard Course	STSC 15-9-11
Nicholas Pereira	CSU	Korea	4/10-24/10/11	PIF Info Technology Special Program Regional Workshop to Enhance Competiveness in Services	FK(11)33
Julia M Solofa	IDIP	Australia	24/10/-28/10/11	Competiveness in Services	STSC 18/10/11
Auelua S Enari	CEO	Geneva	24/10/31/10/11	Samoa WTO Working Party Committee	FK(11) 34
Sa'u Taupisi Faamau	AELM	Australia	24/10-28/10/11	Asian Pacific Conference	PSC letter 3/10/11
Gladys Fuimaono	FTCD	China	26/10/-23/12/11	Food Safety Testing Techniques for Developing Countries	FK(11)35
Alataua T	RCIP	New Zealand, Singapore	5/11-19/11/11	Global Initiative of the UN on Preventing Abuse of the Non-Profit Sector to Finance Terrorism workshop (NZ) and TRIPS workshop in Singapore	FK(11)35
Roger Toleafoa	FTCD	Singapore	11/11-4/12/11	UNCTAD 23rd Regional Course on Key issues on the International Economic Agenda	FK(11)36
Unasa Iulia Petelo	FTCD	Germany	12/11-20/11/11	33rd Codex Committee meeting on Nutrition and Food for Special Dietary Usage	FK(11)36
Sauleone T Eti	AELM	New Caledonia	28/11-2/12/11	Technical Training Course on Labour Statistics and Labour Market Information and Analysis (LMIA) in the Pacific	STSC 17-11-11
Unasa Iulia Petelo	FTCD	New Zealand	3/12-10/12/11	FAO/WHO Meeting held in Wellington	FK(11)39
Lorraine Tauai-Leatupue	RCIP	Bhutan India	9/12-19/12/11	World Intellectual Property Organisation (WIPO) Workshop for Least Developed Countries for Asia and the Pacific on the Use of Intellectual Property for Enhancing Economic Competitiveness & Development	FK(11)40
Kolone Maisa	RCIP	Bhutan India	9/12-19/12/11	World Intellectual Property Organization (WIPO) Workshop for Least Developed Countries for Asia and the Pacific on the Use of Intellectual Property for Enhancing Economic Competitiveness & Development	FK(11)40
Auelua S Enari	CEO	Geneva	11/12-23/12/11	8th WTO Ministerial Conference	FK(11)38

Albert Meredith	IDIP	Australia	23/1-28/1/2012	Regional Workshop to Enhance Competitiveness in Services	STSC 11/1/12
Pulotu L Chu Ling	IDIP	Vanuatu	23/1/12-26/1/12	Business Enabling Meeting	FK(12)04
Sa'u Taupisi Faamau	AELM	Australia	5/3/12-11/3/12	Oceania Sub-regional Advisory Committee Meeting	PSC letter 22/2/12
Gladys Fuimaono	FTCD	Vanuatu	10/3/12-18/3/12	Seminar on Health Guidelines for Exported Processed Foods	FK(12)10
Auelua S Enari	CEO	Australia	20/3/12-31/3/12	4th PACER Plus Meeting	FK(12)11
Fono Pitoitua	AELM	China	20/3-13/04/12	Seminar on Economic Policy Sustainable Development for Developing Countries	STSC 15/03/12
Toaiva Aleki	AELM	China	3/4/12-23/4/12	Seminar on Economic Development for South Pacific Countries	STSC 2/4/12
Maryann Vaiula	RCIP	China	8/4/12-8/5/12	Seminar on Intellectual Property & Economic Development	FK(12)14
Hermine Raeli	RCIP	China	8/4/12-8/5/12	Seminar on Intellectual Property & Economic Development	FK(12)14
Auelua S Enari	CEO	Doha Qatar	17/4-29/4/12	UNCTAD Meeting	FK(12)16
Toefuataina Faagai	IDIP	Nepal	21/4-30/4/12	UNCTAD Regional Workshop/Integration of Trade Dimension in UN Development Assistance Frameworks (UNDAF)	FK(12)16
Muliufi Nickel	IDIP	Yeosu Korea	23/4-20/8/12	EXPO	FK(12)16
Kolone Maisa	RCIP	Malaysia	30/4-6/5/12	Asia-Pacific Regional Seminar on Copyrights & Related Rights Issues	FK(12)16
Sooalo Mene	DPM	Majuro, Marshall Islands	6/5-11/5/12		FK(12)16
Auelua S Enari	CEO	Sydney Australia	9/5-12/5/12	Capacity Building Workshop on Competition Law & Policy	FK(12)17
Unasa Iulia Petelo	FTCD	Sydney Australia	9/5-12/5/12	Capacity Building Workshop on Competition Law & Policy	FK(12)17
Siilili Isaia Lameko	IRWPOSH	Brisbane Australia	9/5-13/5/12	Regional Technical Meeting on Advancing the Development of a Pacific Regional Framework for Youth Employment	FK(12) Faapitooa 13
Retina Leavai	IRWPOSH	Beijing, China	22/5 - 16/6/12	Seminar on E-Commerce Logistics for Developing Countries	FK (12) 20
Faamanatu Solomona	AELM	Nadi Fiji	30/5 - 1/6/12	Regional Roundtable on Promoting Private Partnerships for Local Economic Development in the Pacific	STSC
Taupisi Faamau	AELM	Nadi Fiji	10/6/12-17/6/112	Pacific Executive Program Alumni	FK(12)22
Margaret Fruean	RCIP	Beijing, China	17/6/12	Reconvened Diplomatic Conference on the Protection of Audiovisual Performances	FK(12)22

**Annex 2: MCIL Performance Framework Results for FY 2011- 2012**

**1510: Output 1: Policy Advice to the Minister**

	Baseline Data	2010-2011	2011-2012		
Performance Measure/Indicator	Baseline (Base Year)	Estimated Actual	Budget Standard or Target	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
2010/2011 Annual report prepared and tabled in Parliament	N/A	December 2010	By December 2011	Completed/ Achieved	Compilation of 2010/2011 AR completed
Corporate documents reviewed and updated ie Corporate plan, service charter	N/A	December 2010	By December 2011	Completed/ Achieved	The Review is planned for 2nd half of FY for Corporate Plan and Service Charter

**1520: Ministerial Support:**

	Baseline Data	2010-2011	2011-2012		
Performance Measure/Indicator	Baseline (Base Year)	Estimated Actual	Budget Standard or Target	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
Level of satisfaction of the Minister with Ministerial support provided by the Ministry	N/A	80%	85%	Completed/ Achieved	Minister is provided with monthly updates of financial outlook of Ministry budget, updated on Board progress through 6 monthly reports to the Board, provided a briefing note on the initial budget etc.

**1530: Output 3: Management of Investment Promotion and Industry Development**

	Baseline Data	2010-2011	2011-2012		
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Performance Measure/Indicator	Baseline (Base Year)	Estimated Actual	Budget Standard or Target	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
The number of Duty Concession Schemes applications received and approved (Tourism & Manufacturing Development).	15 (FY2009/2010)	20	25	Behind Schedule	A total of eleven (11) applications were received in the reporting period. Six (6) have been approved by Cabinet; 4 pending Cabinet approval and one (1) cancelled project. Further, 5 applications were received for approval of additional goods. It should also be noted that for all the 11 new proposals and applications for additional goods received the division has completed preliminary assessments for the consideration of the Investment Committee. The scheme is specifically for the Tourism and Manufacturing sectors and there are projects that are still in the process of setting up hence the shortfall/delay. Further, under this scheme the division has also approved 35 customs entries for 11 different projects i.e. for importation of eligible goods that have been endorsed under the scheme or previously approved qualifying project.
The number of small operators duty exemption applications received and approved (Manufacturers - agricultural, handicraft, elei & garment; commercial poultry farmers;	5 (FY2008/2009)	6	10	Critical Shortfall/Delay	No applications were received during this reporting period. Lack of awareness may be a contributing factor. The division is carrying out awareness with relevant associations. In addition, the division will review the current threshold of \$78,000 annual turnover which may also prevent other smaller operators from applying. <b>Note:</b> Suggest to change performance measure to 'The number of Code 121 applications received and approved (Manufacturers - agricultural, handicraft, elei & garment; commercial poultry farmers)

Develop and finalize new operation procedures of Government Export Guarantee Scheme (GEGS) in line with needs of the industry by end of June 2012.	N/A	N/A	30-Jun-12	Behind Schedule	The review of GEGS was approved by Cabinet in January 2012, thus giving approval to the new name of the scheme i.e. Export Development Scheme (EDS); Membership of EDS Committee; Change of Chairmanship from Governor CBS to CEO MCIL as well as the new EDS guideline. The EDS Committee is now working on implementing the scheme as was approved by Cabinet and have already made consultation with the Insurance companies on the level and scope of insurance for exported goods. The Committee is yet to meet with the Commercial Banks on the guarantee of shipment before the scheme is launched.
The number of PSSF applications received and approved an indication of increased level of awareness and participation of private sector in accessing Private Sector Support Facility (PSSF)	57 (FY2009/2010)	70	80	Completed/ Achieved	A total of 129 PSSF applications were received in the reporting period for the first 5 Categories. This is the highest received for the same period since the inception of PSSF in 2008/9. On PSSF-TTRP (Tourism Tsunami Rebuilding Programme): The Cabinet originally approved 56 operators in 2009 and additional 2 operators were approved in and to date only 46 (including 2 that were received and approved in the reporting period) have applied and approved by the Steering Group and 1 has withdrawn for re-classification to Category B.
The number of public awareness programmes on all schemes conducted on TV/radio/newspaper and with various private sector associations.	N/A	N/A	2	Completed/ Achieved	Two (2) awareness programme were conducted in collaboration with the Samoa Mamanu & Manufacturing Association and SBEC. Further, seven (7) public notices were published in the local newspapers advertising the closing of PSSF Categories for the submission of applications. The Secretariat plans to undertake more public awareness with various Associations in the next FY2012/2013.

The percentage of applicants complying with industry development schemes conditions	N/A	90%	100%	Completed/ Achieved	Based on inspections conducted by the division during the reporting period, it is noted that 100% of inspected qualifying projects were compliant with industry development schemes conditions.
The number of Private Sector Business forums for exchanging of business information and ideas for development	3 (FY2008/2009)	1	3	Behind Schedule	There were no forums conducted for the reporting period as these were pending the PSSF Review and Strengthening Programme. A new framework has been approved and is yet to be launched in FY12-13 which has changed the set up of making Business Forums to Sector Presentations to be made to the PSSF Steering Group and inclusive of specific sector representatives.
The number of Private Sector Support Facility 6 monthly reports submitted to Steering Group, Ministry of Finance & development partners	N/A	2	2	Completed/ Achieved	The report for the first six months of the reporting financial year i.e. July-December 2011 is completed and has been submitted to MoF for disbursement to Development Partners. The final or annual report inclusive of activities for the last 6 months and all activities, January - June 2012 has been endorsed by the PSSF Steering Group (SG). The Secretariat will work on the publishing of this PSSF Annual Report(11-12) as approved by the Steering Group.
The number of foreign investment registrations	37 (FY2009/2010)	70	80	Behind Schedule	58 new applications were received in the reporting period plus 14 other amendments that includes registration of additional activities, change in shareholder information, change in activities, change in location and also certificates that were issued to approved FIE's. The new FIC applications were categorized as follows: Repairs and maintenance - 1, Fisheries - 4, Air and Sea Transportation - 1, Accommodation - 1, Wholesale and Distribution - 4, Retailing - 2, Construction - 5, Professional Services - 9, Information - 2, Restaurant - 6, Entertainment and Recreation - 6, Other Services - 10, Manufacturing - 5, Banks and Finance - 2



Complete the Review of the Foreign Investment Act by end of 2012	N/A	N/A	30-Jun-12	Completed/ Achieved	The Foreign Investment Amendment Act 2011 was passed on 9 August 2011. The Foreign Investment Regulations 2011 was also approved by Cabinet and assented by Head of State on 22 July 2011.
The percentage of foreign investors complying with requirements of the Foreign Investment Act 2000.	N/A	90%	100%	Completed/ Achieved	100% approval was achieved for the 58 applications received indicating that foreign investors comply with requirements of the FIA 2000 & FIAA2011.
Date by which the foreign investment report is submitted to the Minister of Commerce Industry & Labour	N/A	31-Dec-10	31-Dec-11	Behind Schedule	Given that the Foreign Amendment Act 2011 and Regulations have just become effective on 1 December 2011, the report will be prepared and submitted at the end of the financial year i.e. 30 June 2012.

#### 1540: Output 4: Enforcement of Fair Trading and Codex Development

	Baseline Data	2010-2011	2011-2012		
Performance Measure/Indicator	Baseline (Base Year)	Estimated Actual	Budget Standard or Target	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
Number of food and non food standards to be developed and approved	1 (2010)	1	2	Completed/ Achieved	The Food Safety Standards is now been finalized by the National Codex Committee. The delay in implementation will depend on the passage of the Food Bill (MOH).
Percentage of complaints resolved from the total number of complaints received on all matters pertaining to consumer protection, competition policy, prices, weights & measures and standards	55% (2010)	60%	65%	On Schedule/ Target	62% of the total complaints received had been resolved. The other 38% require regular follow-up on the status of trader compliance before a case is considered closed.

Percentage of traders complying with displaying of Price Orders and marking of prices on goods for consumer information based on inspection visits	N/A	50%	55%	On Schedule/ Target	66% of traders comply with displaying Price Orders and markings of prices on goods and shelves.
Development of the Trade Sector Plan inclusive of Commerce & Manufacturing to be completed in June 2011. Approval and Implementation by June 2012	N/A	N/A	30-Jun-12	Completed/ Achieved	The Trade Sector Plan was launched on the 24th May 2012
Percentage of traders that are fully aware of all their obligations under Fair Trading and Consumer Protection legislation based on the number of workshops and inspections conducted	15% (2010)	20%	25%	On Schedule/ Target	52% of all traders are considered "fully aware" of all their obligations under the various legislation we administer.
Percentage of consumer awareness of their rights and responsibilities in the market based on a questionnaire distributed to 2000 consumers (1000 in Upolu and 1000 in Savaii)	65% (2010)	70%	75%	Completed/ Achieved	The survey was developed and distributed in March 2012.
Review existing metrology framework completed by June 2011 and develop a comprehensive framework in trade measurements by June 2012	N/A	N/A	30-Jun-12	On Schedule/ Target	The Metrology Bill is with the Attorney General's Office for their second review.
Review and enact a comprehensive competition policy by June 2012	N/A	N/A	30-Jun-12	On Schedule/ Target	Funding was identified from PIFS in March 2012. Tenders advertised and recruitment processed done with consultations held in June 2012.
Establish a fully operational sub-division branch of the Fair Trading Division in Savaii by June 2012	N/A	N/A	30-Jun-12	On Schedule/ Target	Only \$3000 was approved during this FY budget for paying rent in Savaii from April - June 2012

Complete repair of the Tower Clock by September 2011	N/A	N/A	30-Jun-12	Completed/ Achieved	Completed this Activity on time.
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## 1550: Output 5: Apprenticeship, Employment and Labour Market.

	Baseline Data	2010-2011	2011-2012		
Performance Measure/Indicator	Baseline (Base Year)	Estimated Actual	Budget Standard or Target	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
Number of existing Apprentices Number of Apprentices terminated	111 (2009/2010) 20 (2009/2010)	120 15	130 15	Completed/ Achieved	135 were registered and accepted under the A/Program but 20 never turn up as some are now employed on full time basis and others went overseas.
Number of inspections for Apprentices: - Routine - Follow up - Special investigation	300 (2009/2010) 300 (2009/2010) 20 (2009/2010)	320 300 25	320 300 25	Completed/ Achieved	July -Dec 2011 - 264 routine & 132 F/ups inspections being conducted which exceeded the proposed targets.
Number of existing Employers of Apprentices:	55 (2009/2010)	60	65	Completed/ Achieved	70 existing apprentices exclusive newly recruits
Number of Apprenticeship Council Meetings:	4 (2009/2010)	4	4	completed/ Achieved	4 ACM were conducted during the period under review
Number of trade tests and certification conducted.	4 (2009/2010)	4	4	Completed/ Achieved	6 Trade Tests conducted, 2 for Carpentry & Joinery and 4 for Plumbing & Sheet metal
Number of trade test candidates passed	20 (2009/2010)	20	20	Completed/ Achieved	25 candidates passed during the period under review ( 19 for C /J trade and 6 under plumbing trade)

Number of new apprentices entered	50 (2009/2010)	55	60	Completed/ Achieved	55 new apprentices entered the Apprenticeship Scheme for 2011 School Calendar Year which is 92% of proposed target
Number of Apprentices graduated	30 (2009/2010)	35	35	Completed/ Achieved	37 graduated apprentices' inclusive graduates under the Trade Testing Scheme.
Number of Trade Advisory Panel meetings conducted	12 (2009/2010)	12	12	Completed/ Achieved	12 trade advisory meetings being conducted
Number of Jobseekers: - Registered - - Refer - - Place -	121 (2009/2010) 47 (2009/2010) 35 (2009/2010)	100 75 50	100 80 55	Completed/ Achieved	Jul-Dec - Reg 109, Ref 138, Place 10,
Number of vacancies lodged and advertised through: - Employment Service - Samoa Observer/Media	23 (2009/2010) 20 (2009/2010)	30 50	35 55	Completed/ Achieved	Jul-Dec Employment service - 27 vacancies, Media 24 vacancies
Number of half yearly employment survey returns collected from employers	385 (2009/2010)	400	425	Completed/ Achieved	723 returns collected
Number of jobseekers trained successfully to receive certificates	14 (2009/2010)	15 - 20	20 - 25	Completed/ Achieved	trained 80 jobseekers in Nov
Number of Labour Market Survey Reports distributed	150 (2009/2010)	N/A	150	Completed/ Achieved	150 reports printed and distributed.
Industry Awareness - Number of Senior Schools attended - - Number of Students participated - Number of Presenters	8 (2009/2010) 80 (2009/2010) 8 (2009/2010)	8 90 8	10 90 10	Completed/ Achieved	103 students and teachers attended

**1560: Output 6: Enforcement of Labour Standards and Assessment of Work Permits**

	Baseline Data	2010-2011	2011-2012		
Performance Measure/Indicator	Baseline (Base Year)	Estimated Actual	Budget Standard or Target	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
Number of Industrial Relation Awareness Workshops conducted for employees and employers	5 (2008/2009)	7	10	On Schedule/ Target	5 Social Dialogues conducted in workplaces in small to medium enterprises using the Labour and Employment Law 1972.
Number of meetings of the Samoa National Tripartite Forum facilitated by the secretariat	3 (2009/2010)	4	12	Behind Schedule	3 meetings conducted for the forum and 2 meetings were organized for the forum meeting with the ILO office. The first meeting was basically on International Labour Standard Reports and the other one was the Retreat organized and coordinated by our Ministry on the analysis of the current Decent Work Country Programme (DWCP) to develop the new DWCP.
Number of grievances cases to reach conciliation and arbitration.	9 (2008/2009)	5	0	Completed/ Achieved	During the year 2012, 2 cases reached the conciliation and arbitration level. These were the cases that could not resolve at the time of investigation. They were refer for arbitration and conciliation where they were settled and agreed on the common results
Compliance: - Number of routine inspection conducted	92 (2009/2010)	138	234	Completed/ Achieved	294 Routine Inspections in total conducted for the year 2012. Inspections are continuing on record keeping by the employers and work places. Most of these inspections were able to remind the companies and business of the proper records to keep as their obligations under the duties of care in the Labour Act 1972.

- Number of investigation conducted on industrial relation grievances case i.e. terms and conditions: - termination notice, annual leave, overtime, public holidays pay, sick leave, withholding wages, authorize deduction.	91 (2009/2010)	81	64	Completed/ Achieved	84 Investigations conducted for the year 2012. These cases were settled and agreed by parties; employer and workers after full investigation analysis. But there were few cases that were referred to the Attorney Generals for their opinion
Number of work permits for expatriates verified and assessed	375 (2008/2009)	413	470	Completed/ Achieved	472 Completed all applications with the resolutions as follows: 90% Approved; 7% Deferred and 3% Rejected. Most these work permit were approved on the merit and meeting the requirements of the Work Permit application.
<p>Number of International Labour Organization Core Conventions to be ratified, including:</p> <p>(a) Freedom of Association of the right to organise</p> <p>(b) Right to organise and collective bargaining</p>	0 (2009/2010)	1	5	<p>Completed/ Achieved</p> <p>Completed/ Achieved</p> <p>Completed/ Achieved</p>	<p>First Report was submitted in 2011. However, as the requirement of Samoa as a member state of ILO under the ILS, it needs to provide the second report thereon after. So the Second Report for the "Freedom of Association of the Right to Organise Convention" (C87) was submitted as on the due date in September 2012. The report type was a Direct Request from the Committee of Expert in Geneva Office</p> <p>First Report was submitted in 2011. However, as the requirement of Samoa as a member state of ILO under the ILS, it needs to provide the second report thereon after. So the Second Report for the "Right to organise and Collective Bargaining Convention"(C98) was submitted as on the due date in September 2012. It was an Observation type of Report from the Committee of Expert in Geneva Office.</p>

New Labour and Employment Act in place - Training and workshop on the new legislation; Labour Employment Relation	0 (2009/2010)	5	7	On Schedule/ Target	LER Bill currently with the Parliament for final reading in March 2013 Session.
<b>1570: Output 7: Enforcement of Occupational Safety and Health Standards</b>					
	<b>Baseline Data</b>	<b>2010-2011</b>	<b>2011-2012</b>		
<b>Performance Measure/Indicator</b>	<b>Baseline (Base Year)</b>	<b>Estimated Actual</b>	<b>Budget Standard or Target</b>	<b>Traffic Light Progress Indicator</b>	<b>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 Routine OSH Inspections conducted	300 (2009/2010)	350	400	Behind Schedule	182 (45%) routine inspections completed. Staff turnover has been noted as the main reason for the underachievement of the proposed target. Vacant positions have been filled which will help achieve the expected outcome
Number of reported work related accidents reported	40 (2009/2010)	35	30	On Schedule/ Target	23 reported accidents (75% achieved). This would depend on the compliant where they lodged directly with the ACC and not with the Ministry due to the fact that ACC would compensate for days missing from work, as for the Ministry is only to enforce but no compensation
Number of investigations conducted on work related accidents	70 (2009/2010)	60	50	On Schedule/ Target	From the reported work related accident reports and non - compliance during inspection routine in workplaces resulted to 40 investigations conducted. At the end of these investigations, corrective actions were issued based on the findings for future improvement.

Number of Awareness workshops conducted for employees	3 (2009/2010)	5	7	On Schedule/ Target	4 Social Dialogues' were conducted in jointly with the Industrial Relation and Work Permit Issues in the workplaces. These were acknowledged by employers and workers and appreciate the Ministry for the idea of bring the law to their doors.
Risk Management Training coordinate by the Ministry for the Government Ministries, Corporations, and the Private Sector	N/A	New Measure	17-28 Sept 2012	On Schedule/ Target	The training was proposed by the MCIL to the Samoa In Country Training Programme was aim at the development of Risk Management System Plan in workplaces. At the end the 2 weeks trainings, the participants were able to present the drafts of their Risk Management Plan for their workplaces base on what they learned throughout the 2 weeks workshop.
New OSH Legislation: Number of training workshops	N/A	New Measure	4	Behind Schedule	Await completion of the Amended OSH Act and the relevant regulations
Date on which OSH day will be celebrated	N/A	28 April 2011	28 April 2012	Completed/ Achieved	Workshop was conducted at Tanoa Kitano to commemorate the OSH Day, however the 28th of April was on Saturday 2013, and the Ministry decide to use the 27th of April 2012 to observed this day. The theme of the workshop was "Promoting Safety and Health in a Green Economy.

**1580: Output 8: Management of Registries of Companies and Intellectual properties.**

	Baseline Data	2010-2011	2011-2012	
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Performance Measure/Indicator	Baseline (Base Year)	Estimated Actual	Budget Standard or Target	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
Number of registration each year: - Companies - Incorporated societies - Charitable trusts - Cooperative societies - Credit Unions	2008/2009				
	60	120	150	Behind Schedule	296 companies registered ( the number represents 119 new companies registered and 177 re-registered companies within the FY)
	10	10	12	Completed/ Achieved	15 incorporated societies registered
	5	6	6	Completed/ Achieved	14 charitable trusts registered
	3	2	3	Behind Schedule	1 Co-operative society registered in the year under review
	1	1	2	Behind Schedule	no credit union registered in the year under review
	2008/2009				
Number of registration each year: - Trademarks - Patents - Industrial designs	140	150	160	Behind Schedule	145 trademarks registered
	4	5	7	Completed/ Achieved	17 new patents registered (the number represents 100% of overseas patents registration)

	2	1	1	Completed/ Achieved	4 new industrial designs registered (the number represents 100% of local designs registration)
Number of inspections of video shops for infringement of Intellectual property	N/A	50	80	Completed/ Achieved	110 inspections of video shops
Number of annual returns filed from Companies	600 (2008/2009)	800	850	Behind Schedule	464 annual returns filed within the Financial year (the shortfall of annual returns filed is due to the small number of active companies on the registers, many companies have been de-registered).
Number of financial statements filed: - Incorporated Societies - Credit Unions	2008/2009				
	200	250	250	Behind Schedule	61 audited financial Statements filed within this FY.
	50	10	5	Behind Schedule	4 audited financial statements filed within this FY.
Number of trainings and awareness programmes for: stakeholders and other interested parties	4 (2008/2009)	4	6	Behind Schedule	4 trainings and awareness programmes (the number constitutes of 1 sub regional meeting and 1 national seminar on copyright & related rights and two workshops and/or consultations for national IP strategic framework.
Number of filed: - Trademark applications - Patent applications - Industrial design applications	2008/2009				
	140	110	130	Completed/ Achieved	310 new trademarks applications filed

	4	5	6	Completed/ Achieved	13 new patents applications filed in the year under review
	2	2	2	Completed/ Achieved	4 new applications filed in the year under review
Number of de-registered: - Companies - Incorp societies dissolved	2008/2009				
	20	60	30	Completed/ Achieved	537 companies that have been deregistered and have been struck off the register
	10	12	15	Completed/ Achieved	16 de-registered incorporated societies
Number of trademarks renewed	80 (2008/2009)	100	120	Completed/ Achieved	143 trademarks renewed
Number of trademarks abandoned	101	120	130	Behind Schedule	62 trademarks abandoned
Number of trademarks advertised	92	100	120	Completed/ Achieved	145 Trademarks advertised in the Savali newspaper

Date by which Personal Properties Securities Act (PPSA) is approved by Parliament	N/A	New Measure	30 June 2012	On Schedule/ Target	Await discussion in the March Session of Parliament but now with the Legislative Assembly for Faa Samoa.
Date by which National Intellectual Property Strategy is completed and approved by Cabinet	N/A	New Measure	27 June 2012.	Completed/ Achieved	The National Intellectual Property Strategic Framework was acknowledged by parliament on 11th April 2012 and was implemented 27 June 2012.
Date by which amendments to modernise the Intellectual Property Legislation are approved by Parliament	N/A	New Measure	1 October 2011	Completed/ Achieved	Intellectual Property Act was passed by parliament in November 2011 and will be implemented in October 2012.
Date by which amendments to Incorporated Societies Act are approved by Parliament	N/A	New Measure	16 March 2012	Completed/ Achieved	Incorporated Societies Amendment Act was passed by parliament on 16 March 2012
Date on which World Intellectual Property Day will be celebrated	N/A	28 April 2011	28 April 2012	Completed/ Achieved	World Intellectual Property Day is celebrated on 28 April in every year.

**Annex 3: MCIL Legislations at end of June 2012**

1	Apprenticeship Act 1972	21	Incorporated Societies Regulations 1973
2	Apprenticeship Amendment Act 1994	22	Incorporated Societies Amendment Act 2012
3	Apprenticeship Regulations 1973	23	Industrial Designs (Amendment of Fees Order)2007
4	Charitable Trusts Act 1965	24	Intellectual Property Act 2011
5	Companies Act 2001	25	International Date Line 2011
6	Companies Amendment Act 2006	26	Labour and Employment Relations Act 2013
7	Companies Regulations 2008	27	Measures Ordinance 1960
8	Consumer Information Act 1989	28	Miscellaneous Fees Amendment Regulations 1998
9	Cooperatives Societies Ordinance 1952	29	Occupational Safety and Health Act 2002
10	Cooperatives Societies Regulations 1954	30	Patent (Fees) Regulations 2007
11	Copyright Act 1998	31	Personal Property Securities Act 2013
12	Copyright Amendment Act 2011	32	Public Holidays Act 2008
13	Credit Union Ordinance 1960	33	Receiverships Act 2006
14	Daylight Saving Act 2009	34	Securities Act 2006
15	Fair Trading (Approved Egg Standards) Regulations 2010	35	The Shops Ordinance 1961
16	Fair Trading Act 1998	36	Trade Commerce and Industry Act 1990
17	Foreign Investment Act 2000	37	Trade, Commerce and Industry Amendment Act 1998
18	Foreign Investment Amendment Act 2011	38	Trademarks (Fees) Regulations 2007
19	Foreign Investment Regulations 2011	39	Transitional Provisions Act 2006
20	Incorporated Societies Ordinance 1952		



Figure 1: DPM Hon. Fonotoe P. Laufo at the acceptance of Samoa as a WTO member Nov 2011



Figure 2 MCIL CEO Auelua T.S. Enari and Samoa working party members at the WTO finalizing of Samoa's membership



Fig 3: Job Seekers Training May 2012



Fig 4: Industry Awareness Day, Savaii March 2012





Fig 4: MCIL Budget and Procurement Staff Refresher, July 2011



Fig 5: MCIL Service Charter Staff Refresher, Sept 2011



Fig 6: MCIL Trade Sector Staff Refresher, Sept 2011



Fig 7: MCIL PSC Working Conditions Staff Refresher on leave entitlements, Aug 2011