MINISTRY OF COMMERCE, INDUSTRY AND LABOUR

Annual Report

for the period ending 30 June 2017

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FA'AVAE I LE ATUA SAMOA

Government of Samoa

OFFICE OF THE MINISTER
MINISTRY FOR PUBLIC ENTERPRISES
MINISTRY OF COMMERCE, INDUSTRY AND LABOUR,
(Accident Compensation Corporation, Samoa Housing Corporation, Samoa Land Corporation, Samoa Sports and Facilities Authority, Polynesian Airlines Ltd)

Honorable Speaker of the House,

It is a pleasure for me to table the Annual Report of the Ministry of Commerce, Industry and Labour for the financial year July 2016 to June 2017, for consideration and discussion in this current session of the House.

Lautafi Fio Selafi Purcell
MINISTER OF COMMERCE, INDUSTRY AND LABOUR

Honourable Lautafi Fio Selafi Purcell
Minister of Commerce, Industry and Labour

Pursuant to section 15 of the Public Service Act 2004, I hereby submit the Annual Report of the Ministry of Commerce, Industry and Labour for the financial year July 2016 to June 2017.

Faafetai

Pulotu Lyndon Chu Ling
CHIEF EXECUTIVE OFFICER

CONTENTS

WORD FROM THE MINISTER OF COMMERCE, INDUSTRY AND LABOUR

As Minister for the Ministry of Commerce, Industry and Labour it is my pleasure to present its Annual Report for the financial year 2016-2017.

The Ministry's mission is to create an enabling environment for business innovation and employment creation for all Samoans. This means successful and vibrant businesses, sectors and people. Challenges and external influences however sometimes hinders the achievement of this mission, hence the Ministry continued to place a high priority in strengthening long term partnerships with development partners, private sector organizations, sectors, and the community to ensure the roadmap in achieving that mission is possible.

This year's Annual Report provides an overview of Ministry-led initiatives and collaborative work we have progressed and the achievement of many milestones to support our economy and the national vision of "Accelerating Sustainable development and opportunities for All". Some highlights include, the launch of the Samoa National Employment Policy to tackle unemployment in Samoa, the signing of the Samoa Decent Country Work Programme for the next four years, the launching of the Personal Properties & Securities E-Register to allow businesses easy access to finance for business development and the implementation of the Metrology legislation to provide a fair playing field for fair trading amongst consumers and traders as well the Competition and Consumer Protection initiative to encourage fair competitive markets in Samoa and to protect the safety and interests of the consumers. The Ministry has a long challenging road ahead and with the collaborative efforts with our partners and government agencies, we are well positioned to meet challenges to Samoa's wellbeing.

I would like to thank all staff as well as our partners and supporters for their commitment to deliver on our outcomes over the last year, while also responding to adverse events.

Soifua.

Lautafi Fio Selafi Purcell
MINISTER OF COMMERCE, INDUSTRY AND LABOUR

CHIEF EXECUTIVE OFFICER'S FOREWORD

In this annual report, we highlight the challenges encountered and the Ministry's achievements through collaborative efforts for delivering specifically designed strategies necessary for the achievement of expected key outcomes as reflected in the Strategy for the Development of Samoa ('SDS'), the Ministry's Trade Commerce and Manufacturing Sector Plan ('TCMSP'), as well as our Corporate Plan.

The last year has seen changes at an accelerated pace bringing new challenges and new opportunities. In that regard, the Ministry recognizes the need to make relevant adjustments on how it delivers its services, the way we organize our structure and our people, and how we collaborate with other government ministries and agencies focusing on where we can make the most impact. We have taken on new responsibilities and offer new services; therefore, the Ministry took on a new proactive approach in delivering our services to ensure our clients and stakeholders are informed and have relevant and accurate information directly from our Ministry.

We continued to embark on our stakeholder engagement through strengthening private public partnerships to ensure our objectives are met in providing an enabling environment for business innovation and employment creation.

I acknowledge the contribution of our team, staff members at all levels. The high level of commitment and professional dedication to their call of duty is highly appreciated. At the same time the Ministry cannot on its own fulfill all the planned activities, therefore we express our sincere gratitude to our stakeholders, the development partners, communities, private sector and the public sector for your contributions which has made financial year 2016/17 another successful year. This strong partnership has and will continue to be a key contributor and driver towards achieving the overall national vision of 'Accelerating Sustainable development and broadening opportunities for all'

Pulotu Lyndon Chu Ling
CHIEF EXECUTIVE OFFICER

SECTION 1 OUR KEY ACHIEVEMENTS

The following were the key highlights and achievements of the Ministry for the period under review.

Trade Commerce and Manufacturing Sector

A review of the Trade Commerce and Manufacturing Sector Plan 2012-2016 was carried out by the Sector Unit bringing together all implementing agencies from the private and public sector that are the driving force for the SDS initiatives of 'Revitalizing exports' and 'Enabling business environment under the economic sector. A total of USD791,273 (SAT1,984,136) of EIF funding was spent for Tier 1 and Tier 2 activities of the Sector during the period under review.

Private Sector Support Development Initiative

The government through the Ministry has been working together with the Asian Development Bank through its Private Sector Support Development Initiative (PSDI) in providing a more enabled environment for business development such as easy access to finance. The launching of the Personal Property Register in February 2017 provides the platform to encourage the use of personal properties such as motor vehicles and other movable properties to secure loans, thus improving access to credit. Improved access to credit means new investments, business expansions, more employment opportunities and a better quality of life. The next chapter of this project will include review of the Companies Act 2001 and reforming other existing registers such as the Foreign Investment, business names register into online platforms

Metrology and Price Control

Our ongoing monitoring and evaluation have shown that 85% of traders inspected have complied with the new metric units applied for trading purposes. All 23 petrol stations for both Upolu and Savaii were adjusted on a monthly basis. 91% of traders complied with trader obligations in the application of prices of goods under price control regulations. Non-compliance was given warnings on the spot and was reminded of their obligations under the law.

Employment and Labour Force

Approximately 68% of total population falls within the working age group (15-65years) whereas only 18% of total population is engaged in formal paid employment with 67% male and 33% female. Given the relatively young working population, there is now an emphasis on supporting youth entrepreneurship and the development of micro and small-businesses. This is reflected in the new Samoa National Employment Policy as part of government's effort to create decent employment opportunities for youth of Samoa.

Decent Work Programme for Samoa

Samoa has signed its Decent Work Country Programme (SDWCP) with the International Labour Organization (ILO) for the next four (4) years. The SDWCP reconfirm Samoa's commitment through partnership with ILO, UN Agencies and development partners to promote decent work towards achieving the Sustainable Development Goals. In December 2016, Samoa has completed its recent DWCP 2013-16 review, achieving 92% of its outcomes under its priorities. The successful result was due to the close collaboration of the constituents of the SNTF (government, Employers, and Employees) and stakeholders in knowing their commitment under the ILO works that links and contributes to the economic development of Samoa as stated in the SDS.

Foreign Investments

The Professional Services continued to be the sector the Ministry has received the highest number of applications specifically the Consultancy Services followed by the Retailing (General Merchandise) Sector. For the period under review, 69% of foreign investment registered (74 in total) with the Ministry successfully commenced business operations. The study on the Wholesaling Sector is completed with the recommendation to including this sector as a reserved activity for Samoans.

Seasonal Employment Unit

After ten (10) years of operations under the Ministry of Prime Minister and Cabinet, the Seasonal Employment Unit has moved to its new permanent location within the Ministry. The government's plan through the Sector is to build Samoa's potential to export services through the New Zealand Regional Seasonal Employment (RSE) Scheme and the Australian Seasonal Workers Programme (SWP). A priority for services is certification and accreditation in order to capitalize on the international demand. Additionally, there are multiple service avenues that have yet to be articulated in Samoa, for example, sports and professional services.

Community Awareness

Three (3) ONE MCIL Awareness programs were conducted during the reporting period; in Salelologa, Apia and Aleipata districts promoting the Ministry's services and to gauge the community's feedback on ways to improve the way we deliver our services. The Ministry together with our close partners SBEC, Immigration Services, and Ministry for Revenue were part of our awareness and it was a successful joint program. More similar awareness programs will continue on in the new financial year targeting rural districts in both Upolu and Savaii.

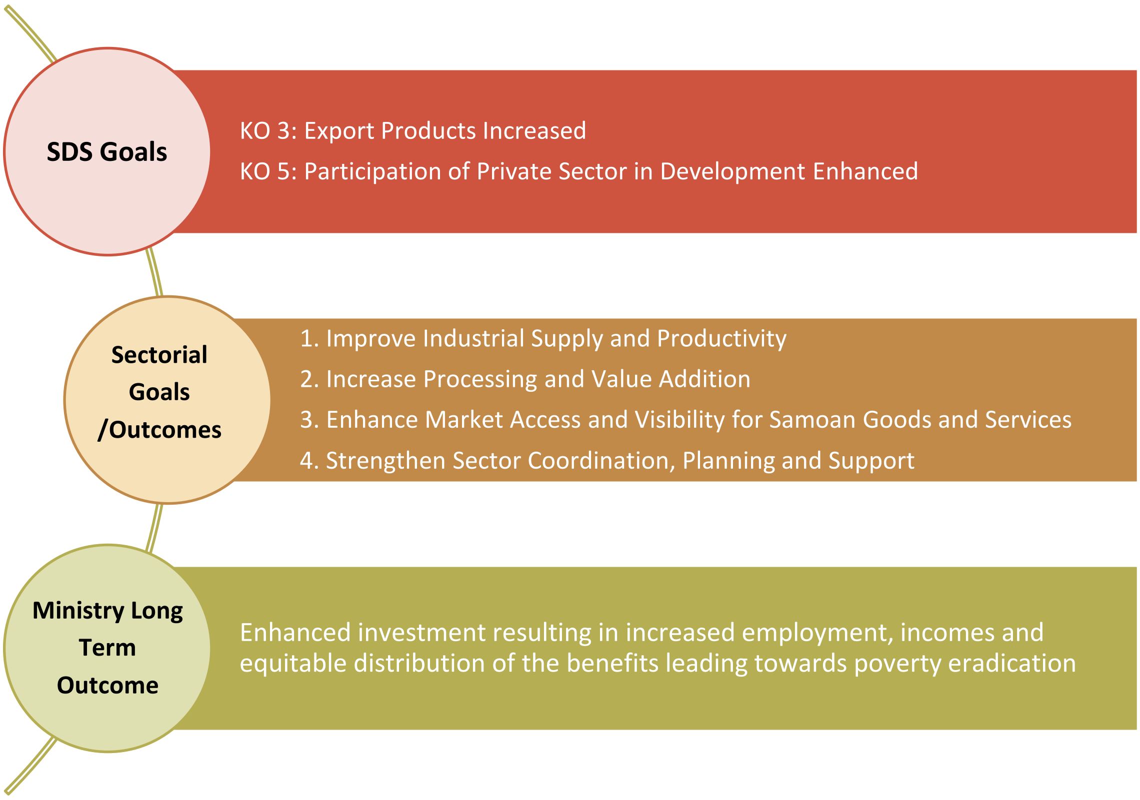
Financial Performance

The Ministry's total expenditure in 2016/17 was $11.54 million tala (96% utilization). Of this amount, $0.65 million tala was financial assistance to the Private Sector Organizations; $3.7 million tala was spent of Outputs delivered by the Ministry (Services) to the community and stakeholders and $2.23 million tala was spent on Transactions on Behalf of the State. A total of USD792,410 was spent on project development activities under the Trade, Commerce and Manufacturing Sector. A total of $0.115 million tala was spent on long service benefits of staff who have reached 10 or more years of service in the public service as well as allowances and ex-gratia payment for the former CEO of the Ministry who had passed away in June 2016.

A total of $0.93 million tala was received from receipts and charges for services offered by the Ministry on behalf of the government, a $0.71 million tala more than the revenue target for the financial year. This increase is largely from charges for services for foreign employment permits and registration of companies and intellectual properties.

SECTION 2 OUR ROLE AND STRATEGIC DIRECTION

The Strategy for the Development of Samoa 2016/17-2019/20, the Trade Commerce & Manufacturing Sector Plan and our Corporate Plan form the basis of our role and strategic direction.



Our vision

MCIL's vision for the next four years reflects its support of Government's vision of Accelerating Sustainable Development and Broadening Opportunities for all. Our vision therefore is to become "A leader in promoting an enabling environment for diverse business innovation and employment in Samoa".

Our Mission

MCIL's mission is "Fostering economic growth and prosperity in Samoa by promoting public private partnerships, and ensuring a fair trading platform for businesses and consumers".

Our Values

Our values are embedded with those of the Public Service which are crucial to the successful delivery of our services. We aspire to keep and respect their importance in the achievement of our vision and mission:

Equity and Fairness – our stakeholders are treated equally and fairly maintaining political neutrality

Service & Commitment – committed and dedicated to service with honesty

Respect & Empathy – we respect the thoughts, feelings and concern of others and seek first to understand than to be understood

Transparency & 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 & Effectiveness – optimum use of resources at all levels to achieve results of value to the public in the most economical way

Our Legal Mandate

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. Set standards to regulate fair competitive practices to promote a level playing field in all trades;
3. Administers the Apprenticeship Scheme, Employment services, conducting of labour market surveys, collection and dissemination of Labour Market Information;
4. Enforce labour and employment standards, approval of foreign employment permits and promote occupational safety and health;
5. Manage the registries of companies and other legal entities, Intellectual property registers, protection of rights of Intellectual Property holder and enforces statutory obligations.

The extensive Legal and Regulatory Framework for MCIL is detailed in **Appendix 1**. Recent reviews have been taken to update and reform legislation to comply with global business demands. These reviews will be on going for the corporate planning period to bring up to date the various legislation governing Samoa's business environment.

SECTION 3 OUR YEAR IN REVIEW 2016/17

3.1 TRADE COMMERCE AND MANUFACTURING SECTOR

Sector Vision: Maximize gains from domestic and foreign trade and enhance productivity, income generation opportunities and sustainable livelihoods for all Samoans.

Sector Performance in-line with the SDS
The Trade, Commerce and Manufacturing (TCM) Sector together with implementing agencies is the driving force for the SDS key outcomes of ‘Export Products Increased’ and ‘Participation of Private Sector in Development enhanced’ under the economic sector.

SDS Key Outcome 3 – Export Products Increased

Samoa’s balance of payments is characterized by a large deficit in the balance of goods and a surplus in the balance of services as well as substantial transfer inflows (remittances). Therefore, our trade in goods deficit balance for FY2016/17 amounts to approximately ST$(690) million with imports and exports respectively valued at approximately ST$782 million and ST$91 million. Goods export for FY2016/17 are comprised of fresh fish (56%), taro (14%), noni and its by-products (12%), coconut and its by-products (8%), beer (8%) and others (2%). The imports for the reporting period comprise of petroleum (16%), food (11%), construction material (11%), motor vehicles (8%), and others (54%).

Samoa’s economy continues to be dominated by services with 80% attributed to service-based industries, 10% to industry/manufacturing and 10% to agriculture and fisheries. The balance of trade in services has a growth trend of 4.5% over the assessed period. The surplus (averages at SAT$ 276 million) is attributed to travel which is the determining factor for trade in services trend. The overall trade in goods and services balance for FY2016/17 notes an estimated deficit of ST$(414) million.

Transfer flow shows that Net direct investment (asset on liability) averaged about SAT$43 million in FY2016/17; which is a significant improvement noting that this has averaged at a negative SAT$(36.6) million in the FY2011/12 - FY2015/16 period. This indicates a significant move towards increasing assets usually through reinvestment of earnings. Total remittances averaged at SAT$399 million (20% of Real Gross Domestic Product (GDP)) in FY2016/17.

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

For the FY2016/17 period economic activity was dominated by the Commerce Sector, which accounts for 32% (ST$0.62 billion) of GDP for the assessed period. Agriculture and Fisheries account for 11% (ST$0.21 billion); Manufacturing (including food manufacturing) make up 9.8% (ST$0.188 billion); Construction 9.6% (ST$0.184 billion); and other Sectors accounting for the remaining 37% (ST$0.71 billion) of GDP. The overarching real GDP for FY2016/17 is an estimated ST$1.92 billion, which translates to a ST$ 9,845 GDP per capita.

Samoa’s Doing Business ranking has declined from 57th in 2010, to 89th in 2017, but this does not present a full picture of where we are, and this is why the Distance to Frontier (DTF) measure is a more realistic measure for Ease of Doing Business. The DTF score shows how far on average an economy is at a point in time from the best performance achieved by any economy on each Doing Business indicator since 2005 or the third year in which data for the indicator were collected. The measure is normalized to range between 0 and 100, with 100 representing the frontier. In that regard, the notable trends for ease of doing business in Samoa are: Getting Electricity; Dealing with Construction Permit; and Registering Property slightly decreasing; paying taxes has a slightly growing trend; and Trading Across Borders significantly decreased in 2016. Accessing/Getting Credit and Resolving Insolvency remains our most problematic areas

With regards to the Labour Force, the median age in Samoa is 20.5 years, making it a relatively young population. Approximately 68% of total population falls within the working age group (15 - 65 years); whereas only 18% (34,530 persons) of total population is engaged in formal paid employment with 67% male and 33% female. A Majority has obtained at least secondary level education and mostly based in North West Upolu and Apia Urban Area. Given the relatively young working population the Ministry mobilized in 2016 to be more proactive in supporting youth entrepreneurship and the development of micro and small-businesses. This is reflected in the new Samoa National Employment Policy 2016, National Youth Policy 2016-2020 and the Diagnostic Trade Integration Study 2016.

Sector Work and Project Management

Recognizing the necessity for improving its trade prospects and opportunities, the Government developed the Trade, Commerce and Manufacturing Sector Plan (TCM-SP) 2012-2016. The TCM-SP established a road map aimed at diversifying the production base and put in place an inter-governmental coordination mechanism for implementation. The TCM-SP has also built upon the Trade Policy Statement 2008, the National Export Strategy for Samoa 2008-2012 and the 2010 DTIS.

The TCM Sector currently manages two Aid for Trade (AfT) projects in collaboration with the Enhanced Integrated Framework (EIF); they are Tier 1 – National Institutional Arrangements; and Tier 2 – Trade Sector Support Programme. The EIF is a global partnership involving LDCs, donors and international organizations, which support LDCs to be more active players in the global trading system by helping them tackle supply-side constraints to trade.

These are the **project achievements in the FY2016/17**:

EIF-Samoa Tier 1: National Institutional Arrangements (Total Expenditure USD$302,873 (SAT759,461))

1. Diagnostic Trade Integration Study 2016 Update;
2. Study of the Wholesaling and Review of the Reserved List;
3. Savaii Business Scoping Study;
4. Japan Trade and Investment mission to Samoa;
5. New Zealand Business mission to Samoa;
6. Development of the Samoa Trade Sector Support Program Documentary;
7. Launching of the Samoa National Employment Policy and the Samoa National Codex;
8. Co-financing of promotional materials for the MCIL Awareness days; and
9. Participation of delegates to trade negotiations.

EIF-Samoa Tier 2 – Trade Sector Support Programme (Total Expenditure USD488,401 (SAT$1,224,675))

1. Ground-break for the WIBDI processing facility/warehouse;
2. Replanting of 48 acres of the Samoa Trust Estate Corporation (STEC) farm and maintenance and clearance ongoing for 150 acres;

3. Down-payment transferred for food processing machines through Samoa Research Organization of Samoa (SROS);
4. Funding of the Trade Policy Officer within Samoa Chamber of Commerce and Industries (SCCI);
5. Initiating of the ONEMCIL database framework project; and
6. Initiating of the Integrated Business Database Framework.

3.2 INVESTMENT PROMOTION AND INDUSTRY DEVELOPMENT

THE INVESTMENT ENVIRONMENT

Foreign Investment Trends

This reporting period has recorded yet a high number of registered Foreign Investment Enterprises (FIE) with a total of 74. However, this is a decrease from the registered total of 80 from the previous reporting period (FY2015/16). The total number of registered FIE's has fluctuated over the past years with either a slight decrease or an increase with no significant change. This indicates a steady investment environment able to positively attract investment from abroad.

The 'Professional Services' and 'Retailing' sectors have continued to be favored by investors respectively recording yet the highest numbers as depicted in the table below:

Sectors	Total
Professional services (consultancy, internet providers, communications)	35
Retailing	16
Manufacturing	8
Accommodation	5
Restaurants/Cafes	4
Wholesaling & Distribution	3
Other Services (hair salon, beauty parlors)	2
Construction	1
TOTAL	**74**

The 74 new registered FIEs for the reporting period has brought into Samoa an estimated total initial working capital of **SAT$38,200,452.94** (estimates are based on what was indicated in the application forms). It is a 35% decrease from **SAT$59,043,716.20** in the previous FY2015/2016 due to the slight decrease in the number of registered FIEs and the size and nature of each operation.

In addition to new applications, the Ministry also received applications for renewals, and amendments to existing certificates. The Foreign Investment Act 2000 (FIA) amendments in 2015 saw the inclusion of a provision for all FIEs to renew their Foreign Investment Certificates (FICs) on an annual basis. The table below summarizes the number of applications received for renewals and the various amendments made:

Amendments	Total
Renewals	97
Other Amendments (change of location, addition/removal of trading name, change in shareholding details etc)	30
Additional Activities	21
Additional Branches	9
Removal of Activities	5

Achievements

i. **Commencement of the Citizenship Investment Program –** The Citizenship Investment Act 2015 came into effect on the 31st of January 2017. Only one (1) application was received and is currently being assessed. In addition, a trade and investment mission to PNG is scheduled for the next financial year to further promote the programme as well as other investment opportunities in Samoa.

ii. **Awareness Programmes -** A total of fourteen (14) awareness programmes were conducted to promote investment and Government assistance programmes administered by MCIL and they are as follows:

- 3 MCIL Day programmes (2 in Upolu and 1 in Savaii)
- 3 talk back show on television for the Citizenship Investment Scheme
- 5 sessions at the SBEC Roadshow in Savaii
- 2 newspaper advertisements
- 1 Facebook post

iii. **Completion of the Wholesaling study and Review of the Reserved list**

The study of the wholesaling sector and review of the reserved list was completed in January 2017. The outcome of the study revealed that the activity of wholesale of food and drink items should be added to the reserved list of the FIA 2000. The Ministry will work together with the Samoa Law Reform Commission in reviewing the legislation.

With regards to the reserved list, there were concerns raised by the public regarding specific activities that they want added to the list. Some of these activities include; beach fale accommodation, petrol stations, bottled water, tyre repair services to name a few.

However, it is the responsibility of the operator to make a written submission to the Ministry with a proposal to add an activity to the reserved list. This proposal must also be accompanied together with evidence that at least 2 of the 4 criteria as set out in the Foreign Investment Regulations 2011 has been satisfied in order for the Foreign Investment Advisory Committee to make a decision before submission to Cabinet for endorsement. To date, there have been 2 submissions received by the Ministry from the private sector requesting the addition of the Petrol Stations and Shipping Agencies economic activities to the reserved list. However, the submissions required supporting documentation from the industries to satisfy the criteria for removing/adding activities from/to the Reserved List.

iv. **Monitoring and Evaluation**

The M&E activities carried out both in Upolu and Savaii for the reporting period, inspected a total of 25 registered FIE's. Out of this number 96% (24) were found to be compliant and 4% (1) non-compliant with the approved activities.

The non-compliant is the carrying out of other activities that were not originally approved in the FIC without formally notifying the Ministry of these changes. The non-compliant FIEs were reminded of their obligations under the FIA 2000 and Regulations 2011; and how to fully comply with the provisions of these legislations.

The nature of the inspections varied from amendments such as additional or changes in business activities, additional branches and other relevant information.

v. **Non-Taxed Revenue Collected**

Total revenue collected of SAT$16,350 was recorded from different FIC applications and has exceeded the targeted revenue of SAT$6,800 for the reporting period. It is a 33% increase from last FY2015/2016 revenue of SAT$10,900. Regardless in the decrease in number of registered FIEs from last financial year to the reporting period, this increase in revenue is mainly due to the Foreign Investment Act 2000 amendments in 2015 (effective 2016) for annual renewal of foreign investment certificates plus an increase in applications for amendments to include new business activities, change in location, inclusion of trading names, and additional branches.

vi. **Re-establishment of the Non-Compliance Task Team**

This task team aims to resolve on-going non-compliant issues that the team continues to face year after year with little to no action being taken against these non-citizens. This task team comprises of representatives from the Ministry for Revenue and the Immigration Division of the Ministry of the Prime Minister and Cabinet together with internal divisions that include Industrial Relations, Work Permits and Occupations Safety and Health (IRWPOSH) and the Registry of Companies and Intellectual Properties (RCIP). This task team has been dormant for the past 5 years or so and was re-established during this reporting period.

The Task team offers a platform to raise and discuss issues that relate to the non-compliance of non-citizens under the different legislations of the respective ministries. Information gathered from previous reporting periods indicated an increase in the number of non-citizens suspected to be in breach of the law. The following are a few examples of the issues discussed during these meetings;

- Engagement of non-citizens in the reserved activities;
- Business license registration under suspected accomplices (Samoan citizens) but operated by non-citizens;
- Foreign employees issued with foreign employee employment permits but found to be employed elsewhere.

The Task Team held two meetings and although in its early stages, has proven to be an efficient and effective way to also raise awareness about the different issues encountered by each agency and how best to work collaboratively on addressing them.

vii. **Operational FIE database –** A recently developed database used to gather and record updated information on all registered FIEs. These registered FIEs are followed up on a 6 monthly basis not only to ensure they are operating but also for ease of M&E and reporting (6 monthly and annually) purposes.

<u>Progress of previous achievements/challenges</u>

i. **Employment Creation –** A major opportunity for the economy through foreign investment is the employment creation in which these FIE's offers. The inclusion of employment figures was initiated in the last three reporting periods with an estimated total of about 1727 job opportunities created through the establishment of new FIE's. This reporting period has recorded a total of 266 new opportunities available to our local people. This is based on applications received which recorded a decrease from the previous FY2015/2016 of 571.

However, these figures are only an estimated number that the investors include when applications are received and, therefore, confirming these numbers will need to be done once inspections are carried out to physically sight these enterprises and their business operations.

The assumption in the decline in the number of employment creation compared to the previous FY2015/2016 is due to the registration of large companies and that usually indicate a higher number due to the number of workers needed for the construction phase or companies that were only here for a short period of time, for example, the filming of the Survivor Australian programme where a large number of employment was needed for not more than 3 months. Further there is change in business planning due to changes in the environment once the business commences operations, therefore, some businesses may or may not employ the number indicated in the initial application.

However, it is anticipated that ongoing Monitoring and Evaluation activities in the new FY2017/2018 will confirm the actual number of employment opportunities as some of the new establishments are yet to be commenced.

ii. Renewal of Foreign Investment Certificates and update of Foreign Investment Enterprise records

With the recent review of the FIA 2000 in 2015, it is now a mandatory requirement that all FIE's renew their FIC on an annual basis. This has allowed for FIE's to also update their business records with the Ministry. Businesses are aware of their obligations and the Ministry will continue to send out reminders. The Ministry for Revenue was also advised of this new change and it is now a requirement for the business license renewal registration process. Both Ministries continue to work together to improve on information sharing.

iii. Investment Promotion Tools

The Division during this reporting period successfully carried out a review of both the Samoa Investment Guide (SIG) and the National Investment Policy Statement (NIPS). After completion of the sector profile review, a booklet of the Services Sector Profiles that include the Financial sector, Tourism sector, IT sector, Environmental Management sector and the Energy sector was also compiled and together with the SIG and NIPS they are now available as publication tools to attract and promote investment in Samoa and abroad to both local and overseas potential investors. These publications are available to the general public and can be found on the Ministry's website (www.mcil.gov.ws). Work also commenced for the review and production of a new investment promotion video that will be completed in the next FY2017/2018.

INDUSTRY DEVELOPMENT ASSISTANCE

The Division continues to provide support to the Private Sector for fostering their growth and development, through the administration and monitoring of the two (2) main Government Assistance Schemes: Duty Concession and Code 121 and the Private Sector Organization Grant.

A) DUTY CONCESSION SCHEME (DCS)

1. Applications received, assessed and approved/declined/pending

- A total of ten (10) applications were received and facilitated. A slight decrease from the 11 applications received and facilitated in the previous financial year.
- The Manufacturing sector continues to account for the main applicants with 8 applications received from the Manufacturing Sector, 1 from the Tourism Industry and 1 from the Energy Sector.
- Of the 10 applications received:
    - 3 were approved by Cabinet as Qualifying Projects,

    - 1 was declined as the list of goods were ineligible under the scheme,
    - 1 withdrew,
    - 3 are with the Investment Committee for consideration,
    - 1 is pending Cabinet approval, and
    - 1 is pending consideration of the Investment Committee.
- The total investment by the above-mentioned applicants into the economy (as indicated in their DCS applications) is estimated to be approximately SAT$64 million talā.

2. Requests for extension of Duty Concession incentives

A total of three (3) applications were received and assessed of which:

- 1 approved by the Investment Committee
- 1 declined as the request was submitted after the qualifying project's two years' timeframe had already lapsed
- 1 is pending consideration of the Investment Committee.

3. Request for Additional Goods

A total of three (3) requests for additional goods were received from "Qualifying Companies" and were all approved by the Investment Committee & Cabinet.

4. Number of Customs Import Entries facilitated

The Imports entry approval process was transferred to the Ministry for Revenue (MFR) effective 14th November 2016 as part of streamlining processes for ease of clearing goods from the port. Before the transfer came into effect, the Ministry worked in collaboration with the MFR in approving Customs entries for qualifying projects based on the list of goods approved for duty exemptions, before these are released at the wharf.

A total of 205 entries from qualifying projects were received and facilitated by the Ministry before the transfer. From the 205 customs entries received within the period of 1st July 2016 to 13th November 2016, 94% (192) were stamped approved, and 6% (13) were not stamped as they were not included in the approved list and, therefore, subject to duty.

5. Monitoring and Evaluation (including Employment Opportunities created)

The Ministry conducted three (3) inspections to seventeen (17) beneficiaries within the financial year to ensure compliance of beneficiaries/qualifying developments with conditions of the Duty Concession and Code 121 assistance schemes as stipulated under the Customs Amendment Act 2007 & Customs (Tourism and Manufacturing Development) Regulations 2010.

The inspections also followed up on the progress of each development project in terms of employment, progress to date and sighting of imported materials under DCS when containers arrived.

It was also noted from the inspections that all approved projects were compliant with the requirements of the scheme and imported materials were used in accordance with the purpose for which they were approved. That is, all approved projects were fully compliant (100% compliance) with the requirements of the Assistance schemes. This positive compliance record is consistent with previous financial years whereby no instances of non-compliance were affirmed.

The qualifying projects that were inspected within this reporting period for the Tourism, Manufacturing and Aviation Sectors as well as Code 121, provided a total of 1,112 employment opportunities for locals as summarized below:

Industry/Sector	Number of Employment in the Qualifying Projects Inspected
Manufacturing Sector	874
Tourism Sector	161
Energy Sector	39
Aviation Sector	24
Code 121 Qualifying Project	14
	1,112

B) Code 121 SCHEME

Only two (2) new applications were received and assessed under the Code 121 Scheme in the reporting period. Of the total received:

- 1 was approved as a 'qualifying company' and referred to the Ministry for Revenue for their assessment of approved goods; and
- 1 will be considered in the new FY2017/2018 as the applicant is yet to submit additional information as required under the scheme.

The challenge with the Code 121 is the VAGST threshold of SAT$130,000 as most of the operators which fall under the scheme do not satisfy this requirement given the small sizes of their operations. The Ministry is working closely with the Ministry for Revenue for options to ensure that more applicants can access the scheme. Ongoing inspections are carried out to ensure compliance of beneficiaries with the stipulated conditions of the scheme.

C) EXPORT DEVELOPMENT SCHEME (EDS)

The Deed of Guarantee & Guidelines were approved by Cabinet on 22 July 2015 [FK (15)25]. The EDS Program is expected to be implemented in the new financial year – 2017/2018 and awareness programmes will be conducted prior to the launch as well as throughout the life of the scheme.

D) PRIVATE SECTOR ORGANISATION (PSOs) GRANTS

The main objective of the PSO grant is to assist the PSOs with the administrative costs of running their respective offices or other specific activities that will contribute to further strengthening the development of their organizations. A ceremony to officially present the grants to the 12 recipients was held on 23rd June 2017 at the Ministry's Conference Room.

It's been 20 years since the Government commenced this initiative to support the Private Sector by granting funds to selected Private Sector organizations (PSOs). Eligible PSOs are those with commercial affiliations and are currently registered with the Ministry as Incorporated Societies.

The annual Grant which commenced in 1997 with a total budget of SAT$30,000 and two PSOs have increased to date to twelve (12) eligible PSOs and a total grant of SAT$200,000.00. The increase in number of beneficiaries is a testament of the business community's increased awareness of the advantages of forming public-private partnerships to support each other with similar commercial interests as well as the importance that the Government places on the contributions of PSOs to our economy. The 12 PSOs that received grants are as follows:

Private Sector Organization	Total grant for financial Year 2016/2017 SAT
1) Women In Business Development Incorporated	$40,000.00
2) Samoa Chamber of Commerce	$40,000.00
3) Samoa Association of Manufacturers and Exporters	$35,000.00
4) Samoa Hotels Association	$30,000.00
5) Business of Salafai Association	$15,000.00
6) Federated Farmers Association	$8,000.00
7) Savaii Samoa Tourism Authority	$7,000.00
8) Samoa Mamanu Design & Manufacturers Association	$5,000.00
9) Small Business Association of Samoa Arts & Handicrafts Incorporated	$5,000.00
10) Tautai Samoa	$5,000.00
11) Samoa For Real	$5,000.00
12) Farmers Samoa Incorporated	$5,000.00
TOTAL	**$200,000.00**

E) TRADE, COMMERCE & INDUSTRY BOARD

Due to the changes in Leadership in the Ministry and in the Division during the financial year and the technicality of submissions from the Private Sector on Trade, Commerce and Industry (TCI) matters, which required sufficient time to assess before submission to the Board for discussion, only 3 meetings were held by the TCI Board. Two (2) of the main issues discussed during the TCI Board Meetings include the Imported Cargo clearance process and the re-launching of the Exports Awards initiative.

A Sub-Committee was established by the TCI Board – the TCI Imports Clearance Process Committee which consists of representatives from the Ministry, MFR (Customs), Samoa Ports Authority and the Ministry for Agriculture & Fishery (Quarantine Division), was convened to consider a submission from the Samoa Chamber of Commerce and Industry (SCCI) regarding issues raised by its members which affected the timely clearance of their imported cargo at the wharf. All issues raised by the SCCI have been resolved accordingly.

An initiative by the SAME to re-launch the Exports Awards was re-commenced in May 2017 as one of their developments in their SAME's Export Plan 2016-2020 with the overall aims "*to increase Samoa's exports to 100 million by 2020, create awareness of Samoan made products and particularly a "Samoa Made" brand, identify potential new markets and products as well as building and strengthening inter-regional trading links*"

The TCI Board acknowledged and supported SAME's work in boosting Samoa's exports and the Ministry will work collaboratively with SAME and other stakeholders in facilitating preparations for the Export Awards ceremony anticipating to take place in April 2018.

3.3 FAIR TRADING, CODEX ALIMENTARIUS, CONSUMER PROTECTION AND METROLOGY

METROLOGY

The Metrology Act 2015 that was enforced on the 1st January 2017 specified its main objectives as; enabling traders to use accurate and internationally prescribed measuring standards for weighting and measuring equipment, encouraging fair trade practices and protecting the consumer in order to enhance social economic development of Samoa.

A special meeting was arranged for all suppliers of weighing equipment (scales) to sensitize them on their obligations spelt out under the Metrology Act 2015, especially on importation of new weights and measures to be in line with the new metric system. Furthermore, new fees were introduced for registration and also for initial verification and inspection of weights and measures. The Division has created registration and payments forms which will be effective on 1st July 2017.

COMPETITION AND CONSUMER PROTECTION

The Competition and Consumer Act 2016 (the Act) will commence on the 3 July 2017. The objects of the new Act are to promote competitive markets, establish standards of conduct for those involved in trade and to promote the safety and interests of consumers.

Five (5) awareness programmes were carried out in the last quarter of the financial year for both islands targeting traders, three (3) in Upolu and two (2) in Savaii. Information guides (pamphlets and flyers) and posters were distributed during awareness programmes to further alert them on their mandatory obligations. More awareness campaigns were conducted on television such as the E te silafia Program and Lali Talk show for the benefit of consumers and also for business people who have missed out the previous round of awareness. The feedback from the public/business community from these awareness programs was positive considering they made more aware of their rights and expected roles as required under the law.

During this reporting period the Cabinet also approved the establishment of the Samoa Competition and Consumer Commission which will be responsible for the administration and enforcement of the new law. The Commission will be led by three directors. The approved directors are the Regulator and two other members who are required to meet on a quarterly basis. It is hoped this Commission will be recruited before the end of the new financial year. The Prices Board will continue to exist until the establishment of the new Commission.

FAIR TRADING AND PRICE CONTROL

PRICES BOARD

The Prices Board continued to hold quarterly meetings to guarantee that prices of the price controlled items were reasonable for consumers. For the FY 2016/2017;

a) Three meetings were held to review the prices of stipulated goods. One of the meetings was held in Savaii in July 2016 followed by the Board inspection to some of the traders in the big island.

b) All items continued to follow the fixed cost arrangement while potatoes and onions were subject to percentage mark-up arrangement.

c) A Special Price Order No.1.2016 was endorsed reflecting the increase in excise tax on the prices of sugar, salt, cigarettes and tobacco.

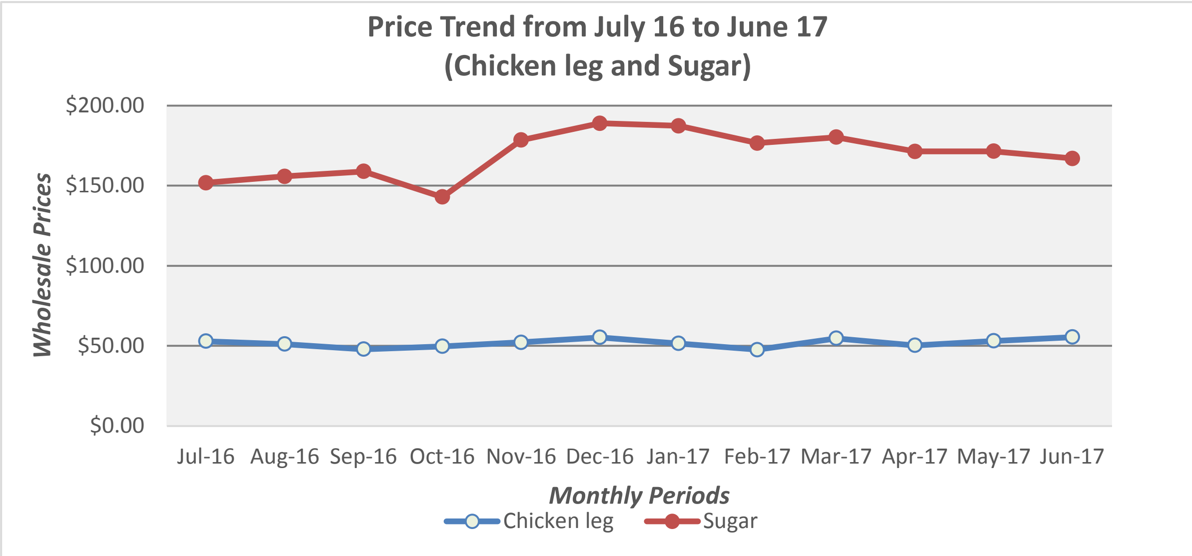
d) Price of chicken leg quarters was also increased due to fluctuation of exchange rate of the importing country; this was also included in the Special Price Order No.1.2016.

e) One submission was received from British American Tobacco Samoa (BATS) for a price increase in its Pall Mall 20's, from SAT$11.50 to SAT$12.00 per packet due to the rise in capital costs.

f) In June 2017, Special Price Order No.1.2017 was endorsed to record further increase in excise tax on cigarettes and tobacco which again increased the prices of these commodities.

g) Seven brands of tinned fish namely Angel Gold, Tofo Lelei, Aulelei, Truly Premium, Tasty, Angel and Island Cooking were submitted to the Scientific Research Organization of Samoa (SROS) for analysis and quality check. These brands were distributed by Splendid, Summer and Tradepac. According to testing reports, all brands were safe from mercury and histamine which are contaminants that found in fish which affect health.

h) A total of 120 products were recorded since the end of this financial period. The quarterly review observed regularly slight fluctuations with some products like sugar and



chicken leg quarters;

i) Distributions of each Price Orders to all traders as well as advertisements were suitably carried out before the effective date. At the end of this financial reporting, total number of traders decreased to 1028 compared to previous years. Compliance of traders was well monitored by weekly inspections.

FOOD SAFETY STANDARDS

A total of two meetings were held during this financial period to ensure food safety and discuss standards that need to be developed for the safety of Samoa.

Food (Ava Standard) Regulations 2016

In its FK (16) 38 Cabinet approved the Regulation for Ava in November 2016. This Regulation commences 12 months after the date of assent by the Head of State. The Regulation has been administered by the Ministry of Health under the Food Act 2015.

However, there are amendments to be made to the current regulations to reflect comments from PHAMA for consistency with regional standards. It will go through the normal process (Codex committee/ Attorney General's office/ Cabinet for endorsement and Head of States for assent) before enforcement.

Samoa National Codex Strategic Plan 2017-2021

In June 2017 the Samoa National Codex Committee (SNCC) launched its first ever strategic plan for the next five years. This Strategic Plan was developed by members of the SNCC and its functions are closely linked to Food Act 2015, Food Regulations 2016 and the Competition and Consumer Act 2016 which governs food standards and consumer protection respectively.

The focus of the SNCC is to achieve better coordination and interaction among member countries for strengthening national food systems, promoting compliance of standards and equivalence of practices in ensuring food safety. It also outlines the vision, mission and values and strategies on how the committee will contribute to the development of Samoa.

Development of Cocoa Standards

The SNCC long term plan is to develop a standard for Cocoa, as this product is one of the main export commodities of Samoa to overseas partners. The SNCC through the Trade, Manufactured and Commerce (TCM) unit requested technical assistance to assist in developing this standard. The purpose of the standard is to ensure cocoa products are consistent with international standards and ensure food safety across borders.

MONITORING AND EVALUATION

Inspections

A total of 650 traders were inspected during the FY 2016/2017 in Upolu including follow ups. During these inspections traders were educated on their rights and obligations under legislations administered by the Division. Non complied traders were warned and further monitored by follow up inspections.

Enquiries

The Division recorded 190 enquiries within this financial period. Most of these enquiries were traders wanting to know the maximum price of goods, how to calculate the mark up price and was received either in person, telephone or by email.

Complaints

This reporting period has recorded 56 complaints; the majority were investigated and resolved on the spot. 40% of complaints were resolved on the spot while 60% were investigated and resolved through the conciliation process.

Awareness

Additional awareness programmes was conducted on television and radio such as the E te Silafia Program, FM talk shows and TV advertisements. The Division also developed flyers and one pull-up banner with advertisements on the new metric system which aimed at creating more awareness for the public and traders. The feedback from the public on these advertisements was positive and consumers are more mindful of their rights while traders understand obligations under the law.

Calibration & Petrol Adjustment

The calibration and adjustment of Petrol Stations around Upolu and Savaii was conducted for this financial year to check the accuracy of petrol pumps in the country and also to advice Petrol Owners of the new fees for servicing of their Pumps and other administrative matters. All petrol station tested was in compliance with certain standards required by law.

MCIL SAVAII BRANCH

Since the establishment of the office in Savaii in 2012, the number of people visiting the office on enquiries and lodgment of complaints is increased compare to the previous years. The following are the activities conducted during the reporting period:-

a. A total of 378 traders inspected on a weekly basis in the island during the reporting period including follow ups.

b. Overall, a compliance rate of more than 85% of traders has been observed with all the various obligations under Fair Trading Act 1998. 15% represents traders that have not complied mainly in the areas of overpricing, not displaying GPO and sales of goods below approved standards.

c. A total of 251 enquiries received and recorded which are mainly related to matters pertaining to the entire Ministry as well as issues for referring to other ministries such as Revenue, Health and Works.

d. 39 out of 251 were complaints, a total of 26 complaints on industrial relations & labour matters and 13 for over pricing of goods. All cases on Fair Trading matters were resolved while others on labour issues were referring on time to the responsible Division.

3.4 APPRENTICESHIP, EMPLOYMENT & LABOUR MARKET

APPRENTICESHIP PROGRAM

The total number of apprentices recorded for this financial year is 154, a composition of 106 current apprentices and 48 new entrants. Five (5) apprentices were terminated from the program due to unforeseen circumstances. Twenty eight (28) apprentices graduated from all seven (7) trades in December 2016. Certificates of Due Completion were issued to these apprentices under the trades of Motor Mechanic (9), Fitting & Machining (3), Electrical (8), Plumbing (4), Carpentry & Joinery (2), Welding (1) and Refrigeration & Air Condition (1).

The Apprenticeship Council has approved two new additional trades for the Apprenticeship program. These are Spray Painting & Panel Beating and Radio Technician. The Ministry and the National University of Samoa are working collaboratively to develop the appropriate curriculum for the new trades. Through the ONE MCIL Awareness programs held during the period under review, the youth showed interest to register for the Scheme for a qualification to assist them secure their future in their selected trades.

EMPLOYMENT SERVICES & LABOUR MARKET

Employment Service

A total of 360 jobseekers registered online (158) and manually (202) since the launch of the Labour Market Information (LMIS) system in late 2016. A total of 267 jobseekers were referred to employers for job interviews, an increase of 48 referrals compared to previous financial year where a total of 219 jobseekers were referred for job interviews. This is in addition to vacancies that were advertised in newspapers**.**

Awareness Programs and Training for People with Disabilities.

The Employment Team of the Ministry in partnership with Nuanua o le Alofa (NOLA) jointly conducted training for people with disabilities in Upolu in September 2016. More than 20 participants inclusive of youths with disabilities attended this event. The main objective of this training is to promote through motivation and encouragement and to increase awareness on basic job search skills and processes, the skills needed by available job opportunities that match with abilities.

Samoa National Employment Policy and Labour Market Information System

The Samoa National Employment Policy (SNEP) was officially launched on 11th November 2016 after national consultations with stakeholders and the public. The Wiz Consulting Agency in conjunction with the International Labour Organization (ILO) provided technical support based on the information submitted by the Ministry and other related available sources. The SNEP project was also funded by the ILO.

The official launching of first Labour Market Information System (LMIS) was also launched together with the SNEP. The Ministry stakeholders and donor partners were invited to witness the two initiatives by the ministry and strengthened networking amongst the government and key partners.

The consultant conducted further consultation or more like training session for the Task Force Members and the Employment team to be more alert and understand the strategies under the action plan with the responsible ministry/organization when it comes to implementation purposes. It also assists the ministry to improve compilation of all statistics/data on employment which was developed and designed by the Bit Solution Consultancy.

The implementation of the 2016 Labour Market Survey was one of the highlights of this newly designed system throughout the whole survey processes, to ensure the final survey stages in terms of analysis and reporting aspects is based on the collected data. One of the important aspects of the system is an additional portal for the employers when they search for new skillful employees to recruit when they have job offers in the market.

3.5 INDUSTRIAL RELATIONS, FOREIGN EMPLOYMENT & OCCUPATIONAL SAFETY AND HEALTH

INDUSTRIAL RELATIONS ('IR')

The Industrial Relations Unit is mandated to administer Samoa's labour laws to ensure decent work for all. This is done through fair and timely investigation of employment grievances lodged with the Ministry. By providing reasonable resolutions, regular inspections and conducting relevant awareness initiatives, the Ministry educates and ensures employers and employees are well versed with their obligations.

The following work highlights key achievements of the Industrial Relations team:

- The passage of the Labour and Employment Relations Regulation by Cabinet on the 18th November 2016. The Regulation provides detailed provisions to mediate the relationship between employers and workers; it also highlights protection of vulnerable groups such as women, children and persons with disabilities.
- The contribution of the Samoa National Tripartite Forum in finalizing Samoa's third Decent Work Country Programme 2017-2020 that was signed between the government of Samoa and the ILO in June 2017.
- The submission of five International Labour Standards Reports to the International Labour Organisation ('ILO') on the legal implementation of the following ILO Conventions that Samoa has ratified.
  - Forced Labour Convention 1930, (C29)
  - Abolition of Forced Labour Convention 1957, (C105)
  - Minimum Age Convention 1973, (C138)
  - Worst Forms of Child Labour Convention 1999, (C182)
  - Maritime Labour Convention 2006
- A total of 132 employment grievances were lodged within the reported period, with a total of 107 (81%) resolved and the remaining carried forward to the next financial year. Based on cases lodged the most common issues are unpaid final pay for workers that are either terminated or resign, unpaid earned wages, unpaid overtime, unfair dismissal and unpaid NPF contribution.
- A total of six monitoring and evaluation activities were conducted to 62 employers to ensure proper implementation of the Labour and Employment Relations Act 2013, and Regulations 2016. It was observed that 56 (90%) complied with applying labour standards while 6 (10%) failed to comply. It was observed that the most common non-compliance is the inability of employers to provide documentation of employee records, and the non-existence of employment contracts/agreement to stipulate terms and conditions of workers.
- A total of 13 awareness programmes were conducted through a tripartite approach with the attempt to raise awareness to 325 participants on labour laws in Samoa, and to educate employers and workers on their obligations and rights.

The Ministry has identified one of the challenges that contribute to the high number of employment grievances lodged to the Ministry is the difference in the interpretation of the Labour and LERA 2013. The Ministry's legal team works closely with the Office of the Attorney General to ensure labour inspectors are well versed with provisions of the LERA 2013. Another challenge is short staffed whereby there are only four labour inspectors to conduct inspections to 300 plus businesses and companies and a total of 22 State Owned Enterprises.

FOREIGN EMPLOYEE EMPLOYMENT PERMITS ('FEEP')

The Government remains open to overseas skills and experience to complement our local workforce while at the same prioritized employment opportunities for Samoan citizens. Permits are considered for non-citizens within specific industries, professions and roles perceived to be high in demand but scarce in the local labour market. The recruitment of non-citizens is progressively increasing within industries such as construction; accommodation in hospitality services; restaurants; retail, and wholesale. There is also a rising demand for foreign workers in domestic work such as babysitting, caregiving and housekeeping.

For the reported period a total of 621 FEEP applications were lodged, 579 were approved, 17 were declined due to inability to satisfy criteria of qualification, relevant experience and the required ratio 1:3 were declined, and 25 pending assessment. Permits issued were dominated by the Construction Sector, Domestic Workers and Hospitality Industry. Data also shows the top three countries that Samoa is sourcing foreign workers from are China, Fiji and the Philippines.

Total Non-Taxed Revenue collected for permits amounted to SAT$ 636,130.

The Ministry is always looking to improve its FEEP services, therefore an initiative to strengthen good governance in the assessment and issuance of permits. This has resulted in two key works currently in progress that include the endorsement of the FEEP Policy and the development of an online-FEEP system.

On the down side, there is still an alarming number of non-compliance with procedures and processes. Evidently there are a number of non-citizens found during inspections to be working without valid permits. There is also the issue with employers failing to advise the Ministry of when their non-citizen employees depart the country prior to the expiration of their employment arrangement. Another issue is the moving around of permit holders in work that was not assessed to enable employment in Samoa. Fortunately the Ministry has signed a Memorandum of Understanding with the Ministry of the Prime Minister and Cabinet to access the Border Management System to track the movement of permit holders.

OCCUPATIONAL SAFETY AND HEALTH ('OSH')

The Ministry has prioritized improving occupational safety and health *('OSH')* under Samoa's Decent Work Country Programme *('DWCP')*. This will be done through regular awareness initiatives, strengthening investigation systems and capacity of OSH Inspectorates, improving safety and health inspections, and promoting private public partnership through a tripartite approach to ensure compliance with OSH law.

The following work highlights key achievements of the OSH team:

- A total of eight awareness initiatives were conducted including the commemoration of the World Day for Safety and Health at Work on the 28th April 2017 promoting the theme of; "***Optimize the collection and use of OSH Data".*** The event brought together employers and workers from the private and public sector signifying a positive spirit of partnership in promoting OSH, strengthening data collection and reporting for better decision making with regards to OSH in Samoa.

- A total of 23 workplace accidents were reported to the Ministry within the reported period. The Ministry was able to investigate and resolve 22. The ongoing challenge that the ministry faced is encouraging employers and workers to report workplace accidents so that the ministry can recommend preventative measures to avoid further accidents.

Reported	Total
Employers	10
Employees	4
Referrals from ACC	9

- A total of 98 inspections were conducted during the reporting period. The Ministry has identified the common non-compliance include

Inspections	Total	Compliance
Private Sectors • **Construction** • **Manufacturing** • **Services (Sewing and Hair Salon)**	79	72%
State Owned Enterprises	14	64%
Government Ministries	5	40%

The Ministry has identified common concerns that hinder the compliance of employers includes;

- No Accident Register book to register incidents/accidents and illnesses that occur in the workplace;
- No First Aid Kits to attend to an employee who is injured in the workplace;
- No Fire Extinguishers or an alternative plan in the event of a fire;
- Available Fire Extinguishers are not regularly serviced, maintained or mounted; and
- Appropriate Personal Protective Clothing and equipment are not provided and/or are not enforced.

Cabinet endorsed on 22nd February 2017 the establishment of a National OSH Taskforce led by the Ministry with the following Terms of Reference;

- Finalize the National Occupational Safety and Health Framework;
- Initiate and develop OSH standards focusing on high risk professions/hazards in Samoa;
- Formulate and implement an OSH Training Calendar 2017/2020; and
- Strengthen dialogue for Private Public Partnership.

3.6 REGISTRIES OF COMPANIES AND INTELLECTUAL PROPERTIES

CORPORATE REGISTERS

Personal Property and Security Register

The Personal Property and Security (PPS) Register was finally launched on the 27th of February 2017. Preparation for the launch of the PPS Register saw the implementation of workshops or the use of the Register which were conducted by the Registries of Companies & Intellectual Properties (RCIP) in collaboration with ADB Private Sector Development Initiative (PSDI) in 2nd and 3rd quarters of this financial year.

The certainty and simplicity of the PPS Register will encourages financial inclusion enabling banks and other lending institutions to expand the types of securities to include personal properties. This development is proving to be empowering the old and young entrepreneurs, traditional communities and women to take part in business.

Company E Registry Upgrade

Another milestone also achieved in this financial year is the launch of the upgrade of the new software for the online Companies E Registry. This work is collaboration between the RCIP and the ADB PSDI.

The Companies E Registry is now linked to the new PPS Register and has new features further improve searches and reporting.

Regional Registers Forum

In March this year, the Registrar and representatives from RCIP were invited to present on the 2017 Regional Registers Forum which was attended by more than ten (10) Companies Register Offices in the Pacific Region including Australia and New Zealand. The team was asked to present on the work on the PPS Register and the Companies E Registry Upgrade.

Corporate Registers Forum

Cabinet has endorsed the application by the Ministry to be a member of the Corporate Registers Forum (CRF). The CRF is an international organization with a membership of company registers from over fifty (50) different countries of the world. The main aim of the organization is to provide members with the opportunity to review the latest developments in corporate business registers internationally and exchange experiences and information on the present and future operation of corporate business registration systems.

The RCIP looks forward to learning from the experiences of the strong membership and to weigh the direction of its current and upcoming projects under the current Business Simplification Package with ADB PSDI.

INTELLECTUAL PROPERTIES

World Intellectual Property Day, 26th April 2017

The World IP Day is celebrated annually worldwide on 26th April and the Registry of Companies and Intellectual Property in partnership with Scientific Research Organization of Samoa organized a Science Fair Competition for Senior Schools to celebrate this important day. The theme of this year's celebration is "Innovation-Improving Lives". The event was held at the Samoa Conference Centre in the TATTE Building.

The Hon. Lautafi Fio Selafi Purcell delivered the keynote address. Prizes were awarded winners of each category. The prizes were funded from savings under the RCIP budget. The Trade Commerce and Manufacturing Sector also helped with funding of the venue (TATTE Conference Centre) and other costs.

National Seminar on New Developments in Copyright and its Role in Sustainable Development

The Ministry of Commerce, Industry and Labour/ Office of the Registrar of Intellectual Properties in close partnership with the World Intellectual Property Organization (WIPO) and with the assistance of the Government of Australia organized and hosted a ***National Seminar*** on the above topic.

The objectives of the Seminar are:

i. To exchange views and information on the principles and functions of Copyright in today's changing environment.
ii. To understand the role of having an International Framework for the protection of Copyright and Related Rights.
iii. To exchange views and experiences in strengthening and promoting Music, Arts and other Cultural creativity for sustainable development – from policy to practice.

One of the many important outcomes of the Seminar is the need to form a Copyright Task Force to advise and improve collaborations between the public and private sectors.

World Intellectual Property Organization (WIPO) Partnership

WIPO is an important partner and contributor to the work and capacity building of staff of the RCIP. This financial year has seen WIPO funding the participation and attendance of the Registrar and his staff to a number of important workshops and meetings listed below:

i. Sub regional Workshop on Copyright and Development for Decision Makers of the South Pacific, January 16th to 18th, 2017;
ii. Training for Trademark Examiners of the Pacific Island Countries, April 18th to 21st April 2017, Papua Niu Guinea;
iii. The 3rd Heads of Intellectual Properties Offices Meeting – April 24th to 27th, 2017,Cook Islands;
iv. SEED Project 2017: International Education Program on Idea, Invention and Innovation and Intellectual Property, May 22nd to 26th, May 2017, South Korea; and
v. International Forum on Copyright, June 19th to 20th, 2017, China.

A principal scientist from the Scientific and Research Organization of Samoa (SROS) attended the meeting in Korea as means of improving partnerships between the Ministry through RCIP and its partners as the team works towards building its Patent Register.

World Trade Organization (WTO) Partnership

WTO funded a number of opportunities for staff to attend meetings and capacity building opportunities namely:

i. Regional Workshop on E-Commerce and the WTO 16th to 18th May, 2017, Singapore;
ii. WTO-PIFS-UNCTAD Regional E-Commerce Workshop 20th to 22nd, June, 2017, Fiji;

Chinese Government

The Chinese Government through State Administration for Industry and Commerce of the Government of China (SAIC) funded the participation of a number of staff from the RCIP to attend the Seminar for Intellectual Property Official from Developing countries, 12th May – 5th June 2017.

Challenges

There has been an improvement in general with the work of the RCIP to date. This is noticeable with the marked increase in its non-tax revenue returns, the number of complaints and queries received in this financial year. The Division continues to strive to improve its performance through the review of its performance indicators and development of annual work plans and individual work plans for RCIP staff.

The organization structural review for the RCIP is still pending on full implementation of new Annual Work Plan and proper monitoring of the new performance indicators. This is important as the Division progresses in its international interactions with its partners to implement Samoa's obligations under a number of international agreements particularly the recently signed Beijing Treaty in which Samoa acceded in May. The main aim of the Division is to provide a service that is internationally recognized and compliant accepted practices to achieve the vision of the Ministry.

At the end of the financial year, there were 73 staff members servicing the Ministry from the Management team to officer level in both Upolu and Savaii. Of this amount, 32 (44%) are males and 41 (56%) are females. Nine (9) are Senior Executives including the CEO, who take the leadership role in managing and leading eight (8) different divisions of the Ministry. The Ministry's organizational structure remains the same as per previous financial year.

The Ministry places high value in recruiting qualified and competent staff to perform and deliver its services effectively and efficiently. In that regard, the Management team and staff are given the opportunity to pursue higher tertiary qualifications at the National University of Samoa and the University of the South Pacific. Staff members are given the chance to participate in relevant courses and trainings locally and internationally to up skill their skills and knowledge of the changing global environment the Ministry is operating in. Understanding these global changes enables staff and the Ministry to formulate and adopt new policies that will comply with these changes at the same time enhances its service delivery.

Fig.1 Staff Education Level

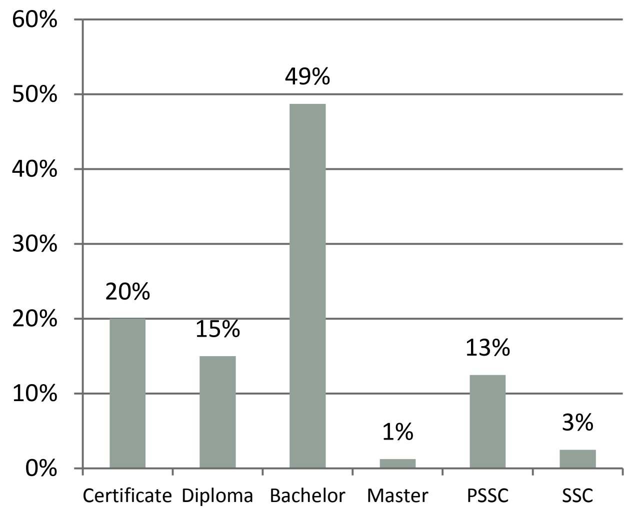
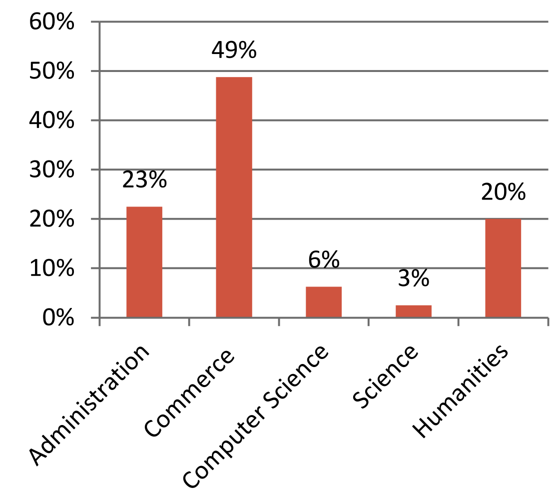


Fig. 2 Area of expertise



In terms of education level, 85% of the staff members have attained graduate level and higher qualifications (Fig.1). Ninety-two percent (92%) of the Ministry's positions generally fall within the Commercial field given the nature of the Ministry's work (Fig. 2).

The Ministry was fortunate to take advantage of the Scope Global Australia Volunteer Assistance program where 1 Policy Compliance adviser volunteer was attach to the Legal Unit of the ministry for 12 months ended in June 2017.

Additional staff will be recruited in the next financial year within the Corporate Services Unit to ensure support services are available for the delivery of key tasks of the 8 divisions of the Ministry and the additional Seasonal Employment Unit which will be transferred from the Ministry of Prime Minister and Cabinet to the Ministry effective in July 2017.

STATEMENT OF MINISTRY RECEIPTS BY REPORTING CATEGORY

AND EXPENDITURE BY OUTPUT

APPROPRIATION ACCOUNT

for the financial year ended 30 June 2017

COMMERCE, INDUSTRY & LABOUR		2017 $	Original Estimate $	Final Estimate $	(Over)/Under $	2016 $
RECEIPTS						
Ordinary Receipts						
Other Revenues						
	Fees & Other Charges	935,550	710,371	710,371	(225,179)	881,639
	TOTAL RECEIPTS	935,550	710,371	710,371	(225,179)	881,639
PAYMENTS						
Outputs						
1.0	Policy Advice to the Responsible Minister	680,903	705,677	720,155	39,252	611,592
2.0	Ministerial Support	(55)	0	0	55	419,181
3.0	Management of Investment Promotion & Industry	526,176	584,113	575,113	48,937	451,929
4.0	Enforcement of Fair Trading and Codex Development	688,345	732,084	717,606	29,260	662,245
5.0	Administration of Apprenticeship Scheme & Employment Services	497,141	492,018	501,018	3,876	476,208
6.0	Enforcement of Labour Standards & Work Permits	464,601	482,434	482,434	17,833	387,488
7.0	Enforcement of Occupational Safety & Health Standards	271,081	300,317	300,317	29,236	171,174
8.0	Management of the Registries of Companies & Intellectual Properties	586,957	603,703	603,703	16,746	608,231
Total Outputs		3,715,150	3,900,346	3,900,344	185,194	3,788,048
Third Party Outputs						
Samoa Tourism Authority (STA)		9,048,424	9,048,424	9,048,424	0	9,318,723
Samoa Business Enterprise Centre (SBEC)		450,000	450,000	450,000	0	450,000
Total Third Party Outputs		9,498,424	9,498,424	9,498,424	0	9,768,723
Transactions on Behalf of State						
Membership Fees						
	International Labour Organisation	10,046	11,142	11,142	1,096	10,268
	International Organisation for Consumer Union	1,330	6,200	6,200	4,870	2,712
	World Intellectual Property Organisation(WIPO)	8,407	12,000	12,000	3,593	9,810
	World Association of Investment Promotion Agency	7,597	14,500	14,500	6,903	11,913
	United Nations Industry Development	1,665	11,560	11,560	9,895	2,045
		29,045	55,402	55,402	26,357	36,747
Government Policies / Initiatives						
	Contribution to Private Sector	200,000	200,000	200,000	0	200,000
	Apprenticeship Training Provider NUSOT	151,670	178,000	178,000	26,330	125,300
		351,670	378,000	378,000	26,330	325,300
Counterpart Costs						
	Private Sector Support Facility (PSSF)	0	0	0	0	50,000

Rents and Leases					
ACB Building Rent/Lease	681,382	704,977	704,977	23,595	674,161
Yazaki Rent/Lease	696,024	928,033	928,033	232,009	928,032
Government Building Lease	0	0	0	0	37,250
Rent - Fair Trading Division Office in Savaii	3,256	5,616	5,616	2,360	4,477
	1,380,662	1,638,626	1,638,626	257,964	1,643,920
VAGST Output Tax	283,098	365,303	365,303	82,205	318,092
Total Transactions on Behalf of State	2,044,475	2,437,331	2,637,331	592,856	2,374,060
TOTAL PAYMENTS - COMMERCE, INDUSTRY & LABOUR	15,258,049	15,836,101	16,036,099	778,050	15,930,831
RECEIPTS OVER PAYMENTS	(14,322,499)	(15,125,730)	(15,325,728)	(1,003,229)	(15,049,192)

GOVERNMENT DEVELOPMENT PROJECTS

	2017	Original Estimate	Receipts	Payments	Opening Balance
	$	$	$	$	$
Grants - GDP					
Enhanced Integrated Framework Trade (UNDP)	(858,028)	1,995,645	(2,583,355)	1,933,498	(87,875)
TOTAL GOVERNMENT DEVELOPMENT PROJECTS	(858,028)	1,995,645	(2,583,355)	1,933,498	(87,875)

Source: Ministry of Finance- Unaudited Financial Statement

1. Legislation the Ministry Administers

1	Apprenticeship Act 2014	17	Incorporated Societies Regulations 1973
2	Apprenticeship Regulations 2014	18	Intellectual Property Act 2011
3	Charitable Trusts Act 1965	19	Intellectual Property Regulations 2015
4	Citizenship Investment Act 2015	20	International Date Line Act 2011
5	Citizenship Investment Regulations 2016	21	Labour and Employment Relations Act 2013
6	Companies Act 2001	22	Labour and Employment Relations Regulations 2015
7	Companies Regulations 2008	23	Metrology Act 2015
8	Competition and Consumer Act 2016	24	Occupational Safety and Health Act 2002
9	Cooperatives Societies Ordinance 1952	25	Occupational Safety and Health Regulations 2014
10	Cooperatives Societies Regulations 1954	26	Personal Property and Securities Act 2013
11	Copyright Act 1998	27	Public Holidays Act 2008
12	Credit Union Act 2015	28	Receiverships Act 2006
13	Daylight Saving Act 2009	29	Securities Act 2006
14	Foreign Investment Act 2000	30	Trade Commerce and Industry Act 1990
15	Foreign Investment Regulations 2011	31	Transitional Provisions Act 2006
16	Incorporated Societies Ordinance 1952		

2. International Organisations, Treaties and Obligations, Trade Agreements

Codex Alimentarius Commission

- Food Standards
- Food Labelling
- Toy Safety Standards

Consumer International

- World Consumer Rights Day
- Consumer Rights and Consumer Protection
- Consumer Information

Companies Registers Forum

- Registries of Companies

International Labour Organisation Conventions

- C029 Forced Labour Convention 1930
- C087 Freedom of Association and Protection of Rights to Organize Convention 1948
- CO98 Right to Organise and Collective Bargaining Convention 1949
- C100 Equal Remuneration Convention 1951
- C105 Abolition of Forced Labour Convention 1957
- C111 Discrimination (Employment and Occupation) Convention 1958
- C138 Minimum Age Convention 1973
- C182 Worst Forms of Child Labour Convention 1999
- Maritime Labour Convention 2006
- Privileges and Immunities Convention 1948

United Nations Industrial Development Organization

- Industry Developments

World Intellectual Property Organization

- 1967 Convention Establishing World Intellectual Property Organisation
- 1971 BERNE Convention for the Protection of Literary and Artistic Works
- Paris Convention for the Protection of Industrial Property

World Agencies for Investment Promotion Agencies

- Investment Promotion Agencies

African Caribbean Pacific – European Union

- Economic Partnership Agreement – on-going

PACER PLUS and PICTA

- General Agreement on Trade in Goods
- General Agreement on Trade in Services
- Investment Chapter
- Temporary Movement of Natural Persons

World Trade Organization

- Anti-dumping and Countervailing Measures
- Sanitary and Phytosanitary Measures
- Technical Barriers to Trade
- Trade Related Aspects of Intellectual Properties
- Trade Related Investment Measures
- General Agreement on Trade in Services

3. **Other Regulatory Roles and Obligations:**

- Strategy for the Development of Samoa 2016/17-2019/20 – **Priority Area 1**: **Key Outcome 3 Export Products Increased and Key Outcome 5: Participation of Private Sector in Development Enhanced**
- Trade Commerce and Manufacturing Sector Plan 2012-2016
- Immigration Act 2004 and regulations
- Ministerial and Departmental Arrangements Act 2003
- Public Finance Management Act 2001, regulations, manuals and instructions,
- Public Bodies (Performance and Accountability) Act 2001
- Public Service Act 2004, regulations and instructions

4. **Legislated Boards and Committees**:

- Apprenticeship Council
- Trade Commerce and Industry Board
- Samoa National Codex Committee
- Prices Control Board,
- Samoa National Tripartite Forum
- Trade, Commerce and Manufacturing Sector Steering Committee
- Investment Advisory Committee

5. **Other Affiliations:**

- Accident Compensation Corporation (ACC) Board
- Agriculture Sector Plan – Steering Committee & Working Groups (MAF)
- Anti-Money Laundering Task Force (CBS)
- Disaster Advisory Committee – (MNRE DMO)
- Convention on Elimination of Discrimination Against Women (CEDAW-MWCSD),
- Climate Change committee (MNRE)
- Commercial Fisheries Management Advisory Committee (CF- MAC - MAF)

- Environment Sector Steering Committee (MNRE)
- Fire Emergency Service Committee (FESA)
- Forestry Board (MAF)
- Investment Committee (MOF)
- Livestock – Management Advisory Committee (L-MAC – MAF)
- National Disaster Management Committee (MNRE)
- National Energy Committee (MOF)
- National Heritage Committee – (MESC)
- National Revenue Board (MOF)
- National Tobacco Control Committee (MOH)
- National University of Samoa (NUS)
- National Working Committee on Trade Agreements (MFAT)
- Ozone Committee (MNRE)
- Pesticides and Pollutant Committee (MNRE)
- Petroleum Taskforce Committee (MOF)
- Samoa Market Access Working Group – Pacific Horticultural & Agricultural Market Access (PHAMA) (MAF)
- Post-Secondary Education training (PSET) Committee,
- SACEP – Agriculture (MAF)
- Samoa Bureau of Statistics (SBS) Steering Committee
- Samoa National Youth Forum (MWCSD)
- Samoa Qualification Authority (SQA)Board
- Small Business Enterprises Centre (SBEC)
- Tourism Cyclone Recovery Programme (STA)
- Trade Advisory panel (SQA)
- Traditional Knowledge committee (SQA)
- TVET Implementation Committee (MESC)

APPENDIX 2 PERFORMANCE MEASURES/INDICATORS FOR FINANCIAL YEAR 2016/17

OUTPUT 1: POLICY ADVICE TO THE MINISTER OF COMMERCE, INDUSTRY AND LABOUR

	Baseline Data	2015-16	2016-17	FULL YEAR ACHIEVEMENT	
Performance Measure/Indicator	**Baseline (Base Year)**	**Estimated Actual**	**Budget Standard or Target**	**Status/Progress**	**Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken**
2015/2016 annual report tabled in parliament	N/A	December 2015	December 2016	Completed/ Achieved	Achieved. AR2015/2016 is with the Legislative Assembly for Responsible Parliamentary Committee's scrutiny.
Annual HR report for PSC and Procurement report for MOF submitted on time	N/A	June 2016	3 quarterly HR report to submit within FY16-17. 3 quarterly Procurement report to submit within FY16-17	Completed/ Achieved	3x CEO quarterly procurement report and 3x HR report submitted to PSC
Develop Ministry new Corporate Plan 2016-2020	New Measure	New Measure	June 2017	Completed/ Achieved	Corporate Plan to be discussed in Cabinet before it is launched
Mainstream Trade Sector initiatives into SDS and Ministry Corporate Plan and Improved Trade statistics for TCM sector	New Measure	June 2016	June 2017	Completed/ Achieved	
2 x legal trainings for staff on new legislations	New Measure	June 2016	June 2017	Completed/ Achieved	Ongoing dialogue with the Legal Unit in the application of the legislation
Provide legal support for review of at least 2 Legislation	New Measure	June 2016	June 2017	Completed/ Achieved	On going

OUTPUT 3: MANAGEMENT OF INDUSTRY DEVELOPMENT &INVESTMENT PROMOTION

	Baseline Data	2015-16	2016-17	FULL YEAR ACHIEVEMENT	
Performance Measure/Indicator	**Baseline (Base Year)**	**Estimated Actual**	**Budget Standard or Target**	**Status/Progress**	**Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken**
The number of new applications, and requests for additional goods & extension of the concessional period received and approved under the Duty Concession Scheme (Tourism & Manufacturing Development)	15 (FY2009/2010)	10	10	Completed/ Achieved	NEW APPLICATIONS A total of 10 new applications were received and assessed from the Manufacturing (8), Tourism (1) & Energy Sectors (1). 3 were approved, 1 declined for ineligibility, 1 cancelled by applicant, 3 are for the Investment Committee to consider, 1 with Cabinet for endorsement and 1 for assessment and recommendation. REQUESTS FOR ADDITIONAL GOODS: A total of three (3) requests were received for additional goods and were all approved by the Investment Committee & Cabinet REQUESTS FOR EXTENSION OF INCENTIVES: A total of three (3) requests were received and assessed. Of this number: • 1 was declined by the Investment Committee as request was received post expiry date of incentives request can only be considered if it was received within the 2 year timeframe of approved concession and before the expiry date. • 1 is with the Investment Committee for consideration • 1 was received outside the 2 year timeframe and post expiry date of concession and will be submitted to the Investment Committee for consideration
The percentage of entries received, assessed and cleared as approved goods under the Duty Concession Scheme	100(FY2013/2014)	90%	90%	Completed/ Achieved	A total of 205 import entries were received and assessed from 1st July 2016 to 13th November 2016. From this total 94% (192) were stamped approved as they were included in the list of 'approved goods', and 6% (13) were not stamped as they were not included in the list of

					'approved goods', therefore, duty payable. On 14th November 2016 this function of approving import entries was transferred to the Ministry for Revenue as part of streamlining processes for ease of clearing goods from the port.
Date by which the Duty Concession Scheme quarterly progress reports are submitted to Cabinet through the Minister of Commerce, Industry & Labor	N/A	1st report- 30 September 15 2nd report- 24 December 15 3rd report- 31 March 16 4th report- 30 June 16	1st report- 30 September 16 2nd report- 24 December 16 3rd report- 31 March 17 4th report- 30 June 17	Completed/ Achieved	The Duty Concession Report has been changed from reporting quarterly to 6 monthly reporting periods depending on the trend of applications received each month. The DCS Report for the first 6 months of the financial year (i.e. from July to December 2016) has been finalised, however it will be submitted together with the last 6 months' report (January - June 2017) to Cabinet for approval.
The number of small operators applying for duty exemption received and approved under the Code 121 Scheme (Manufacturers - agricultural, handicraft, elei and garment; commercial poulty farmers)	5 (FY2008/2009)	5	5	Incomplete	Two (2) applications were received and assessed. Of the total received 1 (Samoa Agro Marketing Ltd - a primary producer & exporter of agriculture products) was approved by the Ministry for Revenue (MfR); and 1 (Savaii Koko) will be submitted to MfR upon receipt of required information from the applicant. The challenge with the Code 121 is the VAGST threshold of $130,000 as most of the operators do not satisfy this requirement given the small sizes of their operations.
Date by which further review of the eligibility criteria (threshold) will be completed.	N/A	31 December 2015	31 December 2016	Completed/ Achieved	A letter was sent to the MfR to consider the threshold for each application on a case by case basis as not all small operators are able to meet the threshold of $130,000. A verbal response from MfR is that applications below the threshold will be considered on a case by case basis. MCIL will continue to liaise with the MfR for an official response.
Date by which the Export Development Scheme (EDS) program is implemented	New Measure	31 August 2015	July 2016 - December 2016 for implementation. Programme will be ongoing	Incomplete	The EDS Deed of Guarantee & Guidelines were approved by Cabinet on 22 July 2015 [FK (15)25]. The Secretariat has forwarded the final versions of Deed of Guarantee and Guidelines to all Commercial Banks for their information prior to implementation of the scheme. The EDS Program is expected to be implemented in the new financial year.

The number of applications received, assessed and approved by the EDS Committee and Cabinet.	N/A	3	3	Incomplete	No applications received as the EDS Program is to be re-launched in the new financial year.
The number of public awareness programmes on all schemes conducted on tv/radio/newspaper and with various private sector associations.	N/A	6	6	Completed/ Achieved	A total of 11 public awareness programs were conducted to publicize the schemes. 3 – MCIL awareness carried out (Savaii, Apia & Aleipata), 5 – roadshows in Savaii (Salelologa, Manase, Asau, Vaipu'a & Gataivai), 2 – newspaper ads (Savali & Samoa Observer) and 1 – through Facebook publications.
Number of awareness programs on the Citizenship by Investment Act to be conducted on TV	New Measure	N/A	2	Completed/ Achieved	A total of 3 awareness programs were broadcasted, 2 on TV1 and 1 on EFKS TV for the Citizenship Investment Program
Date by which the Investment Mission is to be carried out to promote the Citizenship by Investment Act	New Measure	N/A	January 2017	Incomplete	Cabinet has approved the postponement of the Mission to FY2017/18 due to change in leadership and preparations for the implementation of the program.
The number of new and amendment applications received and approved for foreign investment registrations.	37 (FY2009/2010)	50	60	Completed/ Achieved	New Applications: A total of 74 new FIE's were received and assessed from the following sectors: • 35- Professional Services, • 16- Retailing, • 8- Manufacturing, • 3- Wholesaling & Distribution • 5- Accommodation • 2- Other Services • 1-Construction • 4-Restaurant/Café All 74 applications were approved. AMENDMENTS: • 21 - Additional Activities • 9 - Additional Branches • 30 - Other Amendments (change in business location, trading name and change of shareholders) • 5 - Removal of Activities RENEWALS A total of 97 applications received from existing FIEs for

					renewal were assessed and all were approved
The percentage of foreign investors complying with requirements of the Foreign Investment Amendment Act 2011 (based on monthly monitoring/enforcement site visits).	N/A	90%	90%	Completed/ Achieved	Based on the M&E activities carried out for the reporting period a total of 25 registered FIE's were inspected. Out of this number 96% (24) were found to be compliant and 4 % (1) non-compliant with the approved activities. The non-compliant is the carrying out of other activities that were not originally approved in the FIC without formally notifying the Ministry of these changes. The nature of the inspections varied from amendments such as additional / changes in business activities, additional branches and other relevant information.
Date by which the Annual Foreign Investment report is submitted to the Minister of Commerce Industry & Labour	N/A	24 December 2015	24-Dec-16	Completed/ Achieved	The report for FY 2015/2016 was completed and submitted to the Minister in December 2016.
1) Date by which assistance will be identified under the TCM Sector Plan for the review of Sector profiles (Manufacturing, Garment & Textiles, and Renewable Energy; 2) Date by which the review of the Services Sector profile is complete.	N/A	1) 31 January 2016 2)30 September 2015	1) 31 January 2017 2) 30 September 2016	Completed/ Achieved	Completed. Sector profiles have been finalized and a booklet has been developed. The profiles include the following: 1) Tourism Sector 2) Environmental Management 3) Energy Sector 4) IT Sector 5) Financial Sector
The number of TCI Development Board meetings on private sector issues.	5 (2010/2011)	12	12	Incomplete	Only 3 meetings were carried out. This was mainly due to the change in leadership during this time; and technicality of submissions from the Private Sector on TCI matters, which required sufficient time to assess before submission to the Board for discussion.
The number of foreign investment promotion activities and tools developed (e.g. social media as FB, update video clip on website and investment mission)	N/A	2	12	Completed/ Achieved	Facebook and the Ministry's website are the main social media forums used to promote investment. The Division also makes available the Sector Profiles, SIG and NIPS booklets as well as brochures to the public, and these are regularly reviewed. The Investment Mission is also scheduled to take place in the next FY to promote the Citizenship Investment Program. The new and updated investment video will also be completed and available by July 2017. Participation at other activities include the

					following: 1) 3 MCIL Day awareness programs 2) 5 SBEC roadshows 3) 2 Newspaper Advertisements 4) 1 Facebook post
To complete the review of the National Investment Policy Statement (NIPS) and Samoa Investment Guide (SIG) and update Samoa Investment Video	N/A	24 December 2015 (SIG) 31 March 2016 (NIPS)	24 December 2017 (SIG) 31 March 2018 (NIPS) 30 June 2017 (Investment Video)	Completed/ Achieved	Review of both the NIPS and SIG was completed in 2016. The next review is scheduled to commence on time together with the production of the Investment Video in the new financial year 2017/2018.
Date by which assistance will be identified under the TCM Plan for the review of the Foreign Investment Act 2000, Amendment and Regulations 2011 (Wholesaling and Reserved List)	N/A	31 July 2015	31 July 2016	Completed/ Achieved	The study of the Wholesaling Sector and review of the Reserved list was completed in January 2017. The Wholesaling activity will now be added to the Reserved list of the FIA 2000 as per one of the recommendations from the study.
The percentage of registered Foreign Investment Enterprises that have successfully established and set up their businesses.	N/A	60%	60%	Completed/ Achieved	According to the information recorded from our recently implemented "operating FIE's" project, it has been confirmed that out of the 74 new FIEs registered in the reporting period, 69% (46) have successfully commenced business operations. 30% (14) of the 69% already set up are operating under Government's consultancy contracts. The other 31% (28) are yet to commence operations. All registered FIE's are allowed a period of 2 years to establish operations from date of registration.

OUTPUT 4: ENFORCEMENT OF FAIR TRADING, CODEX DEVELOPMENT, CONSUMER PROTECTION AND METROLOGY

	Baseline Data	2015-16	2016-17	FULL YEAR ACHIEVEMENT	
Performance Measure/Indicator	**Baseline (Base Year)**	**Estimated Actual**	**Budget Standard or Target**	**Status/Progress**	**Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken**
Number of food safety standards to be developed and approved by the National Codex Committee. Food Standards to be enforced by MOH.	1 (2010)	1	2	Incomplete	Comments from PHAMA delayed the launching of the Ava Standard, awaits resubmission to Cabinet. Consumer guide for Ava Regulation to be developed to further educate traders. Development of cocoa standard is currently in progress. The National Codex Strategic Plan 2017 -2021 was successfully completed and launched on the 19 June 2017.
Percentage of trader compliance in using accurate weighing and measuring equipment (mass, volume and length) in accordance with the Metrology Act 2015, for the protection of consumer interest.	93% (2013)	99%	85%	Completed/ Achieved	85% of traders inspected and all complied with the metric units applied for trading purposes. All 23 petrol stations for both Upolu and Savaii were adjusted on a monthly basis. Awareness (1 TV Panel Discussion on Lali) was carried out to further inform the public of the new system (units) used for trade, notices for registration of suppliers of scales and new approved fees were also publicized. 1 Pull-up Banner for Metrology was designed. Meeting with suppliers was conducted to help apprise them with their roles and responsibilities about the Metrology Act.
Percentage of trader compliance in the obligations i.e application of prices on goods under price control, displaying Price Orders, marking of prices on goods/ shelves for consumer information and issuance of receipts upon demand as per Fair Trading Act 1998.	86% (2013)	90%	90%	Completed/ Achieved	91% of traders compliance. Out of 1028 traders visited, 935 traders complied. Non complied traders were given warnings and monitored by follow up inspections.

Number of complaints and enquiries received and/or resolved by Upolu and Savaii offices per year.	114 (2013 Upolu only)	250	300	Completed/ Achieved	A total of 246 both enquiries and complaints received in Upolu office for this financial year. 190 enquiries and 56 complaints received, 51 has been resolved and 5 cases are still investigated. For Savaii, a total of 251 complaints and enquiries received related to fair trading (96), industrial relations, registry of companies, job seekers (155). All were resolved and referred to main office in Upolu on a daily basis.
Number of Consumer Information Guide (brochure or video) to be developed on specific products or services for protection on Consumer	1 (2011)	1	1	Completed/ Achieved	Two (2) brochures on General Price Order, three (3) on Metrology and four (4) on Competition and Consumer Act 2016 were developed for traders and consumers awareness.
Date for Consumer and Competition Bill to be passed by Parliament, with 12 months transition period for aggressing public awareness programs.	N/A	1 June 2016	1 June 2017	Completed/ Achieved	Competition and Consumer Act will come into force on the 3 July 2017. Public notice on the commencement date has been publicized. Three (3) awareness programs have been carried out in Upolu and two (2) in Savaii. One (1) E te Silafia and a Lali Discussion on TV 1 were also conducted for further awareness of the public and the business community.

OUTPUT 5: ADMINISTRATION OF APPRENTICESHIP SCHEME & EMPLOYMENT SERVICES

	Baseline Data	2015-16	2016-17	FULL YEAR ACHIEVEMENT	
Performance Measure/Indicator	**Baseline (Base Year)**	**Estimated Actual**	**Budget Standard or Target**	**Status/Progress**	**Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken**
Number of existing Apprentices	111 (2009/2010)	150	160	Completed/ Achieved	A total number of apprentices graduated is 28 from a total of 134 apprentices. New entries of 48 entered in 2017 and 106 from 2016 made up a current total of 154.
Number of Apprentices terminated	20 (2009/2010)	10	5	Completed/ Achieved	5 apprentices marked for termination.

Number of inspections for Apprentices to ensure full compliance of parties involved in the Apprenticeship Scheme: (Inspections/Follow Ups)					
- **Inspections**	300 (2009/2010)	350 - inspections	360	Completed/ Achieved	264 Routines
- **Follow Ups**	300 (2009/2010)	260 - Follow ups	270	Completed/ Achieved	384 Follow ups
Number of training and awareness programs to increase the employability of local trades people	New Measure	3 (2 - Upolu and 1- Savaii)	3 (2 Upolu & 1 Savaii)	Completed/ Achieved	3 One MCIL programs being conducted within FY2016/2017)
Number of Apprenticeship Council Meetings	4 (2009/2010)	4	4	Completed/ Achieved	3 Council Meetings conducted.
Number of new trades added under the Apprenticeship Scheme to extend scope of Program	New Measure	2	2	Incomplete	Await Training Provider (NUSIot) and SQA for the development of the two proposed trades curriculum (Spray painting & Panel beating)
Number of new apprentices entered into the Apprenticeship Training Scheme	50 (2009/2010)	70	80	Completed/ Achieved	Over hundred application forms dispatched, only 80 applications submitted, 32 were not accepted due to unemployment of applicants. Only 48 applications accepted from those who duly satisfied compliance to apprenticeship policy.
Percentage of Apprentices graduated from the Apprenticeship Scheme	New Measure	80-90%	80-90%		35 Year 4 apprentices expected to graduate in December 2017.
Review National Competency Standards (NCSs) to match with require standards within Trades industries	New Measure	On going	Ongoing	Completed/ Achieved	Completed
Number of Jobseekers:					
- **Registered**	121 (2009/2010)	135	150 registered	Completed/ Achieved	158 jobseekers being registered on line and 202 using the manual system, thus made up a total of 360
- **Refer**	47 (2009/2010	80% of registered job seekers	85%	Completed/ Achieved	Out of 360 being registered, 267 referrals which exceeded the set target.
- **Place**	35 (2009/2010)	40% of referrals	50%	Incomplete	Number of placement is 53, as this depends on the discretion of employer

Number of vacancies lodged and advertised through:					68% of set target is achieved
- **Employment Service**	23 (2009/2010)	45	50	Completed/ Achieved	80 vacancies through Employment Service
- **Samoa Observer/Media**	20 (2009/2010)	60	65	Completed/ Achieved	75 vacancies through media,
Number of half yearly employment survey returns collected from employers	385 (2009/2010)	450	500	Completed/ Achieved	This activity was implemented in conjunction with 2016 LMS
Number of jobseekers trained successfully to receive certificates	14 (2009/2010)	40	80	Incomplete	This activity was deferred for the 1st half of FY 2017/2018 as ELM Team was directly engaged on 2 major projects, the SNEP & LMIS which were now successfully completed
Industry Awareness					Industry awareness program was implemented in conjunction with ONE MCIL Day & ELM team was directly engaged on finalizing LMIS Project.
- **Number of Senior Schools attended**	8 (2009/2010)	12	15	Completed/ Achieved	More than 15 employers attended each 3 ONE MCIL programs and also exceeded the number of target participants
- **Number of Students participated**	80 (2009/2010)	110	120	Completed/ Achieved	
- **Number of Presenters**	8 (2009/2010)	10	12	Completed/ Achieved	More than 16 presenters during ONE MCIL DAY inclusive ACEO & Principal ELM of AELM Division.
Date the Labour Market and Employment Periodic Information Surveys are conducted	150 (2007/2010)	LMS - April-June 2016, EPI - every six month	Dec-16	Incomplete	The analysis and finalization of 2016 LMS report is in its final stage.

OUTPUT 6: ENFORCEMENT OF LABOUR STANDARDS AND ASSESSMENT OF WORK PERMITS

	Baseline Data	2015-16	2016-17	FULL YEAR ACHIEVEMENT	
Performance Measure/Indicator	**Baseline (Base Year)**	**Estimated Actual**	**Budget Standard or Target**	**Status/Progress**	**Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken**

Number of awareness programmes conducted to strengthen social dialogues and networking between employers and employees on all labour and employment relations working terms and conditions	5 (2008/2009)	- 5 for Upolu (Employers) by June 2016 - 5 workshops for Upolu (Employees) by June 2016 - 5 workshops for Savaii (Employers) by June 2016 - 5 workshops for Savaii (Employees) by June 2016 - 80 Social dialogues with employers and employees by June 2016	3 public seminars on priority labour / employment issues by the end of June 2017 80 networking sessions with employers / employees on LERA requirements	Completed/ Achieved	5 Public Awareness conducted (4)Upolu; (1) Savaii; and 7 one-on-one awareness sessions with employers (NHS, Vailima Breweries, Talofa Airways, Soil Health Pacific, DMC, Maritime School and SUNGO) 1,028 networking sessions through issues and advise services
Number of reports consulted with the Samoan National Tripartite Forum on policy and/or best practise initiatives concerning labour and employment relations	3 (2009/2010)	First Draft for the Labour and Employment Relations Policy Framework by June 2016 - Two (2) International Labour Standards Reports on Ratified Conventions - Quarterly reports on Labour and employment relations	SNTF approval of the Working Conditions and Entitlement Manual before December 2016 Foreign Employee Employment Permit Policy approved by July 2016 SNTF approval of Grievance Manual by August 2016 Quarterly reports submitted on labour issues to the Forum	Completed/ Achieved	1. Working conditions draft completed - carried forward to FY 2017/2018 2. Draft FEEP Framework has been consulted with relevant stakeholders. Samoa National Tripartite Forum has endorsed FEEP Framework. Proposed changes to Employment Permit fees have been submitted to the National Revenue Board for endorsement before submitting for Cabinet approval. 3. 2nd draft to be endorsed by SNTF - carried forward to FY 2017/2018 4. Quarterly Reports from Jul - March presented to the SNTF - April-June to be presented in the next meeting
Number of International Labour Standard Reports submitted on the progress of ratified conventions	N/A	new measure	Submission of two (2) International Labour Standard	Completed/ Achieved	Completion and submission of the following International Labour Standards Reporting as part of Samoa's obligation as a Member State

			Reports on progress / implementation of ratified conventions Conduct 2 seminars on ILS requirements		of the ILO: 1. C29 Forced Labour Convention (1930) 2. C105 Abolition of Forced Labour (1957) 3. C138 Minimum Age Convention (1973) 4. C182 Worst Forms of Child Labour (1999) 5. First Report on the Maritime Labour Convention 2006
Percentage of investigations of all labour grievances and disputes received are resolved	9 (2008/2009)	80%	between 80% - 90%	Completed/ Achieved	A total of 132 employment grievances were lodged 107 (81.8%) has been resolved and 25 (18.8%) carried forward to FY2017/2018
Number of foreign employment permits are assessed and issued in line with the labour workforce demand and supply and the requirements of the LERA Act 2013	375 (2008/2009)	450	Assessment and issuance of 500 FEEPs Develop a customer centered e-system for FEEP	Completed/ Achieved	621 FEEPs lodged and assessed (579 approved/17 declined/25 in process) Issues paper completed
Number of M&E conducted to ensure: - employers/employees effectively implement relevant provisions of LERA; - identify and address common issues of the LERA	92(2009/2010)	80% compliance from employers	6 M&E conducted by June 2017	Completed/ Achieved	6 M&E conducted to 62 employers, 52 (85.23%) employers found full compliant, 3(4.9%) employers non-compliant, 3(4.9%), 1(1.6%) not in country during inspection
Number of trainings conducted to enhanced capacity of staff on Labour and Employment Relations requirements, best practices and International Labour Standards (ILS)	N/A	Five (5) by the end of June 2016	5 by end of June 2017	Completed/ Achieved	IR/FEEP staff participated in the following trainings: -ILS Training (Internal) -Sub Regional Training on Maritime Labour Convention Reporting (overseas) -Time Management (PSC / Internal) -Legislative Interpretation (Internal) -Report Writing (internal) -Microsoft Word and Excel training (internal) -International Labour Standards (overseas) -1 Child Labour Training conducted by ILO

OUTPUT 7: ENFORCEMENT OF OCCUPATIONAL SAFETY AND HEALTH STANDARDS

	Baseline Data	2015-16	2016-17	FULL YEAR ACHIEVEMENT	
Performance Measure/Indicator	**Baseline (Base Year)**	**Estimated Actual**	**Budget Standard or Target**	**Status/Progress**	**Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken**
Number of M&E conducted to ensure: - employers/employees effectively implement relevant provisions of the OSH Act 2002; - identify and address common issues of the OSH Act 2002	300 (2009/2010)	80% Government Ministries 80% State Owned Enterprises (SOEs) 80% Private Sector (Small, Medium and Large Enterprises) 70% of issued corrective actions are implemented	80% compliance	Incomplete	A total of 73 M&E (inspections) to private sector, 57 (72%)compliance with OSH standards A total of 14 M&E (inspections) to SOE, 9 (64%) compliance with OSH standards A total of 5 M&E (inspections) government ministries, 2 (40%) compliance with OSH standards
Number of workplace accidents, incidents and illnesses are expected to be reported by employers to the Ministry	40 (2009/2010)	70	between 70%- 80%	Incomplete	Total of 23 incidents reported within the FY 16/17. - 10 Incidents reported by Employer - 4 Incidents reported by Employees - 9 Referrals from ACC Recommend rewording of KPI to be more practical, the issue of under reporting still remains and will be addressed in awareness programs and social dialogue to enforce reporting of incidents and accidents.
Percentage of all investigations on all workplace accidents, incidents and illnesses reported are resolved in-line with the OSH Act 2002	70 (2009/2010)	80%	between 70%- 80%	Completed/ Achieved	95% Resolved (22 resolved / 23 total)
Number of awareness programmes to enhance	3 (2009/2010)	5 workshops for	3 public seminars	Completed/	A total of eight (8) Awareness Programme

understanding of employers and employees on all OSH legislative requirements and practice		Upolu (employers) by the end of June 2016 5 workshops for Upolu (employees) by the end of June 2016 5 workshops for Savaii (employers) by the end of June 2016 5 workshops for Savaii (employees) by the end of June 2016	on high priority areas (Construction/Manufacturing/Hospitality) by the end of June 2017	Achieved	Conducted: 1. OneMCIL Day in September 2016 (Upolu) 2. OneMCIL Day in September 2016 (Savaii) 3. IROSH Awareness on Construction, Manufacturing and Hospitality in November 2017 (Upolu) 4. IROSH Awareness in February 2017 (Aleipata) 5. OneMCIL Day in March 2017 (Lepa) 6. World Safety Day at Work on 28th April 2017 (Upolu) 7. World Fire Fighters Day in May 17 8. ACC Awareness on Scaffolding
Number of reports consulted with the Samoa National Tripartite Forum on policy and/or best practise initiatives concerning OSH	N/A	First draft of the National OSH Policy Framework by the end of January 2016 Quarterly reports on OSH	National OSH Policy Framework approved and implemented by December 2016	Completed/ Achieved	1. Draft OSH Framework circulated to stakeholders for comments 2. Final draft integrates comments from interim National OSH Task Force 3. National OSH Task Force comprising of 10 key stakeholders endorsed by Cabinet on 22 February 2017 4. Proposal to AusAid for Technical Advisor to finalise the Framework, develop standards, and assist in the formulation of a OSH Training Calendar
Enhanced capacity of staff on OSH practices and International Labour Standards	N/A	Four trainings on OSH Act 2002 and OSH Regulations 2014	4 trainings on OSH Act 2002 and Regulations 2014 1 Training for ILS Reporting	Completed/ Achieved	OSH staff participated in the following trainings: -Fire Extinguisher by SFESA -First Aid Training by Samoa Red Cross Society -ILS Training (Internal) -Knowledge Sharing on Maritime Labour Convention Reporting (internal) -Time Management (PSC / Internal) -Legislative Interpretation (Internal) -Report Writing (internal) -Microsoft Word and Excel training (internal) -International Labour Standards (overseas) -Child Labour Training conducted by ILO (local)

OUTPUT 8: MANAGEMENT OF THE REGISTRIES OF COMPANIES & INTELLECTUAL PROPERTIES

	Baseline Data	2015-16	2016-17	FULL YEAR ACHIEVEMENT	
Performance Measure/Indicator	**Baseline (Base Year)**	**Estimated Actual**	**Budget Standard or Target**	**Status/Progress**	**Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken**
Number of registration each year:	(2008/2009)				
Companies	60	210	210	Incomplete	127 companies registered
Incorporated Societies	10	27	27	Incomplete	16 Incorporated Societies registered
Charitable Trusts	5	12	12	Completed/ Achieved	22 Charitable Trusts registered
Cooperative Societies	3	5	5	Completed/ Achieved	20 Cooperative societies registered
Credit Unions	1	5	5	Incomplete	No credit Union registered
Number of registration each year:	(2008/2009)				
Trademarks	140	260	260	Completed/ Achieved	446 TM classes registered (fee paid per class)
Patents	4	15	15	Incomplete	NIL
Industrial Designs	2	7	7	Incomplete	2 Designs registered
Number of inspections on video shops for infringement of Intellectual property	80 (2010/2011)	150	150	Incomplete	NIL
Number of inspections for legal requirements under the Legislation	2010/2011				

- companies	450	728	728	Incomplete	380 companies inspected
- incorporated societies	45	85	85	Incomplete	36 inspections for Incorporated Societies not achieved due to short staff
Number of annual returns filed from Companies	600 (2008/2009)	970	970	Incomplete	506 Annual Returns Filed
Number of financial statements filed:	2008/2009				
Incorporated Societies	200	121	121	Incomplete	77 Financial Statements Filed
Credit Unions	50	6	6	Completed/ Achieved	6 Annual Returns Filed
Number of trainings and awareness programmes for: stakeholders and other interested parties	4 (2008/2009)	12	12	Completed/ Achieved	25 awareness and trainings
Number of filed:	2008/2009				
Trademark Applications	140	300	300	Completed/ Achieved	232 TM applications per class filed
Patent Applications	4	18	18	Incomplete	1 Patent Application filed
Industrial Designs applications	2	8	8	Incomplete	2 applications filed
Number of de-registered:	2008/2009				
Companies	20	30	30	Completed/ Achieved	32 de-registered companies
Incorporated Societies	10	24	24	Completed/ Achieved	25 de-registered incorporated societies

Number of trademarks renewed	80 (2008/2009)	210	210	Completed/ Achieved	214 Trademarks renewed
Number of trademarks abandoned	101	145	145	Incomplete	137 Trademarks abandoned
Number of trademarks advertised	92	200	200	Completed/ Achieved	200 Trademarks advertised
Date by which Personal Properties Securities Act (PPSA) is approved by Parliament	N/A	on going await implementation of the electronic registry for the PPSA	on going await implementation of the electronic registry for the PPSA	Completed/ Achieved	Completed Launch on the 27 February 2017
Implementation of the National Intellectual property strategy	N/A	on going	on going	Completed/ Achieved	on-going
Implementation of the new Intellectual Property Act	N/A	on going await passing of the IP Regulation	on going await passing of the IP Regulation	Completed/ Achieved	on-going
Date on which World Intellectual Property Day will be celebrated	N/A	26 April 2016	26 April 2017	Completed/ Achieved	on-going