



## e-newsletter

Issue 16, April 2016

### Word from the CEO

#### Chief Executive Officer

Peseta Margaret Peters Malua

Talofa Lava,

The Ministry of Commerce, Industry and Labour welcomes and congratulates its new Minister, the Honorable Lautafi Fio Selafi Purcell who replaces the Honorable Fonotoe Nuafesili Pierre Lauofo. We look forward to working and supporting you for the next 5 years.



One of the highlights of this quarter is the signing of the contract between Women in Business (WIBDI) and Zheng Construction Company for the construction of the WIBDI warehouse under Tier 2 of the Trade, Commerce and Manufacturing Sector. Under the auspices of the Enhanced Integrated Framework (EIF), TCM sector coordinates to comprehend its plan in revitalization of the exports and improving the enabling environment for business development as outlined in the Strategy for the Development of Samoa 2012-2016.

This edition highlights the Ministry's efforts in many forms in ensuring its clients and stakeholders are well informed of the many legislative reforms the ministry on behalf of the government has undertaken to ensure the government is providing an enabling environment for the development of the private sector as well as employment creation.

We welcome your feedback and contribution towards the development of the Ministry and sector in 2016.

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# Metrology Awareness Program (FTCD)

Fair Trading and Codex Division coordinated a road show awareness to promote our newly legislation called Metrology Act 2015 for all colleges in both Savaii and Upolu on 15<sup>th</sup> February- 11<sup>th</sup> March 2016. This was one of our division proposed activities for this financial year 2015-2016 to enable traders to use accurate and internationally prescribed measuring standards for weighing and measuring equipment, encouraging fair practices and protecting the consumer in order to enhance social economic development of Samoa.

The old legislation is outdated and has been replaced by the new Metrology Act 2015 which was passed by the Parliament in March 2015. The intention of this road show awareness is to introduce and to familiarize the students and the young generation on the new changes particularly on weighing and measuring units that will be used under the new Act. These units will be applied to subjects such as Mathematics, Physics and other related subjects/courses. Moreover it will be very significant for them to understand how they apply these units in the market for trading.

A brief overview of the Division's functions and other related works was also presented for information of participants as they are all consumers especially in terms of fair trading.



The road-show programme was successful with productive feedback from students and teachers participating in both islands. The comments relayed by participants were very useful in assisting the Division in preparation for implementation of this new Act. All schools expressed their gratitude for this important programme in which they were well educated and made aware of their obligations under the Metrology Act and also on fair trading matters especially on prices.



## Jobseekers Training (ALEM)

A total of 49 jobseekers participated in the Jobseekers Training conducted by the Employment and Labour Market Team on the 19<sup>th</sup> February 2016. It was an initiative to showcase and convey to the jobseekers all the possible requirements, preparations and different mechanisms and modules for them to gain skills and knowledge in finding employment. There were activities and exercises given at the end of each topic discussed throughout the training for the Team to assess and analyze the level of understanding being gained by each jobseeker. We received positive and great feedbacks from the participants that the training has been very helpful to them as they have broadened and extended their understanding in job search procedures. The training ended successfully with the presentation of certificates by Sa'u Taupisi Fa'amau (AELM ACEO).



## World Consumer Right's Day (FTCD)

### WORLD CONSUMER RIGHTS DAY

World Consumer Rights Day is an annual event to celebrate a historic declaration of basic consumer rights. The Fair Trading Division on 15<sup>th</sup> March every year promotes these basic rights of consumers, demanding that those rights are respected and promoted. This year's celebration focuses on the publicizing of one of its new legislation namely the Metrology Act 2015 which came into force on the 14<sup>th</sup> March 2016. A morning talk show on FM Radio was aired followed by a half day information booth at the ACC House ground floor providing the public with information on the new Act and the Division other related works. It was a good opportunity for the general public, consumers and business people to know about their rights and obligations under the new Act and also the new units that will be used in trade once the Grace period ends in December 2016. All divisions of the Ministry were invited to exhibit their work information for the public awareness and to further promote the ONE MCIL.





## Daylight Saving (FTCD)

Daylight saving time for Samoa is a response in need of national strategies to address the worldwide crises in fuel and food price increases. This normally adds 1 hour to standard time with the purpose of making better use of daylight and conserving energy. The idea of the daylight saving is that the country will benefit from enhancing energy efficiency, boosting leisure activities, promoting public health and safety and increasing Samoa's economic growth.

The Cabinet's decision FK (16) 08 approved the daylight savings time from the years 2016 till 2018.

End Date	Time	Start Date	TIME
3 April 2016	4:00am to 3:00am		
2 April 2017	4:00am to 3:00am		
1 April 2018	4:00am to 3:00am		
		25 September 2016	3:00am to 4:00am
		24 September 2017	3:00am to 4:00am
		30 September 2018	3:00am to 4:00am

## Trade, Commerce & Manufacturing (TCM)

Trade, Commerce and Manufacturing Unit held its 2016 Opening TCM Steering Committee Meeting on Thursday 11<sup>th</sup> February, to confirm and follow up on the updated reports from both Tier 1 and Tier 2 work plans that were implemented under the TCMU sector plan.

In addition to the meeting there was a new initiated activity added as part of Trade, Sector Support Programme under *Component 2: Enhanced private sector development*. This new activity was endorsed and approved by the members of the TCM Steering Committee in terms of assessment of the current situation of Savaii's business environment.

The purpose of this study "*Savaii Business Environment Scoping Study*", this is to determine the issues and opportunities in order to develop a one strategy to improve the business sector in Savaii.

As a result of the study, TCM has already developed a Terms of Reference (TOR) to conduct this assessment while moving on the next procedure of this activity.



# Trade, Commerce & Manufacturing (TCM)

## Signing Contract between WIBDI & ZHENG Construction

**WIBDI Warehouse: 4<sup>th</sup> April 2016**

The Warehouse Construction is one of Women in Business Development Incorporated (WIBDI) main activity implemented under the Tier 2 project coordinated by the Trade, Commerce & Manufacturing (TCMU) sector of the Ministry of Commerce, Industry & Labour (MCIL). Under the auspices of the Enhanced Integrated Framework (EIF), TCM sector coordinates to comprehend its plan in revitalisation of the exports and improving the enabling environment for business development as outlined in the Strategy for the Development of Samoa 2012-2016.

Out of 8 attempted applicants, Zheng Construction was the assigned winning tender for the construction of WIBDI's Warehouse at Nu'u, Vaitele. This is one of the major achievements and development of the project as coordinated by the TCM sector.

The contract was signed at the Ministry of Commerce, Industry & Labour (MCIL). Never the less was a venerated event for TCM Unit's implemented activities according to project development. The formal acceptance of contract was presented and directed with the presence of MCIL's Chief Executive Officer, TCM assistant coordinator, WIBDI's president and Zheng Construction's general manager.



*Back row: Kate McMillan, Lealali I. Okesene, Alberta Vitale, Faleolo Leo (VSA) and Mathew Tofilau (TCM Assist. ACEO)  
Front row: Mr Wang (Zheng Construction), Peseta M. Malua (MCIL CEO) and Sheree Stehlin (WIBDI President)*



### TCM Upcoming Events:

**Diagnostic Trade Integrated Study (DTIS) Preliminary Mission – Concept Paper: Discuss in the next  
TCM Steering Committee Meeting 8<sup>th</sup> April 2016  
Policy Development Training 25<sup>th</sup> – 29<sup>th</sup> April 2016**

# Copyright (RCIP)

## **SUB-REGIONAL WORKSHOP ON COPYRIGHT AND RELATED RIGHTS IN THE SOUTH PACIFIC FOR DECISION MAKERS**

*Sydney, Australia, 24 to 26 February 2016.*

The Sub-Regional Workshop on Copyright and Related Rights in the South Pacific for Decision Makers was attended by Maryann Vaiula of RCIP. This 3 day workshop on Copyright and Related Rights was held in Sydney, Australia, and was organized by the World Intellectual Property Organization (WIPO) in cooperation with the APRA Australia and the Agency of Cultural Affairs, Government of Japan.

The guest speakers were: Copyright agencies in Australia, Director of International Division of APRA, WIPO Director of Copyright, Japan Copyright Office, Australia Copyright Council and Pacific Islands Trade & Invest. The workshop comprised of senior executives and copyright officers from the Pacific Region including Cook Islands, Fiji, Kiribati, Nauru, Niue, Papua New Guinea, Republic of Marshall Islands, Solomon Islands, Tonga, Vanuatu and Samoa.

The main objectives of the workshop were to assist the Pacific Island countries on their copyright systems by:

- Exchanging views and information on the issues and the challenges relating to copyright and related rights;
- Exchanging views and experiences in strengthening the copyright infrastructures and capacities for policy formulation including those related to cultural and economic development and
- Explore new areas of cooperation amongst copyright offices in the Region.

The WIPO Director of the Copyright Division, Ms Gao Hang and Ms Yui Ema presented on the core tasks of WIPO which includes encouraging the use of IP for economic development as well as technical assistance available for member states. WIPO provides assistance in the development of National IP policy and strategies, legislative and regulatory framework assistance, IP infrastructure building and developing as well as capacity building for its member states and observers.

According to the current records of the Australasian Performers' Rights Association ('APRA'), there are at least 490 Samoan members or members who define themselves as Samoans and are benefiting from being a member of APRA. Studies have recommended Samoa to establish a collective management society like APRA, FPRA (Fiji) to manage the access of rights and to collect fees for our local musicians for their music.



Presentation on current status of Copyright



Group photo



Samoan siapo design

# Labour Market Information System Training (AELM)



On the 20<sup>th</sup> January 2016 the Employment and Labour Market team had trained on the newly established and updated system – Labour Market Information System. The training is one of the major deliverables for the establishment and development of the first ever LMI system with the purpose to ensure that each individual staff is well equipped and prepared with the features and technical pathways of the system. Mr. Chris Brown of the Biz Solution Consults was the trainee behind this dominant training. Adjustments, input data, and corrections had been reviewed and are yet to be uploaded on the system by the IT and Consults before it is finalized and ready to commence. The new Labour Market Information System is for the better networking of all the relevant information regarding surveys of employment, register of jobseekers as well as employers, and other significant information about the labour market to the key stakeholders and public.

## Duty Concession Scheme & Aviation Transport Development (IDIP)

**Aviation Transport Development:** a new component has been added to the Duty Concession Scheme (DCS) which is administered by the Ministry through the Investment Committee. The new component is regulated under the Customs (Aviation Transport Development) Regulations 2012. This support programme aims at assisting the Aviation industry through duty concession for the importation of air-plane of a maximum weight and related goods for 'qualifying projects'.

**Manufacturing & Tourism Development:** This support program encourages the development of the Tourism and Manufacturing industries through duty concession on building and construction materials, furnishings, machinery and raw materials. The support programme is regulated under the Customs (Tourism and Manufacturing Development) Regulations 2010.

For any enquiries please refer our website or contact the;

**Industry Development and Investment Promotion Division**

ACC Building Level 4

Telephone 20441.

Email: [mpal@mcil.gov.ws](mailto:mpal@mcil.gov.ws)

Website: [www.mcil.gov.ws](http://www.mcil.gov.ws).



# Foreign Investment (IDIP)

## **Foreign Investment Certificates (FICs) issued from January to March 2016:**

A total of 19 new FICs were approved in the first quarter of 2016. Majority of new FICS issued were for businesses in other *Services, professional services, tourism, construction, exporting and other retailing.*

## **Foreign Investment Registration Inspections**

The inspections of operations that were issued with Foreign Investment Certificates (FIC) are carried out by the Industry Development and Investment Promotion Division (IDIP) on a quarterly basis. The objectives of these inspections and spot checks are to monitor the status and progress of each registered Foreign Investment Enterprise. The division is tasked to inspect that the specified activities as approved in the FIC are being carried out and to also ensure that all registered Foreign Investment Enterprises are compliant with the rules and regulations as set out in the FIC as well as the Foreign Investment Act 2000. The division also responds to noncompliant cases reported by public. Issues from noncompliant cases will be addressed or noted for further improvement of the service and enforcement of legislation. Relatively the outcomes will be part of the FIC annual report which indicates the issues and the foreign investment trends in Samoa.

A recent inspection was carried out from the 29<sup>th</sup> of February to the 1<sup>st</sup> of March 2016. A total of twenty two (22) enterprises were included in this inspection. All of these are owned by Samoan citizens. The inspection team noted improvement in these operations in terms of continuous business activities and also in creating employment however there are concerns regarding some business because they employ noncitizens which is against the law. Under the Foreign Investment law non-citizens or a company having a shareholder who is a non-citizen are not allowed to *engage in or be employed* at any business or economic activity specified in the Reserved List.

## **The Difference Incubator (TDi) Mission, 7<sup>th</sup> – 10<sup>th</sup> March 2016:**

The division coordinated arrangements for this mission. Ms Anthea Smits, Deputy CEO of the Difference Incubator and her team was accompanied by Mr Caleb Jarvis, Trade Commissioner of the Pacific Islands Trade & Invest. The mission met with key players from the business community in Samoa as well as government agencies that are involved in business development and investment. The main objective of TDi is to work together with businesses in Samoa and the region to build investable social enterprises. TDi have formed a partnership with the Australian Department of Foreign Affairs and Trade (DFAT) to explore investment readiness in Samoa. The process will begin with a Community Asset Assessment (CAA) which is now at its initial stages. The group is expected to return to Samoa sometimes this year before June 2016 to conduct awareness workshops on this important concept.





# Industrial Relation (IROSH)

## Industrial Relation

The Industrial Relation's team on a daily basis receive employment grievances from employees who feel their rights have been breached by their employers according to the LERA 2013.

A total of 10 employment grievances were formally lodged for the month of March around final pay, and unfair dismissal.

In addition, the team responded to a total of 152 queries in relation to the LERA clarification.

Furthermore the IR team are becoming more proactive in terms of awareness. The team visited the following employers educating them regarding best practice to implement current labour laws.

- Amanaki Hotel
- Accident Compensation Corporation
- KL Security Services Ltd
- Saletoga Resort
- The Landing Ltd



## Grievance Procedure

Labour Inspectors are required to follow the grievance procedure in accordance with the LERA 2013. It is a must for the IR team to follow the grievance procedures for:

- (1) **Fairness;** acquiring both the employee and employers side of the story.
- (2) **Consistency;** having a uniform grievance procedures ensures cases are dealt with in the same manner for everybody.
- (3) **Transparency;** employees/employers have the opportunity to voice their concerns regarding OSH, unfair dismissal, harassment, discrimination, breach of a Contract of Employment etc.



## Foreign Employee Employment Permit

An increasing number of non-citizens have been issued Employment Permits for domestic workers. A total of 80 Employment Permits have been issued under domestic work, this includes; nannies, housekeepers, and caregiver for an elderly/sick member of the family.

There is a fair number of non-citizens who are working without a valid employment permit, either the permit has expired and/or they are visiting relatives but are working for the business.

We encourage MCIL staff if you are aware of such practise to please advise the Employment Permit team.

**Thank you for your cooperation!**

# Occupational Safety & Health (IROSH)

## Occupational Safety and Health

The OSH team is preparing for the World Day for Safety and Health at Work. This is an annual event to be commemorated on April 28, 2016.



The theme for the 2016 World Day for Safety and Health at Work is '**Workplace Stress, a Collective Challenge**'.

The theme focuses on how promoting awareness-raising campaign on health and safety culture can minimize the likelihood of work place accidents, illnesses, and reduce potential stress.

"Workplace stress" is the harmful physical and emotional responses that can happen when there is a conflict between job demands on the employee and the amount of control an employee has over meeting these demands

The OSH team would like to remind everyone of the importance of your safety and wellbeing at your workplace.

Here is 10 workplace safety tips which everyone should familiarise themselves with:

1. Be aware of your surroundings
2. Keep correct posture to protect your back
3. Take regular breaks
4. Use tools, machines and office equipment properly

5. Keep emergency exits / hallways easily accessible
6. Report unsafe conditions to your supervisor
7. Use mechanical aid/equipment whenever possible, i.e. lifting heavy boxes use proper equipment
8. Stay sober at work
9. Reduce workplace stress
10. Wear the correct safety clothing (Personal Protective Equipment)

## Monitoring and Evaluation

IROSH M&E was carried out in Savaii to ensure businesses / companies are providing fair and equitable terms and conditions to employees.

It was also an opportunity to follow up outstanding grievance cases and, promote OSH / fair working terms and conditions.



## **OTHER EXCITING NEWS....**

### **New IROSH staff**

On 29th March 2016 IROSH welcomed our Principal OSH Officer, Mr Andrew Sam Sheck to lead the OSH team.

### **Professional Development**

Ms Alice Faasoo and Ms Gaulua Sefulutasi, OSH Labour Inspectors have been given the opportunity to attend a seminar in China for three weeks on Import-Export Commodity Quality Inspection for Developing Countries. This is also an opportunity to explore one of the power countries in the world.

# Intellectual Property (RCIP)

## **Workshop on Intellectual Property Protection: A Tool to enhance Samoan Cultural Industries**

On the 21<sup>st</sup> to 23<sup>rd</sup> March 2016, staff of RCIP participated in the above titled Workshop co-hosted by the Culture Division of the Ministry of Education, Sports and Culture, the Samoa Arts Council and the Secretariat of the Pacific Community.

Since Intellectual Property ('IP') is a main part of the RCIP's mandate, IP Registry staff were asked to provide presentations and participate in panel discussions conducted during the Workshop. The objectives of the Workshop were to:

- Increase the awareness of members of the Samoan Cultural Industries on the national legal framework pertaining to IP;
- Improve their knowledge of current IP legislation, policies, strategies and processes involved in the creation of IP rights in Samoa, particularly in Copyright and Related Rights, Designs, Trademarks and Patents;
- Identify obstacles hindering the growth of Cultural industries in Samoa and to determine how the IP Framework can remedy those obstacles;
- Increase awareness on how IP can contribute to adding value to Cultural products; and
- Identify the main actors in the IP Protection and enforcement framework and discuss how IP Protection and enforcement can be further enhanced.

The Workshop was made possible through funding provided by the European Union and the African-Caribbean-Pacific Support Programme, as well as our regional partners SPC and PIFS. The Workshop gave us the opportunity to work together with our friends Ms Elise Huffer, Luisa Mavoa and Pita Niubalavu from the office of the Pacific Community, who travelled from Fiji to assist with the Workshop by sharing their knowledge and regional experience on IP matters through their presentations and discussions.

Participants of this Workshop varied from well-known fashion designers to up-and-coming Fashion designers, Music Producers, Musicians, siapo makers, carvers, a representative from the Leulumoega Fou School of Fine Arts, business men and women, members of the Samoa Art Council, members of the Samoa Mamanu Society and representatives from government and non-governmental Agencies. 48 participants were recorded to have attended the three day workshop.



*Day 1 of the workshop on Intellectual Property: A tool to enhance Samoan Cultural Industries.*



# Intellectual Property (RCIP)

## **Workshop on Intellectual Property Protection: A Tool to enhance Samoan Cultural Industries** **(Continued from Pg. 11)**

This workshop was an effective way to make known to our cultural industries the importance of IP and cultural expressions owned by Samoa. The creation and protection of IP not only encourages creativity but also contributes to economic growth. IP rights protection can be used to reduce the increasing number of imported substitutes.

*“This will ensure Samoa’s material and intangible cultural heritage will not only continue to forge our national identity, but create livelihoods and contribute to our national economy.”*

***Dr Karoline Afamasaga-Fuata’i***

There were lively and inspirational panel discussions led by well-known business people such as Seiuli Allen Alo, Jackie Loheni of Mena, Susana Ah Wong of Susana o Samoa, Pelenato Ioane Liufau (Principal of Leulumoega Fou School of Fine Arts), Etu Tusitala of Etu Life Products, Christopher Sablan of Janets and Sio Silva of the Silva Bullet Band. The Panel discussion was a good way of inspiring small business owners and new Designers, to soldier on through the trials and hardships of being in the Cultural industry. One panelist stated that the individuals who have copied their products have been a welcoming challenge for their business, because it has kept their designers active and innovative, in pursuing new designs.



*Pita Niubalavu (SPC) presenting about the link between Intellectual Property and Samoan cultural Industries.*



*Dr Elise Huffer (SPC) sharing on a Regional Case Study about the Economic Benefits of Trade mark protection*



*Presentation by Houulton Fa'asau (ACEO RCIP) on the addressing of unauthorized use and misappropriation of IP.*



*Day 1 of the workshop, number of participants became scarce later on in afternoon.*

## Public Notice

### Foreign Investment (IDIP)

#### **RENEWAL OF FOREIGN INVESTMENT CERTIFICATES IN ACCORDANCE WITH THE FOREIGN INVESTMENT ACT 2000**

The public and business communities are hereby advised that after the recent amendments to the Foreign Investment Act 2000, all Foreign Investment Enterprises i.e. businesses with foreign shareholding are now required to **renew their Foreign Investment Certificates (FIC) annually.**

The implementation of this new requirement has been in effect since 12<sup>th</sup> February 2016. Therefore all approved FIC's issued from this date will now be valid for a period of **12 months.**

Foreign Investment Enterprises that have registered prior to implementation of this requirement are to note the following;

- Businesses that were issued FIC's from 2000 – June 2015 are allowed to renew their FIC up to June 2016.
- Businesses that were issued FIC's from April 2015 are to renew their FIC's within 3 months prior to their anniversary.

Failure to comply with these new changes within the specified timeframe will result in the Foreign Investment Certificate holder having to reapply for a new FIC as of i & ii below.

The following fees now apply;

<i>Lodgment fee for a NEW Foreign Investment Registration Certificate</i>	SAT\$50.00
<i>Issuance fee for a NEW Foreign Investment Registration Certificate fee</i>	SAT\$50.00
<i>Inspection fee for Foreign Investment Register</i>	SAT\$50.00
<i>Fee for amending Foreign Investment Registration Certificate</i>	SAT\$70.00
<i>Renewal fee for Foreign Investment Certificate</i>	SAT\$50.00
<i>Fee for one copy of Foreign Investment Certificate</i>	SAT\$5.00

For further information please contact the Industry Development and Investment Promotion Division of the Ministry on telephone 20441.

Fa'afetai,



Peseta Margaret Malua  
**CHIEF EXECUTIVE OFFICER**



## Welcoming Ava Ceremony For MCIL new Minister

