



e-newsletter

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Word from CEO

Talofa to all our stakeholders.

MCIL has continued to work in close collaboration with its key partners and government agencies to provide and facilitate an enabling environment for our businesses to grow and develop as well as seeking more employment opportunities for our people.



In August 2018, MCIL held its public review of the Trade Commerce and Sector Plan as well as its Mid Term Review of the Corporate Plan. The reviews assess the progress of implementation of key strategies for both corporate documents and to take stock of the achieved objectives in the Ministry's efforts to provide an enabling environment for business innovation and employment creation.

In the last quarter, Samoa was represented by the officials of MCIL and MFAT in the Pacific Labour Mobility Annual Meeting in the Solomon Islands where an opportunity arises to meet with Employers from NZ and Australia as well as Labour Sending Unit officials from other Pacific Island countries to discuss and share ideas on how to improve and increase the participation of Pacific Islands in labour mobility through the Pacific Labour Scheme which now opens more employment opportunities not only for Samoa but other neighboring island countries.

On the compliance side of the Ministry's work, monitoring and evaluation is continued to ensure employers are complied with legislative requirements and that can lead to increase productivity in the workforce and increase economic growth to improve the lives of our people.

Soifua

SAMOAN DELEGATION PARTICIPATES IN PACIFIC LABOUR MOBILITY ANNUAL MEETING

Samoan officials participated in the Pacific Labour Mobility Annual Meeting in Honiara, Solomon Islands, last week. Labour mobility, where Pacific workers travel to Australia and New Zealand to fill critical labour shortages, is transforming both sending and receiving countries. The Samoan delegation, Lemalu Nele Leilua, Ministry of Commerce, Industry and Labour and Hermine Raeli-McCarthy, Ministry of Foreign Affairs and Trade, travelled with Laura McIlhenny, Third Secretary from the Australian High Commission in Apia.

The meeting was the first hosted by a Pacific Island Nation, and the Solomon Islands' Government did an excellent job bringing together over 150 delegates from across the region to accelerate labour mobility programs. Over three days senior officials, employers of seasonal workers in New Zealand and Australia, employee agents, media and academics considered how the region can work together to maximise the benefits of labour mobility programs.

The meeting was formally opened by Solomon Islands Prime Minister, Rick Houenipwela. The Prime Minister mapped out an ambitious agenda for labour mobility across the region. He said Solomon Islands wanted to work with all Pacific Island countries to increase participation in labour mobility programs 'for the benefit of current and future generations of our people, our countries and our region.'

Australian National University academic, Professor Richard Curtain, presented on the potential growth in labour mobility programs. Dr Curtain highlighted the growth of the number of Pacific workers travelling to Australia and New Zealand over the past five years. If sending and receiving countries improve efforts to identify, select, mobilise and receive workers, further rapid growth in participation could be realised.

The Australian Government delegation, headed by Assistant Secretary Beth Delaney, communicated to the meeting 'Australia is strongly committed to expanding labour mobility in the Pacific. It represents a win-win for Australia and our Pacific partners.'

Australian High Commissioner to Samoa, HE Sara Moriarty said, 'we were delighted to see Samoa join Australia's Pacific Labour Scheme in September. The meeting in Honiara was an opportunity for Australian and Samoan officials to work together to ensure Samoan workers can make the most of the opportunities—in industries such as non-seasonal agriculture, tourism and aged care—to gain valuable skills and income through the scheme'.

Samoan workers who have returned to Samoa from the Seasonal Worker Programme have used the income they made working on farms in Australia to invest in the future of their families and the country.



Memorandum of Understanding for Samoa Competition and Consumer Competition official signing

On 28th September 2018, the Memorandum of Understanding for the SCCC was officially signed by its members. This MOU is made in accordance with sections 22 and 23 of the Competition and Consumer Act 2016 ("CCAct").

The MOU sets out arrangements to promote effective communication, cooperation and coordination between the members and the commission in performing their functions and exercising their powers in Samoa under their respective legislation.

These arrangements aim to enhance the resolution of competition and consumer issues in Samoan markets and the performance of the Parties' statutory functions



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Trade, Commerce, Manufacturing (TCM) Sector Annual Review for FY2017/2018



The TCM Annual Sector Review for FY2017/18 was held on the 30 August 2018. The review was an essential initiative for the sector's stakeholders to deliberate on the progress of its Trade, Commerce and Manufacturing Sector Plan (TCM-SP) which guides the works of the sector and to assess its impact and contribution to Samoa's development.

The TCM-SP 2016/17-19/20 is the second plan for the sector since it was established in 2012. With its vision being "sustainable trade, commerce and manufacturing for enhanced growth and development," the plan is structured into four pillars which are (1) Improved Industrial supply and productivity; (2) Increased processing activities and value addition; (3) enhanced market access and visibility for Samoan goods and services; and (4) strengthened sector coordination. The success of the previous plan is credited to the Enhanced Integrated Framework (EIF) and their support through the implementation of the Tier 1 project which was completed in December 2017 and Tier 2 which is currently undergoing the remaining 10 months of implementation.

The Acting CEO, Ms Lisi Faletutulu thanked the participants for attending the review. She commended the representation of the private sector and their involvement in the TCM Steering committee as well as various boards administered by the Ministry. As she stated in her opening remarks, "your (private sector) presence here today is the embodiment of a strengthened public private partnership."

The participants provided imperative insights on ways to better the sector's approach in achieving best results. One of the recommendations from the participants through the representative from the Ministry of Foreign Affairs and Trade (MFAT) was to revisit the sector's approach to improving the Trade Deficit. The Sector noted the advice and articulated on various external factors that play significant roles in the current deficit which include trade facilitation areas, trade being reliant on petrol, natural disasters and erosion of trade preferences for some of Samoa's exported commodities.

In addition, the absence of an e-commerce strategy legislation to safeguard e-commerce transactions and e-commerce related operations were some of the areas raised by the private sector. The sector responded that UNCTAD conducted a study on Samoa's E-trade readiness and legal infrastructures as well as a strategy for e-commerce were in fact parts of the discussion in the report.

Other recommendations include, the review of the minimum wage, expanding of the apprenticeship scheme to be more gender inclusive, review of child labour issues, review of tariffs forgone, expansion of RSE program to other industries and to develop an MSME policy.

The recommendations and priorities from the review offer guidance to the sector and its work in FY2018/19. In spite of the many challenges the sector faces, the TCM-CU remains persistent in its efforts to afford the private sector with an enabling environment for business growth and to create employment opportunities for our people.

SNEP Implementation Action Plan Consultation

This crucial event was officially opened with benediction and the keynote address was delivered by MCIL's Chief Executive Officer Afioga Pulotu Lyndon Chu Ling. The CEO also the Chairman of the SNEP Task Force Committee articulated and emphasized the importance of expediting the implementation of the priority strategies and activities under the Samoa National Employment Policy (SNEP) Action Plan 2016-2020. The consultation was coordinated and facilitated by the Apprenticeship, Employment and Labour Market division of MCIL with the support of other related division particularly the Trade Commerce Unit and the Corporate Services Unit.

The objective of the consultation is for the SNEP secretariat to present the updated SNEP Action Plan, obtain views from stakeholders on areas that need to be improved, considering valuable inputs and contributions from donor partners and most importantly is to expedite the implementation of identified priority policies and strategies.

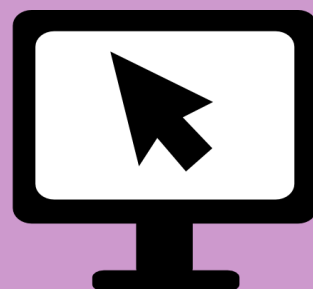
The event went well and it's one of the highlights for the ministry's achievements for the current financial year FY 2018/2019 as the consultation's objectives, contents and the expectations was successfully achieved.



MCIL NEW AND IMPROVED WEBSITE

We continue to make improvements and updates to our site to cater to our clients needs and always welcome your feedback.

If you have any suggestions on how we could improve our site, get in touch with our Communications team at mpal@mcil.gov.ws.



World Intellectual Property Organization

Mission in Samoa

The Intellectual Property (IP) team of MCIL were fortunate enough to have Mr Kyaw Zaw who is the Project Manager for the IP Office Business Solutions division for WIPO (World Intellectual Property Organization) come to Samoa to upgrade our current Trademarks System (IPAS) to its latest version from Version 2.7 to 3.0. And also train our team on the core functions of this new updated system. This was the action plan that took place within the period of two weeks:

- Upgrade IPAS to latest version.
- Deploy WIPO Scan and WIPO Publish Document Repository module to support digitization of new IP applications and back-files.
- Review already being used trademark processing workflows and configurations.
- Configure IPAS for receiving and processing of patents and industrial designs administration processes.
- Provide on-site training for RCIP IT administrators.

After the two weeks training, the IP team commenced with their back-scanning of all Trade Marks, Industrial Designs and Patents to prepare for the official launch of the Online IP Database in November. We thank the World Intellectual Property Organization for always lending helping hand to Samoa whenever it is needed.



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ILS Reports submitted on the progress of ratified conventions

The following reports prepared by MCIL in regards to our International Labour obligations have already been discussed in the SNTF meetings and circulated to members for comments. These reports are currently with the Office of the Attorney General for certification as part of the normal process to ratify conventions.

- I. Freedom of Association and Protection of the right to Organize Convention 1949, No 87;
- II. Right to Organize and Collective Bargaining Convention 1949, No 98; and
- III. Worst Forms of Child Labour Convention 1999, No 182.



Monitoring And Evaluation

Labour inspectors conducted one initial inspection on the 30th, 31st July and 1st August to 22 employers in the urban and rural zone to ensure compliance with the working terms and conditions stipulated in the LERA 2013. As a result, 16 (72%) employers found fully complied, 4 (18%) partially complied and 2 (9%) were not inspected. A follow up inspection was conducted on the 29th August and 5 (83%) found fully complied while 1 (17%) was not inspected. Overall 20 (91%) found fully complied whilst only (2) 8% employers were not inspected due to temporary and permanent close down of businesses.



Review of the Labour and Employment Relations Act 2013

The concept note for a Technical Assistance required in commencing Phase 2 of the LERA review to draft a legislation incorporating recommendations from the Review Report in Phase 1 has been approved by the Steering Committee. The Terms of Reference for the TA is currently with the Office of the Attorney General for comments.

Occupational Safety and Health Awareness

National University of Samoa Open Day 2018

Under the partnership with the National University of Samoa, a request came through to the Occupational Safety and Health team to participate in the National University of Samoa Open Day on the 7th September 2018. The aim of the information booth was to promote occupational safety and health and educate the youth and younger generation on the importance of safety and health. Mr. Matau Tuialii from the Ministry attended the event in assistance to the NUS OSH Officer Mr. Ierome Fune.



Joint IR and OSH Presentation: QING DAO CONSTRUCTION COMPANY

The Industrial Relations and Occupational Safety and Health team jointly conducted an awareness program for the management and staff of Qing Dao Construction Company on the 7th September 2018. The aim of the awareness program is to ensure that employers and employees understand their obligations under the Labour and Employment Relation Act 2013 and the Occupational Safety and Health Act 2002. This was also an opportunity for the Ministry to clarify on the provisions of the legislation that is required, and obtain feedback from employers and employees on their views and issues regarding the law.

Representatives from the Ministry include: Cedrela Tamati (IR), Uputaua Lefauatiu (IR), Uputaua Lauvi (OSH) and Ilovea Faamatuainu (OSH).



FAIR TRADING, CODEX AND METROLOGY DIVISION.

STRATEGY DAY

A strategy day and a meeting with the Samoa Chamber of Commerce (SCOC) & SAME was held on the 26 September 2018 at the MCIL Conference room at 10am to discuss the draft developments of the Service Charter and Corporate Plan, specifically for the moving forward of the works of the Samoa Competition and Consumer Commission.



DAYLIGHT SAVING

Pursuant to the Daylight Saving Act 2009 and Cabinet's decision, businesses and the general public were advised that when the standard time strikes the hour of three o'clock (3.00am or 0300 Hours) on the 30th September 2018, then all instruments used to measure standard time are to be adjusted/changed to four o'clock (4:00am or 0400Hrs)



GENERAL NOTICE

The public and all our relevant stakeholders are hereby advised that the below Competition and Consumer (fees) regulation 2018 was effective on 23rd august 2018.

Competition and Consumer (fees) regulation 2018		
No.	Charging Activity	Amount SAT
1.	Clearance application	\$4,000.00
2.	Authorization application	\$6,000.00

MCIL Staff Capacity Building

2018 Seminar on Information Communication and Technology for Samoa

The Employment and Labour Market Officer, Rainer Brown of AELM Unit was amongst the 19 successful nominated participants to represent the Ministry of Commerce, Industry and Labour on the 2018 Seminar on Information Communication and Technology for Samoa held in Hainan Province, China from 27th August to 9th September 2018. It was sponsored and organized by the Commercial Training Centre Department of Commerce of Hainan Province. “This was my first trip to China and it was indeed a pleasure to be part of this seminar especially for someone like me who has limited enlightenment in ICT area”. The study program was mainly to educate and bring awareness to the Samoan participants on the Advancement of Information Communication Technology that China exercise and to gain knowledge on specific areas that is useful and applicable to the current status of ICT in Samoa. It was also intent to consolidate experiences from the Samoan Participants to voice out some of the ICT issues that each participant experience in their current role. “China is not only a producer of manufactured goods; it is also increasingly a nexus for innovation as a growing share of homegrown Chinese technology companies compete at home and abroad. The Chinese government views information and communications technology (ICT) both as the cutting-edge industry for China’s transition from a manufacturing to a knowledge-based economy, and as a general-purpose technology that can affect almost every aspect of China’s economy and society”. The Program includes various topics including robust discussions during lectures highlighting the importance of artificial intelligence (innovation) in the ICT Sector. The sessions were done and presented by a number of ICT Experts from Hainan University. There were also site visits to different cities where big companies operate with immense development in the ICT Sector. “The experience gained from this Program is priceless and looking at China and its prosperous ICT Sector it has greatly contributed to their economic growth”.



MCIL Staff Capacity Building

MADRID PROTOCOL TRAINING

The Madrid Protocol Training took place on 24-26 July 2018. We were fortunate enough to have technical assistance from Ms. Lucy Headinton Horton; a Senior Legal Office from the Legal Division of the Madrid Registry Division of WIPO, and also Mr Steffen Gazley; a Principal Trademarks Examiner and Assistant Commissioner of the Intellectual Property Office of New Zealand (IPONZ). We also had representatives from the Attorney General's Office and the Ministry of Foreign Affairs and Trade to attend this training/consultation. Listed below is the outline of the three day training:

24 July 2018

Discussions on the expected outcome of the mission, the Madrid System and the domestic legal frameworks.

Discussions on RCIP's organization, resources, infrastructure, services, pendency times, general statistics, pre and post domestic registration processes and workflows, possible workflows under the Madrid Protocol and communication with the International Bureau.

25 July 2018

Presentations on the Madrid System, the RCIP's role as Office of origin of international applications and e-tools to help users file international applications

Presentations on RCIP's role as the Office of a designated Contracting Party, using the Model Forms to communicate decisions to the International Bureau and post-registration tools to help Offices and users.

26 July 2018

Discussions on the constitutional process for Samoa's accession to the Madrid Protocol, possible obstacles and timeframe, road map for accession, cooperation areas, further actions and follow-up.

At the end of the three day training, all participants acknowledged that it is in the best interest of Samoa to accede to the Madrid Protocol as it is highly beneficial for Samoa's economy. Also, legislative amendments must be made to the current Intellectual Property Act 2011 and the IP Regulations of 2015 before acceding to the Madrid Protocol.

