

COMPETITION AND CONSUMER BILL 2015

SAMOA

Explanatory Memorandum

Introduction

The objects of the Bill are:

- to promote competition in markets in Samoa,
- to establish standards of conduct for those engaged in trade in Samoa,
- to protect the safety and interests of consumers in Samoa, and
- to establish the Competition and Consumer Commission (“Commission”).

The function of the Commission is to administer and enforce competition rules and safeguard consumer protection. A variety of enforcement measures are made available to the Commission such as warning notices, undertakings, cease and desist notices, pecuniary penalties, etc.

The competition rules prohibit:

- anti-competitive agreements, bid-riggings, etc., between businesses,
- abuse of market power by businesses that possess market power, and
- acquisitions or mergers,

that would substantially lessen competition.

The consumer protection rules:

- prohibit misleading and deceptive conduct by traders,
- prohibit a variety of unfair practices by traders,
- establish a set of consumer guarantees for the protection of consumers of goods and services, and
- establish safety and information standards in respect of consumer goods and services.

Price control will continue to be available in markets only if competition is not effective.

**TULAFONO TAU FAAOFI O FAIGA FAATAUVAGA O FEFAATAUAIGA
MA LE PUIPUIGA O TAGATA E FAAAOGĀINA OLOA MA AUAUNAGA 2015**

SAMOA

Faamatalaga e Faamalamalama ai

Faatomuaga

O Sini nei o le Tulafono Tau Faaofi:

- ia uunaia faiga faatauvaga a maketi i Samoa;
- ia faavaeina faiga faataatitia tau le faatinoga mo i latou e galulue i feafaatauaiga i totonu o Samoa;
- ia puipuia le saogalemu ma aia a tagata e faaaogāina oloa ma auaunaga i Samoa; ma
- ia faavaeina le Komisi o Faiga Faatauvaga ma le puipuiga o Tagata e Faaaogāina Oloa ma Auaunaga (“Komisi”).

O le galuega tauave a le Komisi o le faafoeina lea ma le faamalosia o tulafono faafoe o faiga faatauvaga ma ia malupuipuia le puipuiga o tagata e faaaogāina oloa ma auaunaga. O lo o avanoa i le Komisi ni faiga eseese e faamalosia ai e pei o faasilasilaga tau lapataiga, maliega, faasilasilaga e faamuta ma taofia ai, o faasalaga tau tupe, ma isi tulaga faapena.

O tulafono faafoe o faiga faatauvaga ua faasaina ai:

- o maliega e tetee i faiga faatauvaga, faafoega o ofo i auala tau faasese, ma isi tulaga faapena, i le va o pisinisi;
- o le soona faaaogāina sese o le malosiaga faamaketi e pisinisi o lo o umia le malosiaga faamaketi; ma le
- mauaina o sea po o aseta po o le tuufaatasiga,

lea e ono matua tuuititia ai faiga faatauvaga.

O Tulafono faafoe tau le puipuiga o tagata e faaaogā oloa ma auaunaga:

- ua faasaina ai amioga tau faasese ma amioga tau faavalea a tagata e feafaatauai oloa;
- ua faasaina ai faiga eseese e lē amiotonu a tagata e feafaatauai oloa;
- ua faavaeina ai se faatulagaga o faamalumaluga o tagata e faaaogāina oloa mo lo latou puipuiga i le itu i oloa ma auaunaga; ma
- ua faavaeina ai faiga faataatitia tau le saogalemu ma faamatalaga, e tusa ai o oloa ma auaunaga a tagata e faaaogāina oloa ma auaunaga.

O le faatonutonuina o le tau o oloa o le a faaauau ona avanoa pea i na o maketi lava, pe afai ua lē lelei tulaga faatauvaga.

Clauses:**PART 1 - PRELIMINARY**

- Clause 1:** - provides the short title and commencement of provisions.
- Clause 2:** - provides the definition of the terms.
- Clause 3:** - states the objects of this Act to promote competition in markets, establish standards and protect interests of consumers.
- Clause 4:** - provides that this Act binds the State.
- Clause 5:** - provides for the application of this Act and extends to conduct outside Samoa, by any person who is a resident, carrying on business in Samoa.

PART 2 - COMPETITION AND CONSUMER COMMISSION*Division 1 - Samoa Competition and Consumer Commission*

- Clause 6:** - establishes the Competition and Consumer Commission.
- Clause 7:** - sets out the various functions and powers of the Commission.

Fuaiupu:**VAEGA 1 - FAATOMUAGA**

- Fuaiupu 1:** - ua aiaia ai mo le igoa puupuu ma le aso e amata faamamaluina ai aiaiga.
- Fuaiupu 2:** - ua aiaia ai mo le faamatalaina o uiga o fuaitau.
- Fuaiupu 3:** - ua taua ai sini o lenei Tulafono e uunaia ai faiga faatauvaga i maketi, faamautu o faiga faataatitia ma puipuia o aia a tagata e faaaogāina oloa ma auaunaga.
- Fuaiupu 4:** - ua aiaia ai e faapea o lenei Tulafono e noatia ai le Malo.
- Fuaiupu 5:** - ua aiaia ai mo le faaaogāina o lenei Tulafono ma ua faalatele atu faatinoga e faia i fafo atu o Samoa, e so o se tagata o ia lea o se tagata nofomau, o lo o tauaveina se pisinisi i totonu o Samoa.

VAEGA 2 - KOMISI O FAIGA FAATAUVAGA MA TAGATA E FAAAOGĀINA OLOA MA AUAUNAGA*Vaevaega 1 - Komisi o Faiga Faatauvaga ma Tagata e Faaaogāina Oloa ma Auaunaga a Samoa*

- Fuaiupu 6:** - ua faavaeina ai le Komisi o Faiga Faatauvaga ma le Puipuiga o Tagata e Faaaogāina Oloa ma Auaunaga
- Fuaiupu 7:** - ua faatulagaina ai o galuega tauave eseese ma malosiaga o le Komisi.

- Clause 8:** - provides for the Commission to act independently in the performance of its functions with certain exceptions, such as a direction of a court.
- Clause 9:** - empowers the Commission to issue guidelines in relation to the competition rules, consumer protection rules and price control.

Division 2 - Members of the Commission

- Clause 10:** - sets out the members of the Commission to comprise not less than three (3) and not more than seven (7) members appointed by the Head of State acting on the advice of Cabinet.
- Clause 11:** - sets out the term of office, resignation and removal of a member.
- Clause 12:** - provides for the remuneration, etc., of a member.
- Clause 13:** - provides for the disclosure of interest by a member.
- Clause 14:** - confers immunity from civil, criminal or administrative liability on the Minister, Commission members and staff, if they perform their functions in good faith.

Division 3 - Meetings

- Clause 15:** - provides for convening meetings of the Commission and for voting at and keeping records to the same.

- Fuaiupu 8:** - ua aiaia ai mo le Komisi ina ia galue tutoatasi i le faatinoga o ana galuega tauave, faatasi ai ma nisi tuusaunoaga, e pei o se faatonuga a se faamasinoga.
- Fuaiupu 9:** - ua tuuina atu ai malosiaga i le Komisi e tuuina atu taiala e faasino i tulafono faafoe o faiga faatauvaga, o tulafono faafoe tau le puipuiga o tagata e faaaogāina oloa ma auaunaga ma le faatonutonuina o tau o oloa.

Vaevaega 2 - Sui Auai o le Komisi

- Fuaiupu 10:** - ua faatulagaina ai sui auai o le Komisi, ina aofia ai sui e lē itiiti ifo i lo le toatolu (3) ae le sili atu i lo le toafitu (7), e tofia e Le Ao o le Malo i le faia i luga o le fautuaga a le Kapeneta.
- Fuaiupu 11:** - ua faatulagaina ai le vaiitaimi i le tofi, faamavaega ma le aveesea o se sui auai.
- Fuaiupu 12:** - ua aiaia ai mo le tofogi ma isi tulaga faapena, o se sui auai.
- Fuaiupu 13:** - ua aiaia ai mo le faailoaina atu o aia a se sui auai.
- Fuaiupu 14:** - ua faaee atu ai puipuiga mai noataga i mataupu tau le va o tagata, noataga tau solitulafono po o noataga tau faafoega i le Minisita, sui auai o le Komisi ma le aufaigaluega, pe afai latou te faatinoina a latou galuega tauave i le agaga lelei.

Vaevaega 3 - Fonotaga

- Fuaiupu 15:** - ua aiaia ai mo le taloina o fonotaga a le Komisi ma le faia o palota i, ma le tausia o faamaumauga o ia lava fonotaga.

Clause 16: - authorises the Commission to take decisions by written resolution, without convening a meeting.

Division 4 - Administrative and financial arrangements

Clause 17: - establishes an Office of the Commission comprising members and staff of the Commission.

Clause 18: - requires a civil claim by or against the Commission to be made in accordance with the *Government Proceedings Act 1974*.

Clause 19: - requires members and staff of the Commission to protect the confidentiality of information about any person's affairs.

Clause 20: - empowers the Commission to delegate its powers.

Clause 21: - provides annual reports of the Commission to be provided to the Minister.

Division 5 - Relationships with regulators

Clause 22: - requires the Commission and the Regulator to cooperate and assist each other in carrying out the respective functions.

Clause 23: - requires the Commission and the Regulator to agree to a Memorandum of Understanding for the purposes of clause 22.

Fuaiupu 16: - ua faatagaina ai le Komisi ina ia faia faaiuga e ala i iugafono tusingusia, e aunoa ma le taloina o se fonotaga.

Vaevaega 4 - Faatulagaga tau faafoega ma tulaga tau tupe

Fuaiupu 17: - ua faavaeina ai se Ofisa o le Komisi, e aofia ai sui auai ma le afaigaluega a le Komisi.

Fuaiupu 18: - ua manaomia ai le tulaga e ao ona faia o se tagi i mataupu tau le va o tagata e, po o e faasaga i le Komisi, e tusa ai ma le *Tulafono o Taulumaga a le Malo 1974*.

Fuaiupu 19: - ua manaomia ai sui auai ma le afaigaluega a le Komisi ina ia puipuia le tulaga agatapuia o faamatalaga e uiga i mataupu e patino i so o se tagata.

Fuaiupu 20: - ua tuuina atu ai malosiaga i le Komisi, e faamatuu atu ai ona malosiaga.

Fuaiupu 21: - ua aiaia ai mo le tuuina atu o lipoti faaletausaga a le Komisi i le Minisita.

Vaevaega 5 - Sootaga ma pule faatonu

Fuaiupu 22: - ua manaomia ai le Komisi ma le Pule Faatonu ina ia galulue faatasi ma fesoasoani o le tasi i le isi, i le tauaveina o a la galuega tauave eseese.

Fuaiupu 23: - ua manaomia ai le Komisi ma le Pule Faatonu ina ia malilie faatasi i se Maliega Tusingusia Faaletulafono mo faamoemoega o le fuaiupu 22.

- Clause 24:** - sets out the circumstances in which the Commission may exchange information with an overseas agency.
- Clause 25:** - provides that the Commission may assist overseas agencies by conducting investigations.
- Clause 26:** - empowers the Minister or the Commission to enter into a cooperation arrangement with, or in relation to, an overseas agency.
- Clause 27:** - permits the Commission to provide information to an overseas agency with the consent of the person to whom the information relates.

Division 6 - Administrative action

- Clause 28:** - requires Ministers to have regard to the effects of their decisions on competition in Samoa.
- Clause 29:** - sets out the provision of report by the Commission to the Minister.

PART 3 - COMPETITION RULES

Division 1 - The rules

- Clause 30:** - prohibits anti-competitive agreements and concerted practices and decisions of associations likely to substantially lessen competition in a market in Samoa.

- Fuaiupu 24:** - ua faatulagaina ai o tulaga aliae mai ia e mafai ai e le Komisi ona fetufaai faamatalaga ma se lala sooupu i atunuu i fafo.
- Fuaiupu 25:** - ua aiaia ai e faapea e mafai e le Komisi ona fesoasoani atu i lala sooupu i atunuu i fafo, e ala i le faatinoga o suesuega.
- Fuaiupu 26:** - ua tuuina atu ai malosiaga i le Minisita po o le Komisi, e sainia ai se fuafuaga o le galulue faatasi ma, po o e faasino i, se lala sooupu i atunuu i fafo.
- Fuaiupu 27:** - ua faatagaina ai le Komisi e tuuina atu faamatalaga i se lala sooupu i atunuu i fafo, i le i ai faatasi ma le maliega a le tagata, o ia lea e faasino i ai le faamatalaga.

Vaevaega 6 - Gaoioiga tau faafoega

- Fuaiupu 28:** - ua manaomia ai Minisita ina ia amanaia aafiaga o a latou faaiuga i faiga faatauvaga i totonu o Samoa.
- Fuaiupu 29:** - ua faatulagaina ai le tuuina atu o lipoti e le Komisi i le Minisita.

**VAEGA 3 - TULAFONO FAAFOE
O FAIGA FAATAUVAGA**

Vaevaega 1 - O tulafono faafoe

- Fuaiupu 30:** - ua faasaina ai maliega e tete e i faiga faatauvaga ma faiga masani ua tuufaatasia ma faaiuga tau le faalapotopotoga e ono matua tuuititia ai faiga faatauvaga i totonu o se maketi i Samoa.

Clause 31: - sets out the effect of bid-rigging in Samoa whereby two (2) or more bidders collude to distort the normal conditions of competition for a tender, thus limiting the price competition between the parties.

Clause 32: - provides for price fixing, market sharing and collective boycotts:

- **Price fixing** occurs when prices are fixed or maintained at a certain level, thus making prices artificial, which do not truly reflect supply and demand. Artificial prices are normally higher, resulting in harm to consumers.
- **Market sharing** normally occurs where traders agree to divide up the market geographically (i.e. a trader will not trade in the area that the other trader is operating) or customers (i.e. one trader to do retail and the other wholesale).
- **Collective boycott** occurs when a group of competitors agree not to acquire goods or services from, or not to supply goods or services to, a business with whom the group

Fuaiupu 31: - ua faatulagaina ai aafiaga o tauofoga i se auala tau faasese i totonu o Samoa, lea e auaufaatasi ai se toalua (2) po o le sili atu tagata o tuuina mai ofo ma le faamoemoe e faasese aiaiga masani o se tauvaga mo se tauofoga, ona faatapulaaina ai lea o le tau faatauvaga i le va o vaega auai.

Fuaiupu 32: - ua aiaia ai mo le faatulagaina o tau o oloa, o le fefaasoaiga i maketi ma le auaufaatasi e solitu i se tetee:

- **Faatulagaga o tau o oloa**, e faatulai mai pe afai e tamau pe faatumauina i se tulaga faapitoa tau o oloa, ona faia ai lea o tau e faafoliga, ua lē atagia ai se tulaga moni o oloa tuuina atu ma manaoga. O tau faafoliga o oloa e masani ona maualuga, e mafua ai ona afaina tagata e faaaogāina oloa ma auunaga.
- **O le fefaasoaiga faamaketi**, e masani ona tulai mai pe afai e malilie faatasi tagata e fefaatauaia oloa o le a vaevae le maketi i tulaga o le faataotoga o le atunuu (faataitaiga: o le a lē agai se tagata e fefaatauaia oloa e faatau ana oloa i le nofoaga lea o lo o galue ai le isi tagata e fefaatauaia oloa po o tagata e faaaogāina oloa (faataitaiga: o le isi tagata e fefaatauaia oloa e faia fefaatauaiga i oloa taitasi, ae o le isi tagata e fefaatauaia oloa, o le a galue e faatau atu oloa sii atoa).
- **Auaufaatasi e solitu i se tetee**, e faatulai mai pe afai o se vaega o tagata tauva ua malilie o le a lē mauaina oloa po o auunaga mai, po o o le a lē faaoo atu oloa

is negotiating, unless the business accepts the terms and conditions offered by the group.

Clause 33: - prohibits the abuse of market power. A business with a substantial degree of power in a market is not allowed to use the power for the purpose of eliminating or substantially damaging a competitor or to prevent a business from entering into a market.

Clause 34: - prohibits a person from acquiring shares or assets that substantially lessen competition in Samoa.

Division 2 - Exemptions

Clause 35: - empowers the Minister, with the approval of Cabinet, to provide exemptions to avoid conflicts with international obligations.

Clause 36: - provides for employment exemptions.

Clause 37: - provides for partnership exemptions.

Clause 38: - provides for vertical agreement exemptions, which is usually an agreement between enterprises that operate at a different level in the production or distribution chain, for example, an agreement between a retailer and a wholesaler or between a manufacturer and a wholesaler.

po o auaunaga i, se pisinisi lea o lo o feutagai ma le vaega o tagata tauva, seia vagana ai ua taliaina e le pisinisi o tuutuuga ma aiaiga ua ofoina atu e le vaega.

Fuaiupu 33: - ua faasaina ai le soona faaaogā sese o le malosiaga faamaketī. O se pisinisi o i ai se malosiaga i se tulaga mautu i totonu o se maketi, e lē faatagaina ona faaaogā le malosiaga mo le faamoemoe e tineia ai pe matua faaleagaina ai se pisinisi tauva po o le taofia o se pisinisi mai le ulufale atu i totonu o se maketi.

Fuaiupu 34: - ua faasaina se tagata mai le mauaina o sea po o aseta ia e matua tuuitiitia ai le tulaga faatauvaga i totonu o Samoa.

Vaevaega 2 - Tuusaunoaga

Fuaiupu 35: - ua tuuina atu ai malosiaga i le Minisita, faatasi ai ma le faamaoniga a le Kapeneta, ina ia aiaia ai o tuusaunoaga e foia ai tulaga feteenai ma noataga faava o malo.

Fuaiupu 36: - ua aiaia ai mo tuusaunoaga i galuega.

Fuaiupu 37: - ua aiaia ai mo tuusaunoaga i faiga faapaaga.

Fuaiupu 38: - ua aiaia ai mo tuusaunoaga o maliega tuusao, lea e masani ona avea o se maliega i le va o pisinisi o lo o faagaoioia i tulaga eseese i le gaosiga po o le faagasologa o le tufatufaina atu o oloa, mo se faataitaiga, o se maliega i le va o se tagata o faatauina atu oloa taitasi ma se tagata o faatau atu oloa siiatoa po o, i le va o se tagata gaosi oloa ma se tagata o faatau atu oloa sii atoa.

- Clause 39:** - provides exemption for standards, etc.
- Clause 40:** - provides exemption for protection of goodwill, etc.
- Clause 41:** - provides exemption for collaborative activity.
- Clause 42:** - provides exemption for proposed authorisations and clearances.

Division 3 - Clearances

- Clause 43:** - empowers the Commission to give clearances of conduct and acquisitions.
- Clause 44:** - sets out the procedures for applying for a clearance to be in the approved form and accompanied by the prescribed fee.
- Clause 45:** - sets out the process of dealing with applications for clearance.
- Clause 46:** - provides a time limit of one (1) month (unless extended) for the Commission to decide the application for clearance.
- Clause 47:** - empowers the Commission to revoke a clearance.
- Clause 48:** - provides for the expiry of clearances.

Division 4 - Authorisations

- Clause 49:** - empowers the Commission to give authorisations for specified agreement, concerted practice, decision, conduct or acquisition if satisfied that

- Fuaiupu 39:** - ua aiaia ai tuusaunoaga mo faiga faataatitia, ma isi tulaga faapena.
- Fuaiupu 40:** - ua aiaia ai tuusaunoaga mo le puipuiga o le tauleleia o le igoa o le pisinisi, ma isi tulaga faapena.
- Fuaiupu 41:** - ua aiaia ai tuusaunoaga mo gaoioiga fai faatasi.
- Fuaiupu 42:** - ua aiaia ai tuusaunoaga mo faatagaga ma faamaoniga ua fuafuaina.

Vaevaega 3 - Faamaoniga

- Fuaiupu 43:** - ua tuuina atu ai malosiaga i le Komisi e tuuina atu ai faamaoniga o le faafoega ma le mauaina mai.
- Fuaiupu 44:** - ua faatulaga atu ai taualumaga mo le talosagaina o se faamaoniga e ao ona faia i le pepa faatumu faamaonia ma tuuina atu faatasi ma le totogifuapauina ua faatonuina.
- Fuaiupu 45:** - ua faatulaga atu ai le faagasologa e tagofia ai talosaga mo le faamaoniga.
- Fuaiupu 46:** - ua aiaia ai le taimi faatapulaaina e tasi (1) le masina (vagana ai ua toe faaopoopo) mo le Komisi e faia ai se faaiuga o le talosaga mo le faamaoniga.
- Fuaiupu 47:** - ua tuuina atu ai malosiaga i le Komisi e faalēaogāina ai se faamaoniga.
- Fuaiupu 48:** - ua aiaia ai mo le aso e muta ai le faamaoniga.

Vaevaega 4 - Faatagaga

- Fuaiupu 49:** - ua tuuina atu ai malosiaga i le Komisi e tuuina atu ai faatagaga mo maliega faapitoa, faiga masani fai faatasi, faaiuga, faatinoga po o le

they will benefit the public which would outweigh the adverse effects from the lessening of the resulting competition.

- Clause 50:** - provides the procedures for applying for an authorisation.
- Clause 51:** - provides the process of dealing with the application by the Commission.
- Clause 52:** - provides a time limit of one (1) month (subject to extension) for the Commission to decide an authorisation application.
- Clause 53:** - empowers the Commission to amend or revoke the authorisation.
- Clause 54:** - provides for the expiry of authorisations.

PART 4 - CONSUMER PROTECTION

Division 1 - Misleading or deceptive conduct

- Clause 55:** - prohibits any person from engaging in misleading or deceptive conduct generally.
- Clause 56:** - prohibits any person from engaging in misleading or deceptive conduct in relation to employment.
- Clause 57:** - exempts media from clauses 55 and 56 when they publish or broadcast information.

mauaina, pe afai ua faamalieina e faapea, o ia itu o le a faamanuiaina ai tagata lautele, lea o le a sili atu ona taua na i lo aafiaga matuia, mai le faaitiitia o tauvaga e tulai mai ai.

- Fuaiupu 50:** - ua aiaia ai tualumaga mo le talosagaina o se faatagaga.
- Fuaiupu 51:** - ua aiaia ai le faagasologa e tagofia ai talosaga e le Komisi.
- Fuaiupu 52:** - ua aiaia ai le taimi faatapulaaina e tasi (1) le masina (i le noatia ma fai fuafua i le taimi faaopoopo) mo le Komisi e faia ai se faaiuga i le talosaga mo se faatagaga.
- Fuaiupu 53:** - ua tuuina atu ai malosiaga i le Komisi e teuteu pe faalēaogāina ai le faatagaga.
- Fuaiupu 54:** - ua aiaia ai mo le taimi e muta ai le aogā o le faatagaga.

VAEGA 4 - PUIPUIGA O TAGATA E FAAOGĀINA OLOA MA AUAUNAGA

Vaevaega 1 - Faatinoga tau faasese pe tau faavalea

- Fuaiupu 55:** - ua faasaina ai so o se tagata mai le auai i se faatinoga tau faasese pe tau faavalea, i se tulaga lautele.
- Fuaiupu 56:** - ua faasaina ai so o se tagata mai le auai i se faatinoga tau faasese pe tau faavalea e tusa ai o se galuega.
- Fuaiupu 57:** - ua tuusaunoa ai le vaega faasalalau mai fuaiupu 55 ma le 56, pe afai latou te lomia faasalalau pe faasalalauina faamatalaga.

Division 2 - Unfair practices

- Clause 58:** - prohibits a person offering gifts and prizes for supply of goods or services or relating to the sale or grant of an interest in land, if they intend not to provide them.
- Clause 59:** - prohibits a person from bait advertising, which is to advertise to supply goods at a specified price which the person does not intend to supply or does not have reasonable grounds for believing that they can be supplied, at that price.
- Clause 60:** - prohibits referral selling, which is to induce another person to acquire goods by a representation that the other person will receive a rebate, commission or other benefit in return for giving the person the names of prospective customers.
- Clause 61:** - prohibits the forgery, etc., trademarks or false application to goods of a trade mark or misleading sign.
- Clause 62:** - prohibits any person in trade from demanding or accepting payment without intending to supply as ordered.
- Clause 63:** - prohibits any person in trade from false or misleading representations about the profitability, risk or other material aspect of a business activity.

Vaevaega 2 - Faiga masani e lē amiotonu

- Fuaiupu 58:** - ua faasaina ai se tagata e ofoina atu ni meaalofo ma faailoga mo le tuuina atu o oloa po o auaunaga po o e faasino i le faatauina atu po o le faamatuu atu o se aia i fanua, pe afai ua latou faamoemoe e lē tuuina atu ia itu.
- Fuaiupu 59:** - ua faasaina ai se tagata mai faasalalauga faatosina e mailei mai ai, lea e faasalalau faatosina ai le tuuina atu o oloa i se tau faapitoa e le o faamoemoe le tagata e tuuina atu, po o e leai ni mafuaaga talafeagai e talitonuina ai e faapea latou te mafaia ona tuuina atu, i lea lava tau.
- Fuaiupu 60:** - ua faasaina ai le faatau atu i tulaga faalauiloa, lea e faia ina ia faatosina ai se isi tagata ina ia maua oloa e ala i se faamatalaga e faapea, o le a mauaina e le isi tagata se tupe toe faafoi, komisi po o isi faamanuiaga e tauia ai le tuuina atu i le tagata o igoa o tagata e ono faaaogāina oloa ma auaunaga.
- Fuaiupu 61:** - ua faasaina ai le sainia faagaioi, ma isi tulaga faapena, faailoga tau fefaatauaiga po o le faaaogā sese i oloa o se faailoga tau fefaatauaiga po o se faailoilo tau faasese.
- Fuaiupu 62:** - ua faasaina ai so o se tagata o galue i fefaatauaiga mai le tapa faamalosi po o le taliaina o tupe totogi e aunoa ma le faamoemoe e tuuina atu oloa e pei ona okaina.
- Fuaiupu 63:** - ua faasaina ai so o se tagata o galue i fefaatauaiga mai le faia o faamatalaga sese pe tau faasese e uiga i le tulaga o le mauaina o tupe mama, lamatiaga po o isi itu ogaoga o se gaioiga faapisinisi.

- Clause 64:** - prohibits any person from using physical force, harassment or coercion in connection with sale of goods or services in trade.
- Clause 65:** - prohibits “pyramid selling” schemes and “chain letter” schemes for supply of goods or services in cases where there are many participants where the financial rewards depend on recruitments of additional participants.

Division 3 - Consumer guarantees

- Clause 66:** - sets out the circumstances of when goods and services are “supplied” for the purposes of Division 3.
- Clause 67:** - provides that Division 3 does not limit other laws.
- Clause 68:** - provides the application of Division 3.
- Clause 69:** - gives consumers a guarantee of title to goods they purchase from suppliers and are free of security interest other than security interest disclosed to the consumer before goods are supplied or created with the consent of the consumer.
- Clause 70:** - provides for goods to be of acceptable quality, such as fit for all purposes for which goods are supplied, acceptable in appearance and finish, free from minor defects, safe, durable, etc.

- Fuaiupu 64:** - ua faasaina ai so o se tagata mai le faaaogāina o le malosi faaletino, faiga faasoesa po o le uunaia faamalosi e fesootai ma le faatauina atu o oloa po o auaunaga i feaatauaiga.
- Fuaiupu 65:** - ua faasaina ai fuafuaga “o le faatauina atu i faiga faatafatolu” ma fuafuaga o “tusi o le faagasologa” mo le tuuina atu o oloa po o auaunaga pe afai e toatele tagata auai, lea o lo o faalagolago tau tau tupe i le faafaigaluegaina o tagata auai faaopopo.

Vaevaega 3 - Faamalumaluga a tagata e faaaogāina oloa ma auaunaga

- Fuaiupu 66:** - ua faatulagaina ai tulaga aliae mai pe a “tuuina atu” oloa ma auaunaga mo faamoemoega o le Vaevaega 3.
- Fuaiupu 67:** - ua aiaia ai e faapea e lē faatapulaaina e le Vaevaega 3 isi tulafono.
- Fuaiupu 68:** - ua aiaia ai le faaaogāina o le Vaevaega 3.
- Fuaiupu 69:** - ua tuuina atu ai i tagata e faaaogāina oloa ma auaunaga le faamalumaluga o le pule i oloa na latou faatauina mai i lē e tuuina atu oloa, ma e saoloto mai aia tau puipuiga e ese mai ai i aia tau puipuiga na faailoa i lē o faaaogāina oloa, a o lumanai ai le tuuina atu po o le gaosiga o oloa i le maliega a le tagata o faaaogāina oloa.
- Fuaiupu 70:** - ua aiaia ai mo oloa ina ia saunia i tulaga manaomia aupito sili ona lelei e mafai ona taliaina, e pei o le tulaga talafeagai mo faamoemoega uma ia e tuuina atu ai oloa, ia mafai ona taliaina i o latou foliga vaaia ma tulaga maeaea lelei, e aunoa ma ni tulaga faaletonu laiti, saogalemu, anagata ma isi tulaga faapena.

- Clause 71:** - provides that if goods are supplied to consumers there is a guarantee that the goods are reasonably fit for a particular purpose.
- Clause 72:** - provides that when goods are supplied by description there is a guarantee that the goods supplied will correspond to the description.
- Clause 73:** - provides that when goods are supplied by reference to sample of demonstration there is a guarantee that the goods supplied will correspond to sample or demonstration.
- Clause 74:** - requires the supplier to remedy goods if they fail to comply with guarantee and sets out the procedures for the remedy.
- Clause 75:** - gives consumers the right to reject goods (including procedures for rejecting goods) if the supplier fails to comply with clause 74.
- Clause 76:** - provides that if services are supplied in trade there is a guarantee that the services will be supplied with care and skill.
- Clause 77:** - provides that if services are supplied in trade for a particular purpose, there is a guarantee that the services (and any resulting product) will reasonably fit the particular purpose and will be of a nature and quality to achieve a particular result that is made known to the supplier by the consumer.

- Fuaiupu 71:** - ua aiaia ai e faapea, afai e tuuina atu oloa i tagata e faaaogāina, ia i ai o se faamalumaluga e faapea, o oloa o lo o talafeagai lelei mo se faamoemoe faapitoa.
- Fuaiupu 72:** - ua aiaia ai e faapea, afai o oloa ua tuuina atu e tusa ma o latou faamatalaga, ia i ai o se faamalumaluga e faapea o oloa tuuina atu, e tatau ona tutusa lelei ma ia faamatalaga.
- Fuaiupu 73:** - ua aiaia ai e faapea, afai o oloa tuuina e tusa ma faasinomaga i oloa faataitai mo se faataitaiga, ia i ai o se faamalumaluga e faapea o oloa tuuina atu, e tatau ona tutusa lelei ma oloa faataitai po o faataitaiga.
- Fuaiupu 74:** - ua manaomia ai lē e tuuina atu oloa ina ia faaleleia oloa pe afai ua lē mafai ona tausisia tulaga tau faamalumaluga ma faatulaga ni tualumaga mo itu e faaleleia.
- Fuaiupu 75:** - ua tuuina atu ai i tagata e faaaogāina oloa le aia tatau e teena ai oloa (e aofia ai tualumaga mo le teena o oloa), pe afai ua lē mafaia e lē e tuuina atu oloa ona tausisia le fuaiupu 74.
- Fuaiupu 76:** - ua aiaia ai e faapea, afai e tuuina atu auaunaga i tulaga tau fefaatauaiga, ia i ai o se faamalumaluga e faapea o le a tuuina atu auaunaga i se tulaga faaeteete ma itu tau tomai faapitoa.
- Fuaiupu 77:** - ua aiaia ai e faapea, afai e tuuina atu auaunaga i tulaga tau fefaatauaiga mo se faamoemoe faapitoa, ia i ai se faamalumaluga e faapea, o auaunaga (ma so o se oloa gaosi e tulai mai ai) o le a talafeagai lelei ma le faamoemoe faapitoa ma o le a i ai foi i se uiga lelei ma le tulaga aupito sili ona manaomia, e ausia ai se taunuuga faapitoa, lea sa faailoa i lē e tuuina atu oloa, e le tagata e faaaogāina oloa ma auaunaga.

- Clause 78:** - provides that if services are supplied without any specified time, there is a guarantee that the services will be completed within a reasonable time.
- Clause 79:** - provides for consumer's remedies for services that do not comply with consumer guarantee.
- Clause 80:** - provides the consumers' rights to cancel an agreement for the supply of services for non-compliance with clause 79.
- Clause 81:** - provides the effects of cancellation, such as a refund.
- Clause 82:** - provides the ancillary power of the Court to grant relief.
- Clause 83:** - clarifies that the consumer guarantee for goods applies whether the goods are supplied in connection with a service and vice-versa.

Division 4 - Obligations of traders

- Clause 84:** - creates an offence for traders who display goods without displaying the prices of goods.
- Clause 85:** - creates an offence for traders who sells goods but do not issue a receipt if the buyer demands a receipt.

- Fuaiupu 78:** - ua aiaia ai e faapea, afai e tuuina atu auaunaga e aunoa ma so o se taimi faamaotiina, ia i ai o se faamalumaluga e faapea, o le a maea lelei le auaunaga e tusa ma se taimi talafeagai lelei.
- Fuaiupu 79:** - ua aiaia ai tulaga faaleleia a lē e faaaogāina oloa ma auaunaga mo auaunaga e le o tausisia ai le faamalumaluga a lē e faaaogāina oloa ma auaunaga.
- Fuaiupu 80:** - ua aiaia ai o aia tatau a lē e faaaogāina oloa ma auaunaga, e faalēaogāina ai se maliega mo le tuuina atu o auaunaga, ona o le lē tausisia o le fuaiupu 79.
- Fuaiupu 81:** - ua aiaia ai aafiaga o le faalēaogāina, e pei o se tupe toe faafoi.
- Fuaiupu 82:** - ua aiaia ai malosiaga faaopoopo o le Faamasinoga e faamatuu atu ai o se faamamaavega.
- Fuaiupu 83:** - ua faamaninoina ai e faapea e faaaogā le faamalumaluga a lē e tuuina atu oloa ma auaunaga mo oloa, e tusa lava pe na faaoo atu oloa, e fesootai ma se auaunaga, ma e faapena foi i auaunaga e fesootai ma oloa.

Vaevaega 4 - Noataga o tagata e feaatauaia oloa

- Fuaiupu 84:** - ua faia ai se soligatulafono mo tagata e feaatauaia oloa, o ia lea ua na faalauiloaina oloa e aunoa ma le faalauiloaina o tau o oloa.
- Fuaiupu 85:** - ua faia ai se soligatulafono mo tagata e feaatauaia oloa, o ia lea ua na faatauina atu oloa, peitai e leai se lisiti na ia tuuina atu, pe afai e tapa se lisiti e lē na faatauina atu i ai oloa.

Clause 86: - obligates traders to display notice boards and certain matters, such as any order made under clause 82, price control orders and any warning notice, cease and desist notice, injunctions, etc., issued against the trader, etc.

Division 5 - Information and safety standards

Clause 87: - empowers the Minister with the approval of Cabinet to make consumer information standards relating to matters such as the kind grade, quantity, origin, performance, care, construction, design, composition, contents, use, price, finish, packaging, promotion or supply of the goods or services.

Clause 88: - empowers the Minister with the approval of Cabinet to make product safety standards for specified goods to prevent or reduce the risk of injury to persons.

Clause 89: - empowers the Minister to declare any goods or services to be unsafe.

Clause 90: - empowers the Minister to issue a notice to a supplier of goods to recall goods that do not comply with the product safety standard or goods that will or may cause injury to persons.

Fuaiupu 86: - ua noatia ai tagata e fefaatauaia oloa ina ia faalauiloa ni laupapa o faasilasilaga ma nisi mataupu, e pei o so o se poloaiga e faia i lalo o le fuaiupu 82, poloaiga e faatonutonu ai tau o oloa, ma so o se faasilasilaga tau lapataiga, faasilasilaga e faamuta ma taofia ai, poloaiga e taofia ai, ma isi, sa tuuina atu i le tagata e fefaatauaia oloa ma isi tulaga faapena.

Vaevaega 5 - Tulaga faataatitia o faamatalaga ma le saogalemu

Fuaiupu 87: - ua tuuina atu ai malosiaga i le Minisita faatasi ai ma le faamaoniga a le Kapeneta e faia ai faiga faataatitia o faamatalaga o tagata e faaaogāina oloa e fesootai ma mataupu e pei o le ituaiga, tulaga faavasegaina, aofaiga, amataga, faatinoga, tausiga, fausaga, mamamu, faatulagaga, mea o aofia ai, faaaogāina, tau, laasaga faaiu, teupusaina, faalauiloa po o le tuuina atu o oloa po o auunaga.

Fuaiupu 88: - ua tuuina atu ai malosiaga i le Minisita, faatasi ai ma le faamaoniga a le Kapeneta e faia ai o faiga faataatitia o le saogalemu o oloa, mo oloa ua faamaotiina e puipuia pe faaititia ai le tulaga lamatia o manuaga i tagata.

Fuaiupu 89: - ua tuuina atu ai malosiaga i le Minisita e faaalua manino ai so o se oloa po o so o se auunaga e lē saogalemu.

Fuaiupu 90: - ua tuuina atu ai malosiaga i le Minisita e tuuina atu ai se faasilasilaga i lē e tuuina atu oloa, e toe tapa ai oloa e le o taussia faiga faataatitia tau le saogalemu, po o oloa o le a, po o e ono mafai ona faatulai mai ai ni manuaga i tagata.

Clause 91: - empowers the Minister with the approval of Cabinet to make services safety standards for specified services to prevent or reduce risks of injury when providing those specified services.

PART 5 - PRICE CONTROL

Division 1 - Price inquiries

Clause 92: - empowers the Minister to refer to the Commission to inquire into and report on the prices of specified goods supplied in Samoa.

Clause 93: - sets out the matters to be included in a report of the Commission to the Minister.

Division 2 - Price controls

Clause 94: - empowers the Head of State acting on the advice of Cabinet to make regulations for price control orders.

Clause 95: - creates an offence for failure to display a price control order.

Clause 96: - creates an offence for failure to make a record identifying the goods and the price charged.

Fuaiupu 91: - ua tuuina atu ai malosiaga i le Minisita faatasi ai ma le faamaoniga a le Kapeneta e faia ai faiga faataatitia tau le saogalemu o auaunaga mo auaunaga ua faamaotiina e taofia ai pe faaitiitia ai tulaga lamatia o manuaga, pe afai e tuuina atu o na auaunaga ua faamaotiina.

VAEGA 5 - FAATONUTONUINA O TAU

Vaevaega 1 - Suesuega o tau o oloa

Fuaiupu 92: - ua tuuina atu ai malosiaga i le Minisita e tapa ai le Komisi ina ia faia o saililiga ma lipoti atu tau o oloa ua faamaotiina ua tuuina atu i totonu o Samoa.

Fuaiupu 93: - ua faatulagaina ai mataupu e ao ona aofia ai i totonu o se lipoti a le Komisi e tuuina atu i le Minisita.

Vaevaega 2 - Faatonutonuina o tau o oloa

Fuaiupu 94: - ua tuuina atu ai malosiaga i Le Ao o le Malo, i le faia i luga o le fautuaga a le Kapeneta, e faia ai tulafono faatonutonu mo poloaiga e faatonutonu ai tau o oloa.

Fuaiupu 95: - ua faia ai o se soligatulafono mo le lē mafaia ona faalauiloa o se poloaiga e faatonutonu ai tau o oloa.

Fuaiupu 96: - ua faia ai se soligatulafono mo le lē mafaia, ona faia o se faamaumauga e iloagofie ai oloa ma tau ua faaee atu i ai.

**PART 6 - COMPLAINTS, INVESTIGATIONS
AND RELATED POWERS**

Division 1 - Complaints and investigations

- Clause 97:** - entitles persons to make complaints to the Commission for any contravention of the proposed Act.
- Clause 98:** - empowers the Commission to carry out investigations, including referrals from the Minister to the Commission to investigate any conduct.
- Clause 99:** - provides a time limit of six (6) months for investigating acquisitions by the Commission.
- Clause 100:** - empowers the Commission to appoint investigators.
- Clause 101:** - empowers investigators to issue written notice requiring a person to produce documents and things for the purpose of an investigation.
- Clause 102:** - empowers investigators to issue a written notice requiring a person to attend before an investigator to answer questions or to provide written answers to questions for the purpose of an investigation.
- Clause 103:** - sets out the power of investigators requiring persons to verify answers on oath or affirmation and for such purpose may administer oaths for the purposes of an investigation.

**VAEGA 6 - FAASEA, SUESUEGA MA
MALOSIAGA E FESOOTAI I AI**

Vaevaega 1 - Faasea ma suesuega

- Fuaiupu 97:** - ua agavaa ai tagata e faia ni faasea i le Komisi mo so o se soliga o le Tulafono ua fuafuaina.
- Fuaiupu 98:** - ua tuuina atu ai malosiaga i le Komisi e tauaveina ai suesuega, e aofia ai mataupu ua tuuina atu mai le Minisita i le Komisi ina ia suesueina o so o se faatinoga.
- Fuaiupu 99:** - ua aiaia ai mo taimi faatapulaaina e ono (6) masina mo suesuega o sea ma aseta ua mauaina, e faia e le Komisi.
- Fuaiupu 100:** - ua tuuina atu ai malosiaga i le Komisi e tofia ai tagata suesue.
- Fuaiupu 101:** - ua tuuina atu ai malosiaga i tagata suesue, e tuuina atu ai se faasilasilaga tusitusia e manaomia ai se tagata ina ia tuuina mai pepa aloaia ma ni mea manaomia, mo le faamoemoe o se suesuega.
- Fuaiupu 102:** - ua tuuina atu ai malosiaga i tagata suesue e tuuina, atu ai se faasilasilaga tusitusia e manaomia ai se tagata ina ia tulai i luma o se tagata suesue, e tali atu i fesili po o le tuuina atu o ni tali tusitusia i fesili, mo le faamoemoe o se suesuega.
- Fuaiupu 103:** - ua faatulagaina ai malosiaga o tagata suesue o manaomia ai tagata ina ia faamaonia ni tali i luga o se tautoga po o se faamaoniga ma, mo sea faamoemoe, e mafai ona faafoeina o tautoga mo faamoemoga o se suesuega.

- Clause 104:** - empowers the Commission to make a confidentiality order that any specified information provided to or obtained by the Commission be confidential thereby prohibiting disclosure.
- Clause 105:** - creates the offence of making any statement that is false or misleading.
- Clause 106:** - removes the right to answer incriminating questions.
- Clause 107:** - requires an investigator to warn a person to be questioned that the person need not answer a question, but anything said may be used as evidence against the person for any prosecution of an offence under the proposed Act.

Division 2 - Search and warrants

- Clause 108:** - empowers investigators to enter and search a premises for the purposes of an investigation with the consent of the occupier or under a warrant, or without a warrant, if entry is urgent to prevent loss or destruction of documents or things required as evidence.
- Clause 109:** - creates the offence of obstructing or interfering with an investigator exercising a power of search under a warrant.

- Fuaiupu 104:** - ua tuuina atu ai malosiaga i le Komisi e faia ai o se poloaiga o tulaga agatapuia e faapea, o so o se faamatalaga faapitoa ua tuuina atu i, po o ua mauaina e le Komisi, e ao ona faalilolilo, ma o le a faapea ona faasaina ai le faalauiloaina atu.
- Fuaiupu 105:** - ua faia ai se soligatulafono o le faia o so o se faamatalaga sese pe tau faasese.
- Fuaiupu 106:** - ua aveesea ai le aia tatau e tali atu ai i fesili e tuuaia ai.
- Fuaiupu 107:** - ua manaomia ai se tagata suesue ina ia lapataia se tagata o le a fesiligia e faapea, e lē tau tali atu le tagata i se fesili, peitai, o so o se mea lava e taua, e mafai ona faaogāina e ave ma faamatalaga molimau e faasaga i le tagata mo so o se moliaga i se soligatulafono i lalo o le Tulafono ua fuafuaina.

Vaevaega 2 - Sueina ma tusi faapoloaiga

- Fuaiupu 108:** - ua tuuina atu ai malosiaga i tagata suesue e ulufale ai ma sueina se nofoaga mo faamoemoega o se suesuega i le i ai faatasi ma le maliega a lē o nofoia, po o i lalo o se tusi faapoloaiga, po o e aunoa ma tusi faapoloaiga, pe afai o le ulufale ua faanatinati ina ia taofia ai le leiloa po o le faaleagaina o pepa aloaia po o ni mea o manaomia e ave ma faamatalaga molimau.
- Fuaiupu 109:** - ua faia ai le soligatulafono o le faalavelaveina po o le aia fua i se tagata suesue o faatinoina se malosiaga e sueina ai i lalo o se tusi faapoloaiga.

- Clause 110:** - permits investigators to bring tools or device, such as computers, etc., to the place to be searched.
- Clause 111:** - empowers the investigator to copy and take possession of documents and things.
- Clause 112:** - empowers a Judge to issue a search warrant on application under the rules of the court by an investigator.
- Clause 113:** - provides that the period of warrants must not be more than fitu (7) days.
- Clause 114:** - provides for the execution of warrants.

PART 7 - ENFORCEMENT AND REMEDIES

Division 1 - Compensation

- Clause 115:** - entitles persons who suffer loss or damage as a consequence of contraventions of competition or consumer laws to sue to recover loss or damage.
- Clause 116:** - empowers the Commission to commence and conduct representative action on behalf of one (1) or more claimants.

Division 2 - Enforcement

- Fuaiupu 110:** - ua faatagaina ai tagata suesue ina ia aumai o meafaigaluega po o masini, e pei o masini komepiuta ma isi, i le nofoaga o le a sueina.
- Fuaiupu 111:** - ua tuuina atu ai malosiaga i le tagata suesue e faia ai ata ma ia umia o pepa aloaia ma meafaitino.
- Fuaiupu 112:** - ua tuuina atu ai malosiaga i se Faamasino e tuuina atu ai se tusi faapoloaiga e sueina ai pe afai e talosagaina, i lalo o tulafono faafoe a le faamasinoga, e se tagata suesue.
- Fuaiupu 113:** - ua aiaia ai e faapea ia lē sili atu i le fitu (7) aso le vaitaimi o tusi faapoloaiga.
- Fuaiupu 114:** - ua aiaia ai mo le faataunuuna o tusi faapoloaiga.

VAEGA 7 - FAAMAMALUINA MA AUALA E FOIA AI

Vaevaega 1 - Tau tau tupe

- Fuaiupu 115:** - ua agavaa ai tagata ua mafatia i mea ua leiloa po o ua faaleagaina e mafua mai i le soliga o tulafono o faiga faatauvaga po o tulafono e puipuia ai tagata e faaaogāina oloa ma auaunaga e faia ai o se moliaga ina ia toe maua o mea ua leiloloa po o ua faaleagaina.
- Fuaiupu 116:** - ua tuuina atu ai malosiaga i le Komisi e amatalia ma faatino o gaoioiga i tulaga faasui, e aveia ai ma sui o le toatasi (1) po o le sili atu tagata o faia tagi.

Vaevaega 2 - Faamamaluina

Clause 117: - empowers the Commission to issue warning notices to persons who has, or is engaging or about to contravene a competition or consumer law.

Clause 118: - empowers the Commission to accept undertakings from persons in connection with conduct relating to a competition or consumer law and they can be taken to court if they breach the undertaking.

Clause 119: - empowers the Commission to issue a cease and desist notice requiring a person to cease engaging in a conduct that contravenes or may contravene the competition or consumer law.

Clause 120: - empowers the Court to grant injunctions for conduct that contravenes or may contravene the competition or consumer law.

Clause 121: - provides that injunction given under clause 120 may impose requirements to ensure, or to assist in ensuring, that the acquisition will not have the effect of substantially lessening competition in a market in Samoa.

Fuaiupu 117: - ua tuuina atu ai malosiaga i le Komisi e tuuina atu ai faasilasilaga tau lapataiga i tagata, o i latou ia sa auai, po o o lo o auai po o o le a fougou e solia se tulafono o faiga faatauvaga po o se tulafono e puipuia ai tagata e faaaogāina oloa ma auunaga.

Fuaiupu 118: - ua tuuina atu ai malosiaga i le Komisi e taliaina ai ni feagaiga mai tagata e fesootai ma faatinoga e faasino i se tulafono o faiga faatauvaga po o se tulafono e puipuia ai tagata e faaaogāina oloa ma auunaga ma e mafai ona molia i latou i le faamasinoga, pe afai latou te solia le feagaiga.

Fuaiupu 119: - ua tuuina atu ai malosiaga i le Komisi e tuuina atu ai se faasilasilaga e faamuta ma le taofia ai, lea o lo o manaomia ai se tagata ina ia faamuta ona auai i se faatinoga e solia ai po o e ono mafai ona solia ai le tulafono o faiga faatauvaga po o tulafono e puipuia ai tagata e faaaogāina oloa ma auunaga.

Fuaiupu 120: - ua tuuina atu ai malosiaga i le Faamasinoga e faamatuu atu ai poloaiga e taofia ai o faatinoga e solia ai po o e mafai ona solia ai le tulafono o faiga faatauvaga po o se tulafono e puipuia ai tagata e faaaogāina oloa ma auunaga.

Fuaiupu 121: - ua aiaia ai e faapea o se poloaiga e taofia ai ua tuuina atu i lalo o le fuaiupu 120, e mafai ona faaee atu ai manaoga e faamautinoa ai, po o e fesoasoani ina ia faamautinoa ai e faapea, o mea ua mauaina o le a leai se aafiaga e matua faaitiitia ai faiga faatauvaga i totonu o se maketi i Samoa.

- Clause 122:** - empowers the Court to grant injunctions if a standard is contravened.
- Clause 123:** - empowers the Court to issue injunctions if price control orders are contravened.
- Clause 124:** - empowers the Court to impose a pecuniary penalty on a person who contravenes, or is knowingly concerned in the contravention of a competition or consumer law.
- Clause 125:** - sets out the amounts of pecuniary penalties.
- Clause 126:** - empowers the Court to order a person to pay costs incurred by the Commission relating to orders for injunctions or pecuniary penalties.
- Clause 127:** - creates the offence of indemnifying a person from paying pecuniary penalties.
- Clause 128:** - provides for immunity agreements between the Commission and a person for the person to cooperate with any investigation or proceedings under a competition or consumer law.
- Clause 129:** - empowers the Court to make management banning orders against an individual who has contravened the conduct, acquisition or consumer protection rules of any standards,

- Fuaiupu 122:** - ua tuuina atu ai malosiaga i le Faamasinoga e faamatuu atu ai o poloaiga e taofia ai pe afai ua solia se faiga faataatia.
- Fuaiupu 123:** - ua tuuina atu ai malosiaga i le Faamasinoga e tuuina atu ai poloaiga e taofia ai pe afai e solia poloaiga e faatonutonuina tau o oloa.
- Fuaiupu 124:** - ua tuuina atu ai malosiaga i le Faamasinoga e faaee atu ai faasalaga tau tupe i se tagata, o ia lea ua na solia, po o ua aafia ma lona iloa lelei le soliga o se tulafono o faiga faatauvaga po o se tulafono e puipuia ai tagata e faaaogāina oloa ma auunaga.
- Fuaiupu 125:** - ua faatulagaina ai o aofaiga o faasalaga tau tupe.
- Fuaiupu 126:** - ua tuuina atu ai malosiaga i le Faamasinoga e poloaia ai se tagata ina ia tofogi o tau na faatupulaia e le Komisi e faatatau i poloaiga mo taofiga po o faasalaga tau tupe.
- Fuaiupu 127:** - ua faia ai le soligatulafono o le toe tauia o se tagata mai le tofogiina o faasalaga tau tupe.
- Fuaiupu 128:** - ua aiaia ai mo feagaiga tau le puipuiga faaetulafono i le va o le Komisi ma se tagata, ina ia galulue faatasi ai le tagata i so o se suesuega po o se tualumaga i lalo o se tulafono o faiga faatauvaga po o se tulafono e puipuia ai tagata e faaaogāina oloa ma auunaga.
- Fuaiupu 129:** - ua tuuina atu ai malosiaga i le Faamasinoga e faia ai poloaiga tau pulega o le faasaina, e faasaga i se tagata e toatasi, o ia lea ua na solia le faatinoga, tulafono faafoe o so o se

notice or price control order on two (2) or more occasions in the previous five (5) years.

faiga faataatia tau le mauaina po o le puipuiga o le tagata e faaaogāina oloa ma auunaga, faasilasilaga po o se poloaiga e faatonutonu ai tau o oloa, i le lua (2) po o le sili atu o mea na tulai mai i le lima (5) tausaga talu ai.

Division 3 - Matters relating to offences

Vaevaega 3 - Mataupu e faasino i soligatulafono

Clause 130: - provides that the conduct or the state of mind etc., of a director, employee or agent of a body corporate, be imputed to the body corporate, unless the body corporate is shown to have taken reasonable precautions and exercised due diligence.

Fuaiupu 130: - ua aiaia ai e faapea o le faatinoga po o le tulaga o le mafaufau ma isi itu faapena, o se faatonu, tagata faigaluega po o se sooupu a se faalapotopotoga ua tuufaatasia faaletulafono, ia amanaia e faapea na faia i le faalapotopotoga ua tuufaatasia faaletulafono, vagana ai ua faaalua e faapea na faia lava e le faalapotopotoga ua tuufaatasia faaletulafono, o gaoioiga faaeteete talafeagai ma glaue ma le maelega.

Clause 131: - creates the offence of knowingly concerned in contravention of this Act.

Fuaiupu 131: - ua faia ai le soligatulafono o le aafia ai ma le iloa lelei o le soliga o lenei Tulafono.

Clause 132: - empowers the Commission or an authorised person in writing to commence and continue proceedings under this Act.

Fuaiupu 132: - ua tuuina atu ai malosiaga i le Komisi po o se tagata faatagaina i se faiga tusitusia e amataina ai ma faaauau taualumaga i lalo o lenei Tulafono.

PART 8 - MISCELLANEOUS

VAEGA 8 - AIAIGA ESEESE

Clause 133: - provides for judicial review by the Supreme Court of a decision of the Commission to refuse authorisation or to impose conditions of authorisation.

Fuaiupu 133: - ua aiaia ai mo iloilogā faa-faamasinoga e le Faamasinoga Sili, o se faaiuga a le Komisi e teena ai le faatagaga po o le faaee atu o tuutuuga o le faatagaga.

Clause 134: - protects for legal professional privilege.

Fuaiupu 134: - ua puipuia ai tulaga taualoa o galuega tau tomā faapitoa faaletulafono.

- Clause 135:** - provides the right of the Commission to participate in proceedings.
- Clause 136:** - empowers the Court to give advisory opinions on interpretation, operation or effect of a provision of the proposed Act.
- Clause 137:** - creates the offence of failure to keep records when required and keeping inaccurate or incomplete records.
- Clause 138:** - creates the offence of destroying, falsifying, etc., documents.
- Clause 139:** - sets out the admissibility of evidence under this Act.
- Clause 140:** - empowers the Commission to establish and maintain registers for clearances, authorisations, standards, undertakings, price control orders, agreements, notices and banning orders.
- Clause 141:** - empowers the Head of State, acting on the advice of the Cabinet, to make regulations.
- Clause 142:** - provides for repeals and amendments.
- Clause 143:** - provides for transitional and saving provisions to continue any act, approval or authority issued under the Fair Trading Act 1998 and the Consumer Information Act 1989.
- Fuaiupu 135:** - ua aiaia ai le aia tatau a le Komisi e auai i taualumaga.
- Fuaiupu 136:** - ua tuuina atu ai malosiaga i le Faamasinoga, e tuuina atu ai manatu faufautua i le faamatalaina o uiga, gaoioiga po o le tulaga aloaia o se aiaiga o le Tulafono ua fuafuaina.
- Fuaiupu 137:** - ua faia ai le soligatulafono o le lē mafaia ona teuina faamaumauga pe afai e manaomia ma le tausia o faamaumauga e lē sao po o faamaumauga e le o atoatoa lelei.
- Fuaiupu 138:** - ua faia ai le soligatulafono o le faaleagaina, faaseseina, ma isi tulaga faapena, o pepa aloaia.
- Fuaiupu 139:** - ua faatulagaina ai le taliaina o faamatalaga molimau i lalo o lenei Tulafono.
- Fuaiupu 140:** - ua tuuina atu ai malosiaga i le Komisi e faavaeina ai ma tausia o tusi resitala mo le faamaoniga, faatagaga, faiga faataatitia, galuega faatino, poloaiga e faatonutonu ai tau o oloa, maliega, faasilasilaga ma poloaiga e faasaina ai.
- Fuaiupu 141:** - ua tuuina atu ai malosiaga i Le Ao o le Malo, i le faia i luga o le fautuaga a le Kapeneta, e faia ai o tulafono faatonutonu.
- Fuaiupu 142:** - ua aiaia ai mo mea ua soloia ma teuteuga.
- Fuaiupu 143:** - ua aiaia ai mo aiaiga tau soloaiga ma aiaiga faasaoina e faaauuina ai so o se tulafono, faamaoniga po o pule faataga ua tuuina atu i lalo o le Tulafono o Fefaatauaiga Talafeagai 1998 ma le Tulafono o Faamatalaga Tau i Oloa o lo o Faaogāina e Tagata o le Atunuu 1989.

Schedule: - lists Acts that are repealed and consequentially amended.

Faamatalaga: - ua lisiina atu ai Tulafono ua soloia ma faapea ona teuteuina mulimuli ane ai.

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(Hon FONOTOE Nuafesili Pierre Laufo)
**DEPUTY PRIME MINISTER AND MINISTER
FOR COMMERCE, INDUSTRY AND LABOUR**

.....
(Hon FONOTOE Nuafesili Pierre Laufo)
**SUI PALEMIA MA LE MINISITA O
PISINISI, ALAMANUIA MA LEIPA**