



Legislative Assembly of Samoa

Competition and Consumer Bill 2015

**Primary Production, Commerce,
Industry and Labour**

(Presented to the Legislative Assembly)

1. RECOMMENDATION:

The Primary Production, Commerce, Industry and Labour Committee recommends that the Legislative Assembly takes note of its Report.

2. BILL CONSIDERED:

(Referred 13/08/2015)

Competition and Consumer Bill 2015.

The Primary Production, Commerce, Industry and Labour Committee¹ considered the Competition and Consumer Bill 2015 in accordance with instructions given by the Legislative Assembly on the 13 August 2015.

3. PROCEEDINGS:-

The Committee called for submissions from the general public through Television (SQBC TV1), by radio through 2AP and the Office of the Legislative Assembly website. During its proceedings the Committee were able to receive written and oral submissions.²

The Committee called for assistance from the following during its deliberation.

ASSISTANCE (S.O. 156)

Office of the Attorney General:

Rubeni Nawaqakuta	-	Legislative Drafting Advisor
Meipo Faasau	-	Associate Drafter

¹ Pursuant to Standing Order 174 it shall be the duty of the Primary Production, Commerce, Industry and Labour Committee to:

- (a) Consider any bill, petition or other matter referred by the Assembly or pursuant to Standing Orders; and such Estimates or review of ministerial performance as maybe referred by the Finance & Expenditure Committee:
- (b) Examine the policy, administration and expenditure of the ministries and associated government organizations related to primary production, commerce, industry and labour and tourism.

² See Part 7 – Witnesses.

Ministry of Commerce, Industry and Labour:

Lealali loane Okesene	-	Assistant CEO - Legal Services
Fauono Gladys Fuimaono	-	Principal - Fair Trading Division
Karen Niumata	-	Senior Officer - Fair Trading Division

4. FINDINGS:

This Bill is divided into 8 major parts, however overall there are 2 parts that the Bill considers; business or services in terms of competition and consumers. The objectives of this Bill as noted is to establish standards of conduct for those engaged in trade in the country and to promote competition in markets. Furthermore, to protect the safety and interest of consumers of the nation.

Provided for by this bill are rules to enforce competition rules and safeguard consumer protection. In terms of competition rules these are provided to prohibit abuse of market power by businesses that possess market power, prohibit anti-competitive agreements, bid-riggings, and etcetera between businesses. Including mergers that would substantially lessen competition. In terms of rules for the protection of consumers it provides provisions to prohibit misleading and deceptive conduct by traders. In addition rules to 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. The Ministry noted concerns that were raised by the general public over the previous years regarding products and services and the Ministry believes that this Bill will resolve future matters such as these.

The Committee noted that one of the important objectives of the Bill is the establishment of the Competition and Consumer Commission (“Commission”) and providing its function, powers and duties. As provided provisions of the Bill, 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 notice, undertakings, cease and desist notices, pecuniary penalties and etcetera. The Committee is of the view that the establishment of the Commission will alleviate common problems regarding businesses in order to allow for fair competition between businesses throughout the nation.

According to submissions, support of the Bill was noted in terms of standards as per practices in other jurisdictions. However, there was the view of having this Bill be the Principal Act for all regulations and rules pertaining to competition and consumers to also include the broadcasting and telecommunication sector. The Committee resolved this view and noted that Regulations pertaining to competition and consumers on broadcasting and telecommunication matters should still be monitored by the Regulator, whereas for the Bill, this will be the duty of the Commission and to monitor other markets. As per provisions of the Bill which provides that the Commission and the Regulator may work each other in order to carry out their duties.

5. CONSIDERATION IN DETAIL OF THE BILL:

During its consideration in detail of the Bill, the Committee noted that all of its provisions are satisfactory.

6. RESOLUTION:

At the conclusion of its deliberation the Committee resolved to recommend to the Assembly:

That the Competition and Consumer Bill 2015 progress without amendments.

7. WITNESSES:

During Committee deliberation on the bill, the following witnesses gave submission:

Digicel Telecommunication Company

Pepe Christian Fruean	-	President
Jaynen Mangel	-	Legal Advisor
Leaupepe Talai Lene	-	Corporate Services

8. COMMITTEE SIGNATURES: