



SAMOA

**SCIENTIFIC RESEARCH ORGANISATION OF SAMOA
ACT 2006**

Arrangement of Provisions

**PART 1
PRELIMINARY**

1. Short title and commencement
2. Interpretation

**PART 2
THE ORGANISATION**

3. Establishment of Organisation
4. Objectives of the Organisation
5. Functions of the Organisation
6. Scope of Organisation activities
7. Powers of the Organisation
8. Board of Directors
9. Powers of the Board
- 9A. Advisory Committees
10. Chief Executive Officer of the Organisation
- 10A. Acting Chief Executive Officer Organisation
- 10B. Delegation
11. Functions of the Chief Executive Officer
12. Staff and other personnel
13. Taxation

PART 3

**INTELLECTUAL PROPERTY
RIGHTS**

14. Intellectual property rights held by the Organisation
15. Breach of intellectual property rights
16. Seizure of material produced in breach of the Organisation's intellectual property rights
- 16A. Corporate Plans
- 16B. Annual Operational Plans

**PART 4
FINANCIAL ACCOUNTS**

17. Accounts and Annual Report
- 17A. Moneys payable to Organisation

**PART 5
MISCELLANEOUS**

18. Protection from liability
- 18A. Reference to other Acts
19. Delegation
20. Regulations

**SCIENTIFIC RESEARCH ORGANISATION OF SAMOA
ACT 2006**

2006,

No.6

AN ACT to provide for the Scientific Research Organisation of Samoa and for related purposes.

[Assent and commencement date: 3 March 2006]

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

**PART 1
PRELIMINARY**

1. Short title and commencement – (1) This Act may be cited as the Scientific Research Organisation of Samoa Act 2006.

(2) This Act commences on the date of assent by the Head of State.

(3) Notice of commencement of this Act shall be published in Samoan and English in the Savali and 1 other newspaper circulating in Samoa.

2. Interpretation – In this Act, unless the context otherwise requires:

“Board” means the Board of Directors established under section 8;

“Chairperson” means the Chairperson of the Board;

“Chief Executive Officer” means the Chief Executive Officer of the Organisation appointed under section 10;

“eligible person” means any of the following:

(a) an officer;

(b) a director or employee of another research organisation where—

(i) the Organisation and other research organisation are partners in a partnership; or

(ii) the Organisation holds a controlling interest in another research organisation;

(c) a person engaged by the Organisation to carry out work for or on behalf of the Organisation.

“*ex-officio* member” (*repealed by Act 2012, No.15*)

“intellectual property rights” means the complete range of intangible property rights, including but not limited to

- patents, trademarks, design rights and copyright, in the names, titles and items;
- “investor” means a person who invests in funding or sponsoring a research program, a research development, scientific development, innovation or any other developments for the purposes of this Act;
- “member” means a member of the Board and includes the Chairperson;
- “Minister” means the Minister for Public Enterprises;
- “officer” means an officer of the Organisation;
- “Organisation” means the Scientific Research Organisation of Samoa established under section 3;
- “research programme” means a research programme determined and approved by the Board under section 9 to be conducted by or under the authority of the Organisation;
- “scientific research” includes technology and industry development.

PART 2 THE ORGANISATION

3. Establishment of Organisation – (1) There is established the Scientific Research Organisation of Samoa.

(2) The Organisation shall consist of the members of the Board, and of the officers of the Organisation and shall have perpetual succession, a common seal and be capable of:

- (a) acquiring, holding and disposing of real and personal property; and
 - (b) suing and being sued; and
 - (c) doing and suffering all the acts and things which bodies corporate may lawfully do and suffer.
- (3) The common seal may be affixed only:
- (a) with the authority of the Board; and
 - (b) with a witnessing signature of a director or other person where the director or other person is so authorised in writing by the Board.

4. Objectives of the Organisation – The Organisation’s objectives are:

- (a) to promote the national economy of Samoa based on research and development; and

- (b) to undertake scientific and technical research with the primary aim of adding value to local resources or services; and
- (c) to develop functional prototypes of products and processes based on scientific and technical research for the local or overseas markets; and
- (d) to establish partnership with the private sector and commercial interests to support the Organisation's activities; and
- (e) to ensure effective training for researchers and technical research; and
- (f) to conduct analysis of narcotics or precursors for the purposes of investigations and prosecution of offences; and
- (g) to undertake environment impact assessments.

5. Functions of the Organisation – (1) The functions of the Organisation are:

- (a) to carry out scientific research and develop technologies for any of the following purposes—
 - (i) contributing to the achievement of national goals in the Strategy for the Development of Samoa or any other national plan of Samoa; and
 - (ii) assisting industries, Government ministries, corporations and agencies; and
 - (iii) furthering the interests of the community; and
 - (iv) any other purpose determined by the Board; and
 - (v) conducting analysis of narcotics or precursors for the purposes of investigations and prosecution of offences; and
- (b) to encourage or facilitate the application or utilisation of the results of any other scientific research; and
- (c) to act as a means of liaison between Samoa and other countries in matters connected with scientific research; and
- (d) to train, and to assist in the training of research and workers in the field of science and to cooperate

with tertiary education institutions, both local and overseas, in relation to education in any field of science; and

- (e) to establish and award fellowships and studentships of research, and to make grants in aid of research, for a purpose referred to in paragraph (a); and
- (f) to collect, interpret and disseminate information relating to the scientific and technical matters; and
- (g) to publish scientific and technical reports, periodicals and papers; and
- (h) to carry out environment impact assessments.

(2) In performing its functions, the Organisation shall take into account relevant Government policy as communicated to the Organisation by the Minister or the Chief Executive Officer.

(3) The Organisation shall:

- (a) treat the functions referred to in subsection (1)(a) and (b) as its primary functions; and
- (b) treat the other functions referred to in subsection (1)(c) to (g) as its secondary functions.

(4) The Organisation may:

- (a) carry out food analysis and testing required under any food legislation or other enactment; and
- (b) issue reports or certificates regarding food analysis and testing under paragraph (a).

6. Scope of Organisation activities – (1) The Organisation's activities are restricted to:

- (a) research in applied; and
- (b) introduce new ideas and implement technology transfer to commercial realities; and
- (c) commercialisation of research findings; and
- (d) development of recognition and award on innovations generated in conjunction with other recognised Organisations or organisations; and
- (e) publications; and
- (f) seminars; and
- (g) entering into partnership or any joint venture arrangement in any research and innovations conducted by or under the authority of the Organisation for the purposes of commercial development; and

(h) any other activities carried out for the purposes of expanding research and development.

(2) The Organisation shall, as far as possible, cooperate with other organisations and authorities in the co-ordination of scientific research, with a view to:

- (a) identifying clear and specific functions; and
- (b) making use of available facilities, staff and resources most effectively.

7. Powers of the Organisation – The Organisation has the power for carrying out its objectives and functions and all the acts as appear to the Organisation to be requisite, advantageous or convenient for or in connection with the carrying out of the Organisation’s purposes and functions or to be incidental to their proper discharge and may carry on any activities in that behalf either alone or through or in association with any other person or body.

8. Board of Directors – (1) There shall be a Board of Directors for the Organisation which shall, subject to this Act, have the following functions:

- (a) to ensure the proper and efficient performance of the functions of the Organisation; and
- (b) to determine the policy of the Organisation with respect to any matter; and
- (c) to give directions relating to the administration of this Act to the Chief Executive Officer; and
- (d) such other functions as are conferred on it by this Act.

(2) The Board of the Authority comprises of not less than three and not more than five directors who are appointed by the Head of State on the advice of Cabinet in accordance with law and approved Government policy relating to the management of public bodies.

((2A) Repealed by section 2 of the Miscellaneous (Boards of Public Bodies) Amendment Act, No 6)

(2B) Cabinet shall appoint one of the directors to be Chairperson, and may appoint a Deputy Chairperson.

(2C) No person may be appointed or continue to hold office as a director, while that person is a full-time salaried officer of the Organisation.

(2D) Unless the Board decides otherwise, the Chief Executive Officer must attend all Board meetings but has no voting rights.

(3) In appointing directors under subsections (2) and (2A), the Head of State and the Minister and the Cabinet shall take into account:

- (a) the need of the Organisation to have directors with qualifications, experience and expertise in various areas of science, renewable energy, information technology, engineering, finance, commerce, management, ethics and such other qualifications, experience and expertise appropriate to the Organisation's purposes and functions; and
- (b) the desirability of gender equality and the representation of consumers and their families.

(4) Subject to this section, directors appointed under subsections (2) and (2A) hold office for a term of 3 years and may be reappointed.

(5) A director appointed under subsections (2) and (2A) may be removed from office by Cabinet, acting on the advice of the Minister, for inability, inefficiency, bankruptcy, neglect of duty, misconduct or permanent departure from Samoa, or may resign in writing to the Minister.

(6) The office of a director becomes vacant if the director dies or resigns or is removed from office or completes their term of appointment under subsection (4), and the vacancy shall be filled in the manner in which the original appointment was made.

(7) Meetings of the Board shall be called by the Chairperson who shall preside at all meetings at which he or she is present or, in the absence or unavailability of the Chairperson, on a request in writing to the secretary of the Board from at least 4 directors.

(8) In the absence or unavailability of the Chairperson, the directors shall appoint a director to chair a meeting of the Board.

(9) At every meeting, 4 members of the Board constitute a quorum.

(10) Every question before any meeting of the Board is to be determined by a majority of directors present at the meeting but the chairperson of that meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(11) Except as otherwise provided by this Act, the Board may regulate its procedure as the Board thinks fit.

(12) The directors shall be paid such fees and allowances as approved by Cabinet.

(13) Where a director is incapacitated by a temporary illness or due to unforeseen circumstances cannot attend a meeting of the Board, the director may nominate in writing, addressed to the chairperson of such meeting, a suitable alternate to attend on behalf of the director, and such alternate is deemed to be a director for such meeting.

(14) The Board may co-opt other persons to attend and participate in the Board's deliberations, but such persons shall not have the power to vote on any matter.

(15) The Board may appoint a member of its staff to act as secretary to the Board but such staff member shall not:

- (a) be a member of the Board; or
- (b) have a right to vote; or
- (c) have the right to speak at or otherwise participate in a Board meeting without leave of the Board.

9. Powers of the Board – The powers of the Board include but are not limited to:

- (a) recruitment and appointment of a Chief Executive Officer and staff of the Organisation; and
- (b) raising finance for the purposes of the Organisation; and
- (c) proposed fees to be prescribed by regulations on the services carried out by the Organisation; and
- (d) determining partnerships to be entered into by the Organisation; and
- (e) determining intellectual property rights of the Organisation; and
- (f) determining and approving research programmes to be conducted by or under the authority of the Organisation; and
- (g) obtaining and owning assets for the development of the Organisation; and
- (h) initiating amendments to this Act from time to time where appropriate; and
- (i) promoting the economy of Samoa through the national research and development projects carried out by the Organisation.

9A. Advisory committees – (1) The Board may establish advisory committees, consisting of such persons as the Board appoints, to give advice to the Board on particular matters or classes of matters relating to the functions of the Organisation.

(2) The Board shall appoint 1 of the members of each advisory committee to be the Chairperson of that committee.

(3) The Board may determine the following:

- (a) the manner in which an advisory committee is to perform its functions;
- (b) the procedure to be followed in relation to meetings of an advisory committee, including matters relating to —
 - (i) the convening of meetings of the advisory committee;
 - (ii) the number of members of the advisory committee who are to constitute a quorum;
 - (iii) the selection of a member of the advisory committee to preside at meetings of the advisory committee at which the Chairperson of the advisory committee is not present; and
 - (iv) the manner in which questions arising at a meeting of the advisory committee are to be decided.

(4) If the Board decides that the members of an advisory committee should be remunerated, those members shall be paid by the Organisation such remuneration as is approved by the Board in line with approved Government policies.

10. Chief Executive Officer of the Organisation – (1) There shall be a Chief Executive Officer of the Organisation who shall be appointed by the Board under section 9 and, subject to this Act, hold office on a full-time basis for a term of 3 years, and may be reappointed under section 9(a).

(2) The Chief Executive Officer shall be responsible to the Minister and the Board:

- (a) for the efficient, effective and economical administration of the Organisation in accordance with its related legislation; and
- (b) for the efficient and competent leadership and management of all employees of the Organisation in accordance with requirements determined by

the Board, related legislation and policies determined by the Board.

(3) The Chief Executive Officer has such leave entitlements as determined by the Board.

(4) The Minister may grant the Chief Executive Officer leave of absence, other than local leave, on such terms and conditions as he or she sees fit.

(5) The Chief Executive Officer may resign the office of the Chief Executive Officer in writing signed by the Chief Executive Officer and delivered to the Chairperson of the Board.

(6) The Chief Executive Officer shall give written notice to the Board of all direct or indirect pecuniary interests that the Chief Executive Officer has or may have in any business or in any body corporate carrying on a business.

(7) The Board may terminate the appointment of the Chief Executive Officer on medical grounds, or if the Chief Executive Officer:

- (a) becomes bankrupt; or
- (b) fails, without reasonable excuse, to comply with section 10(6); or
- (c) repeated absence from Board meetings without a valid explanation; or
- (d) engages in paid employment outside the duties of the office of the Chief Executive Officer without the Board's approval.

(8) If the Chief Executive Officer is suspended for any reason set out in subsection (7), he or she is entitled to receive a salary for one (1) month only from the effective date of suspension.

(9) If the Chief Executive Officer is acquitted of the charge he or she is suspended with and cleared of all allegations or any investigation relating to the subject of his or her suspension, the Chief Executive Officer must be reinstated without loss of any benefit or status and be paid the salary he or she lost as a result of any suspension from duty.

(10) The Chief Executive Officer is not entitled to his or her salary if, as a result of the investigation relating to the subject of his or her suspension, he or she is not reinstated.

10A. Acting Chief Executive Officer of the Organisation – (1) The Board may, by letter of appointment,

appoint a person to act in the office of the Chief Executive Officer:

- (a) during a vacancy in that office, whether or not an appointment has previously been made to that office; or
 - (b) during any period, or during all periods, when the Chief Executive Officer is absent from duty or from Samoa or is, for any other reason, unable to perform the functions of that office.
- (2) The Acting Chief Executive Officer:
- (a) may be expressed to have effect only in such circumstances as are specified in the letter of appointment; and
 - (b) shall not continue so to act for more than 36 months.
- (3) The Acting Chief Executive Officer:
- (a) may exercise all powers, and shall perform all the functions of a Chief Executive Officer; and
 - (b) is entitled to a Higher Duty Allowance, which will be based on terms and conditions as specified by the Board in line with approved Government policies, if he or she has acted for 10 or more working days.
- (4) An Acting Chief Executive Officer may resign the appointment in writing, signed by the Acting Chief Executive Officer and delivered to the Chairperson.

10B. Delegation – (1) Subject to the Board’s approval, the Chief Executive Officer may, in writing, delegate to an eligible person, or to a committee or group of eligible persons, all or any of the Chief Executive Officer’s powers under this Act, other than this power of delegation.

- (2) A delegation may be:
- (a) made subject to conditions, qualifications and exceptions; and
 - (b) revoked or varied at will.
- (3) A delegate, under this section, in the exercise of a power so delegated, is subject to the directions of the Chief Executive Officer.
- (4) When the Chief Executive Officer delegates a power to a committee or group of persons, the Chief Executive Officer:

- (a) may appoint 1 of the members of the committee to be Chairperson of the committee; and
- (b) may determine the procedure to be followed in relation to meetings of the committee, including matters with respect to—
 - (i) the convening of meetings of the committee;
 - (ii) the number of members of the committee who are to constitute a quorum;
 - (iii) the selection of a member of the committee to preside at meetings of the committee at which the Chairperson of the committee is not present; and
 - (iv) the manner in which questions arising at a meeting of the committee are to be decided.

(5) A delegation under this section does not prevent the exercise of the powers of the Chief Executive Officer by the Chief Executive Officer.

11. Functions of the Chief Executive Officer – The Chief Executive Officer has the following functions:

- (a) manage the Organisation subject to resolutions by the Board;
- (b) develop work plans to identify research priorities for the Organisation;
- (c) formulate the annual budget of the Organisation;
- (d) supervise staff and programmes of the Organisation;
- (e) facilitate involvement of private and business sectors in the Organisation’s programmes;
- (f) explore investment opportunities in activities undertaken by the Organisation;
- (g) encourage and facilitate publication of the Organisation’s findings;
- (h) promote public awareness, support and participation in research and development.

12. Staff and other personnel – (1) Subject to the Board’s approval the Chief Executive Officer may appoint such persons to be officers of the Organisation as the Chief Executive Officer determines are necessary for the purpose of this Act.

(1A) The power to appoint under subsection (1) includes the power to discipline, suspend or terminate an officer or staff of the Organisation.

(1B) The suspended officer or member of staff of the Organisation is entitled to receive a salary for one (1) month only, from the effective date of suspension.

(1C) If an officer or member of the staff of the Organisation is acquitted of the charge for which he or she is suspended and cleared of all allegations or any investigation relating to the subject of his or her suspension, he or she must be reinstated without loss of any benefit or status and be paid the salary he or she lost as a result of any suspension from duty.

(1D) A person is not entitled to his or her salary if, as a result of the investigation relating to the subject of his or her suspension, he or she is not reinstated.

(2) Staff employed by the Organisation other than staff regarded as members of the Organisation under subsection (4) shall not be regarded as officers or employees of the Public Service.

(3) With the consent of the Public Service Commission and the Chief Executive Officer of the relevant Government Ministry or agency, the Organisation may arrange for the use of the services of any staff (by secondment or otherwise) or facilities of any Government Ministry or agency.

(4) For the purposes of this Act, any staff subject to subsection (3) is regarded as a member of the staff of the Organisation.

(5) The Organisation may engage consultants or other persons to undertake any task or work for or on behalf of the Organisation on such terms and conditions as the Board determines.

13. Taxation – (1) In this section, “capital equipment” means the raw material or other material or equipment imported for the purposes of the Organisation and to allow the Organisation to meet its objectives and perform its functions under this Act.

(2) For the purposes of the Customs Act 2014 and the Value Added Goods and Services Tax Act 2015, all capital equipment of the Organisation are exempted from import duty and goods and services tax.

(3) A person who invests in a research programme under this Act is entitled to prescribed tax credits under this Act.

PART 3 INTELLECTUAL PROPERTY RIGHTS

14. Intellectual property rights held by the Organisation

– (1) A discovery, invention or improvement of or in any process, apparatus or machine made by an officer of the Organisation or eligible person in the course of their official duties is the property of the Organisation.

(2) Under subsection (1), the Organisation holds the intellectual property rights to all research and innovations conducted by or that resulted from any operation of research and innovations conducted under the authority of the Organisation.

(3) Under subsection (1), the Organisation holds the intellectual property rights to all research and innovations conducted by or that resulted from any operation of research and innovations conducted under the authority of the Organisation.

(4) An officer of the Organisation or eligible person shall not, except with the consent in writing of the Chief Executive Officer, make application for a patent for an invention that is made by the officer or eligible person in the course of their official duties or that relates to any matter or work connected with their official duties.

(5) The Organisation may grant a licence or other right, in writing, to a part or the whole of the intellectual property rights held by the Organisation to any person on such terms as the Organisation, in its absolute discretion, may determine.

15. Breach of intellectual property rights – (1) A person who knowingly infringes the intellectual property rights of the Organisation commits an offence.

(2) A person who knowingly aids or abets or counsels or procures another person to commit an offence under subsection (1) commits an offence.

(3) A person convicted of an offence under subsection (1) or (2) is liable to a fine of up to 1000 penalty units or imprisonment for 1 year, or both.

16. Seizure of material produced in breach of the Organisation's intellectual property rights – (1) Despite the

provisions of any law, a police officer, acting on a written request from the Organisation, may seize any item or object or other material where such item or object or other material is believed on reasonable grounds to have been created or brought into existence as part of or as a consequence of a person committing an offence under section 15.

(2) Any item, object or material seized under this section is to be held in safe keeping by the Commissioner of Police Service and is to be disposed of under subsection (4).

(3) Any item, object or material seized under this section may be used in connection with the prosecution for an offence under section 15.

(4) Any item, object or material seized under this section is to be made available by the Commissioner of Police Service for collection by the person from whom the item or object or material was seized, and in the event that no person claims an item, object or material within 1 month after any court proceedings have been concluded or within 1 month after determination by the Attorney General that no charge shall be laid or prosecuted under section 15, whichever event applies, such item or object or material shall be forfeited to Samoa.

16A. Corporate Plans – (1) In this section, “planning period” means a period not exceeding 3 years and which the Board declares to be a planning period for the purposes of this section.

(2) The Chief Executive Officer shall:

- (a) before the commencement of each planning period, formulate a corporate plan, for the planning period concerned, setting out —
 - (i) the broad mandate of the Organisation in performing its functions during the planning period;
 - (ii) the broad outline of the objectives, strategies and performance measures to be pursued by the Organisation to achieve those objectives; and
- (b) from time to time, review and revise the corporate plan.

(3) A corporate plan, or a revision of a corporate plan, shall be approved by the Board as soon as practicable after it is formulated and before it comes into effect.

16B. Annual Operational Plans – (1) The Chief Executive Officer shall:

- (a) before the commencement of each financial year that is included in the corporate plan, formulate an annual operational plan, for the financial year concerned, setting out the details of —
 - (i) the strategies the Organisation proposed to pursue;
 - (ii) the activities the Organisation proposes to carry out; and
 - (iii) the resources the Organisation proposed to allocate to each such activity; and
 - (b) from time to time, review and revise the annual operational plan.
- (2) An annual operational plan, or a revision of an annual operational plan:
- (a) shall be submitted to the Board by the Chief Executive Officer as soon as practicable after it is formulated; and
 - (b) has no effect until approved by the Board.

PART 4 FINANCIAL ACCOUNTS

17. Accounts and Annual Reports – (1) The Organisation shall cause to be kept proper accounts and records of the transactions and affairs of the Organisation and shall do all things necessary to ensure that:

- (a) all funds received are brought to account; and
- (b) all payments are properly authorised and correctly made and accounted for; and
- (c) there are adequate controls over the Organisation's —
 - (i) assets; and
 - (ii) property under the Organisation's control; and
 - (iii) expenditure; and

(iv) liabilities.

(2) The Organisation is subject to the Public Finance Management Act 2001 and for this purpose, despite the provisions of that Act, the funds received by the Organisation are taken to be public money and the assets and property of the Organisation are taken to be public property.

(3) The Organisation shall cause to be prepared and submitted to the Minister, within 6 months of the end of the financial year of the Organisation, an annual report containing the following:

- (a) financial statements for the financial year;
- (b) performance indicators and such information as may be directed by the Minister for Public Enterprises;
- (c) a report on the operations of the Organisation during the preceding financial year;
- (d) such other information as Cabinet may require.

(4) The financial statements referred to in subsection (3) shall be prepared on an accrual accounting basis and shall consist of the following:

- (a) a statement of financial transactions of the Organisation for the financial year;
- (b) a statement of the financial position of the Organisation at the end of the financial year;
- (c) proper and adequate notes to the financial statements.

(5) The financial statements referred to in subsection (3) shall:

- (a) present fairly the financial transactions of the Organisation during the financial year to which they relate; and
- (b) present fairly the financial position of the Organisation at the end of the financial year.

(6) The Organisation shall, within 4 months after the end of each financial year, cause to be submitted to the Controller and Auditor General for audit the financial statements and other information referred to in subsection (3).

(7) The financial year of the Organisation shall be from 1 July to 30 June.

(8) The Minister shall table the annual report of the Organisation together with the Controller and Auditor General's report on the Organisation's financial statements before

Parliament within 14 sitting days of receiving the Controller and Auditor General's audit report.

17A. Moneys payable to Organisation – (1) There are payable to the Organisation such moneys as are appropriated by the Parliament for the purposes of this Act.

(2) The Minister of Finance may give directions as to the amounts in which, and the times at which, moneys referred to in subsection (1) are to be paid to the Organisation.

PART 5 MISCELLANEOUS

18. Protection from liability – (1) Despite any other law, the Organisation, the Board, the directors and employees of the Organisation are not be civilly liable for any act or omission made or done in good faith.

(2) If, but for subsection (1), the Organisation, the Board, the directors or the employees of the Organisation would be civilly liable for any act or omission, Samoa is to be civilly liable for any such act or omission as if the Organisation was the Government, and the Government Proceedings Act 1974 shall apply with such modifications, adaptations and alterations to that Act as necessary to enable that Act to apply.

(3) Save for subsection (2), and section 12(2) and (3), for all purposes the Organisation, the Board, the directors and the employees of the Organisation are not regarded as the employees or agents of Samoa, the Government, the Minister, or the Chief Executive Officer.

18A. Reference to other Acts – This Act is to be administered under the requirements of the Public Finance Management Act 2001 and the Public Bodies (Performance and Accountability) Act 2001.

19. Delegation – (1) The Organisation and the Board may, in writing, delegate to any person any function or power of the Organisation or Board, as the case may require, other than this power of delegation.

(2) A delegation under subsection (1) may be:

- (a) made subject to conditions, qualifications and exceptions; and
 - (b) revoked or varied at will.
- (3) The Organisation and the Board, as the case may require, may exercise a function or power even if they had delegated its exercise to some other person.

20. Regulations – (1) The Head of State, acting on the advice of Cabinet, may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, without limiting the generality of the foregoing, may make regulations concerning the following matters:

- (a) for prescribing fees or a basis for calculating fees on services carried out by the Organisation;
 - (b) for prescribing tax credits and tax benefits which an investor under this Act may be entitled to.
- (2) The amount of a fee prescribed in subsection (1)(a):
- (a) shall be proposed by the Organisation with the concurrence of the Board; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.

REVISION NOTES 2008 – 2020/3 March 2021

This is the official version of this Act as at 3 March 2021.

This Act has been revised by the Legislative Drafting Division in 2008 – 2020/3 March 2021 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- (a) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (b) Amendments have been made to up-date references to offices, officers and statutes.
- (c) Insertion of the commencement date
- (d) Other minor editing has been done in accordance with the lawful powers of the Attorney General.
 - (i) “Every” and “any” changed to “a”

- (ii) “shall be” changed to “is” and “shall be deemed” changed to “is taken”
- (iii) “shall have” changed to “has”
- (iv) “shall be guilty” changed to “commits”
- (v) “notwithstanding” changed to “despite”
- (vi) “pursuant to” changed to “under”
- (vii) “it shall be lawful” changed to “may”
- (viii) “it shall be the duty” changed to “shall”
- (ix) Numbers in words changed to figures
- (x) “hereby” and “from time to time” (or “at any time” or “at all times”) removed
- (xi) “under the hand of” changed to “signed by”
- (xii) Numbering for Parts changed from Roman to decimal numbers;
- (xiii) changing the commencement date and the year of the Act to reflect the year and the commencement date when this Act was first passed and formerly known as the “*Research and Developmen Institute of Samoa Act 2006*” and before it is changed to the “*Scientific Research Organisation of Samoa Act 2006*” since the enactment and the commencement of the “*Scientific Research Organisation of Samoa Act 2008*, No. 33 (commenced on 20 November 2008)”.

The following amendments were made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*:

By the *Scientific Research Organisation of Samoa Act 2008*, No. 33 (commenced on 20 November 2008):

Long title Act – for “Research and Developmen Institute of Samoa” in long title, substitute with “Scientific Research Organisation of Samoa and for related purposes”;

Short title – for “Research and Developmen Institute of Samoa” substitute with “Scientific Research Organisation of Samoa”;

Section 2 inserting new definitions and deleted the word “Institute” with its definition;

Section 3 subsections (1) and (2) amended;

Section 4 paragraph (e) amended;

Section 5 in subsection (2), paragraphs (a) to (e) substituted; new subsection (3) inserted;

Section 6 renumber the current section as subsection (1) with revisions/amendments made to paragraphs (a), (b) and (c)

Inserts new subsection (2);

Section 8 subsection (1) revised;
Subsection (2) revised;
Subsection (7) revised;
Substituted subsection (9);

New section 9A inserted;

Section 10 subsection (1) revised
Inserted new subsections (3) to (7);

New sections 10A and 10B inserted

Section 12(1) substituted;

Section 14 substituted the section in its entirety;

New sections 16A, 16B, 17A, 18A inserted;

Whole Act references to “Institute” substituted with “Organisation”
Diving it in Parts 1 – 5.

(N.B. At the commencement of the Research Organisation of Samoa Act 2008, No. 33 on 20 November 2008, the “Research and Development Institute of Samoa Act 2006” (formerly known as the principal Act) has been changed to be called/known as the “Scientific Research Organisation of Samoa Act 2008”).

By the *Composition of Boards of Public Bodies Act 2012, No. 15:*

Section 2 - definition of “ex-officio” repealed.

Section 8. - subsection (2) substituted, and subsections (2A) to (2D) inserted; insertions made to subsections (3) to (5); and subsection (9) repealed.

By the *Audit Act 2013, No. 22:*

Section 17(6), (8)- references to “Auditor General” inserted.

By the *Scientific Research Organisation of Samoa Amendment Act 2015*

Section 4 inserted new paragraph’s “f” and “g”

Section 5 inserted new sub-paragraph “v” in subsection (1)(a); inserted new paragraph “h” in subsection (1); inserted new subsection (4).

22 *Scientific Research Organisation of Samoa Act 2006*

By the *Public Bodies (Performance and Accountability) Amendment Act 2015*, commenced on 25 April 2014 and as such has retrospective effect:

section 2 definition of Minister delete “the Minister responsible for administration of this Act” and substitute “the Minister for Public Enterprises”.

section 17(3)(b) delete “of Finance” and substitute “for Public Enterprises”.

By the *National Prosecution Office Act 2015, which commences on 1 January 2016*:

Section 16 For subsection (4), omit “Attorney General” and substitute “Director of Public Prosecutions”.

By the *Constitution Amendment Act (No. 1) 2017, No 8*:

Section 16 For subsection (4), omit “Director of Public Prosecutions” and substitute “Attorney General”.

By the *Fees and Charges (Miscellaneous Amendments) Act 2017, No. 13*:

Amendments made to this Act reflect that fees charged under the Act are to be prescribed by Regulations. Amendments are made to sections 9 and 20.

By the *Miscellaneous (Board of Public Bodies) Amendment Act 2020, No 6*, (commenced on 28 January 2020):

Section 8 subsection (2) substituted and subsection (2A) repealed.

By the *Miscellaneous (Salary Conditions Upon Suspension) Amendment Act 2021, No 6*, (commenced on 3 March 2021):

Section 12 insertion of new subsections (1A) – (1D).

*This Act is administered by
the Scientific Research Organisation of Samoa.*