

SAMOA

Faatulagaina o Aiaiga

- | | |
|--|---|
| 1. Igoa puupuu ma le amataga | 13. Lafoga |
| 2. Faamatalaina o uiga o upu | 14. Aia tatau o Meatotino tau le
Atamai o lo o umia e le
Inisetiute |
| 3. Faavaeina o le Inisetiute | 15. Solia o Aia tatau o Meatotino
tau le Atamai |
| 4. Sini o le Inisetiute | 16. Faoa faamalosi o meafaitino
ua galueaina ua solia ai Aia
tatau o Meatotino tau le
Atamai a le Inisetiute |
| 5. Galuega tauave a le Inisetiute | 17. Faamatalaga tau tupe ma
Lipoti Faaletausaga |
| 6. Tulaga lautele o gaoioiga a le
Inisetiute | 18. Puipuiga mai noataga |
| 7. Malosiaga o le Inisetiute | 19. Tuuina atu o malosiaga |
| 8. Komiti Faatino o Faatonu | 20. Tulafono faatonutonu |
| 9. Malosiaga o le Komiti
Faatino | |
| 10. Ofisa Sili o Pulega o le
Inisetiute | |
| 11. O galuega tauave a le Ofisa
Sili o Pulega | |
| 12. Aufaigaluega ma isi tagata
faigaluega | |

2006, Nu. 6

**O SE TULAFONO e aiaia ai mo le Inisetiute o Suesuega ma
Atinae Faasaienisi a Samoa.** [3 Mati 2006]

UA FAIA e le Fono Aoaofaitulafono a Samoa i totonu o le
Palemene ua potopoto e faapea:-

1. Igoa puupuu ma le amataga-(1) E mafai ona taua leni Tulafono o le Tulafono o le Inisetiute o Suesuega ma Atinae Faasaienisi a Samoa 2006.

(2) O leni Tulafono e tatau ona amata faamamaluina i le aso e tuuina i ai le maliega a Le Ao o le Malo.

(3) O le faasilasilaga o le amata faamamaluina o leni Tulafono e tatau ona lomia faasalalau i le gagana Samoa ma le gagana Peretania i le Savali ma se isi nusipepa o lo o faasalalauina i totonu o Samoa.

2. Faamatalaina o uiga o upu - I totonu o leni Tulafono, ae vagana ai ua manaomia e le mataupu se isi uiga e ese ai:

õKomiti Faatinoõ o lona uiga o le Komiti Faatino o Faatonu ua faavaeina i lalo o le fuaiupu 8;

õOfisa Sili o Pulegaõ o lona uiga o le Ofisa Sili o Pulega o le Inisetiute ua tofia i lalo o le fuaiupu 10;

õInisetiuteõ o lona uiga o le Inisetiute o Suesuega Tekonolosi ma Atinae Faasaienisi ua faavaeina i lalo o le fuaiupu 3;

õAia tatau o Meatotino tau le Atamaiõ o lona uiga o le faatulagaga atoatoa o aia tatau e le vaaia tau meatotino, e aofia ai ae le faatapulaaina i pateni, faailoga tau feaatauaiga, aia tatau tau faataatiaga ma pule tau fatuga i igoa, ulutala ma meataitasi;

õtagata e i ai tupe teu faafaigaluegaõ o lona uiga o se tagata o ia lea ua teuina tupe faafaigaluega i le faatupeina po o le lagolagoina o se polokalame tau suesuega, se atinae tau suesuega, atinae faasaienisi, suiga fou mo le faaleleia o se mea po o so o se isi lava atinae mo faamoemoega o leni Tulafono;

õMinisitaõ o lona uiga o le Minisita e nafa mo le pulega o leni Tulafono;

õpolokalame o suesuegaõ o lona uiga o se polokalame o suesuega tekonolosi ua fuafuaina ma faamaonia e le Komiti Faatino i lalo o le fuaiupu 9 ina ia faafoe e po o i lalo o le pule faataga a le Inisetiute.

3. Faavaeina o le Inisetiute-(1) Ua faavaeina nei le Inisetiute o Suesuega ma Atinae Faasaienisi a Samoa.

(2) O lenei Inisetiute o se Inisetiute ua tuufaatasia faaletulafono faatasi ma soloaiga le motusia, se faamau faailoga ma e mafai ona ia:

- (a) mauaina, umia ma faamatuu atu meatotino moni ma meatotino tau le tagata lava ia;
 - (b) faia se moliaga ma e molia foi; ma
 - (c) faia ma tuuina atu gaoioiga uma ma mea ia e mafai ona faia ma tuuina atu faaletulafono e faalapotopotoga ua tuufaatasia faaletulafono.
- (3) Faatoa mafai ona faapipiina le faamau faailoga:
- (a) i le i ai faatasi ma le pule faataga a le Komiti Faatino; ma
 - (b) se saina molimau a se faatonu po o se isi tagata pe afai o le faatonu po o le isi lea tagata ua faatagaina faapea i se faiga tusitusia e le Komiti Faatino.

4. Sini o le Inisetiute - O sini o le Inisetiute o le:

- (a) uunaia o le tamaoaiga o tagata o le atunuu o Samoa e faavae i luga o suesuega ma atinae;
- (b) faia o suesuega faasaienisi ma faatekinisi faatasi ma le faamoemoe muamua o le faaopoopoina o itu aoga i punaoa i totonu o le atunuu po o i auaunaga;
- (c) atiae faataitaiga taiala o taunuuga faaiu o galuega ma faagasologa e faavae i luga o suesuega faasaienisi ma faatekinisi mo maketi i totonu o le atunuu po o atunuu i fafo;
- (d) faavae faiga faapaaga ma le vaega tumaoti faapea aia faapisinisi ina ia lagolago i galuega a le Inisetiute; ma
- (e) lagolago le aoaoina o le faasaienisi ma tekonoosi.

5. Galuega tauave a le Inisetiute-(1) O galuega tauave a le Inisetiute e tatau ona aofia ai:

- (a) le siitia o le tulaga o suesuega faasaienisi ma faatekinisi ma ia tufatufa atu ma tausia pea ia vaega;
 - (b) le amataina, fuafua ma faatino suesuega faasaienisi ma faatekinisi;
 - (c) le aoina ma le tufatufaina atu o faamatalaga faasaienisi ma faatekinisi e aofia ai le lomua faasalalau o lipoti faasaienisi ma tusi o faamatalaga mo le Inisetiute;
 - (d) le fautuaina o le malo i suesuega tekonoosi ma atinae faasaienisi ia o le a manuia ai le Inisetiute; ma
 - (e) le faia o suesuega tekonoosi ma tuuina atu auunaga faafautua i le malo e faatatau i mataupu faasaienisi ma faatekinisi.
- (2) I le faatinoina o ana galuega tauave e tatau i le Inisetiute ona amanaia faiga faavae talafeagai a le Malo e pei ona faailoa atu i le Inisetiute e le Minisita po o le Ofisa Sili o Pulega.

6. Tulaga lautele o gaoioiga a le Inisetiute - O gaoioiga a le Inisetiute e faatatau tonu i:

- (a) suesuega e faaog i mataupu faasaienisi;
- (b) suiga fou mo le faaleleia o se mea;
- (c) atinae o oloa e faavae i taunuuga o suesuega;
- (d) atinae o le aloaia ma tau taualoa i luga o ni suiga fou ua faatupulaia i le va ma isi Inisetiute aloaia po o faalapotopotoga;
- (e) lomiga faasalalau;
- (f) aoaoga faasemina;
- (g) le ofi atu i faiga faapaaga po o so o se fetuunaiga soofaatasi i so o se suesuega ma suiga fou mo le faaleleia o se mea e faafoeina e po o i lalo o le pule faataga a le Inisetiute mo faamoemoega o atinae faapisinisi; ma
- (h) so o se isi lava gaoioiga o lo o tauaveina mo faamoemoega o le faalauteleina o suesuega ma atinae.

7. Malosiaga o le Inisetiute ó E tatau i le Inisetiute ona i ai le malosiaga mo le tauaveina o ana sini ma galuega tauave faapea ma gaoioiga uma e pei ona manatu le Inisetiute e manaomia, e fesoasoani po o e faigofie mo po o e fesootai ma le tauaveina o faamoemoega ma galuega tauave a le Inisetiute po o ua talafeagai i lo latou faataunuina lelei ma e mafai ona tauaveina ai so o se gaoioiga i lona avea ai ma sui i se tulaga na o ia po o e ala i le po o i le galulue ai ma so o se isi tagata po o se faalapopotoga.

8. Komiti Faatino o Faatonu-(1) E tatau ona i ai se Komiti Faatino o Faatonu mo le Inisetiute lea e tatau, i le noatia ma le fai fuafua i lenei Tulafono, ona nafa ma faiga faavae, faafoega ma le pulega o le Inisetiute.

(2) I le noatia ma le fai fuafua i le faafuaiupu (13), o le Komiti Faatino e tatau ona aofia ai:

- (a) le Taitaifono, o ia lea o le Minisita;
- (b) le Ofisa Sili o Pulega; ma
- (c) isi faatonu e toafitu o i latou ia e tatau ona tofia e le Kapeneta, i luga o le fautuaga a le Minisita.

(3) I le tofiaina o faatonu i lalo o le parakalafa (2)(c) e tatau i le Minisita ma le Kapeneta ona amanaia:

- (a) le manaomia e le Inisetiute ina ia i ai ni faatonu e i ai agavaa, poto masani ma tomai faapitoa i vaega eseese o mataupu faasaienisi, malosiaga e mafai ona toe faafou, faamatalaga tekonoosi, inisia, tupe, pisinisi, pulega, amio taualoa ma isi lava agavaa, poto masani ma tomai faapitoa e talafeagai i faamoemoega ma galuega tauave a le Inisetiute; ma
- (b) le moomia o le tulaga tutusa o kenera ma le avea ai ma sui o i latou e faaog ina auunaga ma o latou aiga.

(4) I le noatia ma le fai fuafua i lenei fuaiupu, o faatonu ua tofia i lalo o le parakalafa (2)(c) e tatau ona umia tofiga mo se vaitaimi e 3 tausaga ma e mafai ona toe tofia.

(5) So o se faatonu ua tofia i lalo o le parakalafa (2)(c) e mafai ona aveesea mai le tofiga e le Kapeneta, faia i luga o le fautuaga a le Minisita mo le l toe mafai ona galue, le atoatoa le faatinoga o tiute, gaumativa, faatamala i le faatinoga o ona tiute tauave, amio le pulea po o ua toesea tumau mai Samoa, po o e mafai ona faamavae i se faiga tusitusia i le Minisita.

(6) E tatau ona avanoa le tofiga o se faatonu pe afai ua maliu po o ua faamavae le faatonu po o ua aveesea mai le tofi po o ua maea le taimi o le tofiga i lalo o le faafuaiupu (4), ma e tatau ona faatumu le avanoa i le faiga lea sa faia ai le uluai tofiga.

(7) O fonotaga a le Komiti Faatino e tatau ona valaauina e le Taitaifono po o, i le toesea po o i le l avanoa ai o le Taitaifono, i luga o se talosaga tusitusia mai faatonu a itiiti mai o le toafa.

(8) I le toesea po o i le l avanoa ai o le Taitaifono, e tatau i faatonu ona tofia se faatonu e taitai se fonotaga a le Komiti Faatino.

(9) O le numera o sui auai e mafai ai ona usuia so o se fonotaga a le Komiti Faatino e tatau ona toalima faatonu.

(10) O fesili taitasi uma ua i luma o so o se fonotaga a le Komiti Faatino e tatau ona faia i ai se faaiuga a se vaega fulisia o faatonu o lo o auai i le fonotaga ae o le taitaifono o lena fonotaga e tatau ona i ai lana palota e faia ai le filifiliga ma, i le tulaga o le tutusa o palota, e tatau foi ona faia lana palota e saili ai se faaiuga.

(11) Ae vagana ai ua aiaia i se faiga e ese mai ai i lenei Tulafono, e mafai e le Komiti Faatino ona faatonutonu faaletulafono ana tualumaga e pei ona manatu le Komiti Faatino ua talafeagai ai.

(12) E tatau ona totogiina i faatonu ia totogifuapauina ma alauni e pei ona faamaonia e le Kapeneta.

(13) Afai ua le mafai ona auai atu se faatonu i se fonotaga a le Komiti Faatino ona o se gasegase le tumau po o ona o ni tulaga sa le mafaufauina, e mafai e le faatonu ona filifilia i se faiga tusitusia, e faatuatusi i le taitaifono o sea fonotaga, se tagata talafeagai e sui tulaga ina ia auai atu e aveia ma sui o le faatonu, ma e tatau ona faatatauina e faapea ua aveia sea tagata e sui tulaga o se faatonu mo sea fonotaga.

(14) E mafai e le Komiti Faatino ona tofia e avea ma sui isi tagata mai lea taimi i lea taimi ina ia auai atu ma auai i faatalanoaga a le Komiti Faatino, o ia tagata e le tatau ona i ai malosiaga e palota ai i so o se mataupu.

(15) E mafai e le Komiti Faatino ona tofia se sui o lana afaigaluega ina ia galue o se failautusi i le Komiti Faatino ae o sea tagata faigaluega e le tatau ona:

- (a) avea o se sui o le Komiti Faatino; po o
- (b) i ai se aia tatau e palota ai; po o
- (c) i ai le aia tatau e tautala ai i se po o le auai i se isi itu e ese ai i se fonotaga a le Komiti Faatino e aunoa ma le faatagana a le Komiti Faatino.

9. Malosiaga o le Komiti Faatino - O malosiaga o le Komiti Faatino e aofia ai ae le faatapulaaina i le:

- (a) faafaigaluegaina ma le tofia o se Ofisa Sili o Pulega ma tagata faigaluega o le Inisetiute;
- (b) sailia o tupe mo faamoemoega o le Inisetiute;
- (c) fuafuaina o totogifuapauina e faaee atu mo auaunaga e tauaveina e le Inisetiute;
- (d) fuafuaina o faiga faapaaga e ofi atu i ai le Inisetiute
- (e) fuafuaina o aia tatau o meatotino tau le atamai a le Inisetiute;
- (f) fuafuaina ma le faamaonia o polokalame tau suesuega o le a faafoeina e po o i lalo o le pule faataga a le Inisetiute
- (g) mauaina ma le umia o meatotino mo le atiaeina o le Inisetiute;
- (h) amatalia teuteuga i lenei Tulafono mai lea taimi i lea taimi pe afai e talafeagai ai; ma
- (i) uunaia le tamaoaiga o Samoa e ala i suesuega i totonu o le atunuu ma galuega tau atinae o lo o tauaveina e le Inisetiute.

10. Ofisa Sili o Pulega o le Inisetiute -(1) E tatau ona i ai se Ofisa Sili o Pulega o le Inisetiute o ia lea e tatau ona tofia e le Komiti Faatino i lalo o le fuaiupu 9.

(2) O le Ofisa Sili o Pulega e tatau ona tali atu i le Minisita ma le Komiti Faatino:

- (a) mo le pulega atoatoa, lelei le taunuuga ma mafai ona talafeagai tau ma tupe a le Inisetiute e tusa ai ma ana tulafono e faasino i ai;
- (b) mo le taitaiina ma le pulea i se tulaga sologa lelei ma agavaa ma le pulea o tagata faigaluega uma o le Inisetiute ina ia tusa ai ma manaoga e fuafuaina e le Komiti Faatino, o tulafono e talafeagai i ai ma faiga faavae e fuafuaina e le Komiti Faatino.

11. O galuega tauave a le Ofisa Sili o Pulega - E tatau i le Ofisa Sili o Pulega ona i ai galuega tauave nei:

- (a) pulea o le Inisetiute i le noatia ma le fai fuafua i iugafono a le Komiti Faatino;
- (b) atiae fuafuaga o galuega ina ia faamanino ai suesuega e ave i ai le faamuamua mo le Inisetiute;
- (c) faatulaga tala faatatau o tupe faaletausaga a le Inisetiute
- (d) vaavaaia le aufaigaluega ma polokalame a le Inisetiute;
- (e) faafaigofie le auai o le vaega tumaoti ma le aufaipisinisi i polokalame a le Inisetiute;
- (f) sailia avanoa mo teugatupe faafaigaluega i totonu o galuega faatino e tauaveina e le Inisetiute;
- (g) uunaia ma faafaigofie le lomua faasalalau o taunuuuga o suesuega a le Inisetiute; ma
- (h) uunaia le malamalama o tagata lautele, le latou lagolago ma le auai i suesuega ma atinae.

12. Aufaigaluega ma isi tagata faigaluega-(1) I le maea ai ona faia o feutagaiga ma le Ofisa Sili o Pulega o le Komisi o le Aufaigaluega o Galuega a le Malo, e mafai e le Komiti

Faatino ona faafaigaluega se aufaigaluega i luga o aiaiga ma tuutuuga e pei ona fuafuaina e le Komiti Faatino.

(2) O le aufaigaluega ua faafaigaluegaina e le Inisetiute e ese mai nai le aufaigaluega ua faavasegaina o sui auai o le Inisetiute i lalo o le faafuaiupu (4), e le tatau ona faavasegaina o ni tagata ofisa po o ni tagata faigaluega o Galuega a le Malo.

(3) I le maua ai o le maliega a le Komisi o le Aufaigaluega o Galuega a le Malo ma le Ofisa Sili o Pulega o le Matagaluega talafeagai a le Malo po o Sooupu, e mafai e le Inisetiute ona faafesootai mo le faaaog ina o auunaga a so o se aufaigaluega (e ala i le tofia atu po o i se isi auala e ese ai) po o nofoaga ma fale o so o se Matagaluega a le Malo po o Sooupu.

(4) Mo faamoemoega o lenei Tulafono, o so o se aufaigaluega e noatia i le faafuaiupu (3) e tatau ona faapea ua avea o se sui auai o le aufaigaluega a le Inisetiute.

(5) E mafai e le Inisetiute ona faafaigaluega ni faufautua faapitoa po o isi tagata ina ia tauaveina so o se galuega faapitoa po o galuega mo po o e avea ai ma sui o le Inisetiute i luga o so o se aiaiga ma tuutuuga ua fuafuaina e le Komiti Faatino.

13. Lafoga-(1) I totonu o lenei fuaiupu,

õmeafaigaluega faavaeõ o lona uiga o le oloa e le i gaosia po o isi oloa po o meafaigaluega ua faaulufale mai mo faamoemoega o le Inisetiute ma ina ia mafai ai e le Inisetiute ona ausia ana sini ma faatino ana galuega tauave i lalo o lenei Tulafono.

(2) Mo faamoemoega o le Tulafono o Tiute 1977 ma le Tulafono o Lafoga o Oloa ma Galuega Faatino e Faia i Luga o Aofaiga o Tau 1992/1993, o meafaigaluega faavae uma a le Inisetiute e tatau ona tuusaunoa mai tiute o oloa faaulufale mai ma lafoga o oloa ma galuega faatino.

(3) O se tagata o ia lea ua teu faafaigaluega ana tupe i se polokalame tau suesuega i lalo o lenei Tulafono e tatau ona agavaa i lafoga toe faafoi ua faatonuina i lalo o lenei Tulafono.

14. Aia tatau o Meatotino tau le Atamai o lo o umia e le Inisetiute-(1) E ui lava i aiaiga o so o se isi tulafono, e umia pea

e le Inisetiute aia tatau o meatotino tau le atamai i suesuega uma ma suiga fou mo le faaleleia o se mea o lo o faafoeina e po o i lalo o le pule faataga a le Inisetiute

(2) E mafai e le Inisetiute ona faamatuu atu se laisene po o isi aia tatau, i se faiga tusitusia, i se vaega po o i le tulaga atoatoa o aia tatau o meatotino tau le atamai o lo o umia e le Inisetiute i so o se tagata i luga o ni tuutuuga e pei ona manatu le Inisetiute i lana faitalia e le ma fesiligia, e mafai ona fuafua.

15. Solia o Aia tatau o Meatotino tau le Atamai-(1) So o se tagata o ia lea ua solia ma lona iloa lelei aia tatau o meatotino tau le atamai a le Inisetiute ua ia faia se solitulafono.

(2) So o se tagata o ia lea ua fesoasoani ma le iloa lelei po o ua auaufau po o ua fautuaina po o ua totogi se isi tagata ina ia faia se solitulafono i lalo o le faafuaiupu (1) ua ia faia se solitulafono.

(3) So o se tagata ua faamaonia faaetulafono se solitulafono i lalo o faafuaiupu (1) po o le (2) e tatau ona noatia i se sala tupe e oo atu i le 1000 iunite tau faasalaga po o le nofo sala i le falepuipui mo le tausaga e tasi po o faasalaga uma e lua o se sala tupe ma le nofo sala i le falepuipui.

16. Faoa faamalosi o meafaitino ua galueaina ua solia ai Aia tatau o Meatotino tau le Atamai a le Inisetiute-(1) E ui lava i aiaiga o so o se tulafono, e mafai e se leoleo, o lo o galue i luga o se talosaga tusia mai le Inisetiute, ona faoa faamalosi so o se meataitasi po o se mea po o isi meafaitino pe afai o sea meataitasi po o se mea po o isi meafaitino ua talitonuina i luga o mafuaaga tatau e faapea sa fausia po o ua mafai ona i ai ona o se vaega o po o ona o se taunuuga o se tagata ua faia se solitulafono i lalo o le fuaiupu 15.

(2) So o se meataitasi po o se mea po o se meafaitino ua faoa faamalosi i lalo o lenei fuaiupu e tatau ona teu malu e le Komesina o Galuega tau Leoleo ma e tatau ona lafoaia e tusa ai o le faafuaiupu (4).

(3) So o se meataitasi po o se mea po o meafaitino ua faoa faamalosi i lalo o lenei fuaiupu e mafai ona faaaog ina e tusa ai o le moliaga mo se solitulafono i lalo o le fuaiupu 15.

(4) So o se meataitasi po o se mea po o meafaitino ua faoa faamalosi i lalo o lenei fuaiupu e tatau ona faaavanoa e le Komesina o Galuega tau Leoleo mo le aoina e le tagata lea sa faoa faamalosi mai ai le meataitasi po o se mea po o meafaitino, ma i le tulaga e faapea e leai se tagata e tapa se meataitasi, se mea po o meafaitino i totonu o le masina e tasi talu ona faaiuina tualumaga a le faamasinoga po o i totonu o le masina e tasi talu ona uma le faaiuga a le Loia Sili e faapea e leai se moliaga e faia po o se moliaga i lalo o le fuaiupu 15, po o le fea lava o ia mea e talafeagai, e tatau ona faal aog ina lea meataitasi po o lea mea po o meafaitino ia Samoa.

17. Faamatalaga tau tupe ma Lipoti Faaletausaga-(1) E tatau i le Inisetiute ona teuina lelei faamatalaga tau tupe ma faamaumauga o feuaiga faapisinisi ma mataupu a le Inisetiute ma e tatau ona faia mea uma e tatau ai ina ia mautinoa e faapea:

- (a) o tupe uma e maua ua i totonu o faamaumauga;
- (b) o tupe totogi uma o lo o faatagaina lelei ma o lo o sao le faiga ma tuu i totonu o faamaumauga; ma
- (c) o lo o lelei faafoe e le Inisetiute ana:
 - (i) aseta;
 - (ii) meatotino o lo o i lalo o le faafoega a le Inisetiute;
 - (iii) tupe alu; ma
 - (iv) noataga.

(2) E tatau i le Inisetiute ona noatia ma fai fuafua i aiaiga o le Tulafono o le Pulega o Tupe a le Malo 2001 ma mo lenei faamoemoe, e ui lava i aiaiga o lea Tulafono, o tupe e maua e le Inisetiute e tatau ona avea e faapea o tupe a le Malo ma o aseta ma meatotino a le Inisetiute e tatau ona avea e faapea o meatotino a le Malo.

(3) E tatau i le Inisetiute ona saunia ma tuuina atu i le Minisita, i totonu o le ono (6) masina o le faaiuga o le tausaga faaletupe a le Inisetiute, se lipoti faaletausaga e aofia ai:

- (a) faamatalaga o tupe maua ma tupe alu mo le tausaga faaletupe;
 - (b) faailoilo o le faatinoga o galuega ma ni faamatalaga e mafai ona faatonuina e le Minisita o Tupe;
 - (c) se lipoti i le faafoega o le Inisetiute a o faagasolo le tausaga faaletupe talu ai; ma
 - (d) isi lava faamatalaga e mafai ona manaomia e le Kapeneta.
- (4) O faamatalaga o tupe ua taua i le faafuaiupu (3) e tatau ona saunia i se faiga faatausitusi e faavae i faamatalaga ua aliai mai ma e tatau ona aofia ai ó
- (a) se faamatalaga o feuaiga tau tupe a le Inisetiute mo le tausaga faaletupe;
 - (b) se faamatalaga o le tulaga tau tupe o le Inisetiute i le faaiuga o le tausaga faaletupe; ma
 - (c) faamatalaga talafeagai ma lava saunia i faamatalaga tau tupe.
- (5) O faamatalaga tau tupe ua taua i le faafuaiupu (3) e tatau ona:
- (a) tuuina mai i se tulaga sagatonu feuaiga tau tupe a le Inisetiute a o faagasolo le tausaga faaletupe lea e faasino i ai; ma
 - (b) ia tuuina mai i se tulaga sagatonu le tulaga tau tupe o le Inisetiute i le faaiuga o le tausaga faaletupe.
- (6) E tatau i le Inisetiute, i totonu o le fa masina ina ua tuanai le faaiuga o tausaga faaletupe taitasi, ia tuuina atu i le Pule ma Suetusi Sili mo le sueina faasuetusi o faamatalaga tau tupe ma isi faamatalaga ua taua i le faafuaiupu (3).
- (7) O le tausaga faaletupe a le Inisetiute e tatau ona amata mai i le aso 1 Iulai i le 30 o Iuni.
- (8) E tatau i le Minisita ona faataatia le lipoti faaletausaga a le Inisetiute faatasi ma le lipoti a le Pule ma Suetusi Sili e uiga i faamatalaga tau tupe a le Inisetiute i luma o le Palemene i totonu o le 14 aso fono talu ona mauaina le lipoti a le Pule ma Suetusi Sili.

18. Puipuiga mai noataga-(1) E ui lava i so o se isi tulafono, o le Inisetiute, le Komiti Faatino, o faatonu ma le

aufaigaluega a le Inisetiute e le tatau ona noatia tau i le va o tagata mo so o se gaoioiga po o se mea ua le faia po o ua faia i le agaga lelei.

(2) Afai, ae mo aiaiga o le faafuaiupu (1), o le a noatia tau le va o tagata le Inisetiute, le Komiti Faatino, o faatonu po o le aufaigaluega o le Inisetiute mo so o se gaoioiga po o se mea ua le faia. E tatau ona noatia tau le va o tagata Samoa mo so o se gaoioiga po o se mea ua le faia e faapei ai le Inisetiute o le Malo, ma o aiaiga uma o le Tulafono o Tualumaga faa-Faamasinoga tau le Malo 1974 e tatau ona faaaog faatasi ma ia fesuiaiga, fetuunaiga ma suiga i lena Tulafono e pei ona tatau ai ina ia mafai ona faaaog lena Tulafono.

(3) E ui lava i faafuaiupu (2) ma le 12(2) ma le (3) mo faamoemoega uma o le Inisetiute, le Komiti Faatino, o faatonu ma le aufaigaluega o le Inisetiute e le tatau ona taua e faapea o le aufaigaluega po o ni sooupu a Samoa, le Malo, le Minisita po o le Ofisa Sili o Pulega.

19. Tuuina atu o malosiaga-(1) E mafai e le Inisetiute ma le Komiti Faatino, i se faiga tusitusia, ona tuuina atu i so o se tagata so o se galuega tauave po o se malosiaga o le Inisetiute po o le Komiti Faatino, i le a lava le tulaga e manaomia i le mataupu, e ese mai nai lenei tuuina atu o malosiaga.

(2) O se tuuina atu o malosiaga i lalo o le faafuaiupu (1) e mafai ona:

(a) faia i le noatia ma le fai fuafua i tuutuuga, agavaa ma tuusaunoaga; ma

(b) faal aog ina po o e fesuai i le loto malie.

(3) O le Inisetiute ma le Komiti Faatino, i le a lava le tulaga e manaomia i le mataupu, e mafai ona faatino se galuega tauave po o se malosiaga e ui lava ua latou tuuina atu lona faatinoina i nisi tagata.

20. Tulafono faatonutonu-(1) O Le Ao o le Malo, faia i luga o le fautuaga a le Kapeneta, e mafai ona faia tulafono faatonutonu e ogatasi ma lenei Tulafono, e faatonu ai mataupu uma ia e manaomia po o ua faatagaina i lenei Tulafono ina ia

faatonuina po o e tatau po o e talafeagai le faatonuina mo le tauaveina po o le faamamaluina ai o lenei Tulafono, ma, e aunoa ma le faatapulaaina o le tulaga lautele o aiaiga ua taua muamua, e mafai ona faia tulafono faatonutonu e faatatau i mataupu ua taua e faapea:

- (a) mo le faatonuina o totogifuapauina po o se faavae mo le fuafuaina o totogifuapauina i auaunaga e tauaveina e le Inisetiute; po o
- (b) mo le faatonuina o lafoga toe faafoi ma faamanuiaga tau lafoga lea e mafai ona agavaa i ai se tagata e teu faafaigaluega ana tupe i lalo o lenei Tulafono.

O le Tulafono o le Inisetiute o Suesuega ma Atinae Faasaienisi a Samoa 2006 o lo o faafoeina i le Matagaluega o Punaoa Faalenatura ma le Siosiomaga

**Lolomiina e le Failautusi o le Fono Aoao Faitulafono,
i le pule a le Fono Aoao Faitulafono.**

SAMOA

Arrangement of Provisions

- | | |
|--|--|
| 1. Short title and commencement | 12. Staff and other personnel |
| 2. Interpretation | 13. Taxation |
| 3. Establishment of Institute | 14. Intellectual Property Rights held by the Institute |
| 4. Objectives of the Institute | 15. Breach of Intellectual Property Rights |
| 5. Functions of the Institute | 16. Seizure of material produced in breach of the Institute's Intellectual Property Rights |
| 6. Scope of Institute activities | 17. Accounts and Annual Report |
| 7. Powers of the Institute | 18. Protection from liability |
| 8. Board of Directors | 19. Delegation |
| 9. Powers of the Board | 20. Regulations |
| 10. Chief Executive Officer of the Institute | |
| 11. Functions of the Chief Executive Officer | |

2006, No. 6

**AN ACT to provide for the Research and Development
Institute of Samoa.** *[3rd March 2006]*

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

1. Short title and commencement-(1) This Act may be cited as the Research and Development Institute of Samoa Act 2006.

(2) This Act shall commence 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 one 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;

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

“Institute” means the Research and Development Institute established under section 3;

“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;

“Minister” means the Minister responsible for the administration of this Act;

“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 Institute.

3. Establishment of Institute-(1) There is established the Research and Development Institute of Samoa.

(2) The Institute is a body corporate with perpetual succession, a common seal and is capable of:

(a) acquiring, holding and disposing of real and personal property;

(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 Institute - The Institute's objectives are:

- (a) to promote the national economy of Samoa based on research and development;
- (b) to undertake scientific and technical research with the primary aim of adding value to local resources or services;
- (c) to develop functional prototypes of products and processes based on scientific and technical research for the local or overseas markets;
- (d) to establish partnership with the private sector and commercial interests to support the Institute's activities; and
- (e) to support the teaching of science and technology.

5. Functions of the Institute-(1) The functions of the Institute shall be:

- (a) to advance scientific and technical research and to disseminate and maintain the same;
- (b) to initiate, plan and implement scientific and technical research;
- (c) to collect and disseminate scientific and technical information including the publication of scientific reports and journals for the Institute;
- (d) to advise the government of research and development that would benefit the Institute; and
- (e) to undertake research and provide advisory services to the government on technical and scientific matters.

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

6. Scope of Institute's activities ó The Institute's activities are restricted to:

- (a) applied research in science;
- (b) innovations;
- (c) development of products based on research findings;
- (d) development of recognition and award on innovations generated in conjunction with other recognised Institutes or organizations;
- (e) publications;
- (f) seminars.
- (g) entering into partnership or any joint venture arrangement in any research and innovations conducted by or under the authority of the Institute for the purposes of commercial development; and
- (h) any other activities carried out for the purposes of expanding research and development.

7. Powers of the Institute - The Institute shall have power for carrying out its objectives and functions and all the acts as appear to the Institute to be requisite, advantageous or convenient for or in connection with the carrying out of the Institute'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 Institute which shall, subject to this Act, be responsible for the policy, control and governance of the Institute.

- (2) Subject to subsection (13), the Board shall consist of:
- (a) the Chairperson, who shall be the Minister;
 - (b) the Chief Executive Officer; and

- (c) seven other directors who shall be appointed by Cabinet, acting on the advice of the Minister.
- (3) In appointing directors under paragraph (2)(c) the Minister and Cabinet shall take into account:
- (a) the need of the Institute 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 Institute'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 paragraph(2)(c) shall hold office for a term of 3 years and may be reappointed.
- (5) Any director appointed under paragraph (2)(c) 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 shall become 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 or, in the absence or unavailability of the Chairperson, on a request in writing from at least four directors.
- (8) In the absence or unavailability of the Chairperson, the directors shall appoint a director to chair a meeting of the Board.
- (9) The quorum for any meeting of the Board shall be five directors.
- (10) Every question before any meeting of the Board shall 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 shall be deemed to be a director for such meeting.

(14) The Board may co-opt other persons from time to time 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 Institute;
- (b) raising finance for the purposes of the Institute;
- (c) determining fees to be charged on the services carried out by the Institute;
- (d) determining partnerships to be entered into by the Institute;
- (e) determining intellectual property rights of the Institute;
- (f) determining and approving research programmes to be conducted by or under the authority of the Institute;
- (g) obtaining and owning assets for the development of the Institute;

- (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 Institute.

10. Chief Executive Officer of the Institute-(1) There shall be a Chief Executive Officer of the Institute who shall be appointed by the Board under section 9.

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

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

11. Functions of the Chief Executive Officer - The Chief Executive Officer shall have the following functions:

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

12. Staff and other personnel-(1) Following consultation with the Chief Executive Officer of the Public Service

Commission, the Board may employ staff on terms and conditions as the Board determines.

(2) Staff employed by the Institute other than staff regarded as members of the Institute 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 Institute 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) shall be regarded as a member of the staff of the Institute.

(5) The Institute may engage consultants or other persons to undertake any task or work for or on behalf of the Institute 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 Institute and to allow the Institute to meet its objectives and perform its functions under this Act.

(2) For the purposes of the Customs Act 1977 and the VAGST Act 1992/1993, all capital equipment of the Institute shall be exempted from import duty and goods and services tax.

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

14. Intellectual Property Rights held by the Institute-(1)

Despite the provisions of any other law, the Institute holds the intellectual property rights to all research and innovations conducted by or under the authority of the Institute.

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

15. Breach of Intellectual Property Rights-(1) Any person who knowingly infringes the intellectual property rights of the Institute commits an offence.

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

(3) Any person convicted of an offence under subsections (1) or (2) shall be liable to a fine of up to 1000 penalty units or imprisonment for one year or both a fine and imprisonment.

16. Seizure of material produced in breach of the Institute's Intellectual Property Rights-(1) Despite the provisions of any law, a police officer, acting on a written request from the Institute, 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 or object or material seized under this section shall be held in safe keeping by the Commissioner of Police Service and shall be disposed of in accordance with subsection (4).

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

(4) Any item or object or material seized under this section shall 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 one month after any court proceedings have been concluded or within one 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.

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

- (a) all funds received are brought to account;
 - (b) all payments are properly authorised and correctly made and accounted for; and
 - (c) there are adequate controls over the Institute's:
 - (i) assets;
 - (ii) property under the Institute's control;
 - (iii) expenditure; and
 - (iv) liabilities.
- (2) The Institute shall be subject to the provisions of the Public Finance Management Act 2001 and for this purpose, despite the provisions of such Act, the funds received by the Institute shall be deemed public money and the assets and property of the Institute shall be deemed public property.
- (3) The Institute shall cause to be prepared and submitted to the Minister, within six (6) months of the end of the financial year of the Institute, an annual report containing:
- (a) financial statements for the financial year;
 - (b) performance indicators and such information as may be directed by the Minister of Finance;
 - (c) a report on the operations of the Institute during the preceding financial year; and
 - (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
- (a) a statement of financial transactions of the Institute for the financial year;
 - (b) a statement of the financial position of the Institute at the end of the financial year; and
 - (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 Institute during the financial year to which they relate; and
 - (b) present fairly the financial position of the Institute at the end of the financial year.

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

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

(8) The Minister shall table the annual report of the Institute together with the Controller and Chief Auditor's report on the Institute's financial statements before Parliament within 14 sittings days of receiving the Controller and Chief Auditor's audit report.

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

(2) Where, but for the provisions of subsection (1), the Institute, the Board, the directors or the employees of the Institute would be civilly liable for any act or omission. Samoa shall be civilly liable for any such act or omission as if the Institute was the Government, and all of the provisions of 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 subsections (2), and 12(2) and (3) for all purposes the Institute, the Board, the directors and the employees of the Institute shall not be regarded as the employees or agents of Samoa, the Government, the Minister, or the Chief Executive Officer.

19. Delegation-(1) The Institute and the Board may, in writing, delegate to any person any function or power of the Institute 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 Institute and the Board, as the case may require, may exercise a function or power notwithstanding that 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 Institute; or
- (b) for prescribing tax credits and tax benefits which an investor under this Act may be entitled to.

**The Research and Development Institute of Samoa Act 2006 is
administered in the Ministry of Natural Resources and
Environment**