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BILL

Objects and Reasons

Notice of Presentation

Covering letter to Clerk to National Parliament

FROM:

Attorney General

TO:

Minister of Education, Training & Cultural Affairs

(for signing Objects and Reasons, Notice of Presentation
and covering letter to Clerk)

TO:

Clerk to National Parliament

(for signature certificate by Speaker)

TO:

Attorney General's Chambers

(for printing)

TO:

Clerk to National Parliament

(for reference during 1st, 2nd and 3rd Readings)

Date passed: 24/7/22 Act No. 5

TO:

Attorney General's Chambers

(for checking before Assent)

TO:

Governor General

(for Assent)

TO:

Clerk to National Parliament

for distribution: 2 copies AG's Chambers (1 copy Primary)

after Title page has been reset

1 copy - Ministry of Co.

1 copy - Parliament Office
SOLOMON ISLANDS

THE RESEARCH ACT 1982

ARRANGEMENT OF SECTIONS

SECTION
1. Short title and commencement.
2. Interpretation.
3. Research permits.
4. Offences.
5. Regulations.
THE RESEARCH ACT 1982
NO 9 OF 1982

Passed by the National Parliament this twenty-eighth day of July 1982.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.

Festes Flamaoea
Clerk to the National Parliament.

Assented to in Her Majesty's name and on Her Majesty's behalf this 19th day of August 1982.

B. Devasi
Governor-General

Date of commencement: see section 1

AN ACT to control and administer the conduct of research in Solomon Islands and connected matters.

ENACTED by the National Parliament of Solomon Islands.
The Research Act 1982

1. (1) This Act may be cited as the Research Act 1982.
   (2) This Act shall come into force on a date appointed by
       the Minister by notice in the Gazette.

2. In this Act -
   "Committee" means the Research Application Committee
   appointed under section 3;
   "Research Officer" means the public officer designated
   by the Minister to perform the functions of the
   Research Officer under this Act;
   "research" means an endeavour to discover new facts by
   careful search or enquiry, scientific study or critical
   investigation of a subject -
   (a) which will result in the publication of a report,
       thesis, dissertation, academic article, book or
       manuscript; or
   (b) with the purpose of making audio-visual recordings
       for academic or commercial purposes;
   "research permit" means a permit issued under section 3.

3. (1) Any person who wishes to enter Solomon Islands to
     engage in research shall make application in the prescribed form
     to the Minister for a research permit.
     (2) The Minister shall appoint a Research Applications
         Committee to consider applications for research permits laid
         before it by the Research Officer.
     (3) On receipt of an application for a permit the Research
         Officer shall convene a meeting of the Committee, which shall
         consider the application in accordance with such rules as the
         Minister may provide for the conduct of the Committee's business
         and -
         (a) refuse the application, or
         (b) subject to the approval of the appropriate Provincial
             Assembly, grant the permit.
     (4) The decision of the Committee shall be communicated
         by the Research Officer to the Provincial Assembly and to any
         other person whom the Committee considers ought to be
         informed of the substance of the application.
     (5) For the purpose of its consideration of an application,
         the fact that the applicant has previously failed to comply with
         the conditions of a research permit shall be a material considera-
         tion, and the Committee may refuse the application on that
         ground alone.
The Research Act 1982

(6) A research permit shall be issued subject to -
(a) any conditions specified in it; and
(b) to such conditions as may be prescribed by the Minister.

(7) No research permit shall have effect unless the applicant has paid the prescribed fee and deposited the prescribed sum with the Minister as security for his compliance with the terms of the permit.

(8) A sum deposited as security under subsection (7) -
(a) may be retained by the Minister until the applicant has fulfilled all the conditions of the research permit;
(b) may be forfeited to the Government where, in the opinion of the Committee, the applicant has failed to comply with any of the conditions of the research permit.

(9)(a) A prescribed amount of any fee paid under subsection (7) shall be paid into the general revenues of the Provincial Assembly or Provincial Assemblies in whose area or areas of authority the research is to be conducted.

(b) The balance of any fee paid under subsection (8) shall be paid into the Consolidated Fund.

4. Any person who engages in research other than in compliance with this Act and any regulations made under this Act shall commit an offence and shall on conviction be liable to a fine of $1000.

5. (1) The Minister may make such regulations as he thinks fit for the purpose of this Act.

(2) Regulations made under subsection (1) may provide for the levying of fees and charges and the taking of security.

(3) Section 56(2) of the Interpretation and General Provisions Act 1978 shall not apply to regulations made under this section.

6. The Immigration Act 1978 is amended -
(a) in section 2 by the addition of the following definition -
"research" has the same meaning as in the Research Act 1982;
(b) in section 8 -
(i) by numbering the existing provision (1), and
(ii) by adding the following subsections -
"(2) It is a condition of every permit issued under this section that the person authorised
The Research Act 1982

shall not engage in research unless the permit states that he may do so.

(3) The Principal Immigration Officer shall not issue a permit to any person under this section, which states he is authorised to engage in research, unless he is satisfied that that person holds a research permit under the Research Act 1982.”;

(c) in section 9(2) -
  (i) in paragraph (d) for “with the approval of the Minister” substitute “in accordance with the conditions of a research permit under the Research Act 1982”; and
  (ii) in the proviso by inserting after the words “profession or employment” the words “other than research”;

(d) in section 10(2)(b) -
  (i) by deleting the final comma and inserting in its place “; or”; and
  (ii) by adding the following new paragraph -
    “(c) engage in research without a research permit issued under the Research Act 1982,”.