

PACIFIC GAMES OFFICE BILL 2018

SAMOA

Explanatory Memorandum

1.0 Object and reasons:

- 1.1 The Bill seeks to establish the Pacific Games Office, who will be responsible for the organising and management of the 2019 Pacific Games and to provide for other matters incidental to the 2019 Pacific Games.
- 1.2 The objects of the Bill are:
- (a) to establish the Pacific Games Office and provide for its functions and powers;
 - (b) to establish the Executive Committee and Pacific Games Organising Committee and their functions and powers;
 - (c) to provide for official sponsors for the 2019 Pacific Games;
 - (d) to provide for tax and duty exemptions in relation to the 2019 Pacific Games.

Clauses:

PART 1 - PRELIMINARY

- Clause 1: - provides for the short title and commencement of the Bill once it is passed.

- Clause 2:** - provides for the definition of terms used within the Bill.

PART 2 - PACIFIC GAMES OFFICE

- Clause 3:** - establishes the Pacific Games Office.
- Clause 4:** - provides for the functions and powers of the Office.
- Clause 5:** - provides that the Head of State to be the Patron of the Office and Prime Minister to be the Convenor of the Games.
- Clause 6:** - provides for the composition of the Executive Committee and its functions and powers.
- Clause 7:** - provides for the appointment of the Chief Executive Officer (“CEO”) of the Office.
- Clause 8:** - empowers the Executive Committee to appoint staff and personnel of the Office to assist with the proper functioning of the Office.
- Clause 9:** - provides for the Organising Committee.
- Clause 10:** - provides that the Office may recruit volunteers from the community.
- Clause 11:** - empowers the Chairperson and the Chief Executive Officer to take such action to ensure that safety of Games Officials, safe conduct of Games and provide for the needs of Games Official and participants.
- Clause 12:** - empowers the Executive Committee to delegate to the CEO or any appropriate person certain functions and powers. CEO is also authorise to delegate to any employee of the Office his or her functions and powers.
- Clause 13:** - provides that members and staff of the Office or Committees and volunteers are not liable for any act or omission occurring in good faith when exercising their powers, functions and duties under this Bill.

PART 3 - FINANCES, REPORTING AND AUDIT

- Clause 14:** - provides that the CEO must submit a corporate plan and an annual report to Cabinet.
- Clause 15:** - provides for the Funds of the Office.
- Clause 16:** - provides for the assets of the Office.
- Clause 17:** - duty of the Office to keep proper accounts and records of its transactions and affairs in accordance with the Public Finance Management Act 2001 and government procedures.

PART 4 - PROTECTION OF MEDIA RIGHTS AND GAMES INDICIA

- Clause 18:** - provides that the Office holds all media rights to the Games and empowers the Executive Committee to authorise person or persons to broadcast or make sound recording of any Games Event.
- Clause 19:** - provides that it is an offence if a person broadcasts, telecasts, transmits, makes sound recording without authorisation under clause 18 and breaches any other media rights.

- Clause 20:** - empowers the Executive Committee to authorise a person to use the Games Indicia and the SPGC Indicia and such authorisation must be in writing.
- Clause 21:** - authorises persons specify in this clause to use the Games Indicia without the need to get formal authorisation under clause 20, however such a person may not use the Games Indicia for commercial purpose and any promotional purpose.
- Clause 22:** - provides that it is an offence for a person to use the Games Indicia without authorisation under Clause 20.
- Clause 23:** - provides that all rights to intellectual property arising from preparation for the Games is vested in the Office.

PART 5 - SPONSORSHIP AND NAMING RIGHTS

- Clause 24:** - authorises the Executive Committee to approve a person to be a sponsor of the Games and provides for the application process that a person must go through to be a sponsor.
- Clause 25:** - authorises the Executive Committee to approve arrangements for giving of official sponsorship status to companies and persons.
- Clause 26:** - provides that Regulations may be made to designate certain areas in Samoa to be exclusive advertising areas for sponsors.

Clause 27: - authorises the Office to approve naming rights for venues or facility where game are to be conducted.

Clause 28: - provides that it is an offence for a person who engages in a conduct to suggest that he or she has approval or affiliation with the Games or Office or sponsorship when he or she does not have in accordance with the Act. This also applies to an owner or seller of goods and services.

PART 6 - OFFENCES

Clause 29: - provides that it is an offence for a person who does any act or omission which obstructs the conduct of the Games.

PART 7 - MISCELLANEOUS

Clause 30: - provides that a breach against this Act is constituted as being an offence despite if the act or omission occurring outside of Samoa.

Clause 31: - empowers a police officer or officer of the Office authorised by the CEO to seize any document or item which is to be used in breach of any provision of the Bill.

Clause 32: - authorises the Executive Committee to authorise a person on behalf of the Office to apply to the Court to seek an injunction to prevent breach or further breach of the Act.

- Clause 33:** - provides that the Executive Committee may determine that information provided by or to the Office is to be regarded as confidential and must not be disclosed.
- Clause 34:** - empowers the Head of State to made Regulations to give effect to provisions of the Bill.
- Clause 35:** - provides that the Act expires on 31 December 2019.
- Clause 36:** - exempts the Office from tax under the Income Tax Act 2012.
- Clause 37:** - entitles an official sponsor to a tax deduction under the Income Tax Act 2012.
- Clause 38:** - exempts certain persons from customs duties.
- Clause 39:** - provides for transitional and savings provision to validate any authorisations, approvals, licences, contracts and so forth made before the commencement of the Bill.
- Clause 40:** - provides consequential amendment to the Income Tax Act 2012.

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(Hon LOAU Solamalemalo Keneti Sio)

MINISTER FOR EDUCATION, SPORTS AND CULTURE