

## SAMOA

### Arrangement of Provisions

#### PART I PRELIMINARY

1. Short title and commencement
2. Interpretation

#### PART II SOUTH PACIFIC GAMES AUTHORITY

3. Continuation of the Authority
4. Patron and Convenor
5. The Executive Committee
6. Other members of the Authority
7. The Chief Executive Officer
8. Staff and personnel of the Authority
9. Programme Directors
10. Games volunteers
11. Functions and Powers of the Authority
12. Exercise of emergency powers
13. Delegation of powers
14. Indemnities

#### PART III FINANCES, REPORTING AND AUDIT

15. Corporate Plan
16. Funds of the Authority
17. Assets of the Authority
18. Accounts of the Authority
19. Annual Report and other reporting requirements

#### PART IV PROTECTION OF MEDIA RIGHTS AND GAMES INDICIA

20. Authority may authorise broadcasting and recording
21. Breach of media rights
22. Authority to use Games Indicia
23. Use of Games Indicia
24. Unlawful use of Games Indicia
25. Protection of other intellectual property

**PART V  
SPONSORSHIP AND  
NAMING RIGHTS**

- 26. Sponsorship agreements
- 27. Advertising Zones
- 28. Naming Rights
- 29. Unlawful conduct suggesting sponsorship or authorisation

**PART VI  
OFFENCES**

- 30. Obstructing the Games

**PART VII  
MISCELLANEOUS**

- 31 Extraterritorial application
- 32. Seizure of unlawful materials
- 33 Offences by Corporations
- 34. Other actions for breaches of this Act
- 35. Transitional and savings provisions
- 36. Disclosure and misuse of information
- 37. Regulations
- 38. Repeal

---

**2007, No. 15**

**AN ACT to repeal the 2007 South Pacific Games Authority Act 2002, and to make provision for the re-organisation of the South Pacific Games Authority, and for related purposes.**  
*[16<sup>th</sup> February 2007]*

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

**PART I  
PRELIMINARY**

**1. Short title and commencement-**(1) This Act may be cited as the South Pacific Games Authority Act 2007.

(2) This Act shall come into effect on the date it is assented to 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-**(1) In this Act, unless the context otherwise requires -

“Authority” means the South Pacific Games Authority established under the repealed Act and continued by virtue of section 3 of this Act;

“Chairperson” means the Minister appointed as Chairperson of the Authority under section 5(1)(a);

“Charter” means the South Pacific Games Charter;

“Court” means the Supreme Court of Samoa;

“Deputy Chairperson” means the Minister appointed as Deputy Chairperson of the Authority under section 5(1)(b);

“Executive Committee” means the Executive Committee of the Authority constituted under section 5;

“Games” means the 2007 South Pacific Games to be held in Apia, Samoa;

“Games Event” means an event or activity conducted as part of the Games, and includes but is not limited to:

- (a) a sporting event;
- (b) the opening and closing ceremonies;
- (c) the torch relay; and
- (d) any cultural event associated with the Games.

“Games Indicia” means any words, numbers, names, marks:

- (a) approved by the Executive Committee from time to time and published in the Savali; and
- (b) any other indicia or image referring to or representing the Games,

and any part of such indicia;

“Games volunteer” means any person recruited by the Authority in accordance with section 10;

“Intellectual property rights” includes all rights to intellectual property recognised under the laws of Samoa;

“Media rights” includes the right to report, broadcast, film, photograph, record, publish, televise (or to distribute any of the product of any of these activities) of any Games Event of the 2007 South Pacific Games through publicly accessible media, including but not limited to

newspapers, radio, television, cinema internet, books, magazines, recordings and any computer based technology;

“Minister” means the Minister of Natural Resources, Environment and Meteorology;

“Programme Director” means any Programme Director appointed by the Executive Committee under section 9;

“SASNOC” means the Samoa Association of Sports and the National Olympic Committee being the National Federation of Amateur Sports in Samoa for the purposes of the Charter;

“SPGC Indicia” includes all words, numbers, names, marks, logos, images and other indicia which refer to or represent the South Pacific Games Council, and any part of such indicia;

“repealed Act” means the 2007 South Pacific Games Authority Act 2002;

## **PART II SOUTH PACIFIC GAMES AUTHORITY**

**3. Continuation of the Authority-**(1) The South Pacific Games Authority established under section 3 of the repealed Act shall continue, and shall be constituted and managed in accordance with the provisions of this Act.

(2) The Authority shall continue to be a body corporate with perpetual succession, and:

- (a) shall have a common seal;
- (b) may enter into contracts;
- (c) may sue and be sued in its corporate name;
- (d) shall have the power to acquire, hold and dispose of property both real and personal; and
- (e) may generally do all such acts and things that are necessary for or incidental to the performance of its functions under this Act or any other law.

(3) The common seal of the Authority shall be kept in the custody of the Chief Executive Officer, and may be affixed only in the presence of the:

(a) Chairperson or Deputy Chairperson; and  
(b) the Chief Executive Officer, or any other person authorised by the Executive Committee,  
who shall attest to the fixing of the common seal by written signature.

**4. Patron and Convenor-**(1) The Patron of the Authority shall be His Highness O le Ao o le Malo, Malietoa Tanumafili II.

(2) The Prime Minister shall have the title of “Convenor of the Games”.

**5. The Executive Committee-**(1) The Executive Committee of the Authority shall be comprised of:

- (a) the Minister of Natural Resources, Environment and Meteorology, who shall be Chairperson of the Authority; and
- (b) the Minister of Education, Sports and Culture, who shall be Deputy Chairperson of the Authority; and
- (c) the President of SASNOC; and
- (d) the Secretary of SASNOC; and
- (e) the Chief Executive Officer; and
- (f) a representative from the Ministry of Finance; and
- (g) the legal counsel for the Authority.

(2) For all purposes the Executive Committee shall work together with the South Pacific Games Organising Committee and may exercise all the powers, responsibilities and duties:

- (a) as provided by this Act; and
- (b) in accordance with the Charter.

(3) The Chairperson may from time to time delegate all or any of the responsibilities of that office to the President of SASNOC, and may vary or revoke any such delegation at any time.

(4) Subject to subsection (4A), all decisions of the Executive Committee shall be determined by at least 3 of its members, and for any purpose the Executive Committee shall determine its own procedures.

(4A) The members referred to in paragraphs (1)(f) and (g) do not have a vote in relation to decisions of the Executive Committee.

(5) The Executive Committee may establish committees to perform any necessary function that is consistent with this Act and the Charter, and the persons appointed to the committees established under this sub-section may include:

- (a) members of the Authority;
- (b) staff of the Authority;
- (c) Games volunteers; and
- (d) any other person that the Executive Committee considers may make a contribution to the work of the Authority.

(6) A committee established under subsection (3) may be chaired by a Programme Director in accordance with any appointment made by the Executive Committee.

(7) The secretary to the Executive Committee shall be the Executive Secretary to the Minister who shall:

- (a) maintain accurate minutes and records of the meetings and decisions of the Executive Committee; and
- (b) maintain accurate records of all decisions made by any member of the Executive Committee where that member is empowered to make decisions under this Act or any lawful delegation.

**6. Other members of the Authority-**(1) The other members of the Authority shall be:

- (a) the Associate Minister responsible for the South Pacific Games;
- (b) the Associate Minister responsible for Education;
- (c) the Chief Executive Officer of the Ministry of Natural Resources, Environment and Meteorology;
- (d) the Chief Executive Officer of the Ministry of Works, Transport and Infrastructure;
- (e) the Chief Executive Officer of the Ministry of Education, Sports and Culture;

- (f) the Chief Executive Officer of the Ministry of Finance;
  - (g) the Attorney General;
  - (h) two members of the executive board of SASNOC;
  - (i) two persons nominated by the Minister to represent business interests;
  - (j) one person nominated by the Minister to represent the Apia Park and Sports Facilities Board; and
  - (k) one person nominated by the Minister to represent the general community.
- (2) The persons nominated by the Minister under the repealed Act to represent the interests specified in paragraphs (f) - (i) of subsection (1) shall continue to be members of the Authority until removed or replaced by the Minister.
- (3) The other members of the Authority shall:
- (a) meet when called upon to do so by the Executive Committee; and
  - (b) perform such other functions, responsibilities, duties and powers as are vested in them, from time to time, by the Executive Committee.
- (4) The members referred to in subsection (1)(a) - (d) may appoint as their alternate, a senior member of their Ministry or Office to attend any meeting at which the member is to attend and to perform any function, responsibility, duty or power to be undertaken by that member.
- (5) The Executive Committee may co-opt other persons from time to time to attend and participate at meetings of the Authority, but such persons shall not have the power to vote on any matter.

**7. The Chief Executive Officer-**(1) There shall be a Chief Executive Officer of the Authority.

(2) The Chief Executive Officer of the Authority as at the commencement of this Act shall continue to be the Chief Executive Officer of the Authority.

(3) If a vacancy arises in the position of Chief Executive Officer the Executive Committee may appoint a person to fill the position.

(4) The Executive Committee may appoint any officer of the Authority to act as Chief Executive Officer during any period of absence of the Chief Executive Officer.

(5) The Chief Executive Officer shall be responsible to the Executive Committee for the effective management of the Authority, and shall have the power to:

- (a) do anything vested in him by this Act, or authorised by the Executive Committee or the Authority;
- (b) perform any function or power delegated to him under section 13;
- (c) exercise the emergencies powers provided for in section 12;
- (d) give directions to staff of the Authority, Programme Directors and Games volunteers.

**8. Staff and personnel of the Authority-**(1) The Executive Committee may appoint such staff of the Authority as it considers necessary for the proper functioning of the Authority.

(2) The staff employed by the Authority as at the commencement of this Act shall continue to be staff of the Authority as if they were appointed under this Act.

(3) The Executive Committee may appoint one or more officers of the Authority to be a Deputy Chief Executive Officer of the Authority.

(4) All staff of the Authority shall act at the direction and control of the Chief Executive Officer and in accordance with any delegations of authority made under this Act.

(5) Staff may be seconded to the Authority from other Ministries, government agencies and any other body, and such secondments shall be made on the terms and conditions agreed between the Authority and the employer of the seconded staff member.

(6) The Executive Committee may approve the engagement of consultants and other persons to undertake any work and perform any task required by the Authority.



**9. Programme Directors-**(1) The Executive Committee may, from time to time, approve persons to be Programme Directors who shall be responsible for implementing or overseeing any particular aspect of the preparation or conduct of the Games, as determined by the Executive Committee.

(2) Programme Directors may be:

- (a) a member of the Authority;
- (b) staff of the Authority; or
- (c) a Games volunteer.

(3) The Chief Executive Officer shall be responsible for managing the work of the Programme Directors and for giving appropriate directions to them to implement the decisions of the Executive Committee.

(4) Each Programme Director shall be paid from the funds of the Ministry, such remuneration and allowances as are approved by Cabinet.

**10. Games volunteers-**(1) The Authority may recruit volunteers from the community to perform any tasks identified as necessary for the safe and orderly conduct of the Games.

(2) Games volunteers shall not be regarded as staff of the Authority but shall be subject to directions given by:

- (a) the Chief Executive Officer;
- (b) a Programme Director; and
- (c) any other member of the staff of the Authority.

**11. Functions and Powers of the Authority-**(1) The purposes and functions of the Authority are to:

- (a) prepare for and manage the 2007 South Pacific Games in Samoa;
- (b) develop and provide facilities for the development of sports in Samoa, to represent Samoa at the Games and for the training of athletes;
- (c) take all necessary steps and to implement all necessary measures to ensure the safe and proper conduct the Games, including arrangements -

- (i) to ensure the security and well-being of officials, participants and spectators at the Games;
    - (ii) for the security and safe operation of facilities and venues for Games Events; and
    - (iii) to ensure the active participation of the community in the Games, while minimising the adverse consequences to the community that may arise from such an event; and
  - (d) ensure that the facilities constructed for the Games are effectively managed and operated and that arrangements are made in accordance with this Act for the proper use and management of the facilities in the post-Games period.
- (2) Subject to the provisions of this Act, the powers of the Authority are exercisable by or at the direction of the Executive Committee, and include the power to:
- (a) solicit, procure, manage and expend funds to be applied to the purposes stated in subsection (1);
  - (b) enter into commercial contracts and arrangements as provided by this Act and necessary for the purposes and functions of the Authority;
  - (c) construct, renovate, maintain, manage and operate venues and facilities for the conduct and administration of the Games;
  - (d) acquire property, materials, supplies and other necessities in order to properly prepare for and manage the Games;
  - (e) enter into contractual and other arrangements with other government departments and agencies, and with private companies, bodies and persons, for the safe and proper management and conduct of the Games;
  - (f) employ necessary staff and enter into contract for necessary services; and

- (g) otherwise take any such actions and do any such things as may be consistent with the provisions of this Act and any other applicable law to achieve the purposes of the Authority.
- (3) The Executive Committee shall have the responsibility of making proper arrangements for:
- (a) finalising the affairs of the Authority relevant to the conduct of the Games;
  - (b) cleaning up after the Games and ensuring that the work of the Authority in relation to the conduct of the Games is brought to a final conclusion;
  - (c) the proper and effective management and use of facilities and venues constructed for the purposes of the Games and ensuring that the potential uses and benefits of these facilities are maximised for the people of Samoa and the South Pacific; and
  - (d) implementing any other program, responsibility duty or power vested by Cabinet in the Authority after the Games, or to be done or discharged in the aftermath of the Games.

**12. Exercise of emergency powers-**(1) Notwithstanding the provisions of this Act or any other law the Chairperson and the Chief Executive Officer may take any action which is necessary to:

- (a) provide for the safety of Games officials and participants, or for the security of Games venues;
  - (b) ensure the proper and safe conduct of any Games Event; and
  - (c) feed, accommodate, transport or otherwise provide for the needs of Games officials and participants.
- (2) When exercising a power under subsection (1) the Chairperson or Chief Executive Officer may:
- (a) procure any necessary food, materials or services;
  - (b) arrange for any other government agency or authority to provide any necessary intervention or support;

- (c) do any other thing which is necessary for the safe and efficient conduct of the Games and for the safety, security and well-being of all persons at the Games.
- (3) As soon as practicable after the exercise of a power under this section:
  - (a) the Chairperson shall advise the Executive Committee of the action taken by him or the Chief Executive Officer;
  - (b) the Chief Executive Officer shall advise the Chairperson of the action taken by him.
- (4) All actions taken under this section must be referred by the Chairperson to the Executive Committee for its ratification.

**13. Delegation of powers-**(1) The Executive Committee may delegate to the Chief Executive Officer, a Programme Director or any other appropriate person any function, responsibility, duty or power to be undertaken in accordance with any requirement or condition imposed by the Executive Committee.

(2) The Chief Executive Officer may delegate to any Programme Director or officer of the Authority any of his or her functions, responsibilities, duties or powers to be undertaken in accordance with any requirement or condition imposed by the Chief Executive Officer.

(3) Notwithstanding any delegation under this section, the Executive Committee and the Chief Executive Officer, as the case may be, may continue to perform or exercise all or any of the functions, responsibilities, duties or powers delegated.

**14. Indemnities and immunities-**(1) All members and staff of the Authority, and all Programme Directors and Games volunteers shall not be personally liable for any act or omission occurring in good faith in the exercise, or purported exercise of powers, functions, duties and responsibilities under this Act or any other law applying to the Authority.

**PART III**  
**FINANCES, REPORTING AND AUDIT**

**15. Corporate Plan-**(1) The Authority shall submit a corporate plan for approval by Cabinet 3 months before the end of each financial year.

(2) Each corporate plan submitted under subsection (1) shall report on:

- (a) the activities of the Authority undertaken in the year reported on, and the objectives of these activities;
- (b) the strategies, policies and budgets for achieving the objectives and undertaking the activities;
- (c) the targets and criteria for assessing the performance of the Authority in achieving its objectives and undertaking its activities; and
- (d) any other matter or things required by the Executive Committee of the Cabinet.

**16. Funds of the Authority-**(1) The funds of the Authority shall include monies paid to the Authority:

- (a) from appropriations made by the Parliament;
- (b) under agreements relating to the media rights vested in the Authority under this Act;
- (c) for the use of the intellectual property rights vested in the Authority under this Act;
- (d) from the sale of merchandise and the implementation of other marketing and promotional activities;
- (e) from sponsors of the Games in accordance with sponsorship arrangements approved by the Executive Committee;
- (f) from the hire or lease of assets belonging to the Authority;
- (g) as donations or grants from any source; and
- (h) from any other lawful source which is consistent with the functions and powers of the Authority under this Act.

(2) The Authority shall keep a record of all donations and support given in kind as goods, materials, supplies and services.

**17. Assets of the Authority-**(1) The ownership of all facilities constructed by the Authority on government land for the purposes of the Games shall be vested in the Authority, and registration of ownership shall be effected without the need for any other legal formality.

(2) Rights of ownership and use of facilities constructed by the Authority on land belonging to other government and non-government organisations shall be determined by negotiation between the Authority and the relevant organisations, and where the land belongs to a government owned entity transfers of ownership and other rights shall be in accordance with any direction given by the Cabinet.

(3) The Authority may, at meetings of the members of the Executive Committee and other members of the Authority, approve the lease of any of the assets to which subsection (1) applies to any registered association or appropriate body for any use that is of benefit to the community, and on such terms and conditions as are approved by the Authority.

**18. Accounts of the Authority-**(1) The Authority shall continue to keep proper accounts and records of the transactions and affairs of the Authority.

(2) It shall be the responsibility of the Chief Executive Officer to ensure that:

- (a) all funds and contributions received by the Authority are accounted for;
- (b) all payments made by the Authority are correctly made in accordance with the provisions of this Act and the authorised financial procedures of the Authority;
- (c) adequate records and controls are in place for the management of the Authority's property and facilities; and
- (d) there is effective control over the incurring of liabilities by the Authority.

(3) The Authority shall prepare financial statements at least annually which shall:

- (a) fairly present the financial transactions and position of the Authority;
- (b) be in accordance with the practices applying to government; and
- (c) incorporate any specific requirement or detail required by the Financial Secretary.

**19. Annual Reports and other reporting requirements-**(1) The Authority shall prepare an Annual Report each year and submit the Annual Report to Cabinet for approval.

(2) Each approved Annual Report shall be tabled in the Parliament by the Minister.

(3) The Executive Committee shall prepare and submit any other report which may be required from time to time by the Cabinet.

(4) The Chief Executive Officer shall prepare and submit any other report which may be required from time to time by the Chairperson, Deputy Chairperson, the Executive Committee or the Authority.

#### **PART IV PROTECTION OF MEDIA RIGHTS AND GAMES INDICIA**

**20. Authority may authorise broadcasting and recording-**(1) Notwithstanding the provision of any other law, the Authority holds all media rights to the Games.

(2) The Executive Committee may authorise a person or persons to:

- (a) broadcast telecast or transmit by any means whatsoever any sound or image of any Games Event; and
- (b) make any sound recording or any film, television, video or digital recording of moving images of any Games Event.

(2) An authorisation under this section must be in writing and may be subject to any terms or conditions imposed by the Executive Committee.

(3) Any authorisation given under the repealed Act which relates to any matter referred to in this section shall be valid as if it were given under this section.

**21. Breach of media rights-**(1) Any person who:

- (a) broadcasts, telecasts or transmits by any means whatsoever any sound or image of a Games Event without an authority given under section 20;
  - (b) makes any sound recording or any film, television, video or digital recording of moving images of any Games Event without an authority given under section 20;
  - (c) otherwise breaches or infringes the media rights of the Authority;
  - (d) aids or abets another person to commit an offence under this section: or
  - (e) counsels or procures another person to commit an offence under this section,
- commits an offence and shall be liable upon conviction –
- (i) if the person is an individual, to a fine not exceeding 1000 penalty units or to imprisonment for a term not exceeding 1 year, or both; or
  - (ii) if the person is a company, to a fine not exceeding 5000 penalty units or to imprisonment for a term not exceeding 2 years, or both.

**22. Authority to use Games Indicia-**(1) The Executive Committee may authorise a person or persons to make use of the Games Indicia and the SPGC Indicia subject to any terms or conditions as to payment or otherwise that the Executive Committee applies to such use.

(2) An authorisation given under subsection (1) must be in writing.



**23. Use of Games Indicia-**(1) Subject to subsection (2), use of Games Indicia without formal authorisation under section 22 may be made by:

- (a) athletes, officials and teams competing in the Games;
- (b) SASNOC on its official correspondence, attire and property;
- (c) persons reporting Games Events where the use is incidental to such reporting; and
- (d) persons making bona fide use for the purposes of study, review or education.

(2) A person may not claim a right of use under subsection (1) if he or she makes use of the Games Indicia:

- (a) for any commercial purpose;
- (b) for any promotional, advertising or marketing purpose, whether or not for commercial gain;
- (c) in breach of section 24.

**24. Unlawful use of Games Indicia** – Any person who uses Games Indicia, or any Indicia likely to be mistaken for Games Indicia, for:

- (a) any commercial purpose without an authorisation under this Part;
- (b) any promotional, advertising or marketing purpose, whether or not for commercial gain, without an authorisation under this Part ,

commits an offence and shall be liable upon conviction –

- (i) if the person is an individual, to a fine not exceeding 1000 penalty units or to imprisonment for a term not exceeding 1 year, or both; or
- (ii) if the person is a company, to a fine not exceeding 5000 penalty units or to imprisonment for a term not exceeding 2 years, or both.

**25. Protection of other intellectual property-**(1) In addition to the media rights and rights to Games Indicia vested in the Authority under this Part, all other rights to intellectual property arising from the preparation by the Authority for the

Games in accordance with this Act shall be vested in the Authority.

(2) Any person who breaches the rights of the Authority to the other intellectual property rights vested in it under this section commits an offence and shall be liable upon conviction -

(i) if the person is an individual, to a fine not exceeding 1000 penalty units or to imprisonment for a term not exceeding 1 year, or both; or

(ii) if the person is a company, to a fine not exceeding 5000 penalty units or to imprisonment for a term not exceeding 2 years, or both.

(3) The rights of the Authority to enforce its rights to other intellectual property under this Act are in addition to any other lawful rights that the Authority may enforce under any other law.

## **PART V SPONSORSHIP AND NAMING RIGHTS**

**26. Sponsorship agreements-**(1) The Executive Committee may approve any arrangements for the giving of official sponsorship status to companies and persons who provide funds or support for the conduct and management of the Games.

(2) Arrangements made under this section may authorise the use by sponsors of any Games Indicia and the utilisation of any intellectual property belonging to the Authority.

(3) Any approval given under the repealed Act which relates to any matter referred to in this section shall be valid as if it were given under this section.

**27. Advertising Zones-**(1) Regulations made under this Act may implement arrangements whereby the Authority is vested with the power to designate certain areas within Samoa to be exclusive advertising areas for sponsors of the Games, and the regulations may:

- (a) declare the areas to be subject to exclusive advertising zoning;
  - (b) determine the period in which the exclusive advertising arrangements shall apply;
  - (c) permit the removal and replacement of existing advertising structures, and the payment of compensation in relation to such actions;
  - (d) prescribe offences for breaches of the exclusive advertising arrangements; and
  - (e) make any other appropriate provision for the implementation of exclusive advertising arrangements in the declared zones.
- (2) All Ministries and agencies having lawful responsibilities relating to the regulation of advertising and advertising structures shall take all necessary action to give effect to the exclusive advertising arrangements implemented under this section.

**28. Naming Rights-**(1) The Authority may approve the naming rights for any venue or facility at which Games Events are to be conducted.

(2) Sponsorship agreements made under section 26 may include the grant of naming rights to any venue or facility at which Games Events are to be conducted and such rights may:

- (a) be for the duration of the Games, or any extended period authorised by the Authority;
- (b) authorise the construction and display of any signage or structure agreed to by the Executive Committee; and
- (c) place restrictions on any other advertising at the venue or facility.

**29. Unlawful conduct suggesting sponsorship or authorisation-**(1) Any person who engages in any conduct which suggests or has the potential of suggesting that:

- (a) the person has an approval, affiliation or association with the Games or the Authority, or an official sponsorship of the Games, which the person does not have in accordance with this Act;

- (b) any goods or services have, or are associated in any way with, an approval, affiliation or association with the Games or the Authority, or an official sponsorship of the Games, which the owner, seller, supplier or provider of the goods or services does not have in accordance with this Act,

commits an offence and shall be liable upon conviction –

(i) if the person is an individual, to a fine not exceeding 1000 penalty units or to imprisonment for a term not exceeding 1 year, or both; or

(ii) if the person is a company, to a fine not exceeding 5000 penalty units or to imprisonment for a term not exceeding 2 years, or both.

## **PART VI OFFENCES**

**30. Obstructing the Games-**(1) Any person who does any act or omission which obstructs or hinders any aspect of the safe and orderly conduct of the Games commits an offence and shall be liable upon conviction –

(i) if the person is an individual, to a fine not exceeding 1000 penalty units or to imprisonment for a term not exceeding 1 year, or both; or

(ii) if the person is a company, to a fine not exceeding 5000 penalty units or to imprisonment for a term not exceeding 2 years, or both.

**PART VII**  
**MISCELLANEOUS**

**31. Extraterritorial application** – The commission of an offence against this Act by the breach of any provision of this Act shall constitute an offence notwithstanding that the act, omission, transaction or thing constituting the breach may have occurred outside of Samoa.

**32. Seizure of unlawful materials**-(1) Notwithstanding the provisions of any law, a police officer and any officer of the Authority authorised by the Chief Executive Officer may:

- (a) seize any document, photograph, recording, electronic record, film or other material if it is reasonably suspected that the items or material have been created or are to be used in breach of any provision of this Act;
- (b) seize any camera, recording device, computer, microphone or other item or equipment if it is reasonably suspected that the item or equipment has been used or is to be used in the breach of any provision of this Act.

(2) All things seized under this section shall be held by the Commissioner of Police or the Chief Executive Officer in safe custody and may disposed of in accordance with subsection (3).

(3) All things seized under this section which are found by a court:

- (a) to have been used or intended to be used in the commission of an offence under this Act; or
- (b) have been used, intended to be used, created or produced in breach of any provision of this Act,

shall be forfeited to the Independent State of Samoa and may be disposed of in any manner approved by the Attorney General.

(4) All things seized under this section which are not forfeited in accordance with subsection (3) shall be returned to the person from whom the item was seized.

**33. Offences by Corporations-**(1) If a body corporate commits any offence under this Act, proceedings for a like breach may also be taken against any person, officer or employee of the body corporate who in any way, by act or omission, is directly or indirectly involved in the commission of the offence by the body corporate.

(2) When imposing a penalty against any person, officer or employee for any offence under this section the court may treat the offender as if he or she is a company.

**34. Other actions for breaches of this Act-**(1) The Executive Committee may authorise any person on behalf of the Authority to make application to a Court seeking an injunction to prevent any breach or further breach of a provision of this Act.

(2) When making an order under subsection (1) the court may make any further or additional orders that it thinks necessary to protect or give effect to the rights given to the Authority under this Act.

(3) If the Authority suffers any loss or damage as a result of the breach by any person of any provision of this Act, a Court may order that the person make restitution to the Authority for any loss or damage that is found to have suffered.

(4) The Executive Committee may authorise any person on behalf of the Authority to apply to a court for an order that a person in breach of a provision of this Act account for the profits that accrued to the person as a result of a breach of this Act.

**35. Transitional and savings provisions-**(1) All authorisations, licenses, contracts, legal proceedings and prosecutions taken by the Authority under the repealed Act shall continue to have full force and effect and shall be regarded for all purposes as if they were given, made or entered into under this Act.

(2) For all lawful purposes, any decision made or action taken by the Authority under the repealed Act shall be deemed to have made or taken by the Executive Committee in accordance with this Act.

(3) Any action taken or authorised by the Chairperson or Chief Executive Officer prior to the commencement of this Act which is consistent with any power or delegation under this Act, shall be deemed to have been validly taken in accordance with this Act even though such a power or delegation may not have existed under the repealed Act.

**36. Disclosure and misuse of information-**(1) The Executive Committee may determine or agree that any information provided by or to the Authority for any purpose connected with the implementation of this Act is to be regarded as confidential information, and may restrict the use or disclosure of any such information.

(2) Any person who discloses any confidential information in breach of any determination or agreement to which subsection (1) applies commits an offence and shall be liable upon conviction to a fine not exceeding 100 penalty units.

**37. Regulations-**(1) The Head of State, acting on the advice of Cabinet, may from time to time make all such regulations as are necessary or expedient for giving full effect to the provisions of this Act.

(2) Without limiting the generality of the power given in subsection (1), regulations may be made in relation to:

- (a) vesting additional media rights and intellectual property rights in the Authority, or clarifying any matter related to the rights held by the Authority;
- (b) the nature, identification and use of Games Indicia;
- (c) the management and operation of any facility or venue during the Games or the period of preparation for the Games;
- (d) the management, use and ownership of facilities and venues owned by the Authority after the Games;
- (e) the sale of tickets for the Games and any other matter associated with the presentation of Games Events;
- (f) arrangements for sponsorship, sponsorship agreements, advertising zones and naming rights;

- (g) security arrangements, procedures and requirements to ensure a safe and secure environment for the Games;
  - (h) any other matter which will assist on the orderly and efficient management and conduct of the Games; and
  - (i) enhancing the capacity of the Government to recover costs and generate income.
- (3) Regulations made under this section may prescribe offences and impose penalties for breaches of any regulation being fines not exceeding 100 penalty units or imprisonment for a term not exceeding one year, or both.

**38. Repeal** - The 2007 South Pacific Games Authority Act 2002 is repealed.

---

**The South Pacific Games Authority Act 2007 is administered by  
the South Pacific Games Authority**