

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

PACIFIC GAMES OFFICE BILL 2018

SAMOA

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2018, No.

A BILL INTITULED

AN ACT to establish the Pacific Games Office, to make provision for official sponsors of the 2019 Pacific Games, to provide for tax and duty exemptions in respect of the 2019 Pacific Games, and for related purposes.

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

**PART 1
PRELIMINARY**

1. Short title and commencement:

- (1) This Act may be cited as the Pacific Games Office Act 2018.
- (2) This Act commences on the date of its assent by the Head of State.

2. Interpretation:

In this Act, unless the context otherwise requires:

“Chairperson” means the Minister of Education, Sports and Culture appointed as Chairperson of the Executive Committee under section 6(1)(a);

“Charter” means the Pacific Games Charter;

“Chief Executive Officer” means the Chief Executive Officer of the Pacific Games Office;

“Court” includes the Supreme Court of Samoa and District Court of Samoa;

“Deputy Chairperson” means the Minister appointed as Chairperson of the Executive Committee in the absence of the Chairperson under section 6;

“Executive Committee” means the Executive Committee of the Office constituted under section 6;

“Games” means the 2019 Pacific Games to be held in Apia, Samoa from 8-19 July 2019;

“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 Office under 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 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 Education, Sports and Culture;

“Office” means the Pacific Games Office established under section 3;

“official sponsor” means a person approved under section 24 to provide sponsorship for the Games;

“Pacific Games Council” means the owner of the Pacific Games;

“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;

“sponsorship” means any or all of the following sponsorship of the Games made on or before the date of the official closing ceremony of the Games:

- (a) donation in cash or kind; and
- (b) goods; and
- (c) services.

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

PART 2

PACIFIC GAMES OFFICE

3. Establishment of the Office:

- (1) The Pacific Games Office is established and shall be constituted and managed in accordance with this Act.
- (2) The Office consists of:
 - (a) the Chief Executive Officer; and
 - (b) the heads of each division; and
 - (c) staff and personnel appointed under section 8; and
 - (d) any other person seconded or engaged for the purposes of this Act.

4. Functions and powers:

- (1) The purposes and functions of the Office are to:
 - (a) prepare for and manage the 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 this Act, the powers of the Office 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 under subsection (1);
 - (b) enter into commercial contracts and arrangements as provided by this Act and necessary for the purposes and functions of the Office;
 - (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 Office.
- (3) The Executive Committee shall have the responsibility of making proper arrangements for:
- (a) finalising the affairs of the Office relevant to the conduct of the Games;
 - (b) cleaning up after the Games and ensuring that the work of the Office 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 Pacific; and
 - (d) implementing any other program, responsibility, duty or power vested by Cabinet in the Office after the Games, or to be done or discharged in the aftermath of the Games.

5. Patron and Convenor:

- (1) The Patron of the Office shall be His Highness O le Ao o le Malo, Tuimalealiifano Vaaletoa Sualauvi II.
- (2) The Prime Minister shall have the title of “Convenor of the Games”.

6. Executive Committee:

- (1) The Executive Committee of the Office shall be comprised of:
 - (a) Minister of Education, Sports and Culture, as Chairperson;
 - (b) Minister of Finance;
 - (c) Minister of Public Enterprises;
 - (d) Minister of Works, Transport and Infrastructure;
 - (e) Minister for Revenue;

- (f) President of Samoa Association of Sports Olympic Committee (SASNOC);
 - (g) a member from the Pacific Games Council;
 - (h) Chief Executive Officer.
- (2) The Executive Committee may appoint a member of the Executive Committee to be Deputy Chairperson in the absence of the Chairperson of the Executive Committee.
 - (3) For all purposes the Executive Committee shall work together with the 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.
 - (4) The Chairperson may, in writing, delegate all or any of his or her responsibilities as Chairperson, to the President of SASNOC, and may vary or revoke any such delegation at any time.
 - (5) All decisions of the Executive Committee shall be determined by a majority of vote of its members, and for any purpose the Executive Committee shall determine its own procedures.
 - (6) The Executive Committee may establish committees (and determine the relevant terms of reference) for purposes of this Act and the Charter, and the persons appointed to the committees established under this subsection may include:
 - (a) staff of the Office;
 - (b) Games volunteers; and
 - (c) any other person that the Executive Committee considers may make a contribution to the work of the Office.
 - (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.

7. Chief Executive Officer:

- (1) There shall be a Chief Executive Officer of the Office appointed by Cabinet.
- (2) The Chief Executive Officer of the Office as at the commencement of this Act shall continue to be the Chief Executive Officer of the Office.
- (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 Office to act as Chief Executive Officer during any period of absence of the Chief Executive Officer.
- (5) The Chief Executive Officer is responsible to the Chairperson of the Executive Committee for the effective management of the Office, and may:
 - (a) do anything vested in him or her by this Act, or authorised by the Executive Committee or the Office;
 - (b) perform any function or power delegated to him or her under section 12;
 - (c) exercise the emergencies powers provided under section 11;
 - (d) give directions to staff of the Office, and Games volunteers.

8. Staff and personnel of the Office:

- (1) The Executive Committee may appoint such staff of the Office as it considers necessary for the proper functioning of the Office.
- (2) The staff employed by the Office as at the commencement of this Act shall continue to be staff of the Office as if they were appointed under this Act.

- (3) All staff of the Office shall act at the direction and control of the Chief Executive Officer and in accordance with any delegations of authority made under this Act.
- (4) Staff may be seconded to the Office from other Ministries, government agencies or any other body, and such secondments shall be made on the terms and conditions agreed between the Office and the employer of the seconded staff member.
- (5) The Executive Committee may approve the engagement of consultants and other persons to undertake any work and perform any task required by the Office.
- (6) Any public servant or Government official or employee seconded to the Office under subsection (4) is not entitled to additional payment or salary for the secondment, except where Cabinet determines payment of allowance to those involved or who assisted in the Games.

9. Organising Committee:

- (1) There shall be an Organising Committee that 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) The Organising Committee shall comprise of the following members:
 - (a) Minister of Education, Sports and Culture as Chairperson;
 - (b) Chief Executive Officer;
 - (c) President of SASNOC;
 - (d) Chief Executive Officer of the Ministry of Education, Sports and Culture;
 - (e) Chief Executive Officer of the Ministry for Revenue;
 - (f) Chief Executive Officer of the Ministry of Finance;
 - (g) Chief Executive Officer of the Samoa Tourism Authority;

- (h) Chief Executive Officer of the Ministry of Works, Transport and Infrastructure;
 - (i) Commissioner of Police;
 - (j) Attorney General;
 - (k) Chief Executive Officer of the Samoa Sports Facilities Authority.
- (3) The Chief Executive Officer shall be responsible for managing the work of the Organising Committee and for giving appropriate directions to them to implement the decisions of the Executive Committee.
- (4) A member of the Organising Committee, who is not a public servant or a Government official or employee of the Office, is entitled to remuneration as approved by Cabinet and shall be paid from the funds of the Office.

10. Games volunteers:

- (1) The Office 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 Office but shall be subject to directions given by:
- (a) the Chief Executive Officer;
 - (b) any other member of the staff of the Office.

11. Exercise of emergency powers:

- (1) Despite 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 or her.
- (4) All actions taken under this section must be referred by the Chairperson to the Executive Committee for its approval.

12. Delegation of powers:

- (1) The Executive Committee may delegate to the Chief Executive Officer, 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 employee of the Office 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) Despite any delegation made 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.

13. Indemnities and immunities:

All members and staff of the Office, and all members of Committees set up under this Act, 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 Office.

PART 3**FINANCES, REPORTING AND AUDIT****14. Corporate plan and annual report:**

- (1) The Chief Executive Officer must ensure to submit:
 - (a) a corporate plan for approval by Cabinet three (3) months before the end of each financial year setting out -
 - (i) the activities of the Office undertaken in the year reported on, and the objectives of these activities;
 - (ii) the strategies, policies and budgets for achieving the objectives and undertaking the activities;
 - (iii) the targets and criteria for assessing the performance of the Office in achieving its objectives and undertaking its activities; and
 - (iv) any other matter or things required by the Executive Committee or the Cabinet; and
 - (b) an annual report setting out the operations of the Office in the year from commencement of its operations, and the same sent to the Minister, who must as soon as practicable present the report to the Legislative Assembly pursuant to Standing Orders of the Legislative Assembly.

- (2) The corporate plan and annual report of the Office must be prepared in accordance with the same requirements applying to government agencies.

15. Funds of the Office:

- (1) The funds of the Office shall include monies paid to the Office:
 - (a) from appropriations made by the Parliament;
 - (b) under agreements relating to the media rights vested in the Office under this Act;
 - (c) for the use of the intellectual property rights vested in the Office 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 Office;
 - (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 Office under this Act.
- (2) The Office shall keep a record of all donations and support given in kind as goods, materials, supplies and services.
- (3) The Public Finance Management Act 2001 and the Audit Act 2013 apply to the funds under subsection (1) or any public monies received by the Office.

16. Assets of the Office:

- (1) The ownership of all facilities constructed or refurbished by the Office on government land for the purposes of the Games shall be vested in the Samoa Sports Facilities 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 or refurbished by the Office on land belonging to other government and non-government organisations shall be determined by negotiation between the Office 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 Office may, at meetings of the members of the Executive Committee and other members of the Office, 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 Office.

17. Accounts of the Office:

- (1) The Office must keep proper accounts and records of the transactions and affairs and operations of the Office, in accordance with the Public Finance Management Act 2001 and Government's financial and accounting procedures.
- (2) It is the responsibility of the Chief Executive Officer to ensure that:
 - (a) all funds and contributions received by the Office are accounted for;
 - (b) all payments made by the Office are correctly made in accordance with the Public Finance Management Act 2001 and Government's financial and accounting procedures;
 - (c) adequate records and controls are in place for the management of the Office's property and facilities;
 - (d) there is effective control over the incurring of liabilities by the Office;
 - (e) financial statements are prepared in accordance with the Public Finance Management Act 2001 and Government procedures and practices, and shall -

- (i) fairly present the financial transactions and position of the Office;
- (ii) incorporate any specific requirement or detail required by the Financial Secretary.

PART 4

PROTECTION OF MEDIA RIGHTS AND GAMES INDICIA

18. Office may authorise broadcasting and recording:

- (1) Despite the provision of any other law, the Office holds all media rights to the Games.
- (2) The Executive Committee may authorise a person 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.
- (3) An authorisation under this section must be in writing and may be subject to any terms or conditions imposed by the Executive Committee.

19. 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 authorisation given under section 18;
 - (b) makes any sound recording or any film, television, video or digital recording of moving images of any Games Event without an authorisation given under section 18;
 - (c) otherwise breaches or infringes the media rights of the Office;

- (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 is liable upon conviction -
- (i) for an individual, to a fine not exceeding 1000 penalty units or to imprisonment for a term not exceeding one (1) year, or both; or
 - (ii) for a company, to a fine not exceeding 5000 penalty units or to imprisonment for a term not exceeding two (2) years, or both.

20. Authorisation to use Games Indicia:

- (1) The Executive Committee may authorise a person 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.

21. Use of Games Indicia:

- (1) Subject to subsection (2), use of Games Indicia without an authorisation under section 20 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 22.

22. Unlawful use of Games Indicia:

A 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 is liable upon conviction -

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

23. Protection of other intellectual property:

- (1) In addition to the media rights and rights to Games Indicia vested in the Office under this Part, all other rights to intellectual property arising from the preparation by the Office for the Games in accordance with this Act shall be vested in the Office.

- (2) A person who breaches the rights of the Office to the other intellectual property rights vested in it under this section commits an offence and is liable upon conviction -
 - (a) for an individual, to a fine not exceeding 1000 penalty units or to imprisonment for a term not exceeding one (1) year, or both; or
 - (b) for a company, to a fine not exceeding 5000 penalty units or to imprisonment for a term not exceeding two (2) years, or both.
- (3) The rights of the Office to enforce its rights to other intellectual property under this Act are in addition to any other lawful rights that the Office may enforce under any other law.

PART 5

SPONSORSHIP AND NAMING RIGHTS

24. Official sponsors:

- (1) A person may be a sponsor of the Games if the person is approved by the Executive Committee.
- (2) A person may apply in writing to the Executive Committee to be a sponsor of the Games.
- (3) When an application is received under subsection (2), the Executive Committee may approve (with or without conditions) the person, as a sponsor of the Games.
- (4) The Executive Committee may, on its own initiative, request and approve a person to be a sponsor.

- (5) The Executive Committee may determine different categories of sponsors and different types or means of sponsorship.
- (6) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 500 penalty units.

25. 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 Office.

26. Advertising Zones:

- (1) Regulations made under this Act 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.

27. Naming Rights:

- (1) The Office may approve the naming rights for any venue or facility at which Games Events are to be conducted.
- (2) Sponsorship agreements made under section 25 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 Office;
 - (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.

28. Unlawful conduct suggesting sponsorship or authorization:

A 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 Office, or an official sponsorship of the Games, which the person does not have in accordance with this Act; or
- (b) any goods or services have, or are associated in any way with, an approval, affiliation or association with the Games or the Office, 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 is liable upon conviction -

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

PART 6 OFFENCES

29. Obstructing the Games:

A 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 is liable upon conviction:

- (a) for an individual, to a fine not exceeding 1000 penalty units or to imprisonment for a term not exceeding one (1) year, or both; or
- (b) for a company, to a fine not exceeding 5000 penalty units or to imprisonment for a term not exceeding two (2) years, or both.

PART 7 MISCELLANEOUS

30. Extraterritorial application:

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

31. Seizure of unlawful materials:

- (1) Despite the provisions of any law, a police officer and any officer of the Office 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 be 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 government of the Independent State of Samoa and may be disposed of as ordered by the Court.
- (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.

32. Other actions for breaches of this Act:

- (1) The Executive Committee may authorise any person on behalf of the Office 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 Office under this Act.
- (3) If the Office 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 Office for any loss or damage that is found to have suffered.
- (4) The Executive Committee may authorise any person on behalf of the Office 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.

33. Disclosure and misuse of information:

- (1) The Executive Committee may determine or agree that any information provided by or to the Office 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 is liable upon conviction to a fine not exceeding 100 penalty units.

34. Regulations:

- (1) The Head of State, acting on the advice of Cabinet, may make regulations as are necessary or expedient for giving 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 Office, or clarifying any matter related to the rights held by the Office;
 - (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 Office 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 (1) year, or both.

35. Expiration of the Act:

- (1) This Act expires on 31 December 2019.

- (2) Despite subsection (1), a tax deduction allowed under section 27(5) of the Income Tax Act 2012 continues as if this Act had not expired.

36. Exemption from taxation:

Any income derived by the Office is exempt from tax under the Income Tax Act 2012.

37. Tax deductions under the Income Tax Act 2012:

An official sponsor is entitled to a tax deduction under section 27(5) of the Income Tax Act 2012.

38. Custom duties:

- (1) Any goods imported by:
- (a) the Organising Committee;
 - (b) the Pacific Games Council;
 - (c) the Pacific Games Association of Samoa;
 - (d) Accredited Media Representatives; and
 - (e) Accredited Athletes and Officials,
- for the purposes of the Games are exempt from customs duties or any other duties charged on the importation of the goods.
- (2) This section applies to goods imported for the purposes of the Games, on or before the date of the official closing ceremony of the Games.
- (3) A person who is exempted under this Act is subject to inspection and examination or any type of screening as per usual customs clearance for any imported goods or baggage he or she is importing or bringing into Samoa for the purposes of the Games.
- (4) An exemption under subsection (1) only applies to those specified under this Act and does not include any other person (including those subcontracted by persons exempted under this Act).

39. Transitional and savings provisions:

- (1) All authorisations, approvals, licenses, contracts issued or made before the commencement of this 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) Any action (including a decision on sponsorships) taken, approved or authorised by the Chairperson of the Executive Committee or Chief Executive Officer prior to the commencement of this Act which is consistent with any power or delegation under this Act, is taken to have been validly made in accordance with this Act.

40. Consequential amendment:

The Income Tax Act 2012 is amended as follows:

- (a) in section 27 -
 - (i) for subsection (5), substitute the following:

“(5) A sponsor is allowed a deduction to their assessable income for a tax year for the value of sponsorship of the 2019 Pacific Games held in Samoa.”;
 - (ii) in subsection (6), for “Commonwealth Youth Games 2015 (Sponsorship) Act 2014” substitute “Pacific Games Act 2018”;
 - (b) in subclause (1) of Part A of Schedule 2, at the end of paragraph (zg) substitute the full stop with a semi colon, and after that paragraph insert:

“(zh) income of the Pacific Games Office as per section 36 of the Pacific Games Office Act 2018.”.
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