

# REPRINT

## PACIFIC GAMES 2023 ACT 2017

**As in force at: 26 October 2018**

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This version is that in force at the date stated above. It does not include amendments made since that date.

**AN ACT TO PROVIDE FOR THE HOSTING OF THE PACIFIC GAMES 2023.**

# **PACIFIC GAMES 2023 ACT 2017**

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# PACIFIC GAMES 2023 ACT 2017

As in force at: 26 October 2018

## PART 1 PRELIMINARY MATTERS

### 1 Short title

This Act may be cited as the *Pacific Games 2023 Act 2016*.

### 2 Commencement

This Act commences on the day appointed by the Minister by *Gazette* notice.

### 3 Definitions

In this Act:

**“Authority”** means the Pacific Games National Hosting Authority established by section 4;

**“Charter”** means the Pacific Games Charter adopted at Apia, Samoa on 14 May 2006;

**“Facilities Committee”** means the Pacific Games Facilities Committee established by section 21;

**“Fund”** means the Sports Solomons Fund established by section 30;

**“Games”** means the Pacific Games 2023 to be held in Solomon Islands;

**“Games indicia”** means the indicia published in the *Gazette* under section 36;

**“host contract”** means a contract between the Pacific Games Council, Solomon Islands Pacific Games Association and the Government dated 11 May 2016;

**“National Sports Council”** means the Solomon Islands National Sports Council established by section 3 of the *Solomon Islands National Sports Council Act* (Cap. 166);

**“Olympic Committee”** means the National Olympic Committee of Solomon Islands incorporated under section 3 of the *Charitable Trusts Act* (Cap. 55);

**“Organising Committee”** means the Pacific Games Organising Committee established by section 13;

**“Pacific Games Council”** means the Pacific Games Council established by the Charter.

## **PART 2 ADMINISTRATIVE BODIES**

### **Division 1 Pacific Games National Hosting Authority**

#### **4 Establishment of Pacific Games National Hosting Authority**

- (1) The Pacific Games National Hosting Authority is established.
- (2) The Authority is a body corporate with perpetual succession.
- (3) The Authority ceases to exist when the final report of the Authority is tabled in Parliament under section 11(4).

#### **5 Powers and functions of Authority**

- (1) The functions of the Authority are as follows:
  - (a) to ensure the obligations of the Solomon Islands Pacific Games Association and the Government under the host contract are discharged;
  - (b) to conduct the financial planning and budgeting for the Games;
  - (c) to manage and control the Fund;
  - (d) to maintain the bank accounts of the Authority;
  - (e) to oversee the work of the Organising Committee;

- (f) to oversee the work of the Facilities Committee.

(2) In performing its functions, the Authority must:

- (a) act in accordance with the Pacific Games Charter, the host contract and this Act; and
- (b) liaise with the Organising Committee, the Facilities Committee and any relevant government agencies as required.

(3) The Authority has the powers necessary to enable it to perform its functions, including the power to authorise withdrawals from the Fund.

## **6 Composition of Authority**

The Authority consists of the following members:

- (a) 4 members appointed by the Minister, one of whom must be appointed as chairperson of the Authority;
- (b) 3 members appointed by the Olympic Committee, one of whom must be appointed as deputy chairperson of the Authority;
- (c) 1 member appointed by the Pacific Games Council.

## **7 Allowances for Authority member**

A member of the Authority is entitled to be paid the remuneration determined by the Minister by *Gazette* notice.

## **8 Meetings of Authority**

- (1) The chairperson of the Authority must convene a meeting of the Authority as often as required for the performance of the Authority's functions, but at least twice a month.
- (2) Subject to this Act, the Authority may determine the rules and procedures for its meetings, including rules and procedures in relation to the following:
  - (a) quorum for meetings;

(b) voting at meetings.

## 9 Disclosure of interest

- (1) This section applies if a member of the Authority has a personal interest in a matter being considered, or about to be considered, by the Authority.
- (2) The member must disclose the following to the other members as soon as practicable after the relevant facts come to the member's knowledge:
  - (a) the nature and extent of the interest;
  - (b) how the interest relates to the matter.
- (3) The disclosure must be recorded in the minutes of the meeting at which, or before which, the disclosure is made.
- (4) The member need not disclose an interest if the interest is an interest shared with the public generally or a section of the public.
- (5) However, a failure by the member to disclose the interest in the matter does not, on its own, invalidate any decision of the Authority about the matter.
- (6) For this section, a member has a personal interest in a matter if the member:
  - (a) has a direct or indirect financial interest in the matter; or
  - (b) has a personal, professional, commercial or other relationship with a person and the nature of the relationship is likely to, or may reasonably be regarded as likely to, inhibit or prevent the member from exercising independent judgment about the matter.
- (7) A member who is required to disclose a personal interest under this section must not take part in any deliberation or decision of the Authority about the matter.

## 10 Secretariat of Authority

- (1) The Authority is to have a secretariat to provide administrative support to the following:
  - (a) the Authority;
  - (b) if requested by the Organising Committee – the Organising Committee;
  - (c) the Facilities Committee;
  - (d) any subcommittees established by the Authority, the Organising Committee or the Facilities Committee.
- (2) The Authority may appoint staff to the secretariat and determine their terms and conditions of service.
- (3) The Public Service Commission may second a public officer to the Secretariat.
- (4) To avoid doubt, the Organising Committee may appoint its own staff instead of, or in addition to, utilising the administrative support provided by the secretariat of the Authority.

## 11 Reporting requirements

- (1) The Authority must submit a financial plan and budget for the preparation of the Games to the Minister and the Pacific Games Council within 6 months after it receives the latest of the plans mentioned in sections 19 and 28(1).
- (2) The Authority must submit a budget for the conduct of the Games to the Minister and the Pacific Games Council at least 2 years before the Games begin.
- (3) The Authority must submit a report to the Minister and the Pacific Games Council within 10 working days after the end of each quarter, including the following information:
  - (a) the monthly reports given by the Organising Committee and the Facilities Committee for the quarter;

- (b) a statement showing income and expenditure for the quarter;
- (c) a budget statement showing actual expenditure against projected expenditure for the quarter, broken down into expenditure heads;
- (d) any variations in the budget during the quarter and the reasons for them;
- (e) any other prescribed details.

(4) The Authority must submit an annual financial report to the Minister by 31 March following the end of each financial year, including the following information:

- (a) the Authority's accounts for the year;
- (b) a statement showing income and expenditure for the year;
- (c) a budget statement showing actual expenditure against projected expenditure for the year, broken down into expenditure heads;
- (d) any variations in the budget during the year and the reasons for them;
- (e) any other prescribed details.

(5) Within 6 months after the Authority has disposed of its assets and discharged its liabilities as required under sections 34 and 35, the Authority must give the Minister and the Pacific Games Council a final report including the following details:

- (a) a statement showing income and expenditure since the last annual report was made;
- (b) a statement showing how the non-financial assets of the Authority have been disposed of;
- (c) a final budget statement showing actual expenditure against projected expenditure, broken down into expenditure heads, for hosting the Games;

- (d) any other prescribed details.
- (6) The financial reports mentioned in subsections (4) and (5) must be audited by a person who is a registered company auditor under the *Accountants Act 2010*.
- (7) The Minister must table a report given under this section in Parliament at the next meeting of Parliament after he or she receives it.

## **12 Subcommittees**

The Authority may establish the subcommittees it requires to enable it to perform its functions effectively, including a subcommittee for assessing tender bids.

## **Division 2 Pacific Games Organising Committee**

### **13 Establishment of Pacific Games Organising Committee**

- (1) The Pacific Games Organising Committee is established.
- (2) The Organising Committee is a body corporate with perpetual succession.
- (3) The Organising Committee ceases to exist when the final report of the Authority is tabled in Parliament under section 11(4).

### **14 Powers and functions of Organising Committee**

- (1) The functions of the Organising Committee are as follows:
  - (a) to plan, prepare for, manage and conduct the Games;
  - (b) to ensure the safety and welfare of athletes, officials, employees, volunteers and spectators during the Games and related events;
  - (c) to publicise the Games and related events;
  - (d) to organise events related to the Games, such as official celebrations;

- (e) to oversee any subcommittees established by the Organising Committee;
- (f) any additional functions assigned to the Organising Committee by the Authority.

(2) In performing its functions, the Organising Committee must:

- (a) act in accordance with the Pacific Games Charter, the host contract and this Act; and
- (b) liaise with the Authority, the Facilities Committee and any relevant government agencies as required.

(3) The Organising Committee has the powers necessary to enable it to perform its functions, including the power to:

- (a) impose security measures in relation to sporting facilities and other venues used for the Games; and
- (b) recruit staff and volunteers to assist with the preparation for and conduct of the Games; and
- (c) enter into sponsorship agreements on behalf of the Authority.

## **15 Composition of Organising Committee**

- (1) The Organising Committee consists of at least 9 members appointed by the Olympic Committee, one of whom must be appointed on the nomination of the Pacific Games Council.
- (2) One of the members must be appointed as chairperson of the Organising Committee, and another appointed as deputy chairperson.
- (3) The Olympic Committee must appoint the members of the Organising Committee at a special general meeting convened for the purpose with at least 14 days written notice to all members.

## **16 Allowances for Organising Committee member**

A member of the Organising Committee is entitled to be paid the remuneration determined by the Minister by *Gazette* notice.

## **17 Meetings of Organising Committee**

- (1) The chairperson of the Organising Committee must convene a meeting of the Committee as often as required for the performance of the Committee's functions, but:
  - (a) at least twice a month; and
  - (b) in the final 2 years before the Games are held, at least weekly.
- (2) Subject to this Act, the Organising Committee may determine the rules and procedures for its meetings, including rules and procedures in relation to the following:
  - (a) quorum for meetings;
  - (b) voting at meetings.

## **18 Disclosure of interest**

- (1) This section applies if a member of the Organising Committee has a personal interest in a matter being considered, or about to be considered, by the Organising Committee.
- (2) The member must disclose the following to the other members as soon as practicable after the relevant facts come to the member's knowledge:
  - (a) the nature and extent of the interest;
  - (b) how the interest relates to the matter.
- (3) The disclosure must be recorded in the minutes of the meeting at which, or before which, the disclosure is made.
- (4) The member need not disclose an interest if the interest is an interest shared with the public generally or a section of the public.
- (5) However, a failure by the member to disclose the interest in the matter does not, on its own, invalidate any decision of the Organising Committee about the matter.
- (6) For this section, a member has a personal interest in a matter if the

member:

- (a) has a direct or indirect financial interest in the matter; or
- (b) has a personal, professional, commercial or other relationship with a person and the nature of the relationship is likely to, or may reasonably be regarded as likely to, inhibit or prevent the member from exercising independent judgment about the matter.

(7) A member who is required to disclose a personal interest under this section must not take part in any deliberation or decision of the Organising Committee about the matter.

## **19 Reporting requirements**

- (1) The Organising Committee must submit the following to the Authority and the Pacific Games Council within 6 months after the commencement of this Act:
  - (a) a master plan for the preparation for and conduct of the Games; and
  - (b) a monthly work plan for the preparation for the Games.
- (2) In addition, the Organising Committee must submit a monthly progress report to the Authority and the Pacific Games Council on the preparation for the Games within 5 working days after the end of each month.

## **20 Subcommittees**

- (1) The Organising Committee may establish the subcommittees it requires to enable it to perform its functions effectively, including subcommittees to be responsible for the organisation of the following:
  - (a) infrastructure, facilities and equipment;
  - (b) accommodation, logistics and support services;
  - (c) media and communications;

- (d) individual sports;
- (e) medical care;
- (f) ceremonial matters;
- (g) related celebrations and events;
- (h) security.

(2) A subcommittee for an individual sport must include a representative from the National Association (within the meaning of the *Solomon Islands National Sports Council Act* (Cap. 166)) for that sport.

### **Division 3 Pacific Games Facilities Committee**

#### **21 Establishment of Pacific Games Facilities Committee**

The Pacific Games Facilities Committee is established.

#### **22 Powers and functions of Facilities Committee**

- (1) The function of the Facilities Committee is to ensure that the sporting and other facilities required for the Games are in place and are effectively managed and operated.
- (2) The Facilities Committee has the powers necessary to enable it to perform its function.
- (3) In performing its function and exercising its powers, the Facilities Committee must:
  - (a) act in accordance with the Pacific Games Charter, the host contract and this Act; and
  - (b) liaise with the Authority, the Organising Committee and any relevant government agencies as required.

#### **23 Composition of Facilities Committee**

The Facilities Committee consists of the members (including a chairperson) appointed by the Minister acting on the advice of the Authority.

**24      Vacation of office of appointed member**

- (1) A person who is a member of the Facilities Committee ceases to be a member if:
  - (a) the person resigns by giving written notice to the Minister; or
  - (b) the term of office specified in the instrument appointing the person comes to an end and the person is not reappointed; or
  - (c) the person's appointment is terminated under subsection (2).
- (2) The Minister may terminate the appointment of a member:
  - (a) on the ground of misbehaviour or misconduct; or
  - (b) on the ground of physical or mental inability to satisfactorily perform the duties of the office; or
  - (c) if the person is sentenced to a term of imprisonment for an offence; or
  - (d) if the person becomes bankrupt.

**25      Allowances for Facilities Committee member**

A member of the Facilities Committee is entitled to be paid the remuneration determined by the Minister by *Gazette* notice.

**26      Meetings of Facilities Committee**

- (1) The chairperson of the Facilities Committee must convene a meeting of the Committee as often as required for the performance of the Committee's functions.
- (2) Subject to this Act, the Facilities Committee may determine the rules and procedures for its meetings, including rules and procedures in relation to the following:
  - (a) quorum for meetings;
  - (b) voting at meetings.

## **27 Disclosure of interest**

- (1) This section applies if a member of the Facilities Committee has a personal interest in a matter being considered, or about to be considered, by the Facilities Committee.
- (2) The member must disclose the following to the other members as soon as practicable after the relevant facts come to the member's knowledge:
  - (a) the nature and extent of the interest;
  - (b) how the interest relates to the matter.
- (3) The disclosure must be recorded in the minutes of the meeting at which, or before which, the disclosure is made.
- (4) The member need not disclose an interest if the interest is an interest shared with the public generally or a section of the public.
- (5) However, a failure by the member to disclose the interest in the matter does not, on its own, invalidate any decision of the Facilities Committee about the matter.
- (6) For this section, a member has a personal interest in a matter if the member:
  - (a) has a direct or indirect financial interest in the matter; or
  - (b) has a personal, professional, commercial or other relationship with a person and the nature of the relationship is likely to, or may reasonably be regarded as likely to, inhibit or prevent the member from exercising independent judgment about the matter.
- (7) A member who is required to disclose a personal interest under this section must not take part in any deliberation or decision of the Facilities Committee about the matter.

## **28 Reporting requirements**

- (1) The Facilities Committee must submit a plan for the provision of the sporting and other facilities required for the Games to the Authority

and the Pacific Games Council within 6 months after the commencement of this Act.

(2) In addition, the Facilities Committee must submit a monthly progress report to the Authority and the Pacific Games Council on the preparation for the Games within 5 working days after the end of each month.

**29 Subcommittees**

The Facilities Committee may establish the subcommittees it requires to enable it to perform its functions effectively.

**PART 3 FINANCE AND ASSETS**

**30 Establishment of Sports Solomons Fund**

The Sports Solomons Fund is established as a Special Fund under section 100(2) of the *Constitution*.

**31 Purpose of Fund**

The purpose of the Fund is to:

- (a) hold the funds required to host the Games; and
- (b) provide for the ongoing management and maintenance of sports facilities in Solomon Islands after the Games have been completed or cancelled.

**32 What Fund consists of**

The Fund consists of:

- (a) appropriations made to the Fund by Parliament; and
- (b) any amount received by the Authority, including amounts received from sponsors of the Games; and
- (c) any amount received by the Government for the purpose of funding the hosting of the Games.

### **33 Withdrawals from Fund**

- (1) During the existence of the Authority, withdrawals from the Fund may only be made:
  - (a) for the exercise of the powers or the performance of the functions of Authority, the Organising Committee or the Facilities Committee; and
  - (b) with the authorisation of the Authority.
- (2) After the Authority ceases to exist, withdrawals from the Fund may only be made:
  - (a) for the management and maintenance of sports facilities; and
  - (b) with the joint authorisation of the National Sports Council, the Olympic Committee and the Ministry responsible for sports; and
  - (c) in accordance with the rules for managing the Fund prescribed by the Minister responsible for finance.

### **34 Use of Fund after Games**

- (1) As soon as practicable after the Games have been completed or cancelled, the Authority must discharge its liabilities from the Fund.
- (2) After the Authority ceases to exist:
  - (a) the Fund must be managed jointly by the National Sports Council, the Olympic Committee and the Ministry responsible for sports with the purpose of providing for the ongoing management and maintenance of sports facilities in Solomon Islands; and
  - (b) the Minister responsible for finance may make rules for the management of the Fund.

### **35 Disposal of non-financial assets**

- (1) As soon as practicable after the Games have been completed or cancelled, the Authority must distribute its non-financial assets between the Olympic Committee or the National Sports Council.

- (2) The Authority may determine which body receives different assets, subject to the requirements of section 9 of the *Solomon Islands National Sports Council Act* (Cap. 166) and the host contract.
- (3) As soon as practicable after the Games have been completed or cancelled, the Organising Committee must transfer its non-financial assets to the Olympic Committee.

## **PART 4 INTELLECTUAL PROPERTY AND MEDIA RIGHTS**

### **36 Games indicia**

The Authority must publish a notice in the *Gazette* and in any other way it considers appropriate:

- (a) showing the Games indicia; and
- (b) warning that using the Games indicia without a licence to do so is an offence under this Act.

### **37 Licence to use Games indicia**

- (1) A person may apply to the Authority for a licence to use the Games indicia.
- (2) The application must be made in the form approved by the Authority and accompanied by the prescribed fee.
- (3) The Authority may grant the licence subject to the conditions and limitations it considers appropriate.

### **38 Use of Games indicia without licence**

A person commits an offence if the person:

- (a) uses any of the Games indicia:
  - (i) for a commercial purpose; or
  - (ii) for a promotional or marketing purpose, whether or not for a commercial purpose; and

- (b) the person does not have a licence to do so granted under section 37.

Maximum penalty: 150,000 penalty units.

#### **39 Licence to broadcast**

- (1) This section applies subject to the rights of the Pacific Games Council under the Charter and the host contract.
- (2) A person may apply to the Organising Committee for a licence to broadcast or record any sound or image of the Games.
- (3) The application must be made in the form approved by the Organising Committee and accompanied by the prescribed fee.
- (4) The Organising Committee may grant the licence subject to the conditions and limitations it considers appropriate.

#### **40 Broadcasting Games without licence**

A person commits an offence if the person:

- (a) broadcasts or records, in any way, any sound or image of the Games for a commercial purpose; and
- (b) the person does not have a licence to do so granted under section 39.

Maximum penalty: 150,000 penalty units.

#### **41 Protection of other intellectual property**

Subject to the rights of the Pacific Games Council under the Charter and the host contract, the Pacific Games Council will arrange for the Organising Committee to hold all rights to intellectual property arising from the hosting of the Games.

#### **42 Official sponsors**

- (1) Subject to the rights of the Pacific Games Council under the Charter and the host contract, the Organising Committee may enter into agreements that give official sponsorship status to entities that

provide financial or other support for the conduct of the Games.

- (2) An agreement to give official sponsorship may:
  - (a) authorise an official sponsor to use any Games indicia or other intellectual property belonging to the Authority; and
  - (b) with the approval of the Authority – grant an official sponsor naming rights to a venue to be used for the Games.
- (3) An official sponsor who is authorised to use Games indicia is taken to hold a licence to do so granted under section 37.

#### **43 False representation of affiliation or sponsorship**

A person commits an offence if the person falsely represents, by words or conduct that the person:

- (a) has an official affiliation or association with the Games or the Authority; or
- (b) is an official sponsor of the Games.

Maximum penalty: 150,000 penalty units.

### **PART 5 OFFENCES**

#### **44 Obstruction of Games**

A person commits an offence if the person hinders or obstructs:

- (a) the safe and orderly conduct of the Games; or
- (b) a Games official, volunteer or employee of the Authority or the Organising Committee performing duties for the conduct of the Games; or
- (c) an athlete participating in the Games.

Maximum penalty: 50,000 penalty units or 5 years imprisonment, or both.

## **PART 6 MISCELLANEOUS MATTERS**

### **45 Protection from liability**

A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function as a member of:

- (a) the Authority or any of its subcommittees; or
- (b) the Organising Committee or any of its subcommittees; or
- (c) the Facilities Committee or any of its subcommittees.

### **46 Procurement instructions**

The Authority may issue instructions specifying the procurement procedures and policies applicable to procurement carried out for the purpose of the Games, including procurement by the Organising Committee and the Facilities Committee.

### **47 Regulations**

- (1) The Minister may make regulations under this Act.
- (2) Without limiting subsection (1), the regulations may do any of the following:
  - (a) provide for the establishment of a sports arbitration tribunal to deal with disputes related to sport for the purpose of the Games, including the powers and procedures of the tribunal;
  - (b) prescribe fees

## ENDNOTES

### 1 KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
It = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

### 2 LIST OF LEGISLATION

***Pacific Games 2023 Act 2017 (No. 6 of 2017)***

Assent date	17 March 2017
Gazetted	24 March 2017
Commenced	26 October 2018

### 3 LIST OF AMENDMENTS