

No. **2** of 2011.

Pacific Games (2015) Authority Act 2011.

Certified on : **24 OCT 2011**



No. of 2011.

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AN ACT

entitled

Pacific Games (2015) Authority Act 2011,

Being an Act -

- (a) to implement the Host Contract made between the Pacific Games Council, the Papua New Guinea Games Association and the Independent State of Papua New Guinea, for the Pacific Games to be held in Papua New Guinea in 2015; and
- (b) to establish and incorporate an Authority to be known as the *Pacific Games (2015) Authority* pursuant to the Host Contract; and
- (c) to control the finances of the Pacific Games and provide oversight of the organisation of those Games and for related purposes.

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with the advice of the Minister.

PART I. – PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

- (1) For the purposes of Section 53 (protection from unjust deprivation of property) of the *Constitution*, the purposes of this Act are public purposes.
- (2) For the purposes of Section 41 of the *Organic Law on Provincial Governments and Local-level Governments*, it is declared that this Act relates to a matter of national interest.

2. INTERPRETATION.

In this Act unless the contrary intention appears:-

- “Authority” means the *Pacific Games (2015) Authority* established under Section 3 of this Act;
- “Chairman” means the Chairman of the Authority;
- “Charter” means the Charter of the Pacific Games Council;
- “Completion of the Games” shall occur at the expiration of twelve (12) calendar months after the declaration of the closing of the Games at the Games closing ceremony;
- “Council” means the Pacific Games Council;
- “Deputy Chairman” means the Deputy Chairman of the Authority;
- “Foundation” means the Papua New Guinea Sports Foundation;

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- “Games” means the Pacific Games to be held in Papua New Guinea in or about the year 2015;
- “Games Organisation Committee” or “GOC” means PNG 2015 Pacific Games Limited;
- “Government” means Government of Papua New Guinea;
- “Host Contract” means the host contract signed on 27 September 2009 and set out in schedule 1 of this Act;
- “Minister” means the Minister for Sports;
- “Pacific Games Association” or “PGA” means the PNG Sports Federation and Olympic Committee Inc;
- “VIEC” means the Venue, Infrastructure, and Equipment Committee contemplated by the Host Contract and established under Section 16 of this Act.

PART II. – THE AUTHORITY.

3. ESTABLISHMENT OF THE AUTHORITY.

The Pacific Games (2015) Authority is hereby established.

4. STATUS OF THE AUTHORITY.

(1) The Authority -

- (a) is a body corporate with perpetual succession; and
- (b) shall have a common seal; and
- (c) may acquire, hold and dispose of property; and
- (d) may sue and be sued in its corporate name.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to a document and shall presume that it was duly affixed.

5. FUNCTIONS OF THE AUTHORITY.

The functions of the Authority are -

- (a) to consult with the PGA and GOC to ensure effective implementation of the Host Contract; and
- (b) to authorise and direct collection and disbursement of funds to the VIEC and GOC or other appropriate bodies or organisations for the holding of the Games and the construction or rehabilitation of the Games venues; and
- (c) to enter into and perform contracts for the construction and rehabilitation of the Games venues and ancillary works and services; and
- (d) to exercise a critical oversight over, and to ensure that transparent, efficient and economical expenditure of moneys so authorised or disbursed, or otherwise under its control; and
- (e) to liaise and consult with the GOC to ensure the efficient and successful running of the Games; and
- (f) to co-operate with and assist sporting and other bodies in stimulating interest in the preparation for the Games; and
- (g) to oversee the work of the VIEC to ensure the efficient and successful construction and rehabilitation of the Games venues; and
- (h) to do all things ancillary to the foregoing.

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6. POWERS OF THE AUTHORITY.

The Authority has, in addition to the powers otherwise conferred by this Act, power to do all things that are necessary or convenient to be done in connection with the performance of its functions.

7. DELEGATION.

The Authority may, by instrument under the hand of the Chairman, delegate to any person all or any of its functions and powers (other than the power of delegation).

PART III. - BOARD OF THE AUTHORITY.

8. ESTABLISHMENT AND MEMBERSHIP OF THE BOARD.

The Authority shall be managed by a board which shall consist of seven (7) members, being –

- (a) the nominee of the Minister from PNG Sports Foundation; and
- (b) the nominee of the Governor from National Capital District Commission; and
- (c) the Secretary for the Department of Treasury or his nominee from the Department; and
- (d) the President of the Port Moresby Chamber of Commerce or his nominee; and
- (e) the President of the Lae Chamber of Commerce or his nominee; and
- (f) the President of the PGA, or his nominee; and
- (g) a nominated member of the Pacific Games Council.

9. CHAIRMAN AND DEPUTY CHAIRMAN.

(1) The PGA shall appoint one of the members of the board to be Chairman of the Authority.

(2) The members of the board shall appoint one of the members, to be Deputy Chairman.

10. LEAVE OF ABSENCE.

The Chairman may grant leave of absence to a member on such terms and conditions as the Chairman determines.

11. VACANCY NOT TO AFFECT POWERS OR FUNCTIONS.

The exercise or performance of a power or function of the Authority is not invalidated by reason of a vacancy in the board of the Authority.

12. DISCLOSURE OF INTEREST.

(1) A member of the board who has a direct or indirect interest in a matter being considered or about to be considered by the Authority, otherwise than as a member of, and in common with the other members of, an incorporated company which consists of more than 25 persons and of which he is not a director, shall, as soon as the relevant facts have come to his knowledge, declare his interest at a meeting of the Authority.

(2) A declaration under Subsection (1) shall be recorded in the minutes of the Authority, and the member -

- (a) shall not take part, after the declaration, in any deliberation or decision of the Authority in relation to the matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Authority in that deliberation or decision.

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13. MEETINGS OF THE AUTHORITY.

- (1) The Authority shall meet as often as the business of the Authority requires, and at such times and places as it determines, or as the Chairman, or in his absence, the Deputy Chairman, directs, but in any event shall meet not less frequently than once in every quarter.
- (2) Where he receives a request to do so by not less than two (2) members, the Chairman, or in his absence the Deputy Chairman, shall convene a meeting of the Authority within 14 days.
- (3) The Authority shall meet as and when a meeting is called by the Minister of Sports.
- (4) At a meeting of the Authority -
 - (a) three (3) members constitute a quorum provided at least two (2) are from the PGA; and
 - (b) the Chairman, or in his absence the Deputy Chairman, shall preside and if both the Chairman and Deputy Chairman are absent the members present shall appoint a chairman for that meeting from among their own number; and
 - (c) matters arising shall be decided by a majority of the votes of the members present and voting; and
 - (d) the person presiding has a deliberative, and in the event of an equality of votes on any matter, also a casting vote.
- (5) The Authority shall cause minutes of its meetings to be recorded and kept.
- (6) Subject to this Act, the procedures of the Authority are as determined by the Authority.

14. REPORTS.

- (1) The Authority shall -
 - (a) on 30 June and 31 December in each year; and
 - (b) at such other times as requested by the Chairman, Council or the Minister,furnish report on the progress and performance of the VIEC and GOC in relation to their respective functions.

(2) The Authority shall furnish such other reports at such other times as may be required by the Ministerial Committee and shall report periodically to the National Executive Council through the Minister.

15. SECRETARIAT.

Unless and until other arrangements are made by the Authority, the PGA shall act as the secretariat of the Authority.

PART IV. – VENUES, INFRASTRUCTURE & EQUIPMENT COMMITTEE.

16. APPOINTMENT OF VIEC.

The Government shall appoint suitably experienced and qualified individuals to form the VIEC.

17. FUNCTIONS OF VIEC.

The function of VIEC is to carry out in an efficient and timely manner the functions prescribed for the VIEC under the Host Contract under the direction and control of the Authority.

PART V. - PACIFIC GAMES ORGANISING COMMITTEE (GOC).

18. FUNCTIONS OF THE GAMES ORGANISING COMMITTEE (GOC).

The functions of the GOC are -

- (a) to organize the Games as required under the Charter and Host Contract and carry out the duties of the GOC as specified in the Charter and Host Contract; and
- (b) otherwise to carry out all organisation necessary or in connection with the running of the Games and the publicity for the Games and the security and welfare of participants in, and spectators at the Games; and
- (c) to establish a separate committee for each sport to be included in the Games and a Technical Committee for the Games; and
- (d) to liaise with the Authority, the Government and other agencies involved in the Games; and
- (e) to liaise with VIEC; and
- (f) to do all things necessary to ensure the success of the Games in all respects.

19. POWERS OF THE GAMES ORGANISING COMMITTEE.

The GOC has the power to do all things that are necessary or convenient to be done in connection with the performance of its functions.

20. REPORTS.

The GOC shall -

- (a) on 30 June and 31 December in each year; and
- (b) on the completion of the performance of its functions under this Act; and
- (c) at such other times as the Authority may require,

furnish to the Authority a report on the progress and performance of the GOC in relation to its functions.

PART VI. - STAFF.

21. APPOINTMENT OF OFFICERS AND STAFF OF THE AUTHORITY AND GOC.

The Authority and GOC may engage -

- (a) such officers and employees as are respectively necessary for the efficient performance of its functions; and
- (b) such temporary and or casual employees as may be necessary from time to time.

22. PUBLIC SERVICE RIGHTS.

Where a person appointed under Section 21 was, immediately before his appointment, an officer in the Public Service, his service on the staff of the Authority or the GOC shall be counted as service in the Public Service for the purpose of determining his rights (if any) in respect of -

- (a) leave of absence on the grounds of illness; and
- (b) furlough or pay instead of furlough (including pay to dependents on the death of a person).

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PART VII. – FINANCES.

23. APPLICATION OF PUBLIC FINANCES (MANAGEMENT) ACT 1986.

Subject to this Act, the *Public Finances (Management) Act 1995* applies to and in relation to the Authority.

24. BANK ACCOUNTS.

(1) The Authority shall open and maintain an account or accounts at a commercial bank or banks in Papua New Guinea, as the Authority determines, and shall at all times maintain at least one such account.

(2) All moneys paid or received by the Authority shall be paid to such accounts.

25. FUNDS OF THE AUTHORITY.

The funds of the Authority shall consist of –

- (a) sums appropriated from consolidated revenue; and
- (b) such sums as are received, whether by loan, gift or otherwise by the Authority in the course of the exercise or performance of its powers and functions under this Act, and may be applied only in payment or discharge of the expenses, obligations and liabilities of the Authority, VIEC and the GOC arising under this Act or any other law.

26. WINDING UP.

(1) Subject to this Act, as soon as practicable after –

- (a) the Completion of the Games; or
- (b) a decision to cancel the Games,

the Authority and GOC shall be wound up and their respective assets disposed of as provided by this Act.

(2) Subsection (1) does not prevent the Authority from entering into a contract or arrangement, or from incurring an obligation, which will or may continue after –

- (a) the Completion of the Games; or
- (b) a decision to cancel the Games,

if in the opinion of the Authority it is necessary or desirable to enter into such a contract or arrangement, or incur such an obligation for the achievement of the purposes of this Act or for the proper winding-up of the Authority and the disposal of its property.

27. DISCHARGE OF LIABILITIES, ETC.

On or before the winding-up of the Authority, suitable provision shall be made for the discharging of any liabilities of the Authority and the winding-up of the Authority may be postponed for such period as is necessary or convenient for that purpose.

28. DISPOSAL OF SURPLUS.

Where, after all liabilities of the GOC have been fully discharged, there are surplus funds or assets in the name of the GOC, such surplus funds are to be transferred to the PNG Sports Federation and Olympic Committee Inc to be used for the provision of sporting training, coaching and administration.

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29. REPORT ON WINDING UP.

(1) On the date of the winding-up of the Authority under this Act, the Authority shall furnish to the Minister a final report, to the satisfaction of the Minister, on the activities and performance of the Authority and on its winding-up.

(2) The report under Subsection (1) shall include an audit report of the Authority's financial statements prepared by a first tier firm of auditors and accountants with an office in Port Moresby.

(3) The final report under Subsection (1) shall be tabled in the Parliament by the Minister during the first sitting of parliament after the receipt of the report by the Minister.

PART VIII. – MISCELLANEOUS.

30. PROTECTION OF DIRECTORS, ETC.

No action, suit, prosecution or other proceeding shall be brought or instituted personally against any member of the board of the Authority, VIEC or the directors of GOC in respect of any act done bona fide in pursuance or execution of this Act.

31. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all things that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing penalties of fines not exceeding K200.00 for offences against the regulations.

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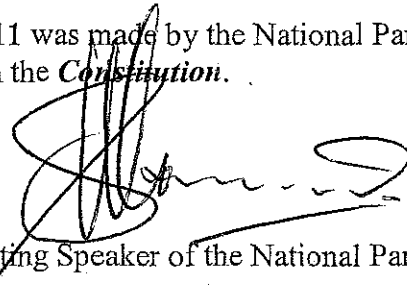
I hereby certify that the above is a fair print of the *Pacific Games (2015) Authority Act 2011* which has been made by the National Parliament.



Clerk of the National Parliament.

24 OCT 2011

I hereby certify that the *Pacific Games (2015) Authority Act 2011* was made by the National Parliament on 6 September 2011 by an absolute majority in accordance with the *Constitution*.



Acting Speaker of the National Parliament.

24 OCT 2011