

EXTRAORDINARY



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FIJI NATIONAL SPORTS COMMISSION DECREE 2013
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IN exercise of the powers vested in me as the President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make the following Decree—

TO ESTABLISH THE FIJI NATIONAL SPORTS COMMISSION IN ORDER TO GUIDE AND ENHANCE THE DELIVERY OF SPORTS PROGRAMMES IN FIJI THROUGH A COORDINATED APPROACH AT ALL LEVELS OF PARTICIPATION BY GOVERNMENT, STATUTORY BODIES AND THE COMMUNITY AND TO ENSURE THE DEVELOPMENT OF SPORTS IN FIJI AND FOR RELATED MATTERS

PART 1—PRELIMINARY

Short title and commencement

- 1.—(1) This Decree may be cited as the Fiji National Sports Commission Decree 2013.
 (2) This Decree shall come into force on a date appointed by Minister by notice in the *Gazette*.

Interpretation

2. In this Decree, unless the context otherwise requires—

“Commission” means the Fiji National Sports Commission established under section 3 of this Decree;

“Committee” means the Advisory Committee established under section 12 of this Decree;

“Minister” means the Minister responsible for Sports;

“national sporting organisation” means the respective national sporting bodies duly responsible for the administration of specific sports;

“Permanent Secretary” means the Permanent Secretary responsible for Sports; and

“sports” means all forms of physical activity, which, through casual or organised participation, aim at expressing or improving physical fitness and mental well-being, forming social relationships or obtaining results in competition at all levels.

PART 2—FIJI NATIONAL SPORTS COMMISSION

Establishment of the Fiji National Sports Commission

- 3.—(1) This section establishes the Fiji National Sports Commission.

(2) The Commission shall operate as a body corporate with perpetual succession and a common seal, and may—

- (a) sue and be sued;
- (b) acquire, hold, possess, dispose of or otherwise deal with any property;
- (c) enter into contracts; and
- (d) do all other acts that may be done in law by a body corporate.

Objectives of the Commission

4. The objectives of the Commission are to—

- (a) institute a clear and manageable framework to guide and enhance the delivery of sports programmes in Fiji through a coordinated and partnership approach at all levels of participation;
- (b) provide coordination, direction and support the development of sports in Fiji;
- (c) establish higher standards of excellence in all sports delivery;
- (d) improve participation in structured physical activity at all levels of participation; and
- (e) support and encourage excellence in the performance of athletes and coaches by developing sports science and encouraging research in high performance athletics.

Functions of the Commission

5.—(1) The functions of the Commission are to—

- (a) advise the Minister on all matters relating to the development of sports;
- (b) co-ordinate and promote activities for the development of sports;
- (c) administer money appropriated by the Government or raised by the Commission for the purposes of the Commission;
- (d) encourage and give opportunities for every citizen to actively participate in sports or physical activity in order to improve general health;
- (e) initiate, encourage, facilitate research and development in sports;
- (f) promote the utilisation of sporting and recreational facilities in urban and rural areas;
- (g) encourage and support regular competition in all sports at all levels;
- (h) provide in partnership with national sporting organisations, coaching and training personnel to deliver specialised sports programmes;
- (i) develop and implement programmes specifically aimed at persons who excel in sport or who have the potential to achieve high standards of excellence, inclusive of athletes, coaches, umpires, referees or officials essential to the conduct of sport;
- (j) assist in funding for athletes to compete in overseas international competition;
- (k) provide support and financial assistance to national federations, in the development of their sport and of their high performance athletes;
- (l) assist with the organisation and funding of community sports development programmes;
- (m) organise and provide research, professional, and technical services in the areas of sports science, sports medicine and sports management;
- (n) establish standards for delivery at all levels of sports development;
- (o) assist the Ministry of Education in programmes for physical activities and sport in schools;
- (p) promote sports opportunities, provision of relevant equipment, programmes and personnel for the training of people with disabilities;
- (q) provide funding to encourage a greater participation in sports for people with disabilities and the availability of regular and higher level competition;
- (r) ensure greater accountability of all sporting bodies and help eliminate conflict of interest;
- (s) regulate all matters relating to sports in Fiji to ensure that all sports and elected officials comply with their constitutions, regulations and guidelines;
- (t) intervene and solve disagreement within sporting bodies;
- (u) support national sporting organisations and other related organisations in their planning, administration and development;
- (v) co-operate with national and international sporting organisations in aiming to foster a sporting environment that is free from the unsanctioned use of performance enhancing drugs and doping methods;
- (w) affiliate bodies such as schools and districts to national sporting organisations; and
- (x) administer tax incentive rebates.

(2) The Commission may perform any of its functions in co-operation and consultation with divisions, provinces and districts or any individual person, association, organisation locally, regionally and internationally.

(3) The Commission may, in relation to the performance of its functions publish documents, organise conferences, support initiatives and establish informal networks to promote sports development.

Powers of the Commission

6. The powers of the Commission are to—

- (a) make grants and provide scholarships or like benefits for sporting activities and related purposes;
- (b) act as trustee of money or other property invested in the Commission on trust;
- (c) obtain commercial sponsorship for the Commission and participate in marketing arrangements involving the endorsement by the Commission of products and services associated with sport;
- (d) arrange for the manufacture of, and distribute, whether by sale or otherwise, any article or thing bearing a mark, symbol, or writing that is associated with the Commission; and
- (e) do all things necessary or convenient to be done for or in connection with the performance of its functions.

Composition of the Commission

7. The Commission shall consist of the following person—

- (a) a Chairperson appointed by the Minister who has experience in business and a good understanding of sports;
- (b) the Permanent Secretary as Deputy Chairperson;
- (c) 3 persons appointed by the Minister from different national sporting organisations;
- (d) the Chairperson of the Fiji Sports Council;
- (e) the Chief Executive Officer of the Fiji Sports Council;
- (f) the Permanent Secretary for Finance or his or her nominee;
- (g) 2 other persons appointed by the Minister from the business sector; and
- (h) a Secretary appointed by the Minister.

Term of office

8. Members of the Commission appointed by the Minister may hold office for a term of 3 years, and are eligible for reappointment.

Co-opted members

9.—(1) The Commission may co-opt such persons as necessary to participate in one or more of the Commission's meetings if and when the need arises.

(2) A co-opted person shall be an expert or have special knowledge or experience to provide expert advice to the Commission on any matter relating to sports.

Vacation of office

10. The office of a member becomes vacant if that member—

- (a) dies;
- (b) is absent without the leave of the Commission for 3 consecutive meetings of the Commission; or
- (c) conducts him or herself in a manner which amounts to misconduct.

Resignation

11. A member of the Commission appointed by the Minister may resign from his or her office by giving one month's written notice to the Minister.

Advisory Committee

12.—(1) The Commission may from time to time appoint an Advisory Committee for the purposes of assisting the Commission in the performance of its functions.

(2) The Advisory Committee shall—

- (a) advise and assist the Commission in the formulation of strategic and national policies concerning sports;
- (b) conduct research and recommend suitable activities or projects relevant to improving sports in Fiji; and

(c) act on such directions given by the Commission to assist the development of sports in Fiji.

(3) The members of the Committee shall be appointed by the Commission and shall consist of—

(a) a Chairperson who is a member of the Commission;

(b) a Secretary; and

(c) other members as ascertained by the Commission who have relevant knowledge and expertise.

(4) The members of the Committee shall receive such allowances and other expenses the Commission may determine, subject to the approval of the Minister.

(5) The membership of a member of the Committee ceases if he or she is absent without the leave of the Committee for more than 3 consecutive meetings of the Committee.

Chief Executive Officer of the Commission

13.—(1) The Commission, with the approval of the Minister, shall appoint a suitably qualified person as the Chief Executive Officer of the Commission in accordance with other terms and conditions the Commission may approve.

(2) The Chief Executive Officer may be appointed for a term of 3 years and is eligible for re-appointment.

(3) The Chief Executive Officer shall be remunerated in a manner and at a rate determined by the Commission with the approval of the Minister.

(4) The Chief Executive Officer shall—

(a) be responsible to the Commission for its management and the execution of its policy;

(b) assist the Commission in the implementation of its strategic plans and national policies concerning sports; and

(c) subject to the provisions of this Decree and to any resolution passed at a meeting of the Commission, do all things necessary or convenient to be done in connection with, or incidental to, the performance of his or her duties under this Decree or any other written law.

(5) The Chief Executive Officer in consultation with the Commission may appoint such officers, servants or agents as it considers necessary for the efficient exercise, performance and discharge of its duties.

(6) Such officers, servants or agents appointed under subsection (5) shall be remunerated in a manner and at rates subject to terms and conditions determined by the Commission on the approval of the Minister.

PART 3—ADMINISTRATION

Meetings of the Commission

14.—(1) The Commission shall convene monthly meetings and may call special meetings as and when necessary to ensure efficient performance of its functions.

(2) Any issue raised or to be decided should be decided by a majority of the votes of the members present and voting, and in the event of equality of votes, the presiding member shall have a casting vote.

Conduct of meetings

15. At least 6 members of the Commission constitute an official quorum at a meeting.

Strategic plan

16.—(1) The Commission shall—

(a) formulate a 5 year strategic plan setting out the manner in which the Commission proposes to perform its functions on a continuing basis; and

(b) review and revise the strategic plan on an annual basis.

(2) A strategic plan, or a revision of a strategic plan, has no effect until approved by the Minister.

(3) The first strategic plan shall be submitted to the Minister within 6 months after the commencement of this Decree.

- (4) The Commission shall perform its functions in accordance with its strategic plan.

Reports to the Minister

17. The Commission shall—

- (a) from time to time inform the Minister concerning the general conduct of its activities; and
- (b) furnish to the Minister such information in relation to its activities as the Minister requests.

Remuneration

18. Members of the Committee, the Commission and co-opted members, other than members who are public officers, are entitled to remuneration determined by the Commission and approved by the Minister.

Indemnity

19.—(1) The Commission, the Committee and any member of the Commission or Committee or any officer, co-opted member or staff engaged by the Commission shall not be held liable for any action, suit, proceeding, dispute or challenge in any court, tribunal or any other adjudicating body for or in respect of any act or omission done in the exercise or non-exercise of the powers conferred by or duties prescribed under the provisions of this Decree or any other written law.

(2) A member of the Commission or Committee shall not act unilaterally using their membership advantage to personally gain from outside dealings apart from that which will benefit the Commission or the Committee.

PART 4—ACCOUNTS AND FINANCE

Funds of the Commission

20. The funds of the Commission shall comprise of—

- (a) any money appropriated by the Government for the purpose of this Decree;
- (b) any contribution or donation to the Commission;
- (c) fees imposed by the Commission under this Decree;
- (d) any money borrowed by the Commission; and
- (e) any other money received by or on behalf of the Commission.

Accounts

21. The Commission has a duty to keep proper accounts and other records in respect of its operations in accordance with standard business practices.

Annual report

22.—(1) The Commission has a duty to prepare and submit to the Minister an annual report including its accounts for the preceding year, before the end of every financial year.

(2) The Minister shall present the annual report to Cabinet, as soon as practicable after receiving it.

Audit

23.—(1) The Commission is required to be audited once a year.

(2) The audit shall be conducted in accordance with the Audit Act (Cap. 70) and the Financial Management Act 2004, except where the audit is conducted by a person appointed by the Commission under subsection (3).

(3) The audit is to be conducted by—

- (a) the Auditor General or a person authorised or contracted under the Audit Act (Cap. 70) to carry it out, unless the Commission is exempted from audit under that Act by the Regulations; or
- (b) a person appointed by the Commission, if the Commission is so exempted from audit under the Audit Act (Cap. 70).

(4) The person appointed by the Commission under subsection 3(b) is to be—

- (a) a person that the Minister for Finance directs the Commission in writing to appoint; or
- (b) if the Minister for Finance gives no such directions, the person chosen by the Commission.

PART 5—MISCELLANEOUS

Directions by Minister

24.—(1) The Minister may give such directions, not inconsistent with the provisions of this Decree, as to the performance of the functions and duties and exercise of its powers by the Commission.

(2) The Commission should give effect to any directions given under subsection (1).

Regulations

25. The Minister may make Regulations to give effect to the provisions of this Decree and any other matters required to be prescribed under the provisions of this Decree.

Consequential amendment

26. The Fiji Sports Council Act (Cap. 271A) is hereby amended in—

- (a) section 4 by deleting subsection (d); and
- (b) section 6 by deleting subsections (c) and (f).

GIVEN under my hand this 22nd day of January 2013.

EPELI NAILATIKAU
President of the Republic of Fiji