

Queensland



QUEENSLAND TOURIST AND TRAVEL CORPORATION ACT 1979

**Reprinted as in force on 13 July 1994
(includes amendments up to Act No. 49 of 1993)**

Reprint No. 1

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This Act is reprinted as at 13 July 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (Pt 4, Div 2)
- update references (Pt 4, Div 3)
- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- correct spelling and use different spelling consistent with current legislative drafting practice (s 26)
- use standard punctuation consistent with current legislative drafting practice (s 27)
- use conjunctives and disjunctives consistent with current legislative drafting practice (s 28)
- use expressions consistent with current legislative drafting practice (s 29)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit provisions that are no longer required (ss 36, 37 and 39)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- correct minor errors (s 44).

Also see Endnotes for—

- **details about when provisions commenced**
- **further information about editorial changes made in the reprint, including—**
 - **Table of changed names and titles**
 - **Table of obsolete and redundant provisions**
 - **Table of corrected minor errors**
 - **Table of renumbered provisions.**

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**QUEENSLAND TOURIST AND TRAVEL
CORPORATION ACT 1979**

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**QUEENSLAND TOURIST AND TRAVEL
CORPORATION ACT 1979**

[as amended by all amendments that commenced on or before 13 July 1994²]

An Act to provide for the Queensland Tourist and Travel Corporation, its functions and powers and for purposes related to the tourist and travel industry in Queensland

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Queensland Tourist and Travel Corporation Act 1979*³⁻⁸.

Definitions

2. In this Act—

“**appointed day**” means 1 August 1979;

“**Corporation**” means the Queensland Tourist and Travel Corporation.

PART 2—THE QUEENSLAND TOURIST AND TRAVEL CORPORATION

Division 1—Constitution of Corporation

Constitution of Corporation

6.(1) There is hereby constituted a body corporate under the name and style ‘The Queensland Tourist and Travel Corporation’ which, by that name and style, shall have a common seal, and shall be capable in law of suing and being sued in its corporate name and of acquiring, holding and disposing of land and other property, of granting and taking leases of land and other property, and of doing and suffering all such other acts and things as bodies corporate may in law do and suffer.

(1A) The Corporation shall be capable of compounding or proving in any court of competent jurisdiction all debts and sums of money due to it.

(2) All courts, Judges and persons acting judicially shall take judicial notice of the common seal of the Corporation affixed to any document and, until the contrary is proved, shall presume that it was duly affixed.

Membership of Corporation

7.(1) The Corporation is to consist of the following members—

- (a) the chairperson;
- (b) 6 other members.

(2) The members are to be appointed by the Governor in Council.

(3) In deciding whether to appoint a person, the Governor in Council must have regard to the person’s management skills and knowledge of the tourist and travel industry.

(4) The members must elect a member to be the deputy chairperson at the first meeting held after—

- (a) all of the members assume office; or

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- (b) if the deputy chairperson vacates the office—the appointment of a member in place of the member who was the deputy chairperson.

Term of appointment of members

8. A member of the Corporation is to be appointed for a term of not more than 3 years.

Observers at Corporation meetings

9. The Governor in Council may appoint—

- (a) an officer of the department; and
(b) an officer of the department in which Part 4 of the *Financial Administration and Audit Act 1977* is administered;

to be observers at the Corporation's meetings.

Vacating member's office

10.(1) A member of the Corporation may, by writing addressed to the Minister, resign the member's office at any time.

(2) The Governor in Council may at any time remove from office a member of the Corporation.

(3) A member of the Corporation shall be deemed to have vacated the member's office—

- (a) in the event of the member's resignation—upon the receipt by the Minister of the member's notice of resignation;
(b) in the event of the member's removal—upon the issue by the Minister of notice of the member's removal;
(c) in the event of the member's absence without the Corporation's leave first obtained from 3 consecutive ordinary meetings of the Corporation of which notice has been duly given to the member;
(d) in the event of the member's failure to comply with the member's obligations under section 29.

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(4) For the purposes of subsection (3)(c)—

- (a) the non-attendance of a member at the time and place appointed for an ordinary meeting shall not constitute absence from such meeting unless a meeting of the Corporation at which a quorum is present is actually held on that day;
- (b) the attendance of a member at the time and place appointed for an ordinary meeting shall be deemed to constitute presence at an ordinary meeting notwithstanding that by reason of the lack of a quorum a meeting is not actually held on that day;
- (c) the names of the members who attend at the time and place appointed for an ordinary meeting shall be entered in the minute book provided pursuant to this Act.

Fees and allowances of members

12.(1) Such fees and allowances as the Governor in Council approves from time to time shall be paid to every member of the Corporation.

(3) Each member of the Corporation shall be paid such expenses as are necessarily incurred by the member in the discharge of duties as a member and as the Corporation approves.

Division 2—Functions, powers and duties of Corporation

Functions of Corporation

13.(1) The functions of the Corporation are—

- (a) to promote and market, both domestically and internationally, tourism and travel;
- (b) to make tourism and travel arrangements;
- (c) to provide tourism and travel information services;
- (d) to encourage the development of the tourist and travel industry;
- (e) to prepare a State tourist industry strategy plan;
- (f) to advise the Minister on matters relating to paragraphs (a) to (e)

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that are referred to the Corporation by the Minister for advice.

(2) In carrying out its functions under this Act the primary responsibility of the Corporation shall be to promote, market, develop and arrange tourism and travel to and within Queensland.

(3) The Minister may issue written directions to the Corporation on matters of policy and the exercise of its powers and functions and the Corporation shall observe and carry out the directions so given.

(4) In the preparation of its State tourist industry strategy plan the Corporation is to extensively consult with the tourist industry, the general community and appropriate departments.

Powers to discharge functions

14.(1) The Corporation has and may exercise such powers as are necessary or desirable to allow the proper discharge by it of its functions or any of them.

(2) Without limiting the powers of the Corporation conferred by this Act or had by the Corporation in its corporate capacity the Corporation may—

- (a) acquire, hold, let, lease and alienate (by exchange, sale or otherwise) real and personal property for the purposes of the conduct of the Corporation's operations under this Act whether the property is situated in Queensland or elsewhere; and
- (b) act as an agent for any person or body, whether corporate or unincorporate, engaged in the provision of travel or tourist facilities; and
- (c) provide or assist in the provision of tourist and travel information services by itself, by any person or body whether corporate or unincorporate or in conjunction with that person or body or the Government of any other place; and
- (d) demand and receive fees, retainers, or commissions for acting as an agent or for the sale of travel, accommodation or associated services; and
- (e) promote the development of tourism within Queensland and encourage the upgrading of existing tourist and travel facilities;

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and

- (f) undertake research into the requirements of the tourist and travel industry and the means of promoting tourist projects and make available, with or without any charge or fee the Corporation may specify, the results of such research to interested parties; and
- (g) recommend to the Minister the granting of financial and other assistance to promoters of tourist and travel or tourist or travel projects for the development of such projects; and
- (h) locate and classify potential tourist attractions and coordinate the development of new or existing tourist ventures with all interested persons and bodies (whether corporate or unincorporate), local governments and departments of the Government of the State and of the Commonwealth, assist tourist ventures at places of significant tourist interest, consult with tourist and travel operators with a view to achieving desirable industry standards, and publish the Corporation's assessment of the standards achieved by particular enterprises; and
- (i) encourage improvements in standards by such means as it considers appropriate including the establishing of awards for special competence and innovation; and
- (j) establish staff training facilities and provide training courses and scholarships, and arrange contracts between trained personnel seeking employment and prospective employers within the industry; and
- (k) liaise with Australian and overseas travel operators and other representative tourist industry bodies; and
- (l) liaise with regulatory authorities affecting operations of tourist and travel enterprises; and
- (m) hold seminars, workshops and conferences for and on behalf of the Queensland tourist industry; and
- (n) publish papers, magazines and periodicals in respect of the tourist and travel industry.

(3) For the purpose of discharging its functions and exercising its powers, the Corporation is empowered to enter into financial arrangements

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within the meaning of the *Statutory Bodies Financial Arrangements Act 1982* with the Treasurer or any other person and in respect of the Corporation as a statutory body within the meaning of that Act the provisions of Part 4 of that Act other than the provisions of sections 25A, 25B, 27(4) and (5), 28(4) and (5), 33 to 39, 40(4), 46 and 47(1) and (2) apply.

(4) The power conferred by the *Land Act 1962* on the Governor in Council to grant in fee simple, or demise for a term of years or in perpetuity any Crown land within Queensland includes power to make such a grant or demise to the Corporation for any purpose under this Act and to make such a grant or demise in priority to and to the exclusion of all other persons notwithstanding the provisions of the *Land Act 1962*.

Engagement and employment of staff

16.(1) The Corporation may appoint and employ a General Manager of the Corporation and any number of persons, not greater than the number approved from time to time by the Minister, to enable it to discharge its functions.

(2) Subject to any applicable award of an industrial court, tribunal or authority or any industrial agreement persons employed by the Corporation shall be paid salaries, wages and allowances at such rate or rates and shall be employed under such conditions of employment (including conditions as to leave entitlements) as the Corporation, after consultation with the chief executive of the department in which the *Industrial Relations Act 1990* is administered, determines.

(3) In respect of any industrial matter to be decided under the *Industrial Relations Act 1990* by the Industrial Relations Commission or the Industrial Court in which the Corporation has an interest as an employer, the Corporation shall consult with the chief executive of the department in which the *Industrial Relations Act 1990* is administered.

(6) A person, other than a person to whom section 17(2) refers, who is employed in a permanent capacity by the Corporation shall for the purposes of the provisions of the *State Service Superannuation Act 1972* being made applicable to the person, be deemed to be an officer within the meaning of that Act and such person shall contribute to the State Service

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Superannuation Fund and shall be entitled to payments and other benefits therefrom in respect of himself or herself, his or her widow or widower and any child of his or her accordingly unless—

- (a) the Governor in Council otherwise determines; or
- (b) the person is not eligible to contribute to that fund by reason of any provision of that Act.

Rights of officers previously employed in public service

17.(1) Subject to this section a person who under repealed section 16(4) was taken to be appointed or seconded to perform the duties of an officer of the Corporation shall nevertheless for as long as the person continues in the Corporation's employment in a permanent capacity retain and may claim against the Corporation in respect of all entitlements as respects leave which have accrued or are accruing to the person as an officer of the public service at the appointed day and for this purpose the person's service as such employee and as such officer shall be deemed to be continuous service as an employee of the Corporation.

(2) A person who immediately before the appointed day was a contributor to the State Service Superannuation Fund and who under repealed section 16(4) was taken to be appointed or seconded to perform the duties of an officer of the Corporation shall for as long as the person continues to perform the duties of an officer of the Corporation (whether as an officer of the public service or as an officer of the Corporation) in a permanent capacity—

- (a) retain all entitlements which at the appointed day have accrued or are accruing to the person as a contributor under the *Public Service Superannuation Act 1958* or the *State Service Superannuation Act 1972*; and
- (b) continue to be or, as the case may be, shall be deemed to be an officer within the meaning of each of those Acts and shall continue to contribute to that fund and shall be entitled to payments and other benefits therefrom in respect of himself or herself, his or her widow or widower and any child of his or her accordingly.

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(4) An officer of the Corporation—

- (a) who was entitled to elect under repealed subsection (3); and
- (b) who has continuously performed the duties of an officer of the Corporation since the appointed day; and
- (c) whose employment with the Corporation has been terminated by it prior to the officer attaining the age of 65 years;

shall, upon and by virtue of such termination, become readmitted to the public service and, until the officer is assigned to a position in another department, shall be an officer in the department of the Government for the time being concerned with tourism at the salary classification on which the officer was employed within the public service immediately prior to the appointed day, notwithstanding the provisions of any other Act.

(4A) A termination of employment such as is referred to in subsection (4)(c) shall be taken not to be a dismissal referred to in section 35 of the *State Service Superannuation Act 1972* and the officer whose employment has been so terminated shall be taken, for the purposes of the *Public Service Superannuation Act 1958*, not to be a person who has ceased to be a contributor.

(4B) For the purpose of calculating the entitlements to leave of an officer readmitted to the public service under subsection (4) the period during which the person was an officer employed by the Corporation shall be deemed to be service in the public service and shall be deemed to be continuous with the service in the public service had by the officer prior to that period and service in the public service after the officer's readmission.

(5) Despite subsection (4), a person whose employment with the Corporation is terminated by it because of disciplinary action does not automatically become readmitted to the public service on termination.

Contributions by Corporation

18.(1) In respect of a person who contributes to the State Superannuation Fund and is referred to in section 16(6) or section 17(2) the Corporation shall pay to the State Service Superannuation Additional Benefits Fund such sums as would have been payable by the Crown by way of contribution to such last mentioned fund had the contributor been an employee of the

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Crown and had been paid salary at the rate paid to the person at the material time by the Corporation.

(2) Moneys payable by the Corporation to the State Service Superannuation Additional Benefits Fund and unpaid may be recovered by action in a court of competent jurisdiction by the State Service Superannuation Board constituted under the *State Service Superannuation Act 1972* as a debt due to that Board.

Delegation

19. The Corporation may delegate its powers to—

- (a) a member of the Corporation; or
- (b) a member of the Corporation's staff.

Consultants and researchers

20.(1) The Corporation may engage such consultants and legal and technical advisers as the Corporation considers necessary from time to time for enabling the Corporation to carry out its duties under this Act.

(2) The Corporation may from time to time enter into arrangements with any body or person with respect to any investigation, study or research that, in the opinion of the Corporation, is necessary or desirable for the purposes of this Act.

Division 3—Proceedings and business of Corporation

Meetings of Corporation

21.(2) The Corporation shall, by its resolution, appoint the times and places at which its meetings will be held and shall hold its meetings as so resolved from time to time.

Presiding at meetings

22.(1) The chairperson of the Corporation shall preside at every meeting

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of the Corporation at which the chairperson is present and, in the chairperson's absence, the deputy chairperson of the Corporation shall so preside, if the deputy chairperson is present.

(2) If both the chairperson and deputy chairperson are absent from any meeting the members of the Corporation who are present, if they constitute a quorum, may appoint 1 of their number to act as chairperson of the meeting and such appointee may preside at the meeting and exercise the powers and functions of the chairperson.

Quorum at meetings

23. The quorum of the Corporation shall consist of a majority of the number of members of the Corporation for the time being holding office.

Notice of meetings

24.(1) Notice of every meeting or adjourned meeting, other than a meeting adjourned to a later hour of the same day on which such meeting was appointed to be held, shall be in writing and shall be given to each member of the Corporation and any observers appointed under section 9 at least 7 days prior to the date appointed for such meeting.

(2) However, in circumstances which in the opinion of the chairperson of the Corporation or of 2 other members of the Corporation constitute an emergency the chairperson or, as the case may be, such 2 members may upon notice to all the members and any observers appointed under section 9 call a meeting of the Corporation and the same may be validly held notwithstanding that the notice given is for less than the time prescribed by subsection (1) for a notice of meeting.

(3) A notice of a meeting or an adjourned meeting may be given to a member and any observer appointed under section 9 by prepaid post letter addressed to his or her place of business or place of residence last known to the chairperson.

Adjournment of meetings

25.(1) The members present at a meeting of the Corporation may adjourn

the meeting from time to time.

(2) If a quorum is not present at a meeting within 15 minutes after the time appointed for the meeting to commence the member or members present or the majority of them if more than 2 are present may adjourn such meeting to any time not later than 14 days from the date of such adjournment.

(3) No provision of subsection (2) shall be construed to prevent the adjournment of a meeting to a later hour of the same day on which such meeting was appointed to be held.

Conduct of Corporation's affairs

26.(1) The Corporation shall exercise or perform a power, authority, function, duty or obligation by majority vote of its members present and voting at the meeting at which such exercise of performance is to occur.

(1A) The person who is duly presiding at a meeting, if the person is entitled to vote, shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

(2) The Corporation shall cause to be recorded in a book provided for the purpose (the “**minute book**”), kept under the superintendence of the chairperson of the Corporation—

- (a) particulars of all proceedings of the Corporation;
- (b) the names of the members and any observers appointed under section 9 present at each meeting of the Corporation;
- (c) the names of all members voting on any question before the Corporation on which a division is called.

(2A) Every entry in the minute book shall be signed at the meeting of the Corporation next following the meeting at which the proceedings to which the entry relates were taken, by the chairperson of the Corporation or other person who duly presides at such next following meeting.

(3) Every entry in the minute book purporting to be signed as prescribed and every writing purporting to be a copy of or extract from such an entry (purporting to be signed by the chairperson of the Corporation and sealed with the seal of the Corporation) shall upon its production in any proceeding

be evidence, and in the absence of evidence to the contrary conclusive evidence, of the matters contained therein without further proof of the regularity of the meeting to which the entry relates or of any other matter referred to therein.

Custody of seal—Authentication of documents

27.(1) The common seal of the Corporation shall be in the custody of an officer of the Corporation appointed by the Corporation.

(2) The common seal shall not be affixed to a document except under the authority of a resolution of the Corporation and shall be affixed by the person who has custody of the seal in accordance with this Act.

(3) Except where it is by this Act otherwise prescribed, a document made or issued by the Corporation for the purposes of this Act shall be sufficiently authenticated if it is made or, as the case may be, signed by the chairperson or other person authorised by the Corporation in that behalf.

Disclosure of interest in contracts

29.(1) A member of the Corporation who is directly or indirectly interested in a contract made or proposed to be made by the Corporation otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than 25 persons, shall disclose the nature of the member's interest at the first meeting of the Corporation at which the member is present after the relevant facts have come to the member's knowledge.

(2) A disclosure under this section to the Corporation shall be recorded in the minutes of the Corporation.

(3) After a member of the Corporation has, in pursuance of this section, disclosed the nature of the member's interest in a contract, the member—

- (a)** shall not take part in any deliberation or decision of the Corporation with respect to the contract; and
- (b)** shall be disregarded for the purposes of constituting a quorum of the Corporation for any such deliberation or decision.

(4) A general notice given in writing to the chairperson of the

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Corporation by a member of the Corporation as to the nature of the member's interest shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of the member's interest in any contract or proposed contract made, proposed to be made or relating to that person which may become the subject of consideration by the Corporation after the date of the notice.

(4A) The chairperson shall record in a book to be kept for the purpose particulars of every disclosure made and of every notice given under subsection (4) and the book shall be open at all reasonable times to the inspection of any member of the Corporation.

(5) The Minister, subject to such conditions as the Minister thinks fit to impose, may remove as respects any member of the Corporation any disability imposed by this section whenever the number of members so disabled at any time would in the Minister's opinion be such as to impede the conduct of business of the Corporation or if, in any other case, it appears to the Minister desirable that the disability should be removed.

(6) The Corporation may by its resolution exclude any member from a meeting whilst any contract or proposed contract in which the member has an interest such as is referred to in subsection (1) is under consideration.

(7) For the purposes of this section, the interest in any contract or proposed contract of the spouse or of any member of the family of a member living with that member shall, if known to that member, be deemed to be also the interest of that member.

PART 2A—SUBSIDIARY CORPORATIONS AND ADVISORY COUNCIL

Division 1—Subsidiary corporations

Constitution of subsidiary corporations

29A.(1) There is hereby constituted the following body corporates under the names and styles—

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- (a) ‘Queensland Holidays and Travel’;
- (b) ‘Australian Travel and Leisure Automated Systems’;

each, in this Part, called a “**subsidiary corporation**”.

(2) Each subsidiary corporation, by the name assigned to it by subsection (1)—

- (a) is a body corporate; and
- (b) is to have a seal; and
- (c) may acquire, hold and dispose of real and personal property whether situated in or outside Queensland; and
- (d) may sue and be sued in its corporate name.

(3) The seal of each subsidiary corporation is to be kept in the custody of the person appointed by the relevant subsidiary corporation and is not to be used except as authorised by the relevant subsidiary corporation.

(4) All courts and persons acting judicially are to take judicial notice of the seal of each subsidiary corporation and, until the contrary is proved, are to presume that each seal was duly affixed to a document on which it appears.

Functions of subsidiary corporations

29B.(1) The primary function of Queensland Holidays and Travel are—

- (a) to make tourism and travel arrangements; and
- (b) to act as an agent for any person or body (whether incorporated or unincorporated) engaged in the provision of tourism and travel facilities; and
- (c) to demand and receive fees, retainers and commissions for acting as an agent or for the sale of travel, accommodation or associated services; and
- (d) to act as a tour wholesaler of tourism, travel and associated products.

(2) The primary function of Australian Travel and Leisure Automated Systems is to assist in the distribution of Queensland tourism products

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(both domestically and internationally) by developing computer based travel reservations and accounting management systems and a computer information database for—

- (a) the provision of computer based services to the Corporation and the subsidiary corporations;
- (b) the distribution of database information and reservation facilities via third party networks (including but not limited to)—
 - (i) airline central reservation systems;
 - (ii) travel agency networks;
 - (iii) other public and private database access systems;
- (c) the development of tourism technology infrastructure to increase the competitiveness of Queensland tourism.

(3) Australian Travel and Leisure Automated Systems may offset the cost of the development referred to in subsection (2)(c) by the servicing of a range of public and private users and the licensing of its proprietary technology.

(4) In addition to the primary functions specified in subsections (1) and (2), each subsidiary corporation has such functions of the Corporation as the Corporation may from time to time delegate to it.

Powers of subsidiary corporations

29C. Each subsidiary corporation has the power to—

- (a) do and suffer all other acts and things a company, within the meaning of the Corporations Law (Cwlth), may lawfully do and suffer;
- (b) do all things necessary or convenient to be done for or in connection with, the performance of its functions.

Subsidiary corporations subject to direction of Corporation

29D.(1) The members of the Corporation are the members of each subsidiary corporation.

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(2) In the exercise and performance of its powers, functions and duties, each subsidiary corporation is subject to the control and direction of the Corporation.

(3) Part 2, Division 3 applies to each subsidiary corporation as if they were the Corporation.

Division 2—Advisory Council

Advisory Council

29F.(1) The Minister is to appoint in writing an advisory council by the name ‘Regional Tourism Ministerial Advisory Council’.

(2) The Council is to consist of 15 persons appointed in writing by the Minister.

(3) Every person appointed a member of the Council pursuant to this section is appointed for a term of 3 years and is eligible for further appointment as a member.

(4) The Minister may at any time make such appointments to the Council as are necessary to fill vacancies thereon howsoever arising.

(5) The office of a member of the Council becomes vacant if the member—

- (a) dies; or
- (b) resigns office by writing signed by that member and furnished to the Minister; or
- (c) is removed from office as a member by the Minister.

(6) The function of the Council is to report to the Minister on all matters associated with the regional development of tourism in Queensland.

(7) The members of the Council and the members of the Corporation are to meet from time to time, not less than twice annually, to consider the Corporation’s regional policy and related matters.

(8) Subject to subsection (9), the members of the Council are not to be paid fees and allowances.

(9) Each member of the Council is to be paid such expenses as are necessarily incurred by that person in the discharge of their duties as a member and as the Corporation approves.

PART 3—FINANCIAL PROVISIONS

Division 1—Funds of Corporation

Funds to be maintained

30. The Corporation shall establish and at all times maintain in accordance with this Act the following funds—

- (a) a General Fund;
- (b) a Trust Fund;
- (c) a Loan Fund;
- (d) a Development Fund.

General Fund

31.(1) The Corporation shall credit to the General Fund—

- (a) all moneys appropriated from time to time by Parliament for the purposes of the Corporation;
- (b) all moneys received by the Corporation by way of commissions;
- (c) all moneys on or after the appointed day held by or received on behalf of the Department of Tourism howsoever arising other than the money standing to the credit of the Fund called the ‘Tourist Bureau Special Standing Fund’ and kept at the Treasury and other than moneys referred to in section 32(1)(b);
- (d) all moneys arising from any source when such moneys are not required by this Act to be paid into any other fund.

(2) Moneys from time to time forming the General Fund shall be applied

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to—

- (a) expenditure incurred in the exercise, performance and discharge of its powers, authorities, functions and duties including expenditure incurred and unpaid on behalf of the Department of Tourism prior to the appointed day save where this Act expressly provides that such expenditure should be charged to any other fund kept by the Corporation;
- (d) crediting in accordance with the regulations of moneys to a prescribed fund kept pursuant to section 34.

(3) Unless and to the extent only approved by the Minister, the Corporation shall not make payments in respect of its General Fund in excess of the moneys held on account of such Fund.

Trust Fund

32.(1) The Corporation shall credit to the Trust Fund—

- (a) on and from the appointed day, all moneys standing to the credit of the Fund called the ‘Tourist Bureau Special Standing Fund’ and kept at the Treasury;
- (b) all moneys paid to it by way of deposit or in trust for any person (including tourist and travel operators).

(2) Moneys from time to time held by the Corporation by way of deposit shall be applied according to the terms on which the deposit is held.

(2A) Moneys from time to time held by the Corporation in trust for any person shall be applied to the payment to or on the account of that person.

(2B) Moneys from time to time held by the Corporation being moneys received and payable to tourist and travel operators shall be applied accordingly.

(3) In this section—

“**money paid by way of deposit**” refers to money paid by way of earnest and does not refer to a deposit of money by way of loan, subsidy or grant.

Loan Fund

33.(1) The Corporation shall credit to the Loan Fund all moneys received by it by way of loan, subsidy or grant for capital purposes in respect of the works or purposes for which the loan has been authorised or the subsidy or grant has been paid.

(2) Moneys borrowed by or paid to the Corporation by way of subsidy or grant shall be applied to expenditure necessarily incurred by it in carrying out the purposes for which the Corporation was authorised to borrow the money or for which the subsidy or grant was paid to the Corporation and not otherwise.

Development Fund

33A.(1) The Corporation is to credit to the Development Fund all moneys—

- (a) held by it for development purposes in the General Fund at the commencement of the *Queensland Tourist and Travel Corporation Act Amendment Act 1991*;
- (b) received by it in respect of financial arrangements or loans previously made to Australian Travel and Leisure Automated Systems;
- (c) approved from time to time for transfer to the Development Fund by the Corporation or the Minister;
- (d) received by it as interest in respect of outstanding loans.

(2) Moneys from time to time comprising the Development Fund are to be applied—

- (a) principally, in making loans on a commercial basis to the subsidiary corporations;
- (b) secondly, for any purpose which the Minister may declare to be a purpose under this paragraph;
- (c) thirdly, to expenditure necessarily incurred by the Corporation in carrying out the purposes of the Corporation.

(3) Moneys comprising the Development Fund may only be expended with the prior written approval of the Minister.

Other prescribed funds

34.(1) The Governor in Council may, by regulations made under this Act, prescribe 1 or more other funds to be established and kept by the Corporation and the purposes for which such funds are to be applied.

(2) The Corporation shall establish and maintain all such funds as are so prescribed and shall cause the moneys for the time being forming such a fund to be applied to the purpose prescribed in respect of that fund.

Investment of funds

35.(1) The Corporation may invest moneys which are surplus in any fund kept by it in 1 or more of the following investments—

- (a) deposit at a bank;
- (b) securities of or guaranteed by the Government of the Commonwealth or of the State;
- (c) with an authorised and approved dealer;
- (d) other securities approved by the Governor in Council.

(1A) Every such security, safe custody acknowledgment or other document evidencing title issued in respect of any investment shall be held either by the Corporation or to its account by its bank.

(2) For the purposes of this section—

“authorised and approved dealer” means a person who—

- (a) is an authorised dealer in the short term money market with established lines of credit with the Reserve Bank of Australia as a lender of last resort; and
- (b) is approved by the Governor in Council.

Division 2—Budget of Corporation

Budget of Corporation

36.(1) As soon as practicable after the passing of this Act the Corporation shall adopt and present to the Minister a budget showing its estimates of its receipts and disbursements in respect of the balance of the financial year in which the budget is presented and thereafter the Corporation shall before the commencement of each succeeding financial year adopt and present to the Minister a budget showing its estimates of its receipts and disbursements in respect of that succeeding financial year.

(2) A budget of the Corporation shall be of no force or effect until it is approved by the Minister.

(3) The Minister may amend a budget of the Corporation in such a way as the Minister thinks fit and shall amend it where necessary and in any item so that it shall as nearly as possible balance for the financial year to which it relates having regard to the sums that may be appropriated by Parliament to the Corporation and to any other revenues reasonably expected by it for that financial year.

(4) When the Minister has approved of a budget of the Corporation the budget as approved, whether or not it has been amended pursuant to subsection (3), shall be binding upon the Corporation.

Observance of budget

37.(1) Subject to subsection (2), the Corporation shall confine its disbursements from the General Fund and the Loan Fund throughout a financial year within the items and amounts contained in its budget for that financial year as approved by the Minister.

(2) If during any financial year it appears to the Corporation that an extraordinary circumstance has arisen which requires the Corporation to make a disbursement in that financial year from the General Fund or the Loan Fund that was not provided for in the budget (as approved) for that financial year or that exceeds the amount estimated in respect of that disbursement in the budget (as approved) for that financial year the Corporation shall, before making the disbursement or excess

disbursement—

- (a) by resolution, approve that the disbursement or excess disbursement be made; and
- (b) obtain approval of the Minister for an amendment to the budget.

(3) The Corporation shall ensure that the budget in respect of the General Fund or the Loan Fund as amended and approved will not then be exceeded in particular or in total by the disbursement or excess disbursement referred to in subsection (2).

Treatment of surpluses

38.(1) If at the close of any year for which a budget is framed there is a surplus or deficit in the General Fund the same shall be carried forward and taken into account in framing the budget for the next following year unless, in the case of a deficit, it is extinguished under section 39.

(2) Subject to section 40, at the close of each year for which a budget is framed all authorisations of expenditure and votes of money for any item provided for in the budget so framed shall lapse but may be re-authorised or re-voted, as the case may be.

Payment of grants to Corporation

39. Subject to appropriation by Parliament of money for the purpose the Treasurer may pay to the Corporation by way of grant moneys in such amount and for such purpose as is approved by the Governor in Council.

Certain revenue to be applied towards promotions

40.(1) Fees, retainers and commissions received by the Corporation from acting as an agent for the sale of travel, accommodation and associated services in any financial year less such amount as the Minister determines pursuant to subsection (2) (if any) shall be utilised towards the promotion by the Corporation of tourism and travel other than expenditure incurred by way of salaries payable to employees of the Corporation.

(2) The amount referred to in subsection (1) that the Minister, in any

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financial year, may determine shall not exceed $\frac{1}{10}$ of the difference between—

- (a) an amount being the total operating costs of the Corporation budgeted for that year; and
- (b) an amount being the total expenditure budgeted towards the promotion by the Corporation of tourism and travel other than expenditure incurred by way of salaries payable to employees of the Corporation for that year.

PART 5—MISCELLANEOUS

Regulations

61. The Governor in Council may make regulations for the purposes of this Act.

ENDNOTES

1 Index to Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 13 July 1994. Future amendments of the Queensland Tourist and Travel Corporation Act 1979 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 List of legislation

Queensland Tourist and Travel Corporation Act 1979 No. 13

date of assent 15 May 1979
commenced on date of assent
as amended by—

Queensland Tourist and Travel Corporation Act Amendment Act 1981 No. 17

date of assent 14 April 1981
commenced on date of assent

Queensland Tourist and Travel Corporation Act Amendment Act 1984 No. 88

date of assent 2 November 1984
commenced on date of assent

Public Service Management and Employment Act 1988 No. 52 s 44 Sch 3

date of assent 12 May 1988
commenced 18 July 1988 (proc pubd Gaz 16 July 1988 p 2876)

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Statute Law (Miscellaneous Provisions) Act 1989 No. 103 s 3 Sch

date of assent 25 October 1989

commenced on date of assent

Queensland Tourist and Travel Corporation Act Amendment Act 1991 No. 18

date of assent 1 May 1991

commenced on date of assent

Queensland Tourist and Travel Corporation Amendment Act 1993 No. 49

date of assent 30 September 1993

commenced on date of assent

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
R1	=	Reprint No. 1
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Definitions

s 2 amd 1984 No. 88 s 2; 1991 No. 18 s 3
 om R1 (see RA s 36)
 ins 1993 No. 49 s 3

Savings—transitional

s 3 om 1993 No. 49 s 4

Interpretation

s 4 def **“department”** ins 1988 No. 52 s 44 Sch 3
 def **“Minister”** sub 1991 No. 18 s 4
 def **“Treasurer”** ins 1984 No. 88 s 3
 om 1993 No. 49 s 4

Appointed day

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s 5 om 1993 No. 49 s 4

Constitution of Corporation

s 6 amd 1984 No. 88 s 4

Membership of Corporation

s 7 amd 1984 No. 88 s 5; 1988 No. 52 s 44 Sch 3
sub 1991 No. 18 s 5; 1993 No. 49 s 5

Term of appointment of members

s 8 amd 1991 No. 18 s 20 Sch
sub 1993 No. 49 s 5

Observers at Corporation meetings

s 9 amd 1984 No. 88 s 6; 1991 No. 18 s 6
sub 1993 No. 49 s 5

Vacating member's office

s 10 amd 1991 No. 18 s 7

Casual vacancy in member's office

s 11 amd 1991 No. 18 s 8
om 1993 No. 49 s 6

Fees and allowances of members

s 12 amd 1991 No. 18 s 9

Functions of Corporation

s 13 amd 1984 No. 88 s 7; 1991 No. 18 s 10

Powers to discharge functions

s 14 amd 1984 No. 88 s 8; 1991 No. 18 s 11

Cessation of operations of Department of Tourism

s 15 om 1993 No. 49 s 7

Engagement and employment of staff

s 16 amd 1981 No. 17 s 2; 1988 No. 52 s 44 Sch 3; 1991 No. 18 s 12; 1993
No. 49 s 8

Rights of officers previously employed in public service

s 17 amd 1981 No. 17 s 3; 1993 No. 49 s 9

Discipline of officers readmitted to public service

s 17A ins 1981 No. 17 s 4
amd 1989 No. 103 s 3 Sch
om 1993 No. 49 s 10

Delegation

s 19 sub 1993 No. 49 s 11

Meetings of Corporation

s 21 amd 1991 No. 18 s 20 Sch; R1 (see RA s 37)

Presiding at meetings

s 22 amd 1991 No. 18 s 20 Sch

Notice of meetings

s 24 amd 1991 No. 18 ss 13, 20 Sch; 1993 No. 49 s 12

Conduct of Corporation's affairs

s 26 amd 1991 No. 18 ss 14, 20 Sch; 1993 No. 49 s 13

Custody of seal; authentication of documents

s 27 amd 1991 No. 18 s 20 Sch

Validity of proceedings

s 28 om 1993 No. 49 s 14

Disclosure of interest in contracts

s 29 amd 1991 No. 18 s 20 Sch

PART 2A—SUBSIDIARY CORPORATIONS AND ADVISORY COUNCIL

Pt hdg ins 1991 No. 18 s 15

Division 1—Subsidiary corporations

Div hdg ins 1991 No. 18 s 15

Constitutions of subsidiary corporations

s 29A ins 1991 No. 18 s 15
 amd 1993 No. 49 s 15

Functions of subsidiary corporations

s 29B ins 1991 No. 18 s 15

Powers of subsidiary corporations

s 29C ins 1991 No. 18 s 15

Subsidiary corporations subject to direction of Corporation

s 29D ins 1991 No. 18 s 15

No duty on rearrangement of assets

s 29E ins 1991 No. 18 s 15
 om 1993 No. 49 s 16

Division 2—Advisory Council

Div hdg ins 1991 No. 18 s 16

Advisory Council

s 29F ins 1991 No. 18 s 16

Funds to be maintained

s 30 amd 1991 No. 18 s 17

Development Fund

s 33A ins 1991 No. 18 s 18

Investment of funds

s 35 amd 1993 No. 49 s 17

Budget of Corporation

s 36 amd 1989 No. 103 s 3 Sch

Payment of grants to Corporation

s 39 amd 1993 No. 49 s 18

Division 3—Audit

Div hdg sub 1984 No. 88 s 9
 om 1993 No. 49 s 19

Borrowing by corporation

s 41 om 1984 No. 88 s 10

Debentures and stock

s 42 om 1984 No. 88 s 10

Brokerage

s 43 om 1984 No. 88 s 10

Regulations relating to loans

s 44 om 1984 No. 88 s 10

Illegal borrowing

s 45 om 1984 No. 88 s 10

Resolution before borrowing

s 46 om 1984 No. 88 s 10

Application of loan moneys

s 47 om 1984 No. 88 s 10

Advance by way of overdraft

s 48 om 1984 No. 88 s 10

Audit

s 49 om 1993 No. 49 s 19

PART 4—FINANCIAL ASSISTANCE TO PROMOTERS OF PROJECTS

Pt hdg om 1991 No. 18 s 19

Advances and guarantees

s 50 om 1991 No. 18 s 19

Application for assistance

s 51 om 1991 No. 18 s 19

Corporation to investigate application

s 52 om 1991 No. 18 s 19

Decision upon application

s 53 om 1991 No. 18 s 19

Powers as to advances

s 54 om 1991 No. 18 s 19

Effect of Order in Council in respect of guarantee

s 55 om 1991 No. 18 s 19

Guarantee voidable in certain circumstances

s 56 om 1991 No. 18 s 19

Recovery of moneys paid under guarantee

s 57 om 1991 No. 18 s 19

Appropriation in respect of guarantee

s 58 om 1991 No. 18 s 19

Moneys guaranteed to be a debt due to Her Majesty

s 59 om 1991 No. 18 s 19

Annual report

s 60 om 1993 No. 49 s 20

Regulations

s 61 sub 1993 No. 49 s 21

5 Table of changed names and titles

TABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
local authority	local government	Local Government Act 1993 s 755(1)(a)

6 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
references included in citation of law	Acts Interpretation Act 1954 s 14H
references to provisions of a law is inclusive	Acts Interpretation Act 1954 s 35D
references to Queensland implied	Acts Interpretation Act 1954 s 35

7 **Table of corrected minor errors**

TABLE OF CORRECTED MINOR ERRORS
under the Reprints Act 1992 s 44

Provision	Description
29B(4)	om 'subsection' ins 'subsections'

8 **Table of renumbered provisions**

TABLE OF RENUMBERED PROVISIONS
under the Reprints Act 1992 s 43

Previous	Renumbered as
6(1), 2nd sentence	6(1A)
17(4), 2nd sentence	17(4A)
18, 1st sentence	18(1)
18, 2nd sentence	18(2)
22, 1st sentence	22(1)
22, 2nd sentence	22(2)
24, 1st sentence	24(1)
24, 1st sentence, proviso	24(2)
24, 2nd sentence	24(3)
25, 1st sentence	25(1)
25, 2nd sentence	25(2)
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26(2), 2nd sentence	26(2A)
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31(2), 2nd sentence	31(2A)
32(2), 2nd sentence	32(2A)
32(2), 3rd sentence	32(2B)
34, 1st sentence	34(1)
34, 2nd sentence	34(2)
35(1), 2nd sentence	35(1A)