



Tourism Queensland Act 1979

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- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Queensland

Tourism Queensland Act 1979

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Tourism Queensland Act 1979

[as amended by all amendments that commenced on or before 29 August 2007]

An Act to provide for the establishment of Tourism Queensland, its functions and powers, for the establishment of the Tourism Queensland Employing Office, and for purposes related to the tourist and travel industry in Queensland

Part 1 Preliminary

1 Short title

This Act may be cited as the *Tourism Queensland Act 1979*.

2 Definitions

In this Act—

appointed day means 1 August 1979.

appointed members see section 7(1)(b).

chief executive means the chief executive of the department.

corporation means Tourism Queensland.

employee of the employing office see section 29AF(2).

employing office means the Tourism Queensland Employing Office established under section 29AA.

executive officer means the executive officer of the employing office appointed under section 29AD.

government entity see the *Public Service Act 1996*, section 21.

industrial instrument see the *Industrial Relations Act 1999*, schedule 5.

minute book see section 26(2).

subsidiary corporation see section 29A(1).¹

work performance arrangement means an arrangement under which an employee of a government entity performs work for another government entity.

Part 2 Tourism Queensland

Division 1 Establishment and membership of corporation

6 Establishment of Tourism Queensland

- (1) Tourism Queensland is established.
- (2) Tourism Queensland—
 - (a) is a body corporate; and
 - (b) has a common seal; and
 - (c) may sue and be sued in its corporate name.

6A Corporation's common seal

Judicial notice must be taken of the imprint of the corporation's common seal on a document, and the document must be presumed to have been properly sealed until the contrary is proved.

7 Membership of corporation

- (1) The corporation consists of the following members—
 - (a) the chief executive;

¹ Queensland Holidays and Travel is the subsidiary corporation continued in existence under section 29A.

- (b) not more than 9 persons (the *appointed members*) appointed by the Governor in Council.
- (2) In deciding whether to appoint a person, the Governor in Council must have regard to the person's business expertise, financial management expertise and knowledge of the tourist and travel industry.

7A Chairperson and deputy chairperson of the corporation

- (1) The Governor in Council must appoint 1 member of the corporation to be the chairperson, and another member to be the deputy chairperson, of the corporation.
- (2) A person may be appointed as the chairperson, or deputy chairperson, at the same time the person is appointed as an appointed member.
- (3) The chairperson or deputy chairperson holds office for the term decided by the Governor in Council.
- (4) However, a vacancy occurs in the office of chairperson or deputy chairperson if the person holding the office resigns the office by signed notice of resignation given to the Minister or stops being a member of the corporation.
- (5) A person resigning the office of chairperson or deputy chairperson may continue to be a member of the corporation.
- (6) The deputy chairperson is to act as chairperson—
 - (a) during a vacancy in the office of chairperson; or
 - (b) during a period when the chairperson is absent from duty or, for another reason, can not perform the functions of the office.

8 Term of appointment of appointed members

- (1) An appointed member is to be appointed for a term of not more than 3 years.
- (2) If otherwise qualified, an appointed member is eligible for reappointment.

10 Vacating appointed member's office

- (1) An appointed member 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 an appointed member.
- (3) An appointed member is 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.
- (4) For the purposes of subsection (3)(c)—
 - (a) the non-attendance of an appointed 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 an appointed 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 appointed members who attend at the time and place appointed for an ordinary meeting shall be entered in the minute book.

12 Fees and allowances of members

- (1) Such fees and allowances as the Governor in Council approves from time to time shall be paid to every appointed member.
- (2) 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**13 Functions of corporation**

- (1) The functions of the corporation are—
 - (a) to facilitate the following—
 - (i) the promotion and marketing, domestically and internationally, of tourism and travel;
 - (ii) the development of the tourist and travel industry;
 - (iii) the making of tourism and travel arrangements;
 - (iv) the provision of tourism and travel information services; and
 - (b) to prepare a State tourist and industry strategic marketing plan; and
 - (c) to advise the Minister on matters relating to paragraphs (a) and (b).
- (2) In carrying out its functions under this Act the primary responsibility of the corporation is to facilitate the promotion, marketing and development of 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 and industry strategic marketing plan the corporation is to extensively consult with

the tourist industry, the general community and appropriate departments.

- (5) A reference in this section to facilitating a thing includes doing the thing.

14 Powers of corporation

- (1) The corporation has all the powers, and the legal capacity, of an individual.
- (2) Without limiting subsection (1), 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; 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) encourage improvements in standards by such means as it considers appropriate including the establishing of awards for special competence and innovation; and
 - (i) 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
 - (j) liaise with Australian and overseas travel operators and other representative tourist industry bodies; and
 - (k) liaise with regulatory authorities affecting operations of tourist and travel enterprises; and
 - (l) hold seminars, workshops and conferences for and on behalf of the Queensland tourist industry; and
 - (m) publish papers, magazines and periodicals in respect of the tourist and travel industry; and
 - (n) compound or prove in a court all amounts of money payable to it; and
 - (o) exercise other powers given to it under this or another Act.
- (3) Also, the corporation may enter into an arrangement with a person for the person to do a thing mentioned in section 13(1)(a)(i) to (iv).
- (4) The power conferred by the *Land Act 1994* on the Governor in Council to grant in fee simple, or lease for a term of years or in perpetuity any unallocated State land within Queensland includes power to make such a grant or lease to the corporation for any purpose under this Act and to make such a grant or lease in priority to and to the exclusion of all other persons notwithstanding the provisions of the *Land Act 1994*.
- (5) In this section—
- arrangement** includes—
- (a) a licence agreement for the use of property of the corporation by a person; or
 - (b) a contract for the transfer of an asset or liability of the corporation to a person.

15 Corporation is statutory body

- (1) Under the *Statutory Bodies Financial Arrangements Act 1982*, the corporation is a statutory body.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the corporation's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

16 Corporation may enter into work performance arrangements

- (1) The corporation may enter into, and give effect to, a work performance arrangement with—
 - (a) the employing office; or
 - (b) the appropriate authority of another government entity.
- (2) A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.
- (3) For example, a work performance arrangement may provide for—
 - (a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and
 - (b) the authorising of a person to exercise powers for the arrangement; and
 - (c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.
- (4) A person performing work for the corporation under a work performance arrangement entered into under subsection (1)—
 - (a) is not employed by the corporation; and
 - (b) remains an employee of the employing office, or an employee of the other government entity whose appropriate authority is a party to the arrangement.
- (5) To remove any doubt, it is declared that the corporation does not have power to employ a person performing work for the

corporation under a work performance arrangement entered into under subsection (1).

19 Delegation

- (1) The corporation may delegate its powers to—
 - (a) a member of the corporation; or
 - (b) the general manager of the corporation; or
 - (c) an appropriately qualified employee of the employing office or of another government entity who performs work for the corporation under a work performance arrangement; or
 - (d) an appropriately qualified employee of the corporation.
- (2) In this section—

appropriately qualified includes having the qualifications, experience or standing appropriate to exercise the power.

Example of standing—

a person's seniority level in an entity

20 Consultants and researchers

- (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 2A General manager

20A Appointment of general manager

- (1) There is to be a general manager of the corporation.

- (2) The general manager is to be appointed by the Governor in Council.
- (3) The general manager is appointed under this Act and not under the *Public Service Act 1996*.

Division 3 Proceedings and business of corporation

20B Representative of the chief executive

- (1) The chief executive may appoint an officer of the department to be a representative of the chief executive at meetings of the corporation.
- (2) If the chief executive is absent from a meeting of the corporation, the representative may attend the meeting in place of the chief executive and is taken to be a member of the corporation for the meeting.
- (3) Also, if the chief executive is chairperson, or deputy chairperson, of the corporation, the representative attending a meeting in place of the chief executive is taken to be the chairperson, or deputy chairperson, for the meeting.

21 Meetings of corporation

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.

22 Presiding at meetings

- (1) The chairperson of the corporation shall preside at every meeting 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.

23 Quorum at meetings

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

24 Notice of meetings

- (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 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 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 of the corporation by prepaid post letter addressed to his or her place of business or place of residence last known to the chairperson.

25 Adjournment of meetings

- (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.

26 Conduct of corporation's affairs

- (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 of the corporation 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.

27 Custody of seal—authentication of documents

- (1) The common seal of the corporation shall be in the custody of a person 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.

29 Disclosure of interests by corporation members

- (1) This section applies to a member of the corporation (the *interested member*) if—
 - (a) the interested member has a direct or indirect financial interest in an issue being considered, or about to be considered, by the corporation; and
 - (b) the interest could conflict with the proper performance of the member's duties about the consideration of the issue.
- (2) As soon as practicable after the relevant facts come to the interested member's knowledge, the member must disclose the nature of the interest to a corporation meeting.
- (3) Unless the corporation otherwise directs, the interested member must not—
 - (a) be present when the corporation considers the issue; or
 - (b) take part in a decision of the corporation about the issue.
- (4) The interested member must not be present when the corporation is considering whether to give a direction under subsection (3).
- (5) If there is another member of the corporation who must, under subsection (2), also disclose an interest in the issue, the other member must not—

- (a) be present when the corporation is considering whether to give a direction under subsection (3) about the interested member; or
 - (b) take part in making the decision about giving the direction.
- (6) If—
- (a) because of this section, a member of the corporation is not present at a corporation meeting for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (3); and
 - (b) there would be a quorum if the member were present;
- the remaining members of the corporation present are a quorum of the corporation for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.
- (7) A disclosure under subsection (2) must be recorded in the minute book.

Part 2AA

Tourism Queensland Employing Office

Division 1

Establishment and functions of employing office

29AA Establishment of employing office

- (1) The Tourism Queensland Employing Office is established.
- (2) The employing office consists of—
 - (a) the executive officer; and
 - (b) the employees of the employing office.
- (3) The employing office is a separate entity from the corporation.

29AB Employing office represents the State

- (1) The employing office represents the State.
- (2) Without limiting subsection (1), the employing office has the status, privileges and immunities of the State.

29AC Functions of employing office

- (1) The main functions of the employing office are—
 - (a) entering into, for the State, a work performance arrangement with the corporation under which employees of the employing office perform work for the corporation; and
 - (b) employing, for the State, staff to perform work for the corporation under the work performance arrangement; and
 - (c) doing anything incidental to the discharge of the functions mentioned in paragraphs (a) and (b).
- (2) Also, the employing office has any other function conferred on the employing office under this or another Act.
- (3) This section does not limit the employing office's power to enter into and give effect to a work performance arrangement under section 29AG with a government entity other than the corporation.

Division 2 Executive officer**29AD Appointment of executive officer**

- (1) There is to be an executive officer of the employing office.
- (2) The executive officer is to be appointed by the Governor in Council.
- (3) The executive officer is appointed under this Act and not under the *Public Service Act 1996*.

29AE Executive officer acting for employing office

- (1) The employing office acts through the executive officer.
- (2) Anything done by the executive officer in the name of, or for, the employing office is taken to have been done by the employing office.

Division 3 Staff of employing office**29AF Employing office may employ staff**

- (1) The employing office may, for the State, employ staff.
- (2) A person employed under subsection (1) is an *employee of the employing office*.
- (3) The employing office may decide the terms of employment of the employees of the employing office.
- (4) Subsection (3) applies subject to any relevant industrial instrument.
- (5) Employees of the employing office are employed under this Act and not under the *Public Service Act 1996*.

29AG Employing office may enter into work performance arrangements

- (1) The employing office may, for the State, enter into and give effect to a work performance arrangement with—
 - (a) the corporation; or
 - (b) the appropriate authority of another government entity.
- (2) A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.
- (3) For example, a work performance arrangement may provide for—
 - (a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and

- (b) the authorising of a person to exercise powers for the arrangement; and
 - (c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.
- (4) A person performing work for the corporation or other government entity under a work performance arrangement entered into under subsection (1)—
- (a) is not employed by the corporation or other government entity; and
 - (b) remains an employee of the employing office.
- (5) To remove any doubt, it is declared that the corporation or another government entity does not have power to employ a person performing work for the corporation or other government entity under a work performance arrangement entered into under subsection (1).

Division 4 Other provisions

29AH Employing office is statutory body

- (1) The employing office is a statutory body under—
- (a) the *Financial Administration and Audit Act 1977*; and
 - (b) the *Statutory Bodies Financial Arrangements Act 1982*.
- (2) For applying the *Financial Administration and Audit Act 1977* to the employing office as a statutory body—
- (a) the executive officer is taken to be the chairperson of the employing office; and
 - (b) section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general's report mentioned in the subsection as soon as practicable after they are received by the employing office; and
 - (c) section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section

93(4) of that Act as soon as practicable after the executive officer receives them.

Part 2A **Queensland Holidays and Travel**

29A **Constitution of subsidiary corporation**

- (1) The entity called Queensland Holidays and Travel (the *subsidiary corporation*) continues in existence.
- (2) The subsidiary corporation—
 - (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) All courts and persons acting judicially are to take judicial notice of the seal of the subsidiary corporation and, until the contrary is proved, are to presume that the seal was duly affixed to a document on which it appears.

29B **Functions of subsidiary corporation**

- (1) The primary functions of the subsidiary corporation 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) In addition to the primary functions specified in subsection (1), the subsidiary corporation has such functions of the corporation as the corporation may from time to time delegate to it.

29C Powers of subsidiary corporation

The subsidiary corporation has the power to—

- (a) do and suffer all other acts and things a company, within the meaning of the Corporations Act, 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.

29CA Subsidiary corporation is statutory body

- (1) Under the *Statutory Bodies Financial Arrangements Act 1982*, the subsidiary corporation is a statutory body.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the subsidiary corporation's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*, including, for example, section 29A(2)(c) of this Act.

29D Subsidiary corporations subject to direction of corporation

- (1) The members of the corporation are the members of the subsidiary corporation.
- (2) In the exercise and performance of its powers, functions and duties, the subsidiary corporation is subject to the control and direction of the corporation.
- (3) Part 2, division 3² applies, with all necessary changes, in relation to the subsidiary corporation.

² Part 2 (Tourism Queensland), division 3 (Proceedings and business of corporation)

Part 3 Financial provisions

30 Funds to be maintained

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.

31 General fund

- (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 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 to—
 - (a) expenditure incurred in the exercise, performance and discharge of its powers, authorities, functions and duties 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.

32 Trust fund

- (1) The corporation must credit to the trust fund all moneys paid 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, a reference to moneys paid by way of deposit is a reference to moneys paid as a pledge and not to a deposit of moneys as a loan, subsidy or grant.

34 Other prescribed funds

- (1) A regulation may 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.

Part 4 Miscellaneous

34A Validation of certain appointments

- (1) Subsection (2) applies if before the commencement of this section a person was purportedly appointed as a member for a term and, as a consequence of the term, the person served, or would serve, more than 6 consecutive years as a member.
- (2) The person is declared to always have been validly appointed as a member for the duration of the term, even though, as a consequence of the term, the person served, or would serve, more than 6 consecutive years as a member.
- (3) Subsection (4) applies if before the commencement of this section a person was purportedly appointed as chairperson for a term and—

- (a) at the time of the appointment the person was a member; and
 - (b) the person's term as a member ended during the person's term as chairperson.
- (4) The person is declared to always have been—
- (a) validly appointed as chairperson for the duration of the person's term as chairperson, even though the person's term as a member ended during the person's term as chairperson; and
 - (b) a member for the duration of the person's term as chairperson, even though the person's term as a member ended during the person's term as chairperson.
- (5) Anything done or omitted to be done by a person mentioned in subsection (2) or (4) that would have been valid and lawful under this Act had the person been validly appointed or lawfully holding office is declared to always to have been valid and lawful.
- (6) In this section—
- chairperson* means chairperson of the corporation.
- member* means member of the corporation.
- term* means the designated period for which the person was appointed to hold office.

35 Regulation-making power

The Governor in Council may make regulations under this Act.

Part 5 Transitional provisions

Division 1 Transitional provisions for Tourism Legislation Amendment Act 1999

36 Continuation of The Queensland Tourist and Travel Corporation

Tourism Queensland, mentioned as being established under section 6, is a continuation of the body corporate called The Queensland Tourist and Travel Corporation previously constituted by section 6(1) as in force before the commencement of this section.

37 References to The Queensland Tourist and Travel Corporation

In an Act or document, a reference to The Queensland Tourist and Travel Corporation may, if the context permits, be taken to be a reference to the corporation.

Division 2 Transitional provisions for Statutory Bodies Legislation Amendment Act 2007

38 Rights and entitlements of particular employees

- (1) This section applies to a person who—
 - (a) becomes an employee of the employing office; and
 - (b) was an employee of the corporation—
 - (i) immediately before the commencement of this section; and
 - (ii) immediately before becoming an employee of the employing office.
- (2) On becoming an employee of the employing office, the person is taken to be employed under section 29AF on the conditions on which the person would have been employed by the

corporation, immediately before the person became an employee of the employing office, if the corporation had never become an employer under the *Workplace Relations Act 1996* (Cwlth).

- (3) Also—
- (a) the person keeps all rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, that—
 - (i) have accrued or were accruing to the person as an employee of the corporation; and
 - (ii) would have accrued to the person if the corporation had never become an employer under the *Workplace Relations Act 1996* (Cwlth); and
 - (b) if the person is a member of a superannuation scheme—
 - (i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and
 - (ii) the person's membership of the scheme is not affected.
- (4) Without limiting subsection (3), for working out the person's rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, employment of the person by the employing office is a continuation of employment of the person by the corporation.
- (5) If the person was a seconded employee immediately before becoming an employee of the employing office, the arrangement under which the person was performing work for a government entity other than the corporation may continue until the arrangement ends, and, if the arrangement does continue—
- (a) subsection (2) does not apply to the person; and
 - (b) on the ending of the arrangement, the person is taken to be employed under section 29AF on the conditions on which the person would have been employed by the corporation, on the ending of the arrangement, if—
 - (i) the person had continued to be an employee of the corporation; and

- (ii) the corporation had never become an employer under the *Workplace Relations Act 1996* (Cwlth).
- (6) Subsections (2) and (5)(b) do not limit section 29AF(3) and (4).
- (7) In this section—
- employee of the corporation* includes a seconded employee.

seconded employee means an employee of the corporation performing work for another government entity under an arrangement entered into, before the commencement of this section, by the corporation with the appropriate authority of the other government entity.

39 Application of industrial instruments

The employing office is taken to be bound by the industrial instruments that bound the corporation immediately before it became an employer under the *Workplace Relations Act 1996* (Cwlth).

40 Amending Act does not affect particular powers of corporation

Nothing in the *Statutory Bodies Legislation Amendment Act 2007*, part 10, affects the powers of the corporation under section 14.

41 Continued application of repealed s 16

- (1) Section 16,³ as in force immediately before the commencement of this section, continues to apply in relation to persons employed by the corporation under that section, other than the general manager of the corporation, immediately before the commencement while that employment continues.
- (2) This section does not limit section 40.

3 Section 16 (Engagement and employment of staff)

42 Continuation in office of general manager

- (1) This section applies if a person was employed by the corporation, immediately before the commencement of this section, as the general manager of the corporation under repealed section 16.
- (2) The person continues to hold office as the general manager of the corporation until—
 - (a) someone is appointed as the general manager by the Governor in Council under section 20A(2); or
 - (b) if the person's employment by the corporation as the general manager otherwise ends before the appointment mentioned in paragraph (a)—the person's employment otherwise ends.
- (3) While the person continues to hold office under subsection (2)—
 - (a) section 20A(2) and (3) does not apply; and
 - (b) section 16, as in force immediately before the commencement of this section, continues to apply in relation to the person.

**Division 3 Transitional provisions for
Consumer Credit (Queensland) and
Another Act Amendment Act 2007****43 Continuation of membership of corporation**

Subject to this Act, each member of the corporation holding office immediately before the commencement of this section continues as an appointed member of the corporation for the remainder of the member's designated term of appointment, including a term of appointment mentioned in section 34A.

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 29 August 2007. Future amendments of the Tourism Queensland Act 1979 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1993 Act No. 49	30 September 1993	13 July 1994
1A	1995 Act No. 58	28 November 1995	23 September 1996
1B	1996 Act No. 66	21 February 1997	19 February 1997
2	1996 Act No. 66	1 June 1997	7 November 1997
2A	1997 Act No. 81	5 December 1997	22 December 1997
2B	1999 Act No. 41	2 September 1999	7 October 1999
2C	2001 Act No. 45	15 July 2001	6 August 2001
2D	2001 Act No. 45	18 November 2001	29 November 2001
3	2001 Act No. 45	18 November 2001	5 April 2002

Reprint No.	Amendments included	Effective	Notes
3A	2002 Act No. 74	1 April 2003	
3B	2003 Act No. 19	9 May 2003	
3C	2005 Act No. 24	31 May 2005	
3D	2007 Act No. 18	23 April 2007	
	2007 Act No. 20		
4	2007 Act No. 36	29 August 2007	

5 Tables in earlier reprints

Name of table	Reprint No.
Changed names and titles	1
Corrected minor errors	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Tourism Queensland Act 1979 No. 13 (prev Queensland Tourist and Travel Corporation Act 1979)

date of assent 15 May 1979

commenced on date of assent

amending legislation—

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)

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

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995
commenced on date of assent

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch

date of assent 20 November 1996
ss 1–2 commenced on date of assent
remaining provisions commenced 1 June 1997 (1997 SL No. 128)

Queensland Tourist and Travel Corporation Amendment Act 1996 No. 66 pts 1–2, s 3 sch

date of assent 9 December 1996
ss 1–2 commenced on date of assent
remaining provisions commenced 21 February 1997 (1997 SL No. 31)

Statute Law (Miscellaneous Provisions) Act 1997 No. 81 ss 1–3, sch

date of assent 5 December 1997
commenced on date of assent

Industrial Relations Act 1999 No. 33 ss 1, 2(2), 747 sch 3

date of assent 18 June 1999
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 1999 (1999 SL No. 159)

Tourism Legislation Amendment Act 1999 No. 41 pts 1, 3

date of assent 2 September 1999
commenced on date of assent

Superannuation and Other Legislation Amendment Act 2000 No. 52 ss 1, 2(5), 48 sch

date of assent 17 November 2000
ss 1–2 commenced on date of assent

remaining provisions commenced 18 November 2001 (automatic commencement under AIA s 15DA(2))

Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 3

date of assent 28 June 2001

ss 1–2 commenced on date of assent

sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

remaining provision commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

Discrimination Law Amendment Act 2002 No. 74 ss 1–2, 90 sch

date of assent 13 December 2002

ss 1–2 commenced on date of assent

s 90 commenced 31 March 2003 (2003 SL No. 51)

remaining provisions commenced 1 April 2003 (2003 SL No. 51)

Statute Law (Miscellaneous Provisions) Act 2003 No. 19 ss 1, 3 sch

date of assent 9 May 2003

commenced on date of assent

Tourism, Fair Trading and Wine Industry Development Legislation Amendment Act 2005 No. 24 s 1, pt 7

date of assent 31 May 2005

commenced on date of assent

Consumer Credit (Queensland) and Another Act Amendment Act 2007 No. 18 s 1, pt 3

date of assent 23 April 2007

commenced on date of assent

Statutory Bodies Legislation Amendment Act 2007 No. 20 pts 1, 10

date of assent 23 April 2007

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 2007 No. 36

date of assent 29 August 2007

commenced on date of assent

7 List of annotations

Title amd 1999 No. 41 s 7; 2007 No. 20 s 97

Short title

s 1 sub 1999 No. 41 s 8

Definitions

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

- def “**appointed members**” ins 2007 No. 18 s 6(2)
- def “**chief executive**” ins 2007 No. 18 s 6(2)
- def “**corporation**” sub 1999 No. 41 s 9(1)–(2)
- def “**employee of the employing office**” ins 2007 No. 20 s 98
- def “**employing office**” ins 2007 No. 20 s 98
- def “**executive officer**” ins 2007 No. 20 s 98
- def “**government entity**” ins 2007 No. 20 s 98
- def “**industrial instrument**” ins 2007 No. 20 s 98
- def “**minute book**” ins 1999 No. 41 s 9(2)
- def “**observer**” ins 1996 No. 66 s 3 sch
om 2007 No. 18 s 6(1)
- def “**subsidiary corporation**” ins 1996 No. 66 s 3 sch
amd 1999 No. 41 s 9(3)
- def “**work performance arrangement**” ins 2007 No. 20 s 98

Savings—transitional

- s 3 om 1993 No. 49 s 4

Interpretation

- s 4 om 1993 No. 49 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

Appointed day

- s 5 om 1993 No. 49 s 4

PART 2—TOURISM QUEENSLAND

- pt hdg sub 1999 No. 41 s 10

Division 1—Establishment and membership of corporation

- div hdg sub 1999 No. 41 s 11

Establishment of Tourism Queensland

- s 6 amd 1984 No. 88 s 4
- sub 1999 No. 41 s 12

Corporation’s common seal

- s 6A ins 1999 No. 41 s 12

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; 1996 No. 66 s 4
- amd 1999 No. 41 s 13; 2007 No. 18 s 7

Chairperson and deputy chairperson of the corporation

- s 7A ins 2007 No. 18 s 8

Term of appointment of appointed members

- prov hdg amd 2007 No. 18 s 9(1)
- s 8 amd 1991 No. 18 s 20 sch
- sub 1993 No. 49 s 5
- amd 1996 No. 66 s 5; 2007 No. 18 s 9(2)–(3)

Observer at corporation's meetings

s 9 amd 1984 No. 88 s 6; 1991 No. 18 s 6
 sub 1993 No. 49 s 5; 1996 No. 66 s 6
 om 2007 No. 18 s 10

Vacating appointed member's office

prov hdg amd 2007 No. 18 s 11(1)
s 10 amd 1991 No. 18 s 7; 1999 No. 41 s 14; 2007 No. 18 s 11(2)–(6)

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; 2007 No. 18 s 12

Functions of corporation

s 13 amd 1984 No. 88 s 7; 1991 No. 18 s 10; 1996 No. 66 s 3 sch; 2005 No. 24 s 43

Powers of corporation

prov hdg sub 1999 No. 41 s 15(1)
s 14 amd 1984 No. 88 s 8; 1991 No. 18 s 11; 1996 No. 54 s 9 sch; 1996 No. 66 s 3
 sch; 1999 No. 41 s 15(2)–(4); 2003 No. 19 s 3 sch; 2005 No. 24 s 44

Corporation is statutory body

s 15 prev s 15 om 1993 No. 49 s 7
 pres s 15 ins 1996 No. 54 s 9 sch

Corporation may enter into work performance arrangements

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; 1999 No. 33 s 747 sch 3; 2000 No. 52 s 48 sch
 sub 2007 No. 20 s 99

Rights of officers previously employed in public service

s 17 amd 1981 No. 17 s 3; 1993 No. 49 s 9; 2002 No. 74 s 90 sch
 om 2007 No. 20 s 99

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

Contributions by Corporation

s 18 om 2000 No. 52 s 48 sch

Delegation

s 19 sub 1993 No. 49 s 11
 amd 2007 No. 20 s 100

Division 2A—General manager

div 2A (s 20A) ins 2007 No. 20 s 101

Representative of the chief executive

s 20B ins 2007 No. 18 s 13

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; 1996 No. 66 s 3 sch; 2007 No. 18 s 14

Conduct of corporation's affairs

s 26 amd 1991 No. 18 ss 14, 20 sch; 1993 No. 49 s 13; 1996 No. 66 s 3 sch; 2007 No. 18 s 15

Custody of seal—authentication of documents

s 27 amd 1991 No. 18 s 20 sch; 2007 No. 20 s 102

Validity of proceedings

s 28 om 1993 No. 49 s 14

Disclosure of interests by corporation members

s 29 amd 1991 No. 18 s 20 sch
sub 1999 No. 41 s 16
amd 2001 No. 45 s 29 sch 3

PART 2AA—TOURISM QUEENSLAND EMPLOYING OFFICE

pt hdg ins 2007 No. 20 s 103

Division 1—Establishment and functions of employing office

div 1 (ss 29AA–29AC) ins 2007 No. 20 s 103

Division 2—Executive officer

div 2 (ss 29AD–29AE) ins 2007 No. 20 s 103

Division 3—Staff of employing office

div 3 (ss 29AF–29AG) ins 2007 No. 20 s 103

Division 4—Other provisions

div 4 (s 29AH) ins 2007 No. 20 s 103

PART 2A—QUEENSLAND HOLIDAYS AND TRAVEL

pt hdg ins 1991 No. 18 s 15
sub 1996 No. 66 s 3 sch; 1999 No. 41 s 17

Division 1—Subsidiary corporation

div hdg ins 1991 No. 18 s 15
amd 1996 No. 66 s 3 sch
om 1999 No. 41 s 18

Constitution of subsidiary corporation

prov hdg amd 1996 No. 66 s 3 sch
s 29A ins 1991 No. 18 s 15
amd 1993 No. 49 s 15; 1996 No. 66 ss 7, 3 sch

Functions of subsidiary corporation

- prov hdg** amd 1996 No. 66 s 3 sch
s 29B ins 1991 No. 18 s 15
 amd 1996 No. 66 s 3 sch; 2007 No. 36 s 2 sch

Powers of subsidiary corporation

- prov hdg** amd 1996 No. 66 s 3 sch
s 29C ins 1991 No. 18 s 15
 amd 1996 No. 66 s 3 sch; 2001 No. 45 s 29 sch 3

Subsidiary corporation is statutory body

- s 29CA** ins 1996 No. 54 s 9 sch

Subsidiary corporations subject to direction of corporation

- s 29D** ins 1991 No. 18 s 15
 amd 1996 No. 66 ss 8, 3 sch

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
 om 1999 No. 41 s 19

Advisory Council

- s 29F** ins 1991 No. 18 s 16
 om 1999 No. 41 s 19

PART 3—FINANCIAL PROVISIONS**Division 1—Funds of Corporation**

- div hdg** om 1996 No. 66 s 3 sch

Funds to be maintained

- s 30** amd 1991 No. 18 s 17; 1996 No. 66 s 9

General fund

- s 31** amd 1996 No. 66 s 3 sch; 1997 No. 81 s 3 sch

Trust fund

- s 32** amd 1996 No. 66 s 3 sch

Loan fund

- s 33** om 1996 No. 66 s 10

Development Fund

- s 33A** ins 1991 No. 18 s 18
 om 1996 No. 66 s 10

Other prescribed funds

- s 34** amd 1995 No. 58 s 4 sch 1

PART 4—MISCELLANEOUS

- pt hdg** prev pt 4 hdg om 1991 No. 18 s 19
 pres pt 4 hdg (prev pt 5 hdg) renum 1999 No. 41 s 20

Validation of certain appointments

s 34A ins 2007 No. 18 s 16

Regulation-making power

s 35 prev s 35 amd 1993 No. 49 s 17
om 1996 No. 54 s 9 sch
pres s 35 (prev s 61) sub 1993 No. 49 s 21; 1995 No. 58 s 4 sch 1
renum 1999 No. 41 s 21

PART 5—TRANSITIONAL PROVISIONS

pt hdg ins 1999 No. 41 s 22

Division 1—Transitional provisions for Tourism Legislation Amendment Act 1999

div hdg ins 2007 No. 20 s 104

Continuation of The Queensland Tourist and Travel Corporation

s 36 prev s 36 amd 1989 No. 103 s 3 sch
om 1996 No. 66 s 11
pres s 36 ins 1999 No. 41 s 22

References to The Queensland Tourist and Travel Corporation

s 37 prev s 37 om 1996 No. 66 s 11
pres s 37 ins 1999 No. 41 s 22

Division 2—Transitional provisions for Statutory Bodies Legislation Amendment Act 2007

div hdg ins 2007 No. 20 s 105

Rights and entitlements of particular employees

s 38 prev s 38 om 1996 No. 66 s 11
pres s 38 ins 2007 No. 20 s 105

Application of industrial instruments

s 39 prev s 39 amd 1993 No. 49 s 18
om 1996 No. 66 s 11
pres s 39 ins 2007 No. 20 s 105

Amending Act does not affect particular powers of corporation

s 40 prev s 40 om 1996 No. 66 s 11
pres s 40 ins 2007 No. 20 s 105

Continued application of repealed s 16

s 41 prev s 41 om 1984 No. 88 s 10
pres s 41 ins 2007 No. 20 s 105

Continuation in office of general manager

s 42 prev s 42 om 1984 No. 88 s 10
pres s 42 ins 2007 No. 20 s 105

Division 3—Transitional provisions for Consumer Credit (Queensland) and Another Act Amendment Act 2007

div hdg prev div hdg sub 1984 No. 88 s 9
om 1993 No. 49 s 19
pres div hdg ins 2007 No. 18 s 17

Continuation of membership of corporation

s 43 prev s 43 om 1984 No. 88 s 10
 pres s 43 ins 2007 No. 18 s 17

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

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

PART 6—TRANSITIONAL PROVISIONS

pt 6 (ss 62–66) ins 1996 No. 66 s 12
exp 21 February 1997 (see s 66)