

Queensland



ANNO VICESIMO OCTAVO

ELIZABETHAE SECUNDAE REGINAE

No. 13 of 1979

**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**

[ASSENTED TO 15TH MAY, 1979]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. **Short title.** This Act may be cited as the *Queensland Tourist and Travel Corporation Act 1979*.

2. **Arrangement of Act.** This Act is divided into Parts and Divisions of Parts as follows:—

PART I—PRELIMINARY (ss. 1-5);

PART II—THE QUEENSLAND TOURIST AND TRAVEL CORPORATION (ss. 6-29);

*Division 1—Constitution of Corporation;*

*Division 2—Functions, Powers and Duties of Corporation;*

*Division 3—Proceedings and Business of Corporation;*

## PART III—FINANCIAL PROVISIONS (ss. 30–49);

*Division 1—Funds of Corporation;*

*Division 2—Budget of Corporation;*

*Division 3—Borrowings of Corporation;*

## PART IV—FINANCIAL ASSISTANCE TO PROMOTERS OF PROJECTS (ss. 50–59);

## PART V—MISCELLANEOUS (ss. 60–61).

**3. Savings—transitional.** (1) On and from the appointed day and until the Minister approves otherwise, all premises occupied by or on behalf of the Department of Tourism immediately prior to that day for the conduct of the business of the department shall be occupied by the Corporation for the conduct of its business and activities authorized by this Act.

(2) On or before the appointed day or such later day as the Minister for Works and Housing determines, the Corporation and that Minister shall agree upon the terms and conditions on which the Corporation shall occupy the premises referred to in subsection (1).

If the Corporation and the Minister for Works and Housing are unable to agree as to the terms and conditions of occupancy, such terms and conditions shall be as that Minister determines.

(3) On and from the appointed day, all assets (including furniture, fittings and other Crown property but excluding land) used by the Department of Tourism with the exception of such assets as the Minister for Works and Housing determines (if any) shall be assigned to and taken over by the Corporation.

(4) Such books, documents, records and papers used by or on behalf of the Department of Tourism as the Minister determines shall on the appointed day be handed over to the Corporation.

**4. Interpretation.** In this Act, unless the contrary intention appears—

“Corporation” means The Queensland Tourist and Travel Corporation constituted under this Act;

“Local Authority” means a Local Authority or Joint Local Authority constituted under the *Local Government Act 1936–1978* and includes—

(a) any person who at the material time is to be deemed to be a Local Authority pursuant to that Act;

(b) Brisbane City Council constituted under the *City of Brisbane Act 1924–1977*;

“Minister” means the Minister for Maritime Services and Tourism or other Minister of the Crown who at the material time is charged with the administration of this Act and includes any person who at the material time is performing the duties of the Minister.

**5. Appointed day.** For the purposes of this Act, the Governor in Council may by Order in Council appoint a day which in this Act is referred to as the “appointed day”.

PART II—THE QUEENSLAND TOURIST AND TRAVEL CORPORATION

Division 1—Constitution of Corporation

**6. Constitution of Corporation.** (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.

(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.

**7. Members of Corporation.** (1) The Corporation shall consist of seven members at least being:—

(a) the permanent head for the time being of the department of the Government of the State by which the Minister administers this Act who shall be a member *ex officio*;

(b) six persons appointed by the Governor in Council on the recommendation of the Minister, by notification published in the Gazette.

(2) The Governor in Council may at any time, upon the recommendation of the Minister appoint by notification published in the Gazette the person who is General Manager of the Corporation to be a member of the Corporation.

**8. Chairman and deputy chairman of Corporation.** (1) In every appointment of the whole number of members of the Corporation the Governor in Council shall appoint a member who shall be chairman of the Corporation. When a vacancy occurs in the office of chairman of the Corporation, the Governor in Council may, by notification published in the Gazette, appoint another member of the Corporation to the vacant office.

(2) The members of the Corporation shall elect one of their members to be deputy chairman of the Corporation at their first meeting held after the whole number of members assume office or, where a vacancy occurs in the office of deputy chairman, after the appointment of a member in the place of the member who was deputy chairman.

**9. Term of appointment of members.** (1) Every member of the Corporation, other than the member *ex officio*, appointed in the first appointment of members of the Corporation shall be appointed for a term of five years.

(2) Every member of the Corporation, other than the member *ex officio*, appointed other than in the first appointment of members of the Corporation shall be appointed for a term of three years.

(3) Notwithstanding subsections (1) and (2) if, at any time during the term of appointment of members, other than the member *ex officio*, the person who is the General Manager of the Corporation is appointed a member of the Corporation, his term of appointment shall be until the expiration of the term of the other members of the Corporation (other than the member *ex officio*).

(4) A member shall, subject to this Act, be eligible for further appointment to membership of the Corporation.

**10. Vacating member's office.** (1) A member of the Corporation, other than the member *ex officio* may, by writing addressed to the Minister, resign his office at any time.

(2) The Governor in Council may at any time remove from office a member of the Corporation, other than the member *ex officio* or the person who is the General Manager of the Corporation.

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

- (a) in the event of his resignation, upon the receipt by the Minister of his notice of resignation;
- (b) in the event of his removal, upon the issue by the Minister of notice of his removal;
- (c) in the event of his absence without the Corporation's leave first obtained from three consecutive ordinary meetings of the Corporation of which notice has been duly given to him;
- (d) in the event of his failure to comply with his obligations under section 29;
- (e) in the case of the person who is the General Manager of the Corporation, in the event of his ceasing to be General Manager.

(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.

**11. Casual vacancy in member's office.** (1) A member of the Corporation, other than the member *ex officio*, shall be taken to have vacated his office—

- (a) if he dies;
- (b) if he resigns his office as prescribed;
- (c) if he is removed from office as prescribed.

(2) If a casual vacancy occurs in the office of a member of the Corporation, other than the member *ex officio*, during the currency of his term of appointment another person shall or, in the case of the General Manager, may be appointed as a member in accordance with section 7, to fill that vacancy.

The appointment of a person appointed to fill a casual vacancy shall continue and be deemed to continue for as long as the appointment of his predecessor had the casual vacancy not occurred.

**12. Fees and allowances of members.** (1) Subject to subsection (2), such fees and allowances as the Governor in Council approves from time to time shall be paid to every member of the Corporation.

(2) Fees and allowances shall not be paid to—

(a) the member *ex officio*;

(b) if he is appointed a member, the General Manager of the Corporation,

in respect of his attendance at a meeting of the Corporation during his ordinary hours of duty as such an officer.

(3) Each member of the Corporation shall be paid such expenses as are necessarily incurred by him in the discharge of his 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 promote and market 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 advise the Minister on matters relating to the foregoing paragraphs 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 and arrange tourism and travel to and within Queensland.

(3) The Minister may issue 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.

**14. Powers to discharge functions.** (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 real or personal property or both 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;

(b) act as an agent for any person or body, whether corporate or unincorporate, engaged in the provision of travel or tourist facilities;

(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;

- (d) demand and receive fees, retainers, or commissions for acting as an agent or for the sale of travel, accommodation or associated services;
- (e) promote the development of tourism within Queensland and encourage the upgrading of existing tourist and travel facilities;
- (f) undertake research into the requirements of the tourist and travel industry and the means of promoting tourist projects and make available the results of such research to interested parties;
- (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;
- (h) locate and classify potential tourist attractions and co-ordinate the development of new or existing tourist ventures with all interested persons and bodies (whether corporate or unincorporate), Local Authorities and departments of the Government of the State and of the Commonwealth, oversee 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;
- (i) encourage improvements in standards by such means as it considers appropriate including the establishing of awards for special competence and innovation;
- (j) establish staff training facilities and provide training courses and scholarships, and arrange contacts between trained personnel seeking employment and prospective employers within the industry;
- (k) liaise with Australian and overseas travel operators and other representative tourist industry bodies;
- (l) liaise with regulatory authorities affecting operations of tourist and travel enterprises;
- (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.

**15. Cessation of operations of Department of Tourism.** On and from the appointed day the Department of Tourism shall cease to exist and, subject to this Act, all functions, powers, authorities and duties being exercised or performed immediately prior to that day shall be exercised and performed by the Corporation on and from that day.

**16. Engagement and employment of staff.** (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 Public Service Board determines.

(3) In respect of any industrial matter to be heard and determined pursuant to the *Industrial Conciliation and Arbitration Act 1961-1976* by The Industrial Conciliation and Arbitration Commission or the Industrial Court in which the Corporation has an interest as an employer, the Corporation shall consult with the Public Service Board.

(4) Subject to this Act, all officers of the Public Service of Queensland employed immediately prior to the appointed day—

(a) in the Department of Tourism; or

(b) as officers of the Premier's Department employed in the Department of Tourism,

shall continue to be officers of the Public Service and shall be deemed to be officers of the Department of Harbours and Marine or, in the case of officers referred to in subparagraph (b), the Premier's Department appointed or seconded to perform the duties of officers of the Corporation in accordance with the *Public Service Act 1922-1978*.

Each of such officers shall be paid initially salary at a rate not less than appropriate to the salary classification on which he was employed within the Public Service immediately prior to the appointed day and he shall be employed in all other respects subject to such conditions of employment as are prescribed in respect of officers of the Public Service performing similar duties until such salary is or conditions are determined by the Corporation pursuant to this section or by an applicable industrial award, for an employee of the Corporation performing similar duties.

All salaries, wages, allowances and emoluments payable in respect of such officers shall be paid out of the funds of the Corporation.

For so long as an officer referred to in this subsection continues to be an officer of the Public Service performing the duties of an officer of the Corporation, he shall—

(a) for the purposes of any provision of the *Public Service Act 1922-1978* that confers or regulates a right of appeal against promotion, be deemed to continue to be an officer of the Department of Harbours and Marine or, as the case may be, of the Premier's Department for the period of his service with the Corporation upon the classification which he held immediately prior to the appointed day;

(b) notwithstanding the foregoing provisions, be subject to the control and direction of the Corporation as if he were an employee of the Corporation.

(5) Upon the expiration of two years from the appointed day, all officers referred to in subsection (4) who have been continuously performing the duties of officers of the Corporation since that day, other than officers who elect to continue to be officers of the Public Service pursuant to section 17 (3) shall cease to be officers of the Public Service and shall be and be deemed to be officers employed by the Corporation.

(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 1972-1978* being made applicable to him, be deemed to be an officer within the meaning of that Act and such person shall contribute to the State Service Superannuation Fund and shall be entitled to payments and other benefits therefrom in respect of himself, his widow and any child of his as if he were such an officer unless—

(a) the Governor in Council otherwise determines; or

- (b) he is not eligible to contribute to that fund by reason of any provision of that Act.

**17. Rights of officers previously employed in Public Service.**

(1) Subject to this section a person who pursuant to section 16 (4) is deemed to be appointed or seconded to perform the duties of an officer of the Corporation shall nevertheless for as long as he 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 him as an officer of the Public Service of Queensland at the appointed day and for this purpose his 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 prior to the appointed day is a contributor to the State Service Superannuation Fund and who pursuant to section 16 (4) is deemed to be appointed or seconded to perform the duties of an officer of the Corporation shall for as long as he 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 him as a contributor under the *Public Service Superannuation Act 1958-1978* or the *State Service Superannuation Act 1972-1978*; and
- (b) continue to contribute to that fund and shall be entitled to payments and other benefits therefrom in respect of himself, his widow and any child of his as if he were an officer within the meaning of those Acts or either of them.

(3) For a period of two years commencing on the appointed day, any officer of the Public Service of Queensland who has continuously performed the duties of an officer of the Corporation since that day and who, immediately prior to that day was an officer of the Public Service employed as an officer of—

- (a) the Department of Tourism; or
- (b) the Premier's Department employed in the Department of Tourism,

by writing addressed to the Chief Executive Officer or other officer prescribed of the Department of the Public Service Board may elect to continue to be an officer of the Public Service and such officer shall as soon as can practically be arranged, be transferred to another position in the Public Service and be accorded a classification and emoluments at the least equal to those which he held as an officer of the Public Service immediately prior to the appointed day.

An officer who, pursuant to this subsection, elects to continue to be an officer of the Public Service and who has not been transferred to another position in the Public Service shall, pending such transfer, continue to perform the duties of an officer of the Corporation and all emoluments to which such officer is entitled shall be paid out of the funds of the Corporation:

Provided, however, that such an officer shall be paid salary at a rate not less than that appropriate to the salary classification which he held in the Public Service immediately prior to the appointed day and shall be employed in all other respects subject to such conditions of



employment as are prescribed by an applicable industrial award or otherwise, for an officer of the Public Service performing similar duties and, for the purposes of any provision of the *Public Service Act 1922-1978* that confers or regulates a right of appeal against promotion, shall be deemed to be an officer of the Department of Harbours and Marine or, in the case of an officer who prior to the appointed day was an officer of the Premier's Department, an officer of the Premier's Department in the Public Service for the period of his continuous service from the date of his election to his transfer to another position in the Public Service.

**18. Contributions by Corporation.** In respect of a person who contributes to the State Service 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 Crown and had been paid salary at the rate paid to him at the material time by the Corporation.

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 1972-1978* as a debt due to that Board.

**19. Power of delegation.** (1) The Corporation may by writing under its seal either generally or otherwise as provided by the instrument of delegation delegate to any of its members or to any officer or employee of the Corporation all or any of its powers, authorities, functions and duties except this power of delegation.

The Corporation may make such and so many delegations of the same power, authority, function or duty and to such number of persons as it considers necessary or desirable.

(2) A delegation may be made subject to such terms or limitations as the Corporation thinks fit including a requirement that the delegate shall report to it on the exercise or performance of the delegated power, authority, function or duty.

(3) A power, authority, function or duty so delegated, if exercised or performed by the delegate, shall be exercised or performed in accordance with the instrument of delegation.

(4) A delegation does not prevent or prejudice—

(a) the exercise of a delegated power or authority or the performance of a delegated function or duty by the Corporation; or

(b) the exercise by the Corporation of supervision of the carrying out by the delegate of the terms of the delegation to the extent of countermanding the delegate's exercise of a power or authority or performance of a function or duty under the delegation.

(5) A delegation is revocable at the will of the Corporation.

**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 3—Proceedings and Business of Corporation*

**21. Meetings of Corporation.** (1) The Corporation shall hold its first meeting within one month after the first appointment of the whole of the members thereof at such time and place as the chairman appoints.

(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.

**22. Presiding at meetings.** The chairman of the Corporation shall preside at every meeting of the Corporation at which he is present and, in his absence, the deputy chairman of the Corporation shall so preside, if he is present.

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

**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.** 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 seven days prior to the date appointed for such meeting:

Provided that in circumstances which in the opinion of the chairman of the Corporation or of two other members of the Corporation constitute an emergency the chairman or, as the case may be, such two 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 the preceding paragraph for a notice of meeting.

A notice of a meeting or an adjourned meeting may be given to a member by prepaid post letter addressed to his place of business or place of residence last known to the chairman.

**25. Adjournment of meetings.** The members present at a meeting of the Corporation may adjourn the meeting from time to time.

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

No provision of the preceding paragraph 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 or performance is to occur.

The person who is duly presiding at a meeting, if he 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 (in this Act called the minute book), kept under the superintendence of the chairman of the Corporation—

- (a) particulars of all proceedings of the Corporation;
- (b) the names of the members 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.

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 chairman 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 chairman 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 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 chairman or other person authorized by the Corporation in that behalf.

**28. Validity of proceedings.** An act or proceeding of the Corporation shall not be invalidated or in any way prejudiced by reason only of the fact that at the time such act was done or proceeding taken there were vacancies in the membership of the Corporation not exceeding one-half of the total number of members for the time being required to constitute the Corporation or that all the members for the time being holding office were not present at the meeting at which such act or proceeding was done or authorized or that there is a defect in the qualification, membership or appointment of any one or more of the members who joined in doing such act or taking such proceeding or in authorizing such act or proceeding or of any combination of such facts.

**29. Disclosure of interest in contracts.** (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 his interest at the first meeting of the Corporation at which he is present after the relevant facts have come to his 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 his 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 chairman of the Corporation by a member of the Corporation as to the nature of his interest shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his 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.

The chairman shall record in a book to be kept for the purpose particulars of every disclosure made and of every notice given under this subsection 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 he 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 his 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 he 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 III—FINANCIAL PROVISIONS

*Division 1—Funds of Corporation*

**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; and
- (c) a Loan 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 on or after the appointed day held by or received on behalf of the Department of Tourism howsoever arising other than the moneys 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 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;
- (b) crediting in accordance with the regulations of moneys to a prescribed fund kept pursuant to section 34.

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.

**32. Trust Fund.** (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. 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.

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 the expression “ 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.

**33. Loan Fund.** (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 authorized 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 authorized to borrow the money or for which the subsidy or grant was paid to the Corporation and not otherwise.

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

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.

**35. Investment of funds.** (1) The Corporation may invest moneys which are surplus in any fund kept by it in one 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 authorized and approved dealer; or
- (d) other securities approved by the Governor in Council on the recommendation of the Treasurer.

Every such security, safe custody acknowledgement 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 the expression “ authorized and approved dealer ” means a person who—

- (a) is an authorized 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 by Order in Council.

#### *Division 2—Budget of Corporation*

**36. Budget of Corporation.** (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 he 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.

**37. Observance of budget.** (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).

**38. Treatment of surpluses.** (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 authorizations of expenditure and votes of money for any item provided for in the budget so framed shall lapse but may be re-authorized or re-voted, as the case may be.

**39. Payment of grants to Corporation.** 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 on the recommendation of the Treasurer.

**40. Certain revenue to be applied towards promotions.** (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 utilized 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 financial year, may determine shall not exceed one-tenth 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.

### *Division 3—Borrowings of Corporation*

**41. Borrowing by Corporation.** (1) The Corporation, with the approval of the Governor in Council, for the purpose of exercising any of its powers and functions and performing any of its duties under this Act, may and is hereby authorized to borrow money from or to make financial arrangements with the Treasurer or with any bank or other person or institution upon and subject to such terms and conditions and at such rate of interest as the Corporation, subject to approval by the Governor in Council, thinks fit:

Provided that the Corporation may not enter into negotiations with respect to the borrowing of money or the making of financial arrangements as aforesaid without the sanction of the Treasurer, and for the purpose of obtaining that sanction the Corporation shall submit to the Treasurer such information as the Treasurer may require.

(2) Without limiting the generality of the provisions of subsection (1) but subject to the sanction of the Treasurer and the approval as aforesaid of the Governor in Council, the Corporation may borrow money by the sale of debentures or inscribed stock or partly in one way and partly in the other way.

(3) The Corporation may for the purposes of this section create and execute all such mortgages, bills of sale, charges, liens and other securities or encumbrances upon or over the property of the Corporation or any part or parts thereof, or the revenues of the Corporation as the Corporation, subject to the approval of the Governor in Council, thinks fit.

(4) In the case of a loan to be raised in whole or in part by the sale of debentures or inscribed stock, the authority shall be given by Order in Council, and such Order in Council shall declare the amount that may be borrowed, the purposes for which the loan is to be borrowed, the currency of the loan, the rate of interest payable thereon, the terms and conditions for the redemption of the loan and such other conditions as the Governor in Council thinks proper to impose.

(5) The Corporation shall be a local body under and within the meaning of the *Local Bodies' Loans Guarantee Act 1923-1975*, the provisions whereof shall apply and extend accordingly, subject to such modifications as the Governor in Council prescribes generally by regulations or in respect of a particular loan by Order in Council.



**42. Debentures and stock.** (1) All debentures and inscribed stock respectively issued under the authority of this Act—

- (a) shall, subject to this Act, be sold in such amounts or parcels, at such times and places in or outside Queensland, and in such a manner as the Corporation thinks fit;
- (b) shall with interest thereon be charged and secured upon the assets and revenues of the Corporation subject to any prior charges issued according to law;
- (c) shall bear interest at the rate and be redeemable at such date or dates and at such place or places in or outside Queensland as respectively approved by the Governor in Council;
- (d) may in the case of any debentures, with the consent of the holder thereof or; in the case of any inscribed stock, with the consent of the registered owner thereof, be paid off at any time previous to the due date thereof at not more than the par value thereof or (with the consent of the Governor in Council) at a premium, with interest thereon to date of payment only.

(2) (a) In the case of an application to purchase debentures or inscribed stock, the Corporation may require the applicant to lodge with his application, as security, all or part of the purchase consideration.

(b) Where an application is accepted, the debentures or inscribed stock issued pursuant to the application shall bear interest at the rate approved in accordance with this section on the amount lodged as security from the date of lodgement.

(c) Where the application is not accepted, the Corporation shall refund forthwith any amount so lodged as security.

(3) Interest secured by any debentures or inscribed stock shall be payable at such times and at such place or places in or outside Queensland as the Governor in Council determines.

(4) No notice of any trust express, implied or constructive shall be received by the Corporation or by any employee or other servant or any agent of the Corporation in relation to any debentures or stock issued under the authority of this Act, and the Corporation or any such servant or agent shall not be bound to see to the execution of any such trust to which any such debentures or any part of any such stock may be subject.

(5) An investment, unless expressly forbidden by the instrument (if any) creating the trust, by a trustee of trust funds in any debentures or stock, issued under the authority of this Act shall be and be deemed to be an authorized investment by the trustee pursuant to the provisions of section 21 of the *Trusts Act 1973* and such Act shall be read and construed accordingly.

(6) A person advancing money to the Corporation and receiving in consideration of such advance any debentures or stock issued under the authority of this Act shall not be bound to inquire whether the issue of such security was in fact duly authorized or into the application of the money advanced or be in any way responsible for the non-application or misapplication thereof.

**43. Brokerage.** The Corporation may pay moneys by way of brokerage for or in respect of the making, procuring, negotiating or obtaining the loan of any money the borrowing of which the Governor in Council has approved:

Provided that no moneys shall be paid by the Corporation by way of brokerage for or in respect of the loan of any money by it unless the Treasurer has approved of the payment of brokerage, which approval may be given by the Treasurer subject to such terms and conditions as he thinks fit:

Provided further that section 14 of the *Money Lenders Act 1916-1973* shall not apply or extend to brokerage which the Corporation is authorized to pay under and in accordance with this section, and which brokerage has been approved by the Treasurer and is agreed to be paid by the Corporation subject to the terms and conditions, if any, imposed by the Treasurer.

**44. Regulations relating to loans.** The power conferred on the Governor in Council by section 61 to make regulations includes power to make regulations relating to the raising and repayment of loans under the authority of this Act and, without limiting the generality of the foregoing power—

- (a) prescribing the form of and the manner of issuing debentures or inscribed stock, providing for the keeping and inspection of and the taking of copies of or extracts from the register of debentures or inscribed stock and providing for lost or defaced debentures and the destruction of discharged debentures;
- (b) prescribing matters relating to the raising of loans outside the State;
- (c) providing for sinking funds and other methods for the repayment of moneys borrowed, providing for and appointing trustees of a debt redemption fund with respect thereto and prescribing the powers, functions and duties of such trustees and regulating and controlling all or any matters with respect to such debt redemption funds, trustees, sinking funds or other methods aforesaid.

**45. Illegal borrowing.** (1) A person who lends money to the Corporation otherwise than in accordance with this Act or some other Act shall have no remedy or right whatsoever to recover money from the Corporation in respect of that loan.

(2) The provisions of this section shall be construed so as not to prejudice the operation of the provisions of section 42 (6).

**46. Resolution before borrowing.** Before proceeding to borrow money the Corporation shall, at a special meeting called for the purpose, pass a resolution to borrow that money.

**47. Application of loan moneys.** (1) All moneys borrowed by the Corporation shall be expended for the purpose for which it was authorized to borrow the same and not otherwise.

(2) If any amount of a loan remains unexpended upon the completion of the purpose for which the loan was borrowed such amount shall be applied as the Treasurer directs.

**48. Advance by way of overdraft.** The Corporation, with the approval of the Governor in Council first had and obtained, may obtain temporary financial accommodation by way of advance from any bank by way of overdraft on its General Fund.

The Governor in Council, by Order in Council, may fix a maximum amount to which the Corporation may obtain such temporary finance whereupon the Corporation shall not suffer the amount of its overdraft to exceed the amount so fixed.

**49. Audit.** Sections 63 to 71 both inclusive of the *Financial Administration and Audit Act 1977-1978* shall apply to and in respect of the Corporation, its employees and accounts as if the Corporation were a statutory corporation representing the Crown.

#### PART IV—FINANCIAL ASSISTANCE TO PROMOTERS OF PROJECTS

**50. Advances and guarantees.** (1) For the purposes of promoting, fostering and assisting the development of the tourist and travel industry in Queensland financial assistance may be given to a person who is concerned in promoting a tourist or travel project by (under, subject to and in accordance with this Act)—

- (a) the Corporation by making an advance by way of loan to that person; or
- (b) the Treasurer, on behalf of the Government of the State, by guaranteeing the repayment of an advance by way of loan or any part of such an advance made to such person by some other person, bank or other institution or body and the payment of interest in respect of such advance or part thereof.

(2) An advance or guarantee under this Act shall not be made or given unless and until the Governor in Council approves thereof.

**51. Application for assistance.** (1) A person who is concerned in promoting a tourist or travel project may make application in writing to the Corporation for financial assistance in respect thereof.

Such application—

- (a) shall state whether the financial assistance is applied for by way of an advance or a guarantee;
- (b) shall contain or be accompanied by all such information and particulars as may be prescribed, or where or to the extent not prescribed, as required by the Minister.

**52. Corporation to investigate application.** (1) Before recommending the provision of financial assistance under this Part, the Corporation shall inquire into the application for financial assistance under this Part and in particular with respect to—

- (a) the nature and objects of the project to which the application relates;
- (b) the sufficiency of the capital for carrying on such project successfully, making allowance for the financial assistance for which the applicant has applied;
- (c) the securities offered by the applicant for the financial assistance for which he has applied;

- (d) whether or not the carrying on of the project to which the application relates is calculated to promote the tourist and travel industry in the State or of any part or locality of or in the State;
- (e) whether it would be in the interest of the State to approve of the application;
- (f) the practicability or otherwise of the applicant obtaining financial assistance otherwise;
- (g) such other matters as may be prescribed or as may be required by the Minister either generally or in any particular case.

(2) The Corporation, if it recommends the giving of financial assistance, shall report and recommend to the Minister accordingly.

Where the Treasurer is of the opinion that financial assistance by way of advance or by way of guarantee in respect of which the application has been made should be given, he shall recommend to the Governor in Council that the application be approved.

(3) Save where in a particular case the Minister specifically approves otherwise, financial assistance pursuant to the provisions of this Part shall not knowingly be given to a member of the Corporation or any person who is the spouse or a member of the family of a member of the Corporation and who lives with that member or to any incorporated company in which any of those persons has an interest, whether direct or indirect, save where such interest is as a member and in common with other members, of an incorporated company consisting of not less than 25 persons.

**53. Decision upon application.** (1) The Governor in Council may approve the application for financial assistance under this Part or he may refuse to approve it.

(2) Approval by the Governor in Council of an application shall be by Order in Council.

(3) The Governor in Council shall in the Order in Council approving financial assistance under this Part by way of an advance specify the amount that may be advanced, the period of the loan, the rate of interest thereon, the terms and conditions of redemption of the loan, the security to be taken therefor, and may specify such other matters and things as the Governor in Council thinks fit.

(4) The Governor in Council shall in the Order in Council approving financial assistance under this Act by way of a guarantee specify the amount, repayment whereof may be guaranteed, the period of and such matters and things concerning the loan in respect whereof the guarantee is approved including the whole amount thereof and security for the repayment thereof as the Governor in Council thinks fit.

Any guarantee given under this Part is limited to such amount and is subject to such other terms, reservations and conditions as the Governor in Council prescribes.

(5) The Governor in Council may with the agreement of the lender from time to time by Order in Council vary any specification made by him in an Order in Council made pursuant to this section including any specification as previously varied pursuant to this subsection.

If an Order in Council that varies any specification—

- (a) is expressed to have taken effect on a specified date; or

- (b) while not expressed to have taken effect on a specified date, purports to have taken effect on a particular date or at a particular time,

the order shall be deemed to have taken effect on or at that date or time notwithstanding that it is a date or time prior to the date of publication of the order in the Gazette.

**54. Powers as to advances.** (1) Where the Governor in Council by Order in Council has approved of the Corporation financially assisting any applicant by way of an advance under this Part, the Corporation may, subject to this Act, make to such applicant an advance by way of loan of an amount not exceeding the sum approved by the Governor in Council.

The Corporation shall make the advance in accordance with the specifications of the Order in Council and shall take therefor the security specified in the Order in Council.

(2) The fact that with respect to making the advance or taking security therefor the Corporation did not comply in all respects with such specifications shall not prejudice or affect in any way the authority of the Corporation to make under this Part the advance in question or limit the effect as a valid mortgage or security of any mortgage or security taken by the Corporation for the advance in question.

(3) Where the Governor in Council has varied any specification in an Order in Council under the authority of which an advance has been made or has varied such specification as previously varied—

(a) the Corporation shall give effect to the variation made; and

(b) whether or not the Corporation has done all things necessary to comply with provision (a), on and from the date when the variation takes or is deemed to have taken effect the advance shall be deemed to be subject to the terms and conditions to which it is then subject as varied by the variation made to the specification.

**55. Effect of Order in Council in respect of guarantee.** Where the Governor in Council approves an application for the giving of a guarantee under this Part then, upon the publication in the Gazette of the Order in Council referred to in section 53, the amount of the advance by way of loan when borrowed or part thereof, as the case may be, and the interest specified in respect thereof shall be taken for all purposes to be guaranteed by the Treasurer on behalf of the Government of the State, limited however to such amount and subject to such other terms, reservations and conditions as the Governor in Council prescribes.

**56. Guarantee voidable in certain circumstances.** The guarantee is voidable at the option of the Treasurer if the lender fails in any respect to comply with the terms, provisions and conditions binding upon him with respect to the loan or fails to take security as specified in the Order in Council or, without the prior consent in writing of the Treasurer, releases in whole or in part any mortgage or security specified in the Order in Council or, without the prior consent in writing of the Treasurer, waives any right or remedy had by him in respect of the loan under any security therefor taken by him or otherwise howsoever.

**57. Recovery of moneys paid under guarantee.** (1) In respect of all moneys paid by the Treasurer under any guarantee under this Part, the Treasurer has the following rights and powers:—

- (a) he may recover from the promoter the amount of all such moneys with interest at ten dollars per centum per annum, or at such rate as may be prescribed in lieu thereof, by action in any court of competent jurisdiction;
- (b) he shall, to the extent of any payment made by him, be entitled to the benefit of any securities held by the lender as security for the loan to which the guarantee relates so that—
  - (i) where the Treasurer has paid to the lender the whole of the moneys secured by such securities, the lender shall hand over such securities to the Treasurer, who may exercise all the powers of the lender in respect of such securities;
  - (ii) where the Treasurer has paid only part of the moneys so secured, the lender shall, as and when directed by the Treasurer, realize such securities and, after satisfying his or its own claims out of the proceeds thereof, shall pay the balance (if any) to the Treasurer.

The powers and remedies of the Treasurer under this section shall be exercisable singly or concurrently as in his discretion he thinks proper.

(2) (a) For the purposes of this section, the Treasurer and his successors in office shall be a corporation sole under the name and style "The Treasurer of Queensland".

(b) The Treasurer of Queensland shall have perpetual succession and a common seal and, subject to this Act, shall be capable in law of suing and being sued of compounding or proving in any court of competent jurisdiction all debts or sums of money due to it and of acquiring, holding, demising and alienating property and of doing and suffering all such acts and things as bodies corporate may in law do and suffer.

All courts and persons acting judicially shall take judicial notice of the common seal and, until the contrary is proved, shall assume that it was duly fixed to any document on which it appears.

(c) The Treasurer of Queensland as constituted under this Act represents the Crown and shall have and may exercise all the powers, privileges, rights and remedies of the Crown.

**58. Appropriation in respect of guarantee.** All moneys payable by the Treasurer pursuant to any guarantee under this Part shall be paid out of moneys to be from time to time appropriated by Parliament for the purposes.

**59. Moneys guaranteed to be a debt due to Her Majesty.** Without prejudice to any other right or remedy had by the Treasurer under or pursuant to this Act in respect of the recovery thereof, all moneys payable to or recoverable by the Treasurer in respect of any guarantee given under this Act shall be a debt due and payable to Her Majesty, and payment thereof may be enforced accordingly in any court of competent jurisdiction.

PART V—MISCELLANEOUS

**60. Annual report.** (1) Within three months after the expiration of each financial year the Corporation shall furnish to the Minister a report on its operations throughout that year including a financial statement for that year.

(2) The Minister shall present the report to Parliament.

**61. Regulations.** (1) The Governor in Council may make regulations not inconsistent with this Act providing with respect to—

- (a) all matters that are required or permitted by this Act to be prescribed;
- (b) all matters that in his opinion are necessary or convenient to be prescribed for the proper administration of this Act or for the proper exercise, discharge and performance by the Corporation of its powers, authorities, functions and duties;
- (c) all matters that in his opinion are necessary or convenient to be prescribed to achieve the objects and purposes of this Act.

(2) The regulations may impose penalties and punishments for any breach thereof and, where a pecuniary penalty is imposed, may be recovered by way of summary proceeding under the *Justices Act 1886–1978* and in any other case may be enforced in such manner as may be provided for in the regulations.