



Queensland

# **Tourism and Events Queensland Act 2012**

**Act No. 44 of 2012**





## Queensland

# Tourism and Events Queensland Act 2012

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Queensland

## **Tourism and Events Queensland Act 2012**

**Act No. 44 of 2012**

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**An Act to provide for the establishment of Tourism and Events Queensland and for the establishment of the Tourism and Events Queensland Employing Office for purposes related to tourism and events for Queensland**

**[Assented to 11 December 2012]**

## The Parliament of Queensland enacts—

# Part 1 Preliminary

## 1 Short title

This Act may be cited as the *Tourism and Events Queensland Act 2012*.

## 2 Definitions

The dictionary in schedule 1 defines particular words used in this Act.

## 3 Object

The object of this Act is to provide for the establishment of Tourism and Events Queensland to achieve economic and social benefits for the State through—

- (a) marketing and promoting tourism in Queensland; and
- (b) tourism experience and destination development; and
- (c) securing major events to be held in Queensland.



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## **Part 2**                      **Tourism and Events Queensland**

### **Division 1**                **Establishment, functions and powers**

#### **4**                      **Continuance of Tourism Queensland**

Tourism Queensland is continued in existence as Tourism and Events Queensland (the *corporation*).

#### **5**                      **Legal status**

- (1) The corporation—
  - (a) is a body corporate; and
  - (b) has a seal; and
  - (c) may sue and be sued in its corporate name.
- (2) The corporation represents the State.
- (3) Without limiting subsection (2), the corporation has the status, privileges and immunities of the State.

#### **6**                      **Application of other Acts**

- (1) The corporation is a statutory body under the *Financial Accountability Act 2009*.
- (2) The corporation is a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*.
- (3) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B explains how that Act affects the corporation's powers.

## **Division 2                      Functions and powers**

### **7                      Functions**

- (1) The functions of the corporation are—
  - (a) to attract international and domestic travellers to travel to and within Queensland through—
    - (i) the promotion and marketing of Queensland; and
    - (ii) tourism experience and destination development; and
  - (b) to identify, attract, develop and promote major events for the State that—
    - (i) contribute to the Queensland economy; and
    - (ii) attract visitors to Queensland; and
    - (iii) enhance the profile of Queensland; and
    - (iv) foster community pride in Queensland; and
  - (c) to work collaboratively with the department and other public sector units and Queensland tourism industry participants to identify opportunities to increase tourism and travel to and within Queensland; and
  - (d) to conduct research into, and analysis of, tourism in Queensland; and
  - (e) to advise the Minister about the functions mentioned in paragraphs (a) to (d); and
  - (f) any other function given to the corporation under this Act or another Act.
- (2) The corporation may work in partnership with the Queensland tourism industry in discharging its functions.

### **8                      Powers**

- (1) The corporation has the powers of an individual and may, for example—

- 
- (a) enter into contracts or agreements; and
  - (b) acquire, hold, deal with, and dispose of, property; and
  - (c) appoint agents and attorneys; and
  - (d) engage consultants and researchers; and
  - (e) charge a fee for services and other facilities it supplies; and
  - (f) do anything else necessary or convenient to be done in performing its functions.
- (2) Without limiting subsection (1), the corporation has the powers given to it under this Act or another Act.

## **9 Performing functions and exercising of powers outside Queensland**

The corporation may—

- (a) perform its functions or exercise its powers inside or outside Queensland; and
- (b) perform its functions or exercise its powers outside Australia.

## **10 Ministerial direction**

- (1) The Minister may give the corporation a written direction about the performance of its functions or the exercise of its powers.

*Note—*

See also section 39 (Giving of statement of expectations).

- (2) The corporation must comply with a direction given under subsection (1).

## **11 Delegation**

- (1) The corporation may delegate its functions to—
- (a) a member; or

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- (b) the CEO; or
  - (c) the executive officer; or
  - (d) an appropriately qualified employee of the employing office.
- (2) In this section—

*appropriately qualified* includes having the qualifications, experience or standing appropriate to perform the function.

*Example of standing—*

a person's seniority level in an entity

*function* includes power.

## **Division 3                      Chief executive officer**

### **12            Appointment**

- (1) There is to be a chief executive officer of the corporation (the *CEO*).
- (2) The CEO is to be appointed by the Governor in Council, on the recommendation of the Minister.
- (2) The CEO is to be employed under this Act and not the *Public Service Act 2008*.

### **13            Functions**

The function of the CEO is to ensure the efficient and effective administration and operation of the corporation in accordance with the board's priorities.

### **14            Delegation**

- (1) The CEO may delegate the CEO's functions to—
  - (a) the executive officer; or

(b) an appropriately qualified employee of the employing office.

(2) In this section—

*appropriately qualified* includes having the qualifications, experience or standing appropriate to perform the function.

*Example of standing—*

a person's seniority level in an entity

*function* includes power.

## 15 Duration of appointment

The CEO holds office for the period, of not more than 3 years, stated in the CEO's instrument of appointment.

## 16 Terms and conditions of appointment

- (1) The CEO is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) The CEO holds office on the terms and conditions, not provided by this Act, that are decided by the Governor in Council.

## 17 Vacation of office

- (1) The office of the CEO becomes vacant if the CEO—
  - (a) completes a term of office and is not reappointed; or
  - (b) resigns from office by signed notice given to the Minister; or
  - (c) is an insolvent under administration under the Corporations Act, section 9; or
  - (d) is convicted of an indictable offence; or
  - (e) is removed from office by the Governor in Council under subsection (2).

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- (2) The Governor in Council may at any time remove the CEO from office for any reason or none.

## **Division 4            Board**

### **Subdivision 1        Establishment**

#### **18        Establishment**

The corporation has a board (the *board*).

#### **19        Role**

- (1) The board is responsible for the way the corporation performs its functions and exercises its powers.
- (2) Without limiting subsection (1), the board must ensure the corporation performs its functions in a way that is appropriate, effective and efficient.

#### **20        Composition**

- (1) The board consists of—
  - (a) the chief executive of the department; and
  - (b) at least 8 other members.
- (2) A member mentioned in subsection (1)(b) is to be appointed by the Governor in Council on the recommendation of the Minister.
- (3) In recommending a person for appointment to the board, the Minister must have regard to the following—
  - (a) the person's experience and expertise in business, financial management and promoting and staging events;
  - (b) the person's knowledge of the tourism industry.

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## **21 Duration of appointment**

- (1) A member holds office for the period, of not more than 3 years, stated in the member's instrument of appointment.
- (2) A member may be appointed as a member for no more than 2 consecutive periods.

## **22 Terms and conditions of appointment**

- (1) A member is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) A member holds office on the terms and conditions, not provided by this Act, that are decided by the Governor in Council.

## **23 Vacation of office**

- (1) The office of a member becomes vacant if the member—
  - (a) completes the member's term of office and is not reappointed; or
  - (b) resigns from office by signed notice given to the Minister; or
  - (c) is an insolvent under administration under the Corporations Act, section 9; or
  - (d) is convicted of an indictable offence; or
  - (e) is absent from 3 consecutive meetings of the board—
    - (i) without the permission of the board; and
    - (ii) without a reasonable excuse; or
  - (f) is removed from office by the Governor in Council under subsection (2).
- (2) The Governor in Council may at any time remove a member from office for any reason or none.

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## **24 Chairperson**

- (1) The Governor in Council must appoint 1 member to be the chairperson of the board (the *chairperson*).
- (2) The chairperson holds office for the term decided by the Governor in Council.
- (3) However, a vacancy occurs in the office of chairperson if the person holding the office—
  - (a) resigns from the office by signed notice given to the Minister; or
  - (b) stops being a member.
- (4) A person resigning the office of chairperson may continue to be a member.

## **25 Deputy chairperson**

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



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## **26 Committees**

- (1) The board may establish committees to assist it in performing its functions.
- (2) The board may decide on the membership and functions of a committee established under subsection (1).

## **Subdivision 2 Proceedings and business**

### **27 Representative of chief executive of the department**

- (1) The chief executive of the department may appoint an officer of the department to be the chief executive's representative at board meetings.
- (2) The appointment must be—
  - (a) in writing; and
  - (b) given to the chairperson.
- (3) If the chief executive of the department is absent from a board meeting, the representative may attend the meeting in place of the chief executive and is taken to be a member for the meeting.

### **28 Conduct of meetings**

Subject to this subdivision, the board may—

- (a) conduct its proceedings, including its meetings, as it considers appropriate; and
- (b) decide the time and place for its meetings.

### **29 Presiding at meetings**

- (1) The chairperson presides at all board meetings at which the chairperson is present.
- (2) If the chairperson is absent, the deputy chairperson presides.

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- (3) If the chairperson and deputy chairperson are absent, a member chosen by a majority of the members present presides.

### **30 Quorum and voting at board meetings**

- (1) At a board meeting—
- (a) a quorum consists of the majority of the members appointed at the time the meeting is held; and
- Example of paragraph (a)—*
- If 10 members are appointed to the board, the quorum is 6 (half the number of members (5) plus 1).
- (b) a question is to be decided by a majority of the votes of the members present and voting; and
- (c) if the votes are equal, the member presiding at the meeting has a casting vote.
- (2) A resolution of the board is valid, even though it is not passed at a board meeting, if—
- (a) a majority of the members agree, in writing, to the resolution; and
- (b) notice of the resolution is given in accordance with procedures approved by the board.

## **Subdivision 3 Duty of members**

### **31 Disclosure of interests**

- (1) This section applies to a member (the *interested member*) if—
- (a) the member has a direct or indirect interest in an issue being considered or about to be considered by the board; 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 board meeting.
- (3) Unless the board otherwise directs, the interested member must not—
  - (a) be present when the board considers the issue; or
  - (b) take part in a decision of the board about the issue.
- (4) The interested member must not be present when the board is considering whether to give a direction under subsection (3).
- (5) If there is another member who must under subsection (2) also disclose an interest in the issue, the other member must not—
  - (a) be present when the board 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 is not present at a board 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 present are a quorum of the board for considering or deciding the issue or for considering or deciding whether to give the direction at the meeting.
- (7) If there are no members who may remain present for considering or deciding an issue, the Minister may consider and decide the issue.
- (8) A disclosure under subsection (2) must be recorded in the board's minutes.

## **Part 3                      Tourism and Events    Queensland Employing Office**

### **Division 1                      Establishment and functions**

#### **32                      Continuance of Tourism Queensland Employing Office**

- (1) The Tourism Queensland Employing Office is continued in existence as the Tourism and Events Queensland Employing Office (the *employing office*).
- (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.

#### **33                      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.

#### **34                      Application of other Acts**

- (1) The employing office is a statutory body under the *Financial Accountability Act 2009*.
- (2) The employing office is a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*.

#### **35                      Functions**

- (1) The functions of the employing office are—
  - (a) to enter into, for the State, a work performance arrangement with the corporation under which

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employees of the employing office perform work for the corporation; and

- (b) to employ, for the State, staff to perform work for the corporation under the work performance arrangement; and
  - (c) to do anything incidental to the discharge of the functions mentioned in paragraphs (a) and (b).
- (2) Without limiting subsection (1), the employing office has any other function conferred on the employing office under this Act or another Act.

## **Division 2                    Executive officer**

### **36            Appointment**

- (1) There is to be an executive officer of the employing office (the *executive officer*).
- (2) The executive officer is to be appointed by the Governor in Council, on the recommendation of the Minister.
- (3) The executive officer is employed under this Act and not under the *Public Service Act 2008*.

### **37            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                    Employees of employing office**

### **38            Employing office may employ staff**

- (1) The employing office may, for the State, employ staff.

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- (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 industrial instrument that is relevant to the terms of employment of the employees of the employee office.
- (5) Employees of the employing office are employed under this Act and not under the *Public Service Act 2008*.
- (6) In this section—  
*industrial instrument* has the meaning given under the *Industrial Relations Act 1999*.

## Part 4 Planning and accountability

### Division 1 Statement of expectations

#### 39 Giving of statement of expectations

- (1) The Minister may give the corporation a written statement (a *statement of expectations*) of the Minister's expectations of the corporation in performing its functions and exercising its powers.
- (2) The statement of expectations—
  - (a) must set out the Minister's expectations for the period stated in the statement; and
  - (b) may include provisions about the following—
    - (i) the strategic or operational activities to be carried out by the corporation in the performance of its functions;
    - (ii) reporting to the Minister about the activities;

- (iii) activities to be carried out by the corporation and the department, respectively.
- (4) A statement of expectations given to the corporation under subsection (1) is taken to be a direction given under section 10.

#### **40 Statement of intent**

- (1) If the Minister gives a statement of expectations to the corporation, the corporation must give the Minister a statement of intent for the statement of expectations.
- (2) The statement of intent must be given to the Minister within 30 days after the statement of expectations is given to the corporation.
- (3) In this section—

*statement of intent*, for a statement of expectations, means a written statement about how the corporation proposes to comply with the statement of expectations.

## **Division 2 Reporting**

#### **41 Corporation to submit strategic plans**

- (1) The corporation must submit for the Minister's approval a strategic plan developed for the corporation under the *Financial Accountability Act 2009*.
- (2) A strategic plan approved by the Minister is taken to be the corporation's strategic plan.

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## **Part 5**                      **Miscellaneous provision**

### **42**      **Regulation-making power**

The Governor in Council may make regulations under this Act.

## **Part 6**                      **Repeal and transitional provisions**

### **Division 1**                **Repeal**

#### **43**      **Repeal**

The Tourism Queensland Act 1979, No. 13 is repealed.

### **Division 2**                **Transitional provisions**

#### **Subdivision 1**          **Definitions**

#### **44**      **Definitions for div 2**

In this division—

*commencement* means commencement of this division.

*Events Queensland* means Events Queensland Pty Ltd ABN 75 010 814 310.

*repealed Act* means the *Tourism Queensland Act 1979* as in force from time to time before its repeal.



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## **Subdivision 2      Provisions relating to the                                  corporation**

### **45      Continuation of particular appointments**

- (1) The general manager of the corporation holding office immediately before the commencement continues under this Act as the CEO for the remainder of the general manager's period of appointment under the repealed Act.
- (2) An appointed member of the corporation holding office immediately before the commencement continues under this Act as a member of the board for the remainder of the member's term of appointment under the repealed Act.
- (3) The chairperson of the corporation holding office immediately before the commencement continues under this Act as the chairperson of the board for the remainder of the chairperson's period of appointment under the repealed Act.
- (4) The deputy chairperson of the corporation holding office immediately before the commencement continues under this Act as the deputy chairperson of the board for the remainder of the deputy chairperson's period of appointment under the repealed Act.
- (5) The executive officer of the employing office holding office immediately before the commencement continues under this Act as the executive officer for the remainder of the executive officer's period of appointment under the repealed Act.

### **46      Continuation of employment of employees of employing                                  office**

An employee of the employing office employed immediately before the commencement continues under this Act as an employee of the employing office.

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## **47 References to Tourism Queensland**

In a document, a reference to Tourism Queensland may, if the context permits, be taken to be a reference to Tourism and Events Queensland.

## **Subdivision 3 Provisions relating to Events Queensland**

### **48 Assets and liabilities etc.**

- (1) On the commencement—
  - (a) the assets and liabilities of Events Queensland immediately before the commencement become assets and liabilities of the corporation; and
  - (b) any agreement or arrangement, in force immediately before the commencement, between Events Queensland and another entity is taken to be an agreement or arrangement between the corporation and the other entity; and
  - (c) any property of Events Queensland that is held on trust, or subject to conditions, immediately before the commencement continues to be held by the corporation on the same trust or subject to the same conditions; and
  - (d) any legal proceedings by or against Events Queensland that were current immediately before the commencement may be continued in the name of the corporation.
- (2) On the commencement—
  - (a) Events Queensland is taken to have resigned as a member of each Events Queensland subsidiary; and
  - (b) the corporation is taken to have—
    - (i) applied to become a member of each Events Queensland subsidiary; and

- 
- (ii) been approved as a member of each Events Queensland subsidiary.
- (3) On the commencement, the Gold Coast Events Company is transferred from Events Queensland to Tourism and Events Queensland.
- (4) The corporation is not liable to pay duty under the *Duties Act 2001* in relation to anything done under this section.
- (5) In this section—
- Events Queensland subsidiary* means—
- (a) Asia Pacific Screen Awards; or
  - (b) Gold Coast Events Management.

#### **49 Displacement provision for corporations legislation**

Section 48 is declared to be a Corporations legislation displacement provision for the Corporations Act, section 5G.

#### **50 Change in membership or transfer not to constitute change in control**

- (1) If a subsidiary corporation is a party to a contract, lease or licence immediately before the commencement, a change in membership under section 48(2) or transfer under section 48(3) is taken not to constitute a change in control of the subsidiary corporation for the contract, lease or licence.
- (2) In this section—
- subsidiary corporation* means each of the following—
- (a) Asia Pacific Screen Awards;
  - (b) Gold Coast Events Company;
  - (c) Gold Coast Events Management.

#### **51 Employees of Events Queensland**

- (1) This section applies to a person who—

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- (a) immediately before the commencement was an employee of Events Queensland; and
  - (b) within 6 months after the commencement becomes an employee of the employing office.
- (2) On becoming an employee of the employing office, the person remains entitled to all rights of employment existing or accruing immediately before the commencement, including recognition of the person's—
- (a) length of service with Events Queensland; and
  - (b) outstanding leave entitlements accrued up to the commencement.

## **52 References to Events Queensland**

In a document, a reference to Events Queensland may, if the context permits, be taken to be a reference to Tourism and Events Queensland.

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# Schedule 1      Dictionary

## section 2

*Asia Pacific Screen Awards* means Asia Pacific Screen Awards Ltd ABN 48 052 126 262.

*board* see section 18.

*board meeting* means meeting of the board.

*chairperson* see section 24.

*CEO* see section 12.

*commencement* see section 44.

*corporation* see section 4.

*deputy chairperson* see section 25.

*employee of the employing office* see section 38.

*employing office* see section 32.

*Events Queensland* see section 44.

*executive officer* see section 36.

*Gold Coast Events Company* means Gold Coast Events Company Pty Ltd ABN 57 010 949 649.

*Gold Coast Events Management* means Gold Coast Events Management Ltd ABN 30 087 348 329.

*indictable offence* includes an indictable offence dealt with summarily, whether or not section 659 of the Criminal Code applies to the indictable offence.

*member* means a member of the board.

*repealed Act* see section 44.

*statement of expectations* see section 39.