

Queensland



TOURISM LEGISLATION AMENDMENT BILL 1999

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1999

A BILL

FOR

***An Act to amend the Indy Car Grand Prix Act 1990 and the
Queensland Tourist and Travel Corporation Act 1979***

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Tourism Legislation Amendment Act 1999*.

4

5

PART 2—AMENDMENT OF INDY CAR GRAND PRIX ACT 1990

6

7

Act amended in pt 2

8

Clause **2.** This part amends the *Indy Car Grand Prix Act 1990*.

9

Renumbering of pts 3 and 4

10

Clause **3.** Parts 3 and 4—

11

renumber as parts 2 and 3.

12

Insertion of new s 23A

13

Clause **4.** After section 23—

14

insert—

15

‘Declared area—when regulatory impact statement not required

16

‘**23A.(1)** This section applies if—

17

- (a) under a proposed regulation (the “**relevant proposed regulation**”), the declared area for a year will be the same as the declared area for the previous year; and

18

19

20

-
- (b) the *Statutory Instruments Act 1992*, part 5, division 2¹ has been
 complied with for a proposed regulation declaring the same area
 to be the declared area for—
- (i) the previous year; or
- (ii) another year, if since that year the declared area for each
 intervening year has been the same.
- ‘(2) Despite the *Statutory Instruments Act 1992*, section 43, a regulatory
 impact statement need not be prepared about the relevant proposed
 regulation.
- ‘(3) In this section—
- “same” includes substantially the same.’.

PART 3—AMENDMENT OF QUEENSLAND TOURIST AND TRAVEL CORPORATION ACT 1979

Act amended in pt 3

- Clause 5. This part amends the *Queensland Tourist and Travel Corporation
 Act 1979*.

Amendment of title

- Clause 6. Title, ‘Queensland Tourist and Travel Corporation’—
 omit, insert—
 ‘establishment of Tourism Queensland’.

Replacement of s 1 (Short title)

- Clause 7. Section 1—
 omit, insert—

¹ *Statutory Instruments Act 1992*, part 5, division 2 (Regulatory impact statements)

	‘Short title	1
	‘1. This Act may be cited as the <i>Tourism Queensland Act 1979</i> .’.	2
	Amendment of s 2 (Definitions)	3
Clause	8.(1) Section 2, definition “Corporation”—	4
	<i>omit.</i>	5
	(2) Section 2—	6
	<i>insert—</i>	7
	‘ “corporation” means Tourism Queensland.	8
	“minute book” see section 26(2).’.	9
	(3) Section 2, definition “subsidiary corporation”, ‘29A’—	10
	<i>omit, insert—</i>	11
	‘29A(1)’.	12
	Replacement of pt 2 hdg (The Queensland Tourist and Travel Corporation)	13
		14
Clause	9. Part 2, heading—	15
	<i>omit, insert—</i>	16
	‘PART 2—TOURISM QUEENSLAND’.	17
	Replacement of pt 2, div 1 hdg (Constitution of Corporation)	18
Clause	10. Part 2, division 1, heading—	19
	<i>omit, insert—</i>	20
	‘Division 1—Establishment and membership of corporation’.	21
	Replacement of s 6 (Constitution of Corporation)	22
Clause	11. Section 6—	23
	<i>omit, insert—</i>	24

	‘Establishment of Tourism Queensland	1
	‘6.(1) Tourism Queensland is established.	2
	‘(2) Tourism Queensland—	3
	(a) is a body corporate; and	4
	(b) has a common seal; and	5
	(c) may sue and be sued in its corporate name.	6
	‘Corporation’s common seal	7
	‘6A. Judicial notice must be taken of the imprint of the corporation’s	8
	common seal on a document, and the document must be presumed to have	9
	been properly sealed until the contrary is proved.’.	10
	Amendment of s 7 (Membership of Corporation)	11
Clause	12. Section 7(1), ‘11’—	12
	<i>omit, insert—</i>	13
	‘not more than 9’.	14
	Amendment of s 10 (Vacating member’s office)	15
Clause	13. Section 10(4)(c), ‘provided pursuant to this Act’—	16
	<i>omit.</i>	17
	Amendment of s 14 (Powers to discharge functions)	18
Clause	14.(1) Section 14, heading—	19
	<i>omit, insert—</i>	20
	‘Powers of corporation’.	21
	(2) Section 14(1)—	22
	<i>omit, insert—</i>	23
	‘14.(1) The corporation has all the powers, and the legal capacity, of an	24
	individual.’.	25

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- (3) Section 14(2), from ‘the powers’ to ‘capacity’— 1
omit, insert— 2
‘subsection (1),’. 3
(4) Section 14(2)— 4
insert— 5
‘(n) compound or prove in a court all amounts of money payable to it; 6
and 7
(o) exercise other powers given to it under this or another Act.’. 8

Replacement of s 29 (Disclosure of interest in contracts) 9

- Clause 15. Section 29— 10
omit, insert— 11

‘Disclosure of interests by corporation members 12

‘29.(1) This section applies to a member of the corporation (the 13
“interested member”) if— 14

- (a) the interested member has a direct or indirect financial interest in 15
an issue being considered, or about to be considered, by the 16
corporation; and 17
(b) the interest could conflict with the proper performance of the 18
member’s duties about the consideration of the issue. 19

‘(2) As soon as practicable after the relevant facts come to the interested 20
member’s knowledge, the member must disclose the nature of the interest 21
to a corporation meeting. 22

‘(3) Unless the corporation otherwise directs, the interested member 23
must not— 24

- (a) be present when the corporation considers the issue; or 25
(b) take part in a decision of the corporation about the issue. 26

‘(4) The interested member must not be present when the corporation is 27
considering whether to give a direction under subsection (3). 28

‘(5) If there is another member of the corporation who must, under 29

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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.’.

Replacement of pt 2A hdg (Subsidiary corporation and advisory council)

Clause 16. Part 2A, heading—
omit, insert—

**‘PART 2A—QUEENSLAND HOLIDAYS AND
TRAVEL’.**

Omission of pt 2A, div 1 hdg (Subsidiary corporation)

Clause 17. Part 2A, division 1, heading—
omit.

	Omission of pt 2A, div 2 (Advisory council)	1
Clause	18. Part 2A, division 2—	2
	<i>omit.</i>	3
	Renumbering of pt 5 (Miscellaneous)	4
Clause	19. Part 5—	5
	<i>renumber</i> as part 4.	6
	Renumbering of s 61 (Regulation making power)	7
Clause	20. Section 61—	8
	<i>renumber</i> as section 35.	9
	Insertion of new pt 5	10
Clause	21. After section 35, as renumbered—	11
	<i>insert—</i>	12
	‘PART 5—TRANSITIONAL PROVISIONS	13
	‘Continuation of The Queensland Tourist and Travel Corporation	14
	‘36. Tourism Queensland, mentioned as being established under	15
	section 6, is a continuation of the body corporate called The Queensland	16
	Tourist and Travel Corporation previously constituted by section 6(1) as in	17
	force before the commencement of this section.	18
	‘References to The Queensland Tourist and Travel Corporation	19
	‘37. In an Act or document, a reference to The Queensland Tourist and	20
	Travel Corporation may, if the context permits, be taken to be a reference to	21
	the corporation.’.	22