

Australian Tourist Commission

No. 27 of 1967

An Act to establish an Australian Tourist Commission for the purpose of the encouragement of visits to Australia, and travel in Australia, by People from other Countries.

[Assented to 23 May 1967]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Australian Tourist Commission Act 1967*. Short title.
2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
3. This Act is divided into Parts, as follows:— Parts.
 - Part I.—Preliminary (Sections 1–4).
 - Part II.—Establishment of the Australian Tourist Commission (Sections 5–14).
 - Part III.—Purpose and Powers of the Commission (Sections 15–17).
 - Part IV.—Staff (Sections 18–20).
 - Part V.—Finance (Sections 21–27).
 - Part VI.—Miscellaneous (Sections 28–29).
4. In this Act, unless the contrary intention appears— Definitions.
 - “ member ” means a member of the Commission;
 - “ voting member ” includes a person acting as a voting member;
 - “ the Chairman ” means the Chairman of the Commission;
 - “ the Commission ” means the Australian Tourist Commission;
 - “ the General Manager ” means the General Manager of the Commission.

PART II.—ESTABLISHMENT OF THE AUSTRALIAN TOURIST COMMISSION.

- 5.—(1.) For the purposes of this Act, there shall be an Australian Tourist Commission. Establishment of Commission.
- (2.) The Commission—
 - (a) is a body corporate, with perpetual succession;
 - (b) shall have a common seal;

(c) is capable of acquiring, holding and disposing of real and personal property, whether in Australia or overseas; and

(d) may sue and be sued in its corporate name.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Commission affixed to a document and shall presume that it was duly affixed.

Constitution of
the Commission.

6.—(1.) The Commission shall consist of five voting members and two non-voting members.

(2.) Each member shall be appointed by the Governor-General.

(3.) Two of the voting members shall be persons appointed from among persons nominated, in accordance with sub-section (6.) of this section, by a body or association that is approved by the Minister as being representative of the industries in Australia connected with tourism.

(4.) Of the remaining three voting members, at least one shall be an officer of the Public Service of the Commonwealth.

(5.) The two non-voting members shall be persons nominated by the Governments of all the States.

(6.) Where two members are to be appointed at the one time in accordance with sub-section (3.) of this section, the number of persons to be nominated shall be not less than five, and where, by reason of a vacancy in the office of one only of the members appointed in accordance with that sub-section, one member is to be appointed, the number of persons to be nominated shall be not less than three.

(7.) The appointment of a member is not invalidated, and shall not be called in question, by reason of a defect or irregularity in connexion with his nomination.

(8.) Subject to this Act, each member (other than a member who is an officer of the Public Service of the Commonwealth) holds office for such period, not exceeding three years, as the Governor-General specifies at the time of the member's appointment.

(9.) A member who is an officer of the Public Service of the Commonwealth holds office during the pleasure of the Governor-General.

(10.) A member is eligible for re-appointment.

(11.) The exercise of a power or the performance of a function by the Commission is not invalidated by reason only of there being a vacancy or vacancies in the membership of the Commission.

Chairman.

7.—(1.) The Governor-General shall appoint one of the voting members to be the Chairman of the Commission.

(2.) The Governor-General may, at the time of the appointment of a member as the Chairman, direct that the member is to hold his office as a member on a full-time basis so long as he continues to be the Chairman.

(3.) For the purposes of sub-sections (3A.) and (4.) of section 4 of the *Superannuation Act 1922-1966*, where the Chairman holds his office as a member on a full-time basis, he shall be deemed to be required, by the terms of his appointment as a member, to give the whole of his time to his duties as a member.

(4.) The Chairman may resign his office as Chairman by writing under his hand addressed to the Governor-General.

8.—(1.) There shall be a Deputy Chairman of the Commission, who shall be one of the voting members of the Commission elected by the voting members of the Commission to be the Deputy Chairman. Deputy
Chairman:

(2.) The Deputy Chairman holds office for a period of one year, but is eligible for re-election.

(3.) The Deputy Chairman may resign his office as Deputy Chairman by writing under his hand delivered to the Chairman.

(4.) The Deputy Chairman ceases to hold office as Deputy Chairman if he ceases to be a voting member of the Commission.

9. The Minister may grant leave of absence to a member upon such terms and conditions as to remuneration or otherwise as the Minister determines. Leave of
absence.

10.—(1.) Where the Minister grants leave of absence to a member or where there is a vacancy in the membership of the Commission, the Minister may, subject to this section, appoint a person to act as a voting member, or as a non-voting member, as the case requires, during the whole or a part of the period of absence on leave of the member or of the period of the vacancy. Acting
Appointments.

(2.) The Minister may, at any time, terminate an appointment under this section.

(3.) An appointment of a person under this section by reason of a vacancy shall not be made, and such an appointment shall not continue to have effect, if the vacancy has continued for more than six months.

(4.) A person appointed under this section shall be paid such remuneration and allowances for expenses as the Minister determines.

11. A member may resign his office by writing under his hand addressed to the Governor-General. Resignation
of members.

12.—(1.) The Governor-General may remove a member from office for misbehaviour or physical or mental incapacity. Removal
of members.

(2.) If a member—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) is absent, except on leave granted by the Minister, from three consecutive meetings of the Commission; or
- (c) being the Chairman and holding office as a member on a full-time basis, engages in paid employment outside his duties under this Act without the approval of the Minister,

the Governor-General shall remove the member from office.

(3.) The Minister shall not give an approval for the purposes of paragraph (c) of the last preceding sub-section unless he is satisfied that the paid employment is of a minor nature and will not interfere with the performance of the duties of the Chairman under this Act.

(4.) A voting member who is directly or indirectly interested in a contract made or proposed to be made by the Commission, otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than twenty-five persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Commission.

(5.) A disclosure under the last preceding sub-section shall be recorded in the minutes of the Commission and the member—

- (a) shall not take part after the disclosure in any deliberation or decision of the Commission with respect to that contract; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Commission for any such deliberation or decision.

Remuneration
and allowances.

13.—(1.) A member shall be paid such remuneration and allowances for expenses as the Governor-General determines.

(2.) A person invited by the Commission to attend a meeting of the Commission shall be paid by the Commission in respect of that attendance such fees and allowances for expenses, if any, as the Minister determines.

Meetings of the
Commission.

14.—(1.) Subject to this section, the Commission shall hold meetings at such times and places as the Commission determines.

(2.) The Chairman or, when the Chairman is outside Australia or on leave of absence or the office of Chairman is vacant, the Deputy Chairman—

- (a) may at any time, convene a meeting of the Commission; and
- (b) shall not permit a period exceeding two months to elapse between a meeting of the Commission and the next meeting of the Commission.

(3.) The Chairman shall preside at all meetings of the Commission at which he is present.

(4.) In the absence of the Chairman from a meeting of the Commission, the Deputy Chairman shall preside.

(5.) At a meeting of the Commission, three voting members, one being the Chairman or the Deputy Chairman, constitute a quorum.

(6.) A question arising at a meeting of the Commission shall be determined by a majority of votes of the voting members present and voting.

(7.) The member presiding at a meeting of the Commission has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(8.) The Commission shall keep a record of its proceedings.

(9.) The Commission may invite a person to attend a meeting of the Commission for the purpose of advising or informing the Commission on any matter.

PART III.—PURPOSE AND POWERS OF THE COMMISSION.

15. The Commission is established for the purpose of the encouragement of visits to Australia, and travel in Australia, by people from other countries. Purpose of Commission.

16.—(1.) Subject to sub-section (4.) of this section, the Commission has power to do all things that are conducive to, or necessary or convenient to be done for, the carrying out of the purpose for which the Commission is established. Powers.

(2.) Without limiting the generality of the last preceding sub-section, the Commission has power, for the purpose for which it is established—

- (a) to engage in, or arrange for, publicity campaigns or other publicity, by any appropriate means of communication, in relation to Australia, with particular reference to its tourist attractions and facilities;
- (b) to induce and assist travel agents, transport operators and other appropriate bodies or persons to encourage people in other countries to visit Australia and to travel in Australia;
- (c) to produce, or cause to be produced, and to sell or to distribute free of charge, magazines, pamphlets and other publications and advertising matter;
- (d) to collect information in relation to any relevant matter and to disseminate or supply, with or without charge, any such information or the results of, or conclusions drawn from, the Commission's consideration of any such information;

- (e) to undertake, in a country outside Australia, the provision, with or without charge, of assistance to travel agents, transport operators and other appropriate bodies or persons in arranging travel, accommodation or other services or facilities for people visiting Australia, where the Commission is satisfied that no person whose principal place of business is in Australia undertakes, in that country outside Australia, the provision of assistance of the same kind;
 - (f) to accept gifts and contributions;
 - (g) to enter into contracts, and to acquire and dispose of real and personal property; and
 - (h) to do anything incidental to the exercise of the foregoing powers.
- (3.) The powers of the Commission under this section extend to the doing of acts and things—
- (a) jointly with, or in co-operation with, any other person or organization; and
 - (b) in countries outside Australia.
- (4.) Except as provided in paragraphs (c), (d) and (e) of sub-section (2.) of this section, the Commission shall not carry on any business.

Relations with
Minister.

17.—(1.) The Minister may give directions to the Commission with respect to matters of policy, including directions with respect to the general nature and extent of the operations of the Commission, and the Commission shall comply with any such direction.

(2.) The Commission shall, as required by the Minister, formulate, and submit to the Minister, proposals with respect to the general nature and extent of its future operations.

PART IV.—STAFF.

General
Manager of the
Commission.

18.—(1.) The Commission may appoint a person to be the General Manager of the Commission.

(2.) The General Manager shall, under the Commission, manage the affairs of the Commission.

(3.) The terms and conditions of employment of the General Manager are such as are, subject to the approval of the Minister, determined by the Commission.

Other staff.

19.—(1.) The Commission may employ, in Australia or in any other country, such persons as it thinks necessary for the purposes of this Act.

(2.) The terms and conditions of employment of persons employed under this section are such as are determined by the Commission with the approval of the Public Service Board.

20.—(1.) The *Commonwealth Employees' Compensation Act 1930–1964* applies to members and employees (including the General Manager) of the Commission as if they were employees within the meaning of that Act and as if—

Commonwealth
Employees'
Compensation
Act to apply.

- (a) references in that Act to the Commonwealth were references to the Commission; and
 - (b) members of the Commission were employed by the Commission.
- (2.) In this section, “members” includes persons acting as members.

PART V.—FINANCE.

21.—(1.) There are payable to the Commission such moneys as are appropriated by the Parliament for the purposes of the Commission.

Moneys payable
to
Commission.

(2.) Moneys payable to the Commission under this section shall be paid in such amounts and at such times as the Treasurer determines.

22.—(1.) The Commission may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account.

Bank accounts.

(2.) The Commission shall pay all moneys of the Commission into an account referred to in this section.

(3.) In this section, “approved bank” means the Reserve Bank of Australia or another bank approved by the Treasurer.

23. The moneys of the Commission shall be applied only—

Application of
moneys.

- (a) in payment or discharge of expenses, obligations and liabilities of the Commission arising under this Act; and
- (b) in payment of remuneration or allowances payable to members and persons acting as members.

24. The Commission shall cause to be kept proper accounts and records of the transactions and affairs of the Commission and shall do all things necessary to ensure that all payments out of the moneys of the Commission are properly authorized and correctly made and that adequate control is maintained over the assets of, or in the custody of, the Commission and over the incurring of liabilities by the Commission.

Accounts and
records to be
kept.

25. The Commission shall, not later than the first day of April in each year, submit to the Minister particulars of proposed expenditure of the Commission for the financial year commencing on the following first day of July.

Particulars of
proposed
expenditure.

26.—(1.) The Auditor-General shall, from time to time, inspect and audit the accounts and records of financial transactions of the Commission, and inspect other records relating to assets of the Commission,

Audit.

and shall forthwith draw the Minister's attention to any irregularity revealed by the inspection and audit that, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing.

(2.) The Auditor-General or an officer authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Commission relating directly or indirectly to the receipt or payment of moneys by the Commission or to the acquisition, receipt, custody or disposal of assets of the Commission.

(3.) The Auditor-General or an officer authorized by him may make copies of, or take extracts from, any such accounts, records, documents or papers.

(4.) The Auditor-General or an officer authorized by him may require a member of the Commission or the General Manager or another employee of the Commission to furnish him with such information in the possession of that person or to which that person has access as the Auditor-General or authorized officer considers necessary for the purposes of an inspection or audit under this Act, and that person shall comply with the requirement.

(5.) A person who contravenes the last preceding sub-section is guilty of an offence punishable, upon conviction, by a fine not exceeding Two hundred dollars.

Exemption
from taxation.

27. The Commission is not subject to taxation under any law of the Commonwealth or of a State or Territory of the Commonwealth.

PART VI.—MISCELLANEOUS.

Officers'
Rights
Declaration
Act to apply.

28.—(1.) This section applies to a person who is an officer of the Public Service of the Commonwealth immediately before—

- (a) he is appointed as the Chairman by an appointment in relation to which the Governor-General directs that he is to hold his office as a member on a full-time basis;
- (b) he is appointed to be the General Manager; or
- (c) he becomes employed under section 19 of this Act.

(2.) Where this section applies to a person—

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service under this Act shall be taken into account as if it were service in the Public Service of the Commonwealth; and
- (c) the *Officers' Rights Declaration Act 1928–1959* applies as if this Act and this section had been specified in the Schedule to that Act.

Reports.

29.—(1.) The Commission shall, as soon as practicable after each thirtieth day of June, furnish to the Minister a report of the operations of the Commission during the year ended on that date, together with financial statements in respect of that year in such form as the Treasurer approves.