



## ANALYSIS

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1963, No. 30

**An Act to constitute the Tourist and Publicity Department**  
 [18 October 1963]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Tourist and Publicity Department Act 1963.

(2) This Act shall come into force on the first day of April, nineteen hundred and sixty-four.

**2. Interpretation**—In this Act, unless the context otherwise requires,—

“Department” means the Tourist and Publicity Department constituted under this Act:

“General Manager” means the General Manager of the Tourist and Publicity Department appointed under this Act:

“Minister” means—

(a) In relation to the functions of the Department under paragraph (b) of section 7 of this Act, the Minister in Charge of Publicity; and

(b) For all other purposes, the Minister in Charge of Tourism.

**3. Tourist and Publicity Department**—There shall be a Department of State to be called the Tourist and Publicity Department, which shall be the same Department as that existing under the same name at the date of the commencement of this Act.

**4. General Manager**—There shall from time to time be appointed under the State Services Act 1962 a General Manager of the Tourist and Publicity Department who shall be the administrative head of the Department.

**5. Appointment of other officers and employees**—There shall from time to time be appointed under the State Services Act 1962 such other officers and employees of the Department as may be necessary.

**6. Existing appointments deemed to be made under this Act**—(1) The person holding office at the commencement of this Act as General Manager of the Tourist and Publicity Department shall be deemed to have been appointed to that office as aforesaid under this Act.

(2) All other persons who at the commencement of this Act are officers or employees of the Department and have been so appointed under the Public Service Act 1912 or under the State Services Act 1962 shall be deemed to have been so appointed in accordance with this Act.

**7. Functions of Department**—The principal functions of the Department, under the control of the Minister, shall be—

(a) To encourage and develop the New Zealand tourist industry and tourist traffic to, within, and beyond New Zealand:

(b) To establish, maintain, develop, and operate publicity, information, and public relations services and to charge for those services where appropriate:

(c) To establish, maintain, and operate a travel service for reward:

- (d) To act as agent for any person or organisation where the Minister considers it necessary or expedient for the operation of the travel service:
- (e) To administer the Tourist and Health Resorts Control Act 1908 and to carry out the functions of the Department formerly known as the Department of Tourist and Health Resorts.

**8. Powers of the Minister, etc.**—(1) The Minister may from time to time, on behalf of the Crown,—

- (a) Establish and operate travel bureaus and agencies both within New Zealand and overseas:
- (b) Arrange and operate coach and group tours:
- (c) Subject to the provisions of this Act and any other Act, establish, maintain, and operate for the purposes of this Act, farms, launches, boats, vehicles, aircraft, services for the transport of passengers and goods, hostels, mountain huts, guide services, golf courses, motor camps, aerodromes, ski-tows, and other works, buildings, services, equipment, and apparatus designed to facilitate tourist traffic or the recreation of the travelling public, works and lines for the generation, sale, and supply of electricity, and such other services, attractions, amenities, and facilities for tourists and the public as he thinks necessary:
- (d) Act in combination or association with any person or persons, whether incorporated or not and whether in New Zealand or elsewhere, or any Government Department, that may be engaged, concerned, or interested in the promotion of tourist traffic to, within, or beyond New Zealand or in the establishment in New Zealand of tourist amenities, and pay for or contribute to the costs and expenses involved in any such combination or association:
- (e) Make such charges as he determines for the use of any accommodation, services, works, buildings, recreation grounds, equipment, apparatus, attractions, reserves, amenities, or facilities provided, maintained, controlled, or operated by him:
- (f) Make inquiries, investigations, and surveys for the purpose of obtaining information of use to the Department in the exercise of its functions:
- (g) Arrange advertising on behalf of the Government:
- (h) Arrange for the production, sale, and distribution of publicity material and films.

(2) In exercise of the powers conferred on him by subsection (1) of this section, the Minister may from time to time, on behalf of the Crown,—

- (a) Grant leases and subleases of any land or interest in land:
- (b) Erect any building required for the purposes of this Act:
- (c) Alter or reconstruct any building administered by him:
- (d) Acquire by purchase, bailment, or otherwise any personal property, rights, and privileges that he thinks necessary for the purposes of this Act:
- (e) Enter into any contract or agreement for the carrying out of the purposes of this Act:
- (f) Exercise such other powers as are reasonably necessary for the effective performance of the functions of the Department.

(3) It is hereby declared that every work which the Minister is authorised to carry out, establish, or undertake under this or any other Act is a public work within the meaning of the Public Works Act 1928.

**9. Delegation of powers by Minister—**(1) The Minister may from time to time, by writing under his hand, either generally or particularly, delegate to the General Manager all or any of the powers which are conferred on him as Minister for the time being in charge of the Department by any enactment, including powers delegated to him under any enactment, but not including the power to delegate under this section or the power to consent to a delegation under section 10 of this Act.

(2) Subject to any general or special directions given or conditions attached by the Minister, the General Manager may exercise any powers delegated to him as aforesaid in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) Where the General Manager purports to act pursuant to any delegation under this section, he shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(4) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

(5) Unless and until any such delegation is revoked it shall continue in force according to its tenor. In the event of

the Minister by whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being holding office as Minister and, in the event of the General Manager to whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made to the person for the time being holding office as General Manager or, if there is no General Manager in office or if the General Manager is absent from duty, to the person for the time being directed under the State Services Act 1962 to act in place of the General Manager.

**10. Delegation of powers by General Manager—**(1) The General Manager may from time to time, by writing under his hand, either generally or particularly, delegate to such officer or officers or employee or employees of the Department as he thinks fit all or any of the powers exercisable by him under any enactment including any powers delegated to him under any enactment, but not including this present power of delegation:

Provided that the General Manager shall not delegate any power delegated to him by the Minister without the written consent of the Minister, or any power delegated to him under the State Services Act 1962 without the written consent of the State Services Commission.

(2) Subject to any general or special directions given or conditions attached by the General Manager, the officer or employee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(4) Any delegation under this section may be made to a specified officer or employee or to officers or employees of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

(5) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the General Manager.

(6) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the General Manager by whom it was made may have ceased

to hold office, and shall continue to have effect as if made by the successor in office of that General Manager.

**11. New Zealand Travel and Holidays Association Incorporated**—The New Zealand Travel and Holidays Association Incorporated may advise the Minister in Charge of Tourism on any matter relating to the development of the New Zealand tourist industry and tourist traffic to, within, and beyond New Zealand and that Minister may seek the views of the Association on any proposal for the development of that industry or traffic which is under consideration by him.

**12. Advisory committees**—(1) The Minister may from time to time appoint such number of advisory committees as he thinks fit, and may define the functions of any such committee.

(2) The members of any advisory committee appointed under this section shall hold office during the pleasure of the Minister.

(3) There may be paid out of money appropriated by Parliament for the purpose to the members of any advisory committee appointed under this section remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the committee were a statutory Board within the meaning of that Act.

(4) Subject to the provisions of this Act and of any regulations made under this Act, every such committee may regulate its own procedure.

**13. Annual report**—(1) The Minister in Charge of Publicity and the Minister in Charge of Tourism shall, as soon as practicable after the close of each year ending with the thirty-first day of March, cause to be prepared a report on the operations of the Department during that year.

(2) A copy of the report shall be laid before Parliament within twenty-eight days after the date on which it is received by the Ministers if Parliament is then in session, and, in every other case, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.

**14. Regulations**—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Providing for the licensing of mountain guides, resort guides, couriers, and travel officers:
- (b) Requiring persons who charge admission or toll fees to visitors to geothermal areas to provide guides for those visitors:
- (c) Prescribing fines not exceeding fifty pounds for the breach of any regulations made under this Act:
- (d) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

**15. Abolition of Department of Tourist and Health Resorts**—(1) The Tourist and Health Resorts Control Act 1908 is hereby amended by repealing section 3 and the First Schedule.

(2) All references to the Department of Tourist and Health Resorts in any Act, regulation, rule, bylaw, order, or other enactment, or in any contract, agreement, deed, instrument, application, licence, notice, or other document whatsoever shall, unless inconsistent with the context, be read as references to the Tourist and Publicity Department.

(3) In like manner all references to the Minister in Charge of Tourist and Health Resorts and the Minister of the Crown for the time being having the administration of the Tourist and Health Resorts Control Act 1908 and to the General Manager of the Department of Tourist and Health Resorts shall be read as references to the Minister in Charge of Tourism and to the General Manager of the Tourist and Publicity Department respectively.

**16. Mountain Guides Act 1931 repealed**—The Mountain Guides Act 1931 is hereby repealed.

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This Act is administered in the Tourist and Publicity Department.

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