



Australian Capital Territory

# **Australian Capital Tourism Corporation Act 1997**

**A1997-5**

**Republication No 6**

**Effective: 1 January 2006 – 1 July 2006**

Republication date: 1 January 2006

Last amendment made by A2005-52

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Australian Capital Tourism Corporation Act 1997* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 January 2006. It also includes any amendment, repeal or expiry affecting the republished law to 1 January 2006.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Australian Capital Tourism Corporation Act 1997

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R6  
01/01/06

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Australian Capital Territory

# **Australian Capital Tourism Corporation Act 1997**

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An Act to establish the Australian Capital Tourism Corporation, and for related purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Australian Capital Tourism Corporation Act 1997*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

## Part 2                      The corporation

### *Note for pt 2*

The governance of territory authorities, including the corporation, is regulated by the *Financial Management Act 1996* (the **FMA**), pt 9 as well as the Act that establishes them.

The FMA, pt 9 deals, for example, with the corporate status of territory authorities and their powers, the make-up of governing boards, the responsibilities of the governing board and board members, how governing board positions can be ended, meetings of governing boards and conflicts of interest.

## Division 2.1              Establishment and functions of corporation

### **4              Establishment of corporation**

The Australian Capital Tourism Corporation (the **corporation**) is established.

### **5              Functions**

The functions of the corporation are—

- (a) to market the ACT to local, interstate and international travellers; and
- (b) to identify tourism opportunities for the ACT; and
- (c) to encourage the ecologically sustainable development of the tourist and travel industry; and
- (d) to establish and operate tourist events and festivals; and
- (e) to construct and operate tourist facilities; and
- (f) to provide tourism, travel information and booking services; and

- (g) to advise the tourist and travel industry on reducing the environmental impact of tourism related activities; and
- (h) to undertake activities in cooperation with other people where appropriate for the purpose of discharging its other functions; and
- (i) to advise the Minister on matters relating to tourism and the tourism industry of the ACT; and
- (j) to exercise any other functions given to the corporation by or under this Act or another territory law.

*Note*      A provision of a law that gives a function to an entity also gives the entity the powers necessary and convenient to exercise the function (see Legislation Act, s 196).

## **Division 2.2                      Governing board**

### **6                      Establishment of governing board**

The corporation has a governing board.

### **7                      Governing board members**

The governing board has 9 members.

*Note 1*      The chair and deputy chair of the governing board must be appointed under the *Financial Management Act 1996*, s 79.

*Note 2*      The chief executive officer is a member of the governing board (see *Financial Management Act 1996*, s 80 (4)).

### **8                      Chief executive officer of corporation**

The chief executive officer of the corporation must be a public servant.

*Note*      A chief executive officer must be appointed under the *Financial Management Act 1996*, s 80 (3).



## **Part 3**

# **Corporation staff and consultants**

### **9 Staff**

The corporation's staff must be employed under the *Public Sector Management Act 1994*.

*Note* The *Public Sector Management Act 1994*, s 24 provides that the chief executive officer of a territory instrumentality has all the powers of a chief executive under the Act in relation to the instrumentality staff to be employed under that Act (including, for example, in relation to the appointment of people to, or the employment of people for, that staff). Under that Act, s 3, def *chief executive officer*, the chief executive officer of an instrumentality is the person who has responsibility for managing its affairs.

### **10 Consultants**

- (1) The corporation may engage consultants.
- (2) However, the corporation must not enter into a contract of employment under this section.

## Part 4                      Miscellaneous

### 11                      Ministerial directions

- (1) The Minister may give written directions to the corporation in relation to the exercise of its functions, either generally or in relation to a particular matter.
- (2) The corporation must give effect to any direction under subsection (1).
- (3) The Minister must present a copy of a direction to the Legislative Assembly within 5 sitting days after it is given to the corporation.
- (4) The Territory must pay to the corporation the reasonable costs of complying with a direction.
- (5) The amount payable under subsection (4) is be the amount agreed between the corporation and the Treasurer or, failing agreement, as decided by the Chief Minister.

### 12                      Quarterly reports

- (1) The corporation must, as soon as practicable after the end of each quarter, prepare and give to the Minister a report on the operations of this Act and of the corporation during that quarter.

*Note*            For the meaning of *quarter*, see the Legislation Act, dict, pt 1.

- (2) The Minister must present a copy of each report given to the Minister under subsection (1) to the Legislative Assembly within 6 sitting days after the day the Minister receives the report.

### 13                      Corporation's annual report

A report prepared by the corporation under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) a copy of any direction given under section 11 (Ministerial directions) during the year; and
- (b) a statement by the corporation about action taken during the year to give effect to any direction given (whether before or during the year) under that section.

*Note*     **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## **14            Regulation-making power**

The Executive may make regulations for this Act.

*Note*     A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.

## Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- exercise
- function.

***corporation*** means the Australian Capital Tourism Corporation.

***governing board*** means the governing board of the corporation.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

The *Australian Capital Tourism Corporation Act 1997* was originally the *Canberra Tourism and Events Corporation Act 1997*. It was renamed by the

## Endnotes

### 4 Amendment history

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*Canberra Tourism and Events Corporation Amendment Act 2003* A2003-33 (see s 5).

**Australian Capital Tourism Corporation Act 1997 No 5**

notified 22 April 1997 (Gaz 1997 No S92)

s 1, s 2 commenced 22 April 1997 (s 2 (1))

remainder commenced 1 July 1997 (s 2 (2) and Gaz 1997 No S203)

as amended by

**Legislation (Consequential Amendments) Act 2001 No 44 pt 53**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 53 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Canberra Tourism and Events Corporation Amendment Act 2003-33**

notified LR 30 June 2003

s 1, s 2 commenced 30 June 2003 (LA s 75 (1))

remainder commenced 1 July 2003 (s 2)

**Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1 pt 1.4**

notified LR 19 March 2004

s 1, s 2 commenced 19 March 2004 (LA s 75 (1))

sch 1 pt 1.4 commenced 13 April 2004 (s 2 and see Annual Reports (Government Agencies) Act 2004 A2004-8, s 2 and CN2004-5)

**Statute Law Amendment Act 2004 A2004-42 sch 3 pt 3.3**

notified LR 11 August 2004

s 1, s 2 commenced 11 August 2004 (LA s 75 (1))

sch 3 pt 3.3 commenced 25 August 2004 (s 2 (1))

**Financial Management Legislation Amendment Act 2005 A2005-52 sch 1 pt 1.2**

notified LR 26 October 2005

s 1, s 2 commenced 26 October 2005 (LA s 75 (1))

sch 1 pt 1.2 commenced 1 January 2006 (s 2 (2))

### 4 Amendment history

**Title**

title

sub A2003-33 s 4

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<b>Name of Act</b>	
s 1	sub A2003-33 s 5
<b>Dictionary</b>	
s 2	om 2001 No 44 amdt 1.533 ins A2004-42 amdt 3.3 am A2005-52 amdt 1.16
<b>Notes</b>	
s 3	sub A2004-42 amdt 3.3 def <b>corporation</b> sub A2003-33 s 6 om A2004-42 amdt 3.3 def <b>member</b> om A2004-42 amdt 3.3 def <b>Public Sector Management Act</b> om A2004-42 amdt 3.3
<b>The corporation</b>	
pt 2 hdg	sub A2005-52 amdt 1.17
<b>Establishment and functions of corporation</b>	
div 2.1 hdg	(prev pt 2 div 1 hdg) renum R1 LA sub A2005-52 amdt 1.18
<b>Establishment of corporation</b>	
s 4	am A2003-33 s 7 sub A2005-52 amdt 1.19
<b>Functions</b>	
s 5	pars renum R1 LA am A2005-52 amdt 1.20
<b>Governing board</b>	
div 2.2 hdg	(prev pt 2 div 2 hdg) renum R1 LA sub A2005-52 amdt 1.22
<b>Establishment of governing board</b>	
s 6	sub A2004-42 amdt 3.4 om A2005-52 amdt 1.21 ins A2005-52 amdt 1.22
<b>Governing board members</b>	
s 7	om A2005-52 amdt 1.21 ins A2005-52 amdt 1.22
<b>Chief executive officer of corporation</b>	
s 8	am A2003-33 s 8 sub A2004-42 amdt 3.5; A2005-52 amdt 1.22
<b>Meetings</b>	
div 2.3 hdg	(prev pt 2 div 3 hdg) renum R1 LA om A2005-52 amdt 1.23
<b>Corporation staff and consultants</b>	
pt 3 hdg	sub A2005-52 amdt 1.24

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## Endnotes

### 4 Amendment history

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#### **Chief executive officer**

div 3.1 hdg (prev pt 3 div 1 hdg) renum R1 LA  
om A2005-52 amdt 1.25

#### **Staff and consultants**

div 3.2 hdg (prev pt 3 div 2 hdg) renum R1 LA  
om A2005-52 amdt 1.26

#### **Staff**

s 9 orig s 9 sub A2004-42 amdt 3.6  
om A2005-52 amdt 1.22  
(prev s 18) sub A2004-42 amdt 3.10  
sub as s 18 A2005-52 amdt 1.27

#### **Consultants**

s 10 orig s 10 sub A2004-42 amdt 3.6  
om A2005-52 amdt 1.22  
(prev s 19) am A2005-52 amdt 1.28  
renum A2005-52 amdt 1.29

#### **Miscellaneous**

pt 4 hdg orig pt 4 hdg om A2005-52 amdt 1.30  
prev pt 5 hdg renum A2005-52 amdt 1.31

#### **Ministerial directions**

s 11 orig s 11 sub A2004-42 amdt 3.7  
om A2005-52 amdt 1.22  
(prev s 27) renum A2005-52 amdt 1.33

#### **Quarterly reports**

s 12 orig s 12 om A2005-52 amdt 1.23  
(prev s 28) am A2004-42 amdt 3.15; ss renum R4 LA (see  
A2004-42 amdt 3.16)  
renum A2005-52 amdt 1.33

#### **Corporation's annual report**

s 13 orig s 13 om A2005-52 amdt 1.23  
(prev s 29) sub A2004-9 amdt 1.4  
am A2005-52 amdt 1.34  
renum A2005-52 amdt 1.35

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

s 14 orig s 14 om A2005-52 amdt 1.23  
(prev s 30) sub 2001 No 44 amdt 1.534  
reloc and renum as s 31 A2004-42 amdt 3.17  
renum as s 14 A2005-52 amdt 1.37

#### **Disclosure of interest**

s 15 am A2004-42 amdt 3.8  
om A2005-52 amdt 1.23



**Appointment of chief executive officer**

s 16 sub A2004-42 amdt 3.9  
(2)-(4) exp 25 August 2005 (s 16 (4))  
om A2005-52 amdt 1.25

**Functions of chief executive**

s 17 sub A2004-42 amdt 3.9  
om A2005-52 amdt 1.25

**Staff**

s 18 sub as s 9 A2005-52 amdt 1.27

**Consultants**

s 19 renum as s 10

**Meaning of *business plan* for pt 4**

s 20 hdg sub A2004-42 amdt 3.11  
s 20 om A2005-52 amdt 1.30  
def ***Financial Management Act*** om A2004-42 amdt 3.12

**Management focus**

s 21 om A2005-52 amdt 1.30

**Business plans**

s 22 am A2004-42 amdt 3.13  
om A2005-52 amdt 1.30

**Development of business plans**

s 23 om A2005-52 amdt 1.30

**Modification of business plans**

s 24 om A2005-52 amdt 1.30

**Application of *Financial Management Act*, pt 8**

s 25 sub A2004-42 amdt 3.14  
om A2005-52 amdt 1.30

**Miscellaneous**

pt 5 hdg renum as pt 4 hdg

**Provision of information**

s 26 om A2005-52 amdt 1.32

**Ministerial directions**

s 27 renum as s 11

**Quarterly reports**

s 28 renum as s 12

**Corporation's annual report**

s 29 renum as s 13

## Endnotes

### 5 Earlier republications

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#### **Vesting of assets**

s 30 orig s 30 reloc and renum as s 31 and then s 14  
(prev s 31) reloc and renum A2004-42 amdt 3.18  
om A2005-52 amdt 1.36

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

s 31 orig s 31 reloc and renum as s 30  
prev s 31 (prev s 30) renum as s 14

#### **Development of first business plan**

s 32 om R1 LA

#### **Appointment and terms and conditions of appointed members**

sch 1 hdg (prev sch hdg) renum R1 LA  
sch 1 om A2004-42 amdt 3.19

#### **Dictionary**

dict ins A2004-42 amdt 3.20  
sub A2005-52 amdt 1.38  
def **appointed member** ins A2004-42 amdt 3.20  
om A2005-52 amdt 1.38  
def **business plan** ins A2004-42 amdt 3.20  
om A2005-52 amdt 1.38  
def **corporation** ins A2004-42 amdt 3.20  
sub A2005-52 amdt 1.38  
def **governing board** ins A2005-52 amdt 1.38  
def **member** ins A2004-42 amdt 3.20  
om A2005-52 amdt 1.38

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	A2001-44	23 April 2001
2	A2003-33	1 July 2003
3	A2004-9	13 April 2004
4	A2004-42	25 August 2004

## Endnotes

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Republication No	Amendments to	Republication date
5	A2004-42	26 August 2005

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