

1991

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY**

TOURISM COMMISSION BILL 1991

EXPLANATORY MEMORANDUM

Circulated by Authority of Mrs R M Nolan MLA

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TOURISM COMMISSION BILL 1991

The Australian Capital Territory is highly dependent upon its tourism industry. It is vital to the economic well-being of the Territory, that tourism be encouraged, and that the body responsible for its promotion be attuned to the needs of the Territory's commercial tourism potential.

The Tourism Commission Bill 1991 will restructure the existing ACT Tourism Commission as a statutory authority under a Commission of part time members. Its chief executive officer would be the general manager who would be appointed by the Commission and be responsible to it for the management of the affairs of the Commission. The general manager and the staff of the Commission will be employed on Public Service terms and conditions except where alternative arrangements are specifically approved by the Head of Administration of the Chief Minister's Department for purposes approved by the Minister.

The Bill is modelled very closely on the New South Wales Tourism Commission Act 1984.

Financial considerations:

This Bill is expected to be budget neutral.

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PART I - PRELIMINARY

Clauses 1 and 2 deal with formal matters as to title and commencement.

Clause 3 provides for the interpretation of various terms that are used in the Bill.

PART II - THE AUSTRALIAN CAPITAL TERRITORY TOURISM COMMISSION

Clause 4 provides for the constitution of the Commission, which is to be a statutory body representing the Crown, consisting of not fewer than seven nor more than nine members, who shall be appointed by the Executive. All members are to be part time. Schedule 1 to the Bill contains further detail as to the members of the Commission. Schedule 2 provides for the procedures of the Commission.

Clause 5 deals with the appointment and functions of the General Manager.

Clause 6 provides for the other staff of the Commission, including anti-discrimination provisions in relation to employment matters.

PART III - FUNCTIONS OF THE COMMISSION

The object of the Commission is defined in **clause 7** and its powers in **clause 8**, which is supplemented by **clauses 9, 10, 11, 12 and 13**, and by the provisions of Part IV.

PART IV - ACQUISITION OF LAND

Clause 14 provides for the Commission to acquire land.

Clause 15 provides that the Executive may make land available to the Commission.

Clause 16 gives the Commission power to create sub-divisions and **clause 17** gives it various powers to improve any lands it acquires. **Clause 18** enables the Commission

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to erect, alter and extend buildings on such lands. Clause 19 enables the Commission to dispose of property with the approval of the Minister.

PART V - FINANCE AND AUDIT

Clause 20 provides for the establishment of a Tourism Development Fund. Under clause 6 of Schedule 3 of the Bill, the existing Australian Capital Territory Tourism Commission Fund is deemed to have been established under clause 20. Clause 21 provides that the financial year of the Commission is to commence on 1 July. Clause 22 provides that the Commission is to be a public authority subject to the Audit Act.

PART VI - MISCELLANEOUS

Clause 23 makes the wrongful disclosure of information an offence. Clause 24 provides for the Commission to delegate its powers by instrument in writing.

Clause 25 requires the Commission to report annually to the Minister, which report is required to be laid before the Legislative Assembly.

Clause 26 provides for shortened references to the Commission, and clause 27 deals with service of documents on the Commission. Clause 28 deals with authentication of certain documents, and clause 29 deals with its power to recover charges in the courts. Clause 30 provides that, until evidence is given to the contrary proof of certain formal matters regarding the Commission is not required in any legal proceedings.

Clause 31 provides that proceedings for any offence against the Act is to be taken in a court of summary jurisdiction.

Clause 32 creates the power to make regulations. The regulation making power is supplemented by clause 7 of Schedule 3 in relation to savings and transitional provisions.

Clause 33 imports Schedule 3, dealing with savings and transitional provisions, into the Act.