
TOURISM ACT 1977

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**TOURISM**

No. 15 of 1977

AN ACT to repeal the Tourism Development Act 1970 and to make fresh provision for the development and promotion of tourism in this State and to amend the Defacement of Property Act 1898 and the Local Government Act 1962.

[28 April 1977]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I**PRELIMINARY**

1—(1) This Act may be cited as the *Tourism Act 1977*.

Short title and commencement.

(2) This Act shall commence on a day to be fixed by proclamation.

Repeal.

2 The Acts that are specified in Part I of Schedule I are repealed.

Interpretation.

3 In this Act, unless the contrary intention appears—

“accommodation house” or “house” means a house for the accommodation of travellers, and includes an hotel licensed under the *Licensing Act 1932*, a motel, guest-house, holiday flat, and caravan park;

“Committee” means the Tourism Advisory Committee established under this Act;

“Department” means the Department of Tourism continued under section 5;

“Deputy Director” means the Deputy Director of Tourism appointed pursuant to section 9 (1);

“Director” means the Director of Tourism appointed pursuant to section 7 (1);

“former Act” means the *Tourism Development Act 1970*;

“former loan” means a loan made under section 20 of the former Act that has not been repaid on the commencement of this Act;

“guarantee” means a guarantee under section 15;

“road house” means a place in which travellers are supplied with meals or light refreshments or both;

“State authority” has the meaning assigned to that expression by the *Audit Act 1918*;

“traveller” includes a tourist or other person visiting places or persons distant from his domicile.

PART II

MINISTERIAL FUNCTIONS: THE DEPARTMENT OF TOURISM

Responsibilities
and powers of
the Minister.

4—(1) The Minister is responsible for the development and promotion of the tourist industry and for publicizing in this State and elsewhere what this State provides for tourists.

(2) The Minister may for the purposes of carrying out his responsibilities under subsection (1)—

(a) acquire, hold, and dispose of real and personal property in this State or elsewhere for offices, for residences for staff, and for houses and other facilities for tourists; and

(b) guarantee, on behalf of the Crown, payment of debts as provided in section 15.

(3) For the purposes of subsection (2) (a), the Minister continues to be a corporation sole, by the name of "the Minister for Tourism", with perpetual succession and a seal of office.

5 The department with the name "Department of Tourism" that was subsisting, pursuant to section 4 of the former Act, immediately before the commencement of this Act is continued as a department with that name. Continuation of Department of Tourism.

6—(1) Subject to section 4 (1), the Department has the following functions:— Functions of the Department.

- (a) To assist travellers in respect of travelling, accommodation, touring, recreation, and sight-seeing;
- (b) To act as a travel agent; and
- (c) To develop the tourist industry and publicize in this State and elsewhere what this State provides for tourists.

(2) In carrying out its functions under subsection (1), the Department may, among other things of like or different kinds—

- (a) continue the Tasmanian Government Tourist Bureau and establish and maintain other bureaux and offices to assist travellers;
- (b) employ advertising agents, public relations agents, market researchers, and similar persons;
- (c) carry out, and cause to be carried out, investigations and research, in this State and elsewhere, into tourism;
- (d) construct, establish, provide, and maintain, and assist in the construction, establishment, provision, and maintenance of, accommodation houses and road houses for travellers;
- (e) organize and provide tours for one or more persons and the conveyance, in special circumstances, of travellers, and for those purposes, charter, hire, or engage ships, aircraft, buses, cars, and other vehicles;

- (f) carry on, expand, or otherwise deal with any undertaking that comes into the Minister's possession in consequence of a guarantee given under Part V or a former loan and default ensuing;
 - (g) prepare and publish maps, pictures, guide books, itineraries, time-tables, and other material;
 - (h) produce and publish films and slides;
 - (i) prepare and publish materials for radio-broadcasting and television and newspapers and other publications;
 - (j) construct and provide, or cause to be constructed, roads, tracks, and nature trails; and
 - (k) promote or conduct sports, games, pageants, and other like recreations and amusements for tourists.
- (3) Where the Department—
- (a) provides accommodation houses or road houses for travellers pursuant to subsection (2) (d); or
 - (b) carries on, in pursuance of subsection (2) (f), an undertaking that comes into the Minister's possession in consequence of a guarantee given under Part V or a former loan and default ensuing,

the officer or other employee immediately responsible for the conduct of the facility shall, if required by the *Licensing Act* 1932, the *Licensing Act* 1976, or any other Act to be the holder of a licence, certificate, permit, or any other qualification or permission, be the holder of that qualification or permission and the provisions of any Act, where applicable, shall be complied with in all respects and shall be applicable to the officer or other employee as if the facility were being conducted by him on his own account.

PART III

ADMINISTRATION

Appointment
of Director
of Tourism.

7—(1) The Governor may, under and subject to the *Public Service Act* 1973, appoint a person to be the Director of Tourism for the purposes of this Act.

(2) The person who, immediately before the commencement of this Act, holds the office of Director of Tourism under the former Act continues in office as Director of Tourism on that commencement as if he had been appointed to that office under subsection (1).

(3) The Director is the permanent head of the Department and shall, subject to the direction of the Minister, have the power and authority, and shall discharge and exercise the duties and functions, vested in or imposed or conferred on him or the Department by this Act and the *Public Service Act* 1973.

(4) The Director shall keep the Minister continuously and fully informed with respect to all matters under the management and control of the Department, and the Minister may at any time require the Director to supply him with any information that he may require concerning the operations and affairs of the Department, which the Director shall supply accordingly.

8—(1) Subject to this section, the Minister may, in relation to a particular matter or class of matters or in respect of a particular part of the State or elsewhere, by instrument in writing under his hand delegate to the Director such of his authority, powers, functions, and duties under or by virtue of this Act (except the power of delegation) as may be specified in the instrument and any authority, power, function, or duty so delegated may be exercised by the Director as fully and effectually as by the Minister.

Delegation by
Minister to
Director.

(2) A delegation under this section is revocable at the will of the Minister and no such delegation prevents the exercise of any authority, power, function, or duty by the Minister.

(3) Any deed or other instrument that, if executed by the Minister, would be signed by him and sealed with his seal of office shall, when executed by the Director on the Minister's behalf pursuant to a delegation under this section, be signed by the Director for and on behalf of the Minister and sealed with the Minister's seal of office.

(4) The exercise by the Director of any authority, power, function, or duty pursuant to a delegation by the Minister under this section is sufficient evidence of the Director's authority to exercise that authority, power, function, or duty.

(5) Nothing in this section authorizes the delegation by the Minister of his powers to give guarantees.

Appointment
of Deputy
Director of
Tourism and
other officers.

9—(1) The Governor may, under and subject to the *Public Service Act* 1973, appoint—

- (a) a person to be the Deputy Director of Tourism; and
- (b) such other officers as the Governor thinks necessary for the purposes of this Act.

(2) The Deputy Director shall assist the Director to discharge and exercise the duties and functions vested in or imposed on the Director or the Department by this Act and the *Public Service Act* 1973.

(3) Subject to section 7 (2), persons who, immediately before the commencement of this Act, are employed as officers in the Department continue to be so employed on that commencement as if they had been appointed as officers under subsection (1) (b).

Employees not
being Public
Service officers.

10—(1) The Director may engage and dismiss employees, whether permanent, casual, or part-time, for any purpose related to the carrying out of the functions of the Department.

(2) Where the Director engages an employee under subsection (1), he shall give notice of the engagement to the Public Service Board, together with a statement of the duties to be performed by the employee.

(3) If the Public Service Board is of the opinion that any function or duty being performed by a person employed under subsection (1) should be performed by an officer appointed under the *Public Service Act* 1973, it shall communicate its opinion to the Director who, on receiving the communication of that opinion, shall forthwith, or within such period as the Board may recommend, terminate the employment of that person.

(4) Nothing in subsection (3) shall be construed as disentitling a person whose employment has been, or is about to be, terminated as provided by that subsection from applying for appointment as an officer in the Public Service.

Power of
Director to
obtain certain
services.

11—(1) Subject to subsection (2), the Director may obtain the services of such persons who are not officers of the Department as the Director considers necessary or desirable for the purpose of inquiring, examining, reporting, and making recommendations with respect to such matters as the Director refers to those persons.

(2) A person's services shall not be obtained pursuant to subsection (1), except with the approval of the Minister and—

- (a) where the person is an officer employed in a department of the Public Service, with the approval of—

- (i) the head of the department; and
- (ii) the Public Service Board, where that person is also subject to the *Public Service Act 1973*; or

(b) where the person is an officer employed by a State authority, with the approval of that authority.

(3) Subject to subsection (4), a person whose services are obtained pursuant to subsection (1) is entitled to receive—

- (a) such fees or remuneration; and
- (b) such travelling and other allowances and expenses,

as the Minister may determine.

(4) Notwithstanding subsection (3), where a person whose services are obtained pursuant to subsection (1) is an officer of a kind referred to in paragraph (a) or paragraph (b) of subsection (2), that person is entitled to receive in payment of his travelling and other expenses—

- (i) the same amounts as are payable in respect of expenses of that kind under an award prescribing those expenses that is applicable to him; or
- (ii) where there is no such award, such amounts as the Public Service Board may approve, where the person is an officer to whom paragraph (a) (ii) of subsection (2) applies, or as the relevant State authority may approve, where the person is an officer to whom subsection (2) (b) applies.

(5) For the purposes of this section, “officer”, in relation to an officer employed in a department of the Public Service or by a State authority, includes a temporary employee who is so employed.

PART IV

THE TOURISM ADVISORY COMMITTEE

12—(1) For the purposes of this Act, there shall be established an advisory committee, to be known as the Tourism Advisory Committee. Establishment of the Tourism Advisory Committee.

(2) The Committee shall advise the Minister on matters relating to the development and promotion of the tourist industry and to publicizing in this State and elsewhere what this State provides for tourists.

(3) The Committee shall consist of—

- (a) the Minister, who shall be the chairman;
- (b) the Director;
- (c) the Deputy Director;
- (d) the Secretary-Manager of the Tasmanian Tourist Council Inc.; and five members appointed by the Minister.

(4) Two of the members of the Committee appointed by the Minister shall be persons appointed as representatives of the Tasmanian Tourist Council Inc., who are members of, or employed by, that Council.

(5) If the Tasmanian Tourist Council Inc. ceases to exist, or ceases to exist under that name, the Governor may, by order, declare that this section shall have effect as if a reference in it to that body were a reference to a body specified in the order, and, on the coming into force of that order, this section has effect accordingly.

(6) An officer of the Public Service may hold office as a member of the Committee in conjunction with his office in the Public Service.

(7) Subject to subsection (8), a member of the Committee who is appointed by the Minister is entitled to receive—

- (a) such fees or remuneration; and
- (b) such travelling and other allowances and expenses, as the Minister may determine.

(8) Notwithstanding subsection (7) (a), an officer of the Public Service who is a member of the Committee is entitled to receive, by way of fees or remuneration, such sums (if any) as the Public Service Board may determine, being sums not exceeding any determined by the Minister under that subsection.

Term of office
of appointed
members of the
Committee.

13—(1) Subject to this section, a member of the Committee continues in office for a period of one year from the date on which he was last appointed a member of the Committee, unless he sooner resigns or is removed from office or otherwise ceases to hold office.

(2) If a member of the Committee dies or ceases to hold office otherwise than by reason of the effluxion of time, the Minister may appoint a person to fill the office for the remainder of the term for which the vacating member was so appointed.

(3) The Minister may remove a member of the Committee from office if he is satisfied that that member—

- (a) has become incapable of carrying out the duties of his office;

- (b) has misconducted himself in the performance of the duties of his office;
- (c) has, without leave of the Minister, been absent from 3 or more consecutive meetings of the Committee;
- (d) has applied to take, or takes, advantage of any law relating to bankruptcy, or has compounded, or entered into an arrangement, with his creditors; or
- (e) has been convicted (whether in this State or elsewhere) of an offence of such a nature that, in the opinion of the Minister, renders it improper for him to continue to be a member.

(4) A member of the Committee shall not be removed from office otherwise than in accordance with this section.

(5) This section applies only to a member who is appointed by the Minister.

14—(1) The Committee shall meet—

Procedure of
the Committee.

- (a) on at least 4 occasions in each calendar year for the purpose of giving advice to the Minister on any matter on which it is authorized to give him advice pursuant to section 12 (2); and
- (b) on such other occasions as the Minister considers necessary for the purpose of giving him advice on such of those matters as are referred to it by the Minister.

(2) The Minister shall preside at all meetings of the Committee, and in his absence from any meeting the Director shall preside.

(3) Five members of the Committee, of whom the Minister or Director shall be one, constitute a quorum at a meeting of the Committee.

(4) Any question arising at a meeting of the Committee shall be determined by a majority of the votes of the members present and voting on the question, each of whom shall have only one vote.

(5) Subject to this section, the Committee may regulate its own proceedings.

PART V

FACILITIES FOR TOURISTS

15 The Minister may, on the recommendation of the Director Guarantees. and subject to Part VI, guarantee—

- (a) the repayment of moneys borrowed or to be borrowed by a person who provides or undertakes to provide facilities for tourists; and

- (b) the payment of interest agreed to be paid on moneys so borrowed.

Registration of accommodation houses.

16—(1) The Director may—

- (a) as prescribed, register and classify prescribed kinds of accommodation houses;
- (b) publish determinations of qualities to be required of proprietors of accommodation houses and of their accommodation houses before and after they are registered;
- (c) cause inspections of accommodation houses of which such registration is sought, or which are so registered and classified;
- (d) as prescribed, require the rectifying of deficiencies found as a result of an inspection of an accommodation house under paragraph (c);
- (e) publish lists of accommodation houses so registered and classified;
- (f) as prescribed, revoke the registration granted in respect of any of those accommodation houses or alter the classification of any of those accommodation houses; and
- (g) authorize a distinguishing sign for display at or on any of those accommodation houses.

(2) In subsection (1) (b), “proprietor” means a person by whom or on whose behalf the business of an accommodation house is carried on, and includes an applicant for the registration of an accommodation house.

(3) If any premises licensed under the *Licensing Act* 1932 or the *Licensing Act* 1976 are required to be registered under this section, the licensee and his premises are entitled to such registration, notwithstanding any determination under subsection (1).

(4) In this section, “accommodation house” includes an accommodation house the business of which is carried on, or proposed to be carried on, by or on behalf of the Crown.

PART VI

FINANCE

Financial provisions.

17—(1) The Minister’s contingent liabilities under section 15 shall—

- (a) as to liability for principal moneys guaranteed, not be allowed to exceed \$5 000 000 at any one time; and

(b) if they become certain, be paid out of the Consolidated Revenue, which, to the necessary extent, is appropriated accordingly.

(2) Subject to subsection (3), the Minister may, out of revenue received in respect of guarantees given under Part V, set aside such sums as he considers necessary for the purpose of—

(a) making provision for undetermined losses or liabilities; or
(b) creating a reserve or reserves against contingencies.

(3) The Minister shall not exercise the power conferred on him by subsection (2), unless the Treasurer has approved of the amounts of each provision or reserve.

(4) The Minister may, with the consent of the Treasurer, apply the moneys set aside or provided pursuant to subsection (2) for the purpose of making interest-bearing deposits with the Treasurer.

(5) The Minister may terminate interest-bearing deposits under subsection (4) and apply the moneys for any purpose for which provision may be made or a reserve created under subsection (2).

(6) When, in any financial year, the profit and loss account for the immediately preceding year, prepared by the Minister pursuant to this section, shows—

(a) a credit balance, the amount thereof shall be applied by the Minister in such manner as the Treasurer may approve or direct; or

(b) a debit balance, the Treasurer shall pay the amount thereof to the Minister out of the Consolidated Revenue, which, to the necessary extent, is appropriated accordingly.

18—(1) A guarantee may be given under section 15 only as provided in this section. Conditions of guarantees.

(2) A guarantee may be given only where—

(a) the person whose payment is guaranteed has given his creditor other security;

(b) the principal sum guaranteed does not exceed in value two-thirds of that other security or such greater proportion as the Treasurer may approve;

(c) the rate of interest payable to the creditor is not more than the Treasurer determines; and

(d) the Minister obtains from the person whose payment is guaranteed—

(i) a covenant to repay all moneys paid by the Minister under the guarantee with such interest and on such terms and conditions; and

(ii) such security for performance of the covenant, as the Minister, on the recommendation of the Director, determines.

(3) The Minister may make a charge for giving a guarantee.

Revenue.

19—(1) Subject to subsection (2), all fees, charges, and other moneys received on account of the Department shall be paid into the Consolidated Revenue.

(2) Subsection (1) does not apply to—

(a) repayment of principal moneys secured by former loans;

(b) interest received on former loans and charges made under section 18;

(c) moneys received as agent or trustee of a person other than the Crown; and

(d) such other revenue of the Department as the Treasurer may direct,

which shall be dealt with as provided in subsection (3).

(3) Moneys mentioned in subsection (2)—

(a) shall, in the case of former loans provided from moneys originally lent by the Treasurer and interest due to him on those moneys, be paid to him on account of the Loan Fund or as the case may require and he may direct;

(b) shall, in the case mentioned in paragraph (c) of that subsection, be paid to the persons on whose account they were received; and

(c) may, in any other case, be paid out to meet losses on profit-making ventures of the Department, including former loans and guarantees, or otherwise as the Treasurer, subject to the *Public Account Act* 1957, directs.

Administration
expenses of
guarantees.

20 Costs incurred in the administration of section 15 shall in the first place be defrayed, in priority to everything else, out of revenues accruing under that section and sections 17 and 18.

Accounts.

21—(1) Subject to subsection (2), the Department shall keep such accounts and prepare such statements in relation to those accounts as the Treasurer may direct.

(2) Any accounts kept, and statements prepared, for the purposes of subsection (1) shall be in such form and contain such particulars as the Treasurer may direct.

PART VII

MISCELLANEOUS

22—(1) The Director shall, once in every year, make a report ^{Annual report.} to the Minister on the administration of the Department during the preceding year.

(2) The Minister shall cause the Director's yearly report to be laid before both Houses of Parliament within 30 days after he receives it if Parliament is then sitting, and if not, within 30 days after the next meeting of Parliament.

23—(1) Unless he is acting on behalf of the Department or with ^{Offences.} the written authorization of the Director, a person shall not trade, or carry on business under, or in any way use in connection with any trade or business or on any business premises, any name containing—

- (a) the words “ Tasmanian Government Tourist Department ”, “ Tasmanian Tourist Department ”, “ Government Tourist Department ”, “ Government Tourist Bureau ”, “ Tasmanian Government Tourist Bureau ”, “ Tasmanian Tourist Bureau ”, “ State Tourist Bureau ”, or “ Tasbureau ”;
- (b) the name of the Department or any words that are an imitation of that name; or
- (c) any words that are likely to mislead or deceive the public into believing that that trade or business is identical or connected with that of the Department.

Penalty: \$2 000.

(2) A person shall not—

- (a) in any advertisement, circular, or other writing falsely represent, hold out, or suggest that any accommodation house therein mentioned is registered or classified by the Director;
- (b) in any other manner make any false or misleading misrepresentation with intent thereby to convey that any accommodation house is so registered or classified; or
- (c) display or cause to be displayed at or on any accommodation house a distinguishing sign authorized under section 16 (1) (g) but not for display at or on that house.

Penalty: \$500.

(3) A person shall not conduct or carry on the business of an accommodation house registrable under section 16, unless that house is so registered or is exempted as provided by the regulations.

Penalty: \$500 and a daily penalty of \$50.

(4) A person shall not in any advertisement or other writing describe as a colonial cottage an accommodation house registrable under section 16 without the written permission of the Director.

Penalty: \$500.

(5) The Director shall give his permission under subsection (4) if he considers it proper to do so having regard to the historical significance of the accommodation house by virtue of its age, location, or association with historic events.

Regulations.

24—(1) The Governor may make regulations for the purposes of this Act.

(2) Without affecting the generality of subsection (1), the regulations may—

- (a) make provision with respect to the inspection of facilities that are provided by moneys for the repayment of which a guarantee has been given; and
- (b) provide for an appeal against a refusal to register or a revocation of registration under section 16 or against a classification or alteration of classification made under that section.

(3) The regulations may provide for penalties not exceeding \$300 for breaches of the regulations.

Consequential amendments of Acts.

25 The Acts that are specified in Part II of Schedule I are amended as respectively specified in that Part.

Transitional provisions.

26 The provisions set out in Schedule II have effect for the purposes of the transition to the provisions of this Act from the law in force before the commencement of this Act.

SCHEDULE I

(Sections 2 and 25)

PART I

ACTS REPEALED

Year and number of Act	Short title of Act
No. 32 of 1970	<i>Tourism Development Act 1970</i>
No. 62 of 1972	<i>Tourism Development (Staff) Act 1972</i>
No. 69 of 1973	<i>Tourism Development Act 1973</i>
No. 5 of 1976	<i>Tourism Development Act 1976</i>

PART II

ACTS AMENDED

Defacement of Property Act 1898

(62 Vict. No. 5)

1 Section 4 is amended by omitting the definition of " Authority " and substituting the following definition:—

" ' Director ' means the Director of Tourism appointed pursuant to the *Tourism Act 1977* ;".

Interpretation.

2 Section 4A is repealed and the following section is substituted:—

" 4A For the purposes of the enforcement of this Act, the Director may employ the services of an officer or employee of the Public Service who is employed in the execution of the *Tourism Act 1977* ."

Employment of officers of Department of Tourism.

3 Section 8 is amended by omitting the word " Authority " (wherever occurring) and substituting, in each case, the word " Director " .

Exhibition of advertisements, &c.

4 Section 8AA is amended—

Appeals.

(a) by omitting from subsections (1) and (2) the word " Authority " (wherever occurring) and substituting, in each case, the word " Director " ; and

(b) by omitting from subsection (2) the words " its intention " and substituting the words " his intention " .

Local Government Act 1962

(No. 67 of 1962)

Section 455 of the Principal Act is amended—

(a) by omitting from subsection (1) the words " a house pursuant to section 22 of the *Tourism Development Act 1970* " and substituting the words " an accommodation house pursuant to section 16 of the *Tourism Act 1977* " ;

Houses under the *Tourism Development Act 1970*.

- (b) by omitting from that subsection the words "Tourism Development Authority" and substituting the words "Director of Tourism appointed pursuant to that Act (in this section referred to as 'the Director')";
- (c) by omitting from subsection (2) the words "Tourism Development Authority" and substituting the word "Director";
- (d) by omitting from subsection (3) the words "Tourism Development Authority" and the word "Authority" and substituting, in each case, the word "Director";
- (e) by omitting from that subsection the word "it" (first occurring) and substituting the word "him"; and
- (f) by omitting from that subsection the word "its" (first occurring) and substituting the word "his".

SCHEDULE II

(Section 26)

TRANSITIONAL PROVISIONS

Continuation
of vesting of
property in the
Minister.

1 On the commencement of this Act, all real and personal property acquired or held by the Minister under the former Act and not disposed of under that Act continues to be vested in the Minister administering this Act for the purposes of this Act.

Continuation
of contracts,
guarantees, and
loans, made by
Minister under
former Act.

2—(1) Every contract or agreement entered into by or on behalf of the Minister under the former Act that is in force immediately before the commencement of this Act shall, on that commencement, be deemed to have been entered into by or on behalf of the Minister under this Act.

(2) Every guarantee given by the Minister under the former Act that is still on foot on the commencement of this Act shall be deemed to have been given by him under this Act.

(3) The repeal of the former Act by this Act does not affect a loan made under section 20 of the former Act that has not been repaid on the commencement of this Act.

(4) On the commencement of this Act—

(a) the provisions of subsections (3) to (8) of section 24 of the former Act continue to apply to and in relation to every loan made under that section that has not been repaid on that commencement as if this Act were not in force; and

(b) any regulations made under section 31 of the former Act that prescribe matters specified in sub-paragraphs (iii) to (vi) of subsection (2) (a) of that section continue to apply to and in relation to every such loan, the facilities in respect of which that loan has been made, and the proprietor of those facilities, notwithstanding that this Act does not contain power to make regulations with respect to those matters.

3—(1) A person who, immediately before the commencement of this Act, is engaged as an employee by the Director-General of Tourism under the former Act shall, on that commencement, be deemed to have been so engaged by the Director under section 10 (1).

Continuation of employment under the former Act and under the Defacement of Property Act 1898.

(2) An officer or employee of the Public Service who, immediately before the commencement of this Act, is employed by the Tourism Development Authority under section 4A of the *Defacement of Property Act* 1898, shall on that commencement, be deemed to be employed by the Director under that section.

4—(1) Every contract or agreement entered into by or on behalf of the Director-General of Tourism under the former Act that is in force immediately before the commencement of this Act, shall, on that commencement, be deemed to have been entered into by or on behalf of the Director under this Act.

Continuation of contracts made, and permissions given, by the Director-General of Tourism under the former Act.

(2) Every permission given by the Director-General of Tourism under section 30 (4) of the former Act that is in force immediately before the commencement of this Act, shall, on that commencement, be deemed to have been given by the Director under section 23 (4).

5 Every house that, immediately before the commencement of this Act, is registered and classified as a prescribed kind of house by the Tourism Development Authority under section 22 of the former Act shall, on that commencement, be deemed to have been registered and classified by the Director as an accommodation house of the appropriate prescribed kind under section 16.

Continuation of registration and classification of houses under the former Act.

6—(1) Every determination or list published by the Tourism Development Authority under section 22 of the former Act that is in force immediately before the commencement of this Act shall, on that commencement, be deemed to have been published by the Director.

Continuation of determinations, &c., published, and signs authorized, under the former Act.

(2) Every distinguishing sign authorized by the Tourism Development Authority under section 22 of the former Act the authority for which has not been revoked immediately before the commencement of this Act shall, on that commencement, be deemed to have been authorized by the Director.

7 Every permission granted, or notice given, under section 8 of the *Defacement of Property Act* 1898 that is in force or on foot or, in the case of a notice has not been complied with, immediately before the commencement of this Act shall, on that commencement, be deemed to have been granted or given by the Director under that section.

Continuation of permissions, &c., given under the Defacement of Property Act 1898.

8 Every certificate given by the Tourism Development Authority under section 455 of the *Local Government Act* 1962 before the commencement of this Act shall, on that commencement, be deemed to have been given by the Director under that section.

Continuation of certain certificates given by the Tourism Development Authority.

Continuation
of certain
incidents of
service held by
transferred
officers.

9—(1) A person who is a transferred officer within the meaning of section 32 of the former Act and who, on the commencement of this Act, is employed in the Department as an officer or temporary employee continues to keep the rights to leave and other incidents of his service that had accrued to him on 10th June 1971, being the day on which he became subject to the *Public Service Act 1923* pursuant to that section.

(2) In sub-paragraph (1), “service” means service by virtue of employment under section 4 of the *Tourist and Immigration Department Act 1934* or section 6 of the *State Tourist Accommodation Houses Act 1927*.