



TOURISM AMENDMENT ACT 1981

No. 43 of 1981

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AN ACT to amend the Tourism Act 1977 for the purposes of making further provision with respect to the appointment and conditions of service of the Director of Tourism and providing for an increase in the maximum contingent liabilities that the Minister for the time being administering that Act may incur in respect of loans the repayment of which is guaranteed by him under that Act.

[Royal Assent 30 September 1981]

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:—

1—This Act may be cited as the *Tourism Amendment Act 1981*. Short title.

Principal Act.

2—In this Act, the *Tourism Act 1977** is referred to as the Principal Act.

Substitution of section 7 of Principal Act.

3—Section 7 of the Principal Act is repealed and the following section is substituted:—

Appointment and conditions of service of Director.

7—(1) The Governor may appoint a person to be the Director of Tourism for a term, not exceeding 5 years, specified in the instrument of his appointment, and that person shall, if otherwise qualified, be eligible for re-appointment from time to time for a term, not exceeding 5 years, specified in the instrument of his re-appointment.

(2) A person who has attained the age of 65 years shall not be appointed as Director or continue in that office.

(3) Subject to this section and section 7A, the Director shall hold office on such terms and conditions as may be specified in the instrument of his appointment.

(4) The Director is not subject to the provisions of the *Public Service Act 1973* but, for the purposes of that Act, he shall be deemed to be the permanent head of the Department and shall, subject to section 7B, have the same powers and authority in relation to the Department as if he were an officer under that Act.

(5) The Director shall not, during his term of office, engage in any paid employment outside the duties of his office except with the approval of the Governor.

(6) The Director is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Governor may from time to time determine in respect of him.

(7) The Director shall be deemed to be an employee for the purposes of the *Superannuation Act 1938*, the *Retirement Benefits Act 1970*, and the *State Employees (Long-Service Leave) Act 1950*.

(8) If an officer of the Public Service is appointed to the office of Director, he is entitled to retain all his existing and accruing rights as if his service in that office were a continuation of his service as an officer of the Public Service.

* No. 15 of 1977.

(9) A person who, immediately before his appointment as Director, is an officer of the Public Service and who ceases to be Director from any cause (otherwise than in pursuance of paragraph (a), (c), (d), (e), (f), (g), or (h) of section 7A (1)) shall, if he has not attained the age for retirement prescribed by the *Public Service Act 1973*, be appointed as an officer of the Public Service to an office not lower in classification and salary than that which he held immediately before his appointment as Director.

(10) Where a person ceases to hold the office of Director and becomes an officer of the Public Service, whether pursuant to subsection (9) or otherwise, his service in that office shall be regarded as service in the Public Service for the purposes of determining his rights as an officer of the Public Service.

4—After section 7 of the Principal Act, the following sections are inserted:—

Insertion in
Principal
Act of new
sections 7A
and 7B.

7A—(1) The Director shall be deemed to have vacated his office—

Vacation
of office.

- (a) if, without the approval of the Governor, he engages during his term of office in any paid employment outside the duties of his office;
- (b) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts his resignation;
- (c) if he becomes bankrupt, applies to take the benefit of any laws for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes any assignment of his remuneration or estate for their benefit;
- (d) if he becomes liable to be detained under the *Mental Health Act 1963* in a hospital, being a hospital within the meaning of section 3 (1) of that Act;
- (e) if he is convicted in this State of a crime or an offence which is punishable by imprisonment for a period of not less than 12 months, or if he is convicted elsewhere than this State of an offence which, if committed in this State, would be a crime or an offence so punishable;

- (f) if he absents himself from duty for a period exceeding 14 days except—
 - (i) on leave granted by the Minister; or
 - (ii) through illness or other unavoidable cause;
- (g) if he is removed from office by the Governor under subsection (2); or
- (b) on his attaining the age of 65 years.

(2) The Governor may remove the Director from office for misbehaviour, neglect of duty, or incompetence.

(3) Without prejudice to the generality of subsection (2), the Director shall be deemed to be guilty of misbehaviour if he has, directly or indirectly, a pecuniary interest—

- (a) in a business that provides a facility for travellers;
- (b) in a business carried on for the manufacture of liquor within the meaning of the *Licensing Act 1976*; or
- (c) in the operation of a licensed establishment within the meaning of that Act.

(4) In subsection (3) (a), “business that provides a facility for travellers” includes, without prejudice to the generality of that expression—

- (a) a business carried on for the sale or supply to travellers of liquor within the meaning of the *Licensing Act 1976*;
- (b) a business carried on for the sale or supply of meals to travellers;
- (c) a business carried on for the provision of accommodation for travellers;
- (d) a business carried on for the transportation of travellers, to, from, or within the State; and
- (e) a business carried on for the purpose of providing services similar or related to the services provided by the Department under section 6 in the course of carrying out its functions under subsection (1) of that section.

(5) The Director shall not be removed from office otherwise than in accordance with subsection (2).

7B—(1) The Director shall, subject to the direction of the Minister, have the powers and authority, and shall discharge and perform the duties and functions, vested in or conferred or imposed on him or the Department by this Act and the *Public Service Act* 1973.

Director to be subject to direction of Minister: Duty of Director to keep Minister informed and to supply him with information.

(2) 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.

5—Section 17 (1) (a) of the Principal Act is amended by omitting “ \$5 000 000 ” and substituting “ \$10 000 000 ”.

Amendment of section 17 of Principal Act (Financial provisions).

