

TOURISM AMENDMENT ACT 1987

No. 106 of 1987

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PART III
SAVINGS PROVISIONS
RELATING TO DEVELOPMENT
OF TOURISM

SCHEDULE 1
MISCELLANEOUS AMENDMENTS OF
PRINCIPAL ACT



TOURISM AMENDMENT ACT 1987

No. 106 of 1987

AN ACT to amend the Tourism Act 1977, the Tasmanian State Service Act 1984, and the Tasmanian Development Act 1983.

[Royal Assent 23 December 1987]

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* Short title. 1987.

2—This Act shall commence on the day on which it receives Commencement. the Royal assent.

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

4—Section 3 of the Principal Act is repealed and the following Substitution of section 3 of Principal Act. section is substituted:—

3—In this Act, unless the contrary intention appears— Interpretation.

* No. 15 of 1977. Subsequently amended by No. 43 of 1981, No. 10 of 1982, No. 99 of 1982, No. 88 of 1983, and No. 29 of 1984.

“accommodation facility” means house intended for the accommodation of travellers, licensed house within the meaning of the *Licensing Act 1976*, motel, guest house, or holiday flat, and includes structure, caravan, campervan, whether the caravan or campervan is mobile or not, and area of land, if the structure, caravan, campervan, or land is intended for the accommodation of travellers;

“Department” means the department continued as Tourism Tasmania under section 5;

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

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

“former guarantee” means guarantee given under Part V of this Act and in force immediately before the commencement of the *Tourism Amendment Act 1987*;

“former loan” means loan made under section 20 of the former Act that has not been repaid on the commencement of the *Tourism Amendment Act 1987*;

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

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

Amendment of heading to Part II of Principal Act.

5—The heading to Part II of the Principal Act is amended by omitting “THE DEPARTMENT OF TOURISM” and substituting “TOURISM TASMANIA”.

Amendment of section 4 of Principal Act (Responsibilities and powers of the Minister).

6—(1) Section 4 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

(2) For the purposes of carrying out his responsibilities under subsection (1), the Minister may acquire, hold, and dispose of real and personal property in Tasmania or elsewhere for offices, for residences for staff, and for accommodation facilities and other facilities for tourists.

(2) Section 4 of the Principal Act is further amended by omitting from subsection (3) “(2) (a),” and substituting “(2),”.

7—Section 5 of the Principal Act is repealed and the following section is substituted:—

Substitution of section 5 of Principal Act.

5—The department with the name “Department of Tourism” that was subsisting, pursuant to this Act as in force immediately before the commencement of the *Tourism Amendment Act 1987*, is continued as a department with the name “Tourism Tasmania”.

Continuation of department as Tourism Tasmania.

8—Section 6 of the Principal Act is amended as follows:—

Amendment of section 6 of Principal Act (Functions of the Department).

(a) by omitting paragraph (a) of subsection (2) and substituting the following paragraph:—

(a) continue the former Tasmanian Government Tourist Bureau as the Tasmanian Travel Centre and establish and maintain other travel centres and offices to assist travellers;

(b) by omitting from subsections (2) (f) and (3) (b) “guarantee given under Part V” and substituting “former guarantee”;

(c) by omitting from subsections (2) (d) and (3) (a) “accommodation houses” and substituting “accommodation facilities”;

(d) by inserting after paragraph (i) of subsection (2) the following paragraph:—

(ia) protect, in accordance with the *Copyright Act 1968* of the Commonwealth, any literary, dramatic, musical, or artistic materials prepared or used for the purposes of this Act;

9—Section 7 of the Principal Act is amended by inserting after subsection (1) the following subsection:—

Amendment of section 7 of Principal Act (Appointment of Director of Tourism).

(1A) The Director shall be the Chief Executive of Tourism Tasmania.

10—Section 8 (5) of the Principal Act is amended by omitting “give guarantees” and substituting “make a recommendation under section 37 of the *Tasmanian Development Act 1983*”.

Amendment of section 8 of Principal Act (Delegation by Minister to Director).

11—Section 11 of the Principal Act is amended by inserting before subsection (1) the following subsection:—

Amendment of section 11 of Principal Act (Power of Director to obtain certain services).

(1A) In this section, “employee” includes a person who is temporarily employed in the Tasmanian State Service.

Repeal of Part IV of Principal Act (The Tourism Advisory Committee).

12—Part IV of the Principal Act is repealed.

Repeal of section 15 of Principal Act (Guarantees).

13—Section 15 of the Principal Act is repealed.

Amendment of section 16 of Principal Act (Registration of accommodation houses).

14—Section 16 of the Principal Act is amended by omitting “houses” and “house”, wherever occurring, and substituting “facilities” and “facility” respectively.

Insertion of new section 16A in Part V of Principal Act.

15—After section 16 of the Principal Act, the following section is inserted in Part V:—

Power of Minister to arrange for registration, &c., of accommodation facilities.

16A—(1) The Minister may make arrangements with—
 (a) the Minister responsible for the administration of an Agency, within the meaning of the *Tasmanian State Service Act 1984*; or
 (b) some other person, whether or not he is subject to that Act,

for the exercise by that Agency or person of any of the powers of the Director under section 16.

(2) Arrangements made under subsection (1)—

- (a) may require that the Head of an Agency or other person referred to in that subsection furnish the Minister with periodical reports as to the exercise of his powers under those arrangements;
- (b) are revocable at the will of the Minister; and
- (c) do not prevent the exercise by the Director of any of his powers under section 16.

Repeal of sections 17, 18, and 21 and substitution of section 19 of Principal Act.

16—Sections 17, 18, 19, and 20 of the Principal Act are repealed and the following section is substituted:—

Revenue of Tourism Tasmania.

19—(1) Subject to this section, all fees, charges, and other money received on account of the Department shall be paid to the Consolidated Fund.

(2) Subsection (1) does not apply to money received as agent or trustee of a person other than the Crown which money shall be paid to the person on whose account it is received.

(3) Subsection (1) does not apply to any revenue of the Department that the Treasurer directs be paid out to meet losses on profit-making ventures of the Department, including—

- (a) a loan made under section 20 of the former Act that, immediately before the commencement of the *Tourism Amendment Act 1987*, has not been repaid; and
- (b) a guarantee given under Part V of this Act and in force immediately before that commencement,

or otherwise as the Treasurer may, subject to the *Public Account Act 1986*, direct.

17—Section 23 of the Principal Act is amended as follows:—

Amendment of section 23 of Principal Act (Offences).

- (a) by omitting “house”, wherever occurring, and substituting “facility”;
- (b) by omitting from subsection (1) (a) “or ‘Tasbureau’;” and substituting “‘Tasbureau’, ‘Computerised Automated Reservations System’, ‘Tasmanian Travel Centre’, or ‘Tourism Tasmania’ or the expression ‘C.A.R.S.’”;
- (c) by inserting after “by” in subsection (2) (a) “or on behalf of”;
- (d) by omitting from subsection (4) “a colonial cottage” and “the written permission of the Director” and substituting “colonial” and “written permission given by or on behalf of the Director under this Act” respectively;
- (e) by inserting after “Director” in subsection (5) “or an Agency or person exercising the powers of the Director by virtue of section 16A”.

18—Section 24 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

Amendment of section 24 of Principal Act (Regulations).

(2) Without limiting the generality of subsection (1), the regulations may 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.

19—Section 26 of the Principal Act is amended by omitting “effect for the purposes of the transition to the provisions of this Act from the law in force before the commencement of this Act” and substituting “effect.”

Amendment of section 26 of Principal Act (Transitional provisions).

Amendment of
Schedule II to
Principal Act.

20—Schedule II to the Principal Act is amended by omitting clause 5 and substituting the following clause:—

Continuation of
registration, &c.,
of
accommodation
houses.

5—A house that, immediately before the commencement of the *Tourism Amendment Act 1987*, is registered and classified as a prescribed kind of house pursuant to section 16, shall, on that commencement, be deemed to have been so registered and classified as an accommodation facility of the appropriate prescribed kind.

Miscellaneous
amendments of
Principal Act.

21—Each provision of the Principal Act specified in column 1 of Schedule 1 is amended in the manner specified opposite the reference to that provision in column 2 of that Schedule.

Amendment of
Schedule 1 to
*Tasmanian State
Service Act 1984*.

22—The *Tasmanian State Service Act 1984* is amended by omitting from column 1 of Division 1 of Part IV of Schedule 1 “Department of Tourism” and substituting “Tourism Tasmania”.

Amendment of
Schedule 4 to
*Tasmanian
Development Act
1983*.

23—(1) Schedule 4 to the *Tasmanian Development Act 1983* is amended by inserting after Part II the following Part:—

PART III

SAVINGS PROVISIONS RELATING TO DEVELOPMENT OF TOURISM

Repayment of
former tourism
loans.

1—Where the Authority receives money by way of repayment of a loan originally made by the Treasurer under section 20 of the *Tourism Development Act 1970* or as interest on any such loan, the Authority shall pay the money to the Consolidated Fund or, if the case so requires, as the Treasurer may direct.

Liability under
guarantees given
under *Tourism
Act 1977*.

2—Where, immediately before the commencement of the *Tourism Amendment Act 1987*, a guarantee given by the Minister for Tourism under Part V of the *Tourism Act 1977* was in force—

(a) the contingent liability of the Minister under the guarantee is transferred to the Treasurer; and

(b) the application of section 36 (7), (8), and (9) of this Act extends to that guarantee,

as if it had been given by the Treasurer under that section.

3—The Authority may at any time inspect any facility that is provided by money for the repayment of which a guarantee referred to in clause 2 is in force. Power of Authority to inspect facilities.

SCHEDULE 1

Section 21

MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT

COLUMN 1 Provisions of Principal Act amended	COLUMN 2 Amendment
Section 23 (1)	Omit "\$2 000" and substitute "40 penalty units".
Section 23 (2)	Omit "\$500" and substitute "10 penalty units".
Section 23 (3)	Omit "\$500" and substitute "10 penalty units".
Section 23 (3)	Omit "\$50" and substitute "one penalty unit".
Section 23 (4)	Omit "\$500" and substitute "10 penalty units".
Section 24 (3)	Omit "\$300" and substitute "6 penalty units".