

TOURIST.

No. 78 of 1973.

AN ACT to establish a Tourist Advisory Council; to repeal the Tourist Act, 1959-1970; and for incidental and other purposes.

[Assented to 17th December, 1973.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Tourist Act, 1973*. Short title.
2. This Act shall come into operation on a date to be fixed by proclamation. Commencement.

Interpre-
ation.

3. In this Act—

“Authority” means the Western Australian Tourist Development Authority established under the repealed Act;

“chairman” means chairman of the Council;

“Council” means the Tourist Advisory Council established under this Act;

“Department” means the Department of Tourism established under the Public Service Act, 1904;

“Fund” means the Tourist Fund established under the repealed Act;

“member” means any member of the Council, including the chairman;

“private sector of the tourist industry” means all persons and bodies (not being persons or bodies acting for or on behalf of the Crown or any agency or instrumentality of the Crown) engaged in the tourist industry or in the development or promotion of that industry;

“repealed Act” means the Tourist Act, 1959-1970 repealed by this Act.

Repeal.

4. The Tourist Act, 1959-1970 is hereby repealed.

Tourist
Advisory
Council.

5. (1) For the purposes of promoting co-operation between the Department and the private sector of the tourist industry there shall be a council to be known as the Tourist Advisory Council.

(2) Subject to subsection (3) of this section, the Council shall consist of four *ex officio* members, namely—

(a) the Under Treasurer or an officer of the Department of the Treasury nominated by the Treasurer;

- (b) the Co-ordinator, Department of Development and Decentralisation or an officer of that Department nominated by the Minister administering that Department;
- (c) the Director of the Department or an officer of that Department nominated by the Minister;
- (d) the Director of the Youth, Community Recreation and National Fitness Council or a member of that Council nominated by the Minister for Recreation,

and nine other members appointed by the Governor, of whom—

- (e) one member shall represent the body known as the Western Australian Accommodation Council, and shall be nominated for appointment by the Minister from a panel of names submitted in accordance with subsection (3) of this section;
- (f) one member shall represent the body known as the Western Australian Council, Australian National Travel Association, and shall be nominated for appointment by the Minister from a panel of names submitted in accordance with subsection (3) of this section;
- (g) one member shall represent the body known as the Australian Federation of Travel Agents, Western Australian Chapter, and shall be nominated for appointment by the Minister from a panel of names submitted in accordance with subsection (3) of this section;
- (h) one member shall represent the body known as the Australian Hotels Association, Western Australian Branch, and shall be nominated for appointment by the Minister from a panel of names submitted in accordance with subsection (3) of this section;

- (i) one member shall represent the body known as the Northern Travel Council, and shall be nominated for appointment by the Minister from a panel of names submitted in accordance with subsection (3) of this section;
- (j) two members shall represent tourist bureaux within that part of the State lying south of the twenty-sixth parallel which are approved by the Department for financial assistance, and shall be nominated for appointment by the Minister from a panel of names submitted in accordance with subsection (3) of this section; and
- (k) two shall be nominated by the Minister to represent municipal councils.

(3) Prior to the first occasion on which an appointment is to be made to an office of member, under subsection (2) of this section and on each occasion thereafter when such an office becomes vacant, the Minister shall, in writing, request the body of whom the office of member is representative to submit to him, in writing, a panel containing the names of not fewer than three persons willing to act as members of the Council.

(4) Where a body has been requested, pursuant to subsection (3) of this section, to submit a panel of not fewer than three names to the Minister, the Minister—

- (a) shall, if such a panel is submitted to him within twenty-one days of the body receiving the request, nominate one of the persons whose names appear on the panel for appointment to the office of member to be representative of the body; and
- (b) may, if default is made within that time in submitting such a panel to him, nominate for appointment to the office of member to be the representative of the body, such person as he thinks fit.

(5) The chairman of the Council shall be appointed from amongst the members by the Minister. .

6. (1) Subject to the succeeding provisions of Terms of office, etc. this section—

(a) a person appointed chairman shall hold office for a term of three years;

(b) a person appointed a member, other than as chairman or an *ex officio* member, shall hold office for such period, not exceeding three years, as is specified in the instrument of appointment.

(2) If a member of the Council, other than an *ex officio* member—

(a) is an undischarged bankrupt or person whose property is subject to an order or arrangement under the laws relating to bankruptcy;

(b) becomes permanently incapable of performing his duties as a member;

(c) resigns his office by writing under his hand addressed to the Governor;

(d) absents himself, except on leave duly granted by the Minister, from three consecutive meetings of the Council,

the office of that member becomes vacant.

(3) The Governor may appoint a person to be a deputy of a member and may terminate such an appointment at any time.

(4) A person appointed pursuant to subsection (3) of this section is, in the event of the absence from a meeting of the Council of the member of whom he is the deputy, entitled to attend that meeting and, when so attending, has all the powers, functions and duties of a member.

(5) Members of the Council (other than *ex officio* members) shall be paid such remuneration and allowances as are determined from time to time by the Governor.

Meetings of
the Council.

7. (1) The Council shall hold not fewer than four meetings in any year and the Minister may at any time require the chairman to convene a meeting of the Council.

(2) The chairman shall preside at all meetings of the Council at which he is present, and where the chairman is absent from a meeting of the Council, the members present shall appoint one of their number present to act as chairman at the meeting.

(3) At a meeting of the Council seven members constitute a quorum.

(4) Any question arising at a meeting of the Council shall be decided by a majority of the votes of the members present and voting.

(5) At a meeting of the Council at which the chairman presides, the chairman has a deliberative vote, and in the event of an equality of votes being cast on any question, that question shall remain unresolved until a subsequent meeting of the Council.

Functions
of Council

8. The functions of the Council shall be—

- (a) to advise the Minister on matters pertaining to tourism and on proposals to assist and develop the growth of tourism; and
- (b) to examine and report to the Minister upon any matters referred to the Council by the Minister, including applications for financial assistance.

9. (1) Forthwith upon the coming into operation of this Act—

Transfer of
etc., property
etc., of the
Authority to
the Treasurer

- (a) all moneys (including moneys standing to the credit of the Fund) and all interest thereon, all securities of whatsoever kind and all books and documents, and other property, both real and personal, held by or on behalf of the Authority;
- (b) all the assets and liabilities of the Authority; and
- (c) all remedies, powers, authorities, rights, title, interest and obligation in or with respect to those assets and liabilities,

shall by virtue of this section, and without any transfer or assignment whatever pass to and become vested in or imposed upon the Treasurer and be divested and discharged from the Authority.

(2) Any right of action or other remedy or power accrued to or against and any power or authority vested in or exercisable by and any agreement, undertaking, mortgage, debenture, bond, lease, deed, guarantee, covenant or obligation made, given or entered into, by or with the Authority may be prosecuted and enforced by or against the Treasurer as if the right of action, remedy or power had originally been vested in or exercisable by, or the agreement, undertaking, mortgage, debenture, bond, lease, deed, guarantee, covenant or obligation had been made, given or entered into by, to or with the Treasurer in lieu of the Authority.

(3) The Consolidated Revenue Fund is hereby appropriated to the extent necessary for the purposes of giving effect to the provisions of this section.