

Queensland



# **TOURISM LEGISLATION AMENDMENT ACT 1999**

**Act No. 41 of 1999**



Queensland



**TOURISM LEGISLATION AMENDMENT  
ACT 1999**

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Queensland



## **Tourism Legislation Amendment Act 1999**

### **Act No. 41 of 1999**

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**An Act to amend the *Indy Car Grand Prix Act 1990* and the  
*Queensland Tourist and Travel Corporation Act 1979***

*[Assented to 2 September 1999]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Tourism Legislation Amendment Act 1999*.

## **PART 2—AMENDMENT OF INDY CAR GRAND PRIX ACT 1990**

### **Act amended in pt 2**

2. This part amends the *Indy Car Grand Prix Act 1990*.

### **Amendment of s 5 (Expiry of Act)**

3. Section 5, ‘31 December 2000’—

*omit, insert—*

‘31 December 2003’.

### **Renumbering of pts 3 and 4**

4. Parts 3 and 4—

*renumber* as parts 2 and 3.

### **Insertion of new s 23A**

5. After section 23—

*insert—*

**‘Declared area—when regulatory impact statement not required**

**‘23A.(1)** This section applies if—

- (a) under a proposed regulation (the **“relevant proposed regulation”**), the declared area for a year will be the same as the declared area for the previous year; and
- (b) the *Statutory Instruments Act 1992*, part 5, division 2<sup>1</sup> has been complied with for a proposed regulation declaring the same area to be the declared area for—
  - (i) the previous year; or
  - (ii) another year, if since that year the declared area for each intervening year has been the same.

**‘(2)** Despite the *Statutory Instruments Act 1992*, section 43, a regulatory impact statement need not be prepared about the relevant proposed regulation.

**‘(3)** In this section—

**“same”** includes substantially the same.’.

## **PART 3—AMENDMENT OF QUEENSLAND TOURIST AND TRAVEL CORPORATION ACT 1979**

### **Act amended in pt 3**

**6.** This part amends the *Queensland Tourist and Travel Corporation Act 1979*.

### **Amendment of title**

**7.** Title, ‘Queensland Tourist and Travel Corporation’—  
*omit, insert—*

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<sup>1</sup> *Statutory Instruments Act 1992*, part 5, division 2 (Regulatory impact statements)

‘establishment of Tourism Queensland’.

### **Replacement of s 1 (Short title)**

8. Section 1—

*omit, insert—*

#### **‘Short title**

‘1. This Act may be cited as the *Tourism Queensland Act 1979*.’.

### **Amendment of s 2 (Definitions)**

9.(1) Section 2, definition “Corporation”—

*omit.*

(2) Section 2—

*insert—*

‘**“corporation”** means Tourism Queensland.

**“minute book”** see section 26(2).’.

(3) Section 2, definition “subsidiary corporation”, ‘29A’—

*omit, insert—*

‘29A(1)’.

### **Replacement of pt 2 hdg (The Queensland Tourist and Travel Corporation)**

10. Part 2, heading—

*omit, insert—*

**‘PART 2—TOURISM QUEENSLAND’.**

### **Replacement of pt 2, div 1 hdg (Constitution of Corporation)**

11. Part 2, division 1, heading—

*omit, insert—*

*‘Division 1—Establishment and membership of corporation’.*

**Replacement of s 6 (Constitution of Corporation)**

**12.** Section 6—

*omit, insert—*

**‘Establishment of Tourism Queensland**

**‘6.(1)** Tourism Queensland is established.

**‘(2)** Tourism Queensland—

- (a) is a body corporate; and
- (b) has a common seal; and
- (c) may sue and be sued in its corporate name.

**‘Corporation’s common seal**

**‘6A.** Judicial notice must be taken of the imprint of the corporation’s common seal on a document, and the document must be presumed to have been properly sealed until the contrary is proved.’.

**Amendment of s 7 (Membership of Corporation)**

**13.** Section 7(1), ‘11’—

*omit, insert—*

‘not more than 9’.

**Amendment of s 10 (Vacating member’s office)**

**14.** Section 10(4)(c), ‘provided pursuant to this Act’—

*omit.*

**Amendment of s 14 (Powers to discharge functions)**

**15.(1)** Section 14, heading—

*omit, insert—*

**‘Powers of corporation’.**

(2) Section 14(1)—

*omit, insert—*

**‘14.(1)** The corporation has all the powers, and the legal capacity, of an individual.’.

(3) Section 14(2), from ‘the powers’ to ‘capacity’—

*omit, insert—*

‘subsection (1),’.

(4) Section 14(2)—

*insert—*

‘(n) compound or prove in a court all amounts of money payable to it; and

(o) exercise other powers given to it under this or another Act.’.

**Replacement of s 29 (Disclosure of interest in contracts)**

16. Section 29—

*omit, insert—*

**‘Disclosure of interests by corporation members**

**‘29.(1)** This section applies to a member of the corporation (the **“interested member”**) if—

(a) the interested member has a direct or indirect financial interest in an issue being considered, or about to be considered, by the corporation; and

(b) the interest could conflict with the proper performance of the member’s duties about the consideration of the issue.

**‘(2)** As soon as practicable after the relevant facts come to the interested member’s knowledge, the member must disclose the nature of the interest to a corporation meeting.

**‘(3)** Unless the corporation otherwise directs, the interested member

must not—

- (a) be present when the corporation considers the issue; or
- (b) take part in a decision of the corporation about the issue.

‘(4) The interested member must not be present when the corporation is considering whether to give a direction under subsection (3).

‘(5) If there is another member of the corporation who must, under subsection (2), also disclose an interest in the issue, the other member must not—

- (a) be present when the corporation is considering whether to give a direction under subsection (3) about the interested member; or
- (b) take part in making the decision about giving the direction.

‘(6) If—

- (a) because of this section, a member of the corporation is not present at a corporation meeting for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (3); and
- (b) there would be a quorum if the member were present,

the remaining members of the corporation present are a quorum of the corporation for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.

‘(7) A disclosure under subsection (2) must be recorded in the minute book.’.

### **Replacement of pt 2A hdg (Subsidiary corporation and advisory council)**

17. Part 2A, heading—

*omit, insert—*

**‘PART 2A—QUEENSLAND HOLIDAYS AND TRAVEL’.**

**Omission of pt 2A, div 1 hdg (Subsidiary corporation)**

**18.** Part 2A, division 1, heading—

*omit.*

**Omission of pt 2A, div 2 (Advisory council)**

**19.** Part 2A, division 2—

*omit.*

**Renumbering of pt 5 (Miscellaneous)**

**20.** Part 5—

*renumber* as part 4.

**Renumbering of s 61 (Regulation making power)**

**21.** Section 61—

*renumber* as section 35.

**Insertion of new pt 5**

**22.** After section 35, as renumbered—

*insert—*

**‘PART 5—TRANSITIONAL PROVISIONS****‘Continuation of The Queensland Tourist and Travel Corporation**

**‘36.** Tourism Queensland, mentioned as being established under section 6, is a continuation of the body corporate called The Queensland Tourist and Travel Corporation previously constituted by section 6(1) as in force before the commencement of this section.

**‘References to The Queensland Tourist and Travel Corporation**

**‘37.** In an Act or document, a reference to The Queensland Tourist and Travel Corporation may, if the context permits, be taken to be a reference to the corporation.’.