

Approved for Reprint 15th January, 1971.

WESTERN AUSTRALIA.

## TOURIST.

8° Elizabeth II., No. XXXI.

No. 31 of 1959.<sup>1</sup>

(Affected by Act No. 42 of 1959)

[As amended by Acts:

No. 101 of 1965, assented to 17th December, 1965;  
No. 68 of 1970, assented to 17th November, 1970,  
and reprinted pursuant to the Amendments Incorporation Act,  
1938.]

**AN ACT to establish a Tourist Development Authority to assist the Development of Tourist Resorts and the Tourist Industry in Western Australia and for incidental and other purposes.**

[Assented to 30th October, 1959.]

BE it enacted—

1. This Act may be cited as the *Tourist Act, 1959-1970*.

Short title.  
Amended by  
No. 68 of  
1970, s. 1.

<sup>1</sup> Came into operation on 31st December, 1959, *Government Gazette* 31st December, 1959, P. 3499.

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.<sup>1</sup>

Interpre-  
tation.  
Amended by  
No. 101 of  
1965, s. 2.

3. In this Act, unless the context requires otherwise—

“Authority” means the Western Australian Tourist Development Authority constituted under this Act;

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

“hotel” means premises that are the subject of a publican’s general license, a limited hotel license, or a wayside-house license under the provisions of the Licensing Act, 1911.<sup>2</sup>

Western  
Australian  
Tourist  
Development  
Authority.

4. (1) For the purposes of this Act, an authority having the name of the Western Australian Tourist Development Authority is constituted in accordance with the provisions of this Act.

Cf. Act No.  
6155 of  
Victoria, s. 3.

(2) The Authority consists of eight members being—

- (a) the Minister or his nominee who is the Chairman of the Authority; and
- (b) seven members appointed by the Governor, of whom—
  - (i) one shall be nominated by the Minister for Lands;
  - (ii) one shall be nominated by the Minister for Works;
  - (iii) one shall be nominated by the Minister administering the Main Roads Act, 1930;
  - (iv) one shall be nominated by the Treasurer;
  - (v) one shall be appointed who shall be deemed to represent the Councils of the Country Municipalities, Boards of Country Road Districts, and Country Tourist Bureaux; and

<sup>1</sup> Came into operation on 31st December, 1959, *Government Gazette* 31st December, 1959, p. 3489.

<sup>2</sup> Now see the Second Schedule of the Liquor Act, 1970.

- (vi) two shall be appointed who shall be deemed to represent persons having a special interest in the development and publicising of the tourist attractions of the State.

5. (1) The members other than the Minister hold office for such term not exceeding five years as the Governor determines when making the appointment, but upon the expiration of the term for which any of those members is appointed, the member is eligible for re-appointment, if he is then qualified to be a member.

Term of office  
Cf. Act No. 6155 of Victoria, s. 4.

(2) in the event of a vacancy occurring in the office of any member referred to in subsection (1) of this section, the Governor may appoint another person having the necessary qualification to be a member in his stead for the unexpired portion of the term of his office.

(3) A quorum of the Authority consists of not less than half the whole number of members, including the Chairman, for the time being in office and if there is a quorum present the Authority may act notwithstanding any vacancy in its membership.

Quorum.

(4) At any meeting of the Authority the Chairman, or in his absence a member elected by the members present to be chairman of the meeting, shall preside.

Chairman of meeting.

(5) The decision upon any question of the majority of the members present at any meeting is the decision of the Authority on that question.

Decision of Authority.

(6) The members other than the Minister are entitled to such remuneration and travelling expenses as are prescribed.

Remuneration and expenses.

(7) Subject to this Act, the Authority may regulate its own proceedings in such manner as it thinks fit.

Proceedings.

Gazettal of  
appointment  
of members.

6. (1) The Minister shall cause notice of appointments to the respective offices of members of the Authority to be published in the *Gazette*.

(2) By publication of the first appointments the Authority is constituted and has and may exercise the functions prescribed by this Act.

(3) When constituted the Authority—

- (a) is a body corporate with perpetual succession and a common seal; and
- (b) is capable in its corporate name of dealing in any way whatsoever with real and personal property and of doing or suffering all such other acts and things as bodies corporate may by law do and suffer.

Deputies for  
members.  
Added by  
No. 101 of  
1965, s. 3.

6A. (1) The Minister may in respect of any member of the Authority referred to in subparagraphs (i), (ii), (iii) and (iv) of paragraph (b) of subsection (2) of section four of this Act, on the nomination of the Minister of whom that member is the nominee, appoint a person to be the deputy of that member to act in his office during his absence.

(2) Any person so appointed is entitled in the absence from a meeting of the member of whom he is the deputy to attend that meeting, and while so attending is deemed to be a member and authorised to carry out any function that the member of whom he is the deputy could, if present, perform under this Act.

(3) The appointment of a deputy member may be terminated at any time by the Minister.

Functions of  
Authority.  
Cf. Act No.  
6155 of  
Victoria, s. 5.  
Amended by  
No. 101 of  
1965, s. 4.

7. (1) The functions of the Authority are—

- (a) to recommend to the Minister measures for the publicising and development of the tourist industry in the State;

- (b) to recommend to the Minister the making of payments out of the Fund for or towards the improvement of tourist facilities in the State;
- (ba) to recommend to the Minister payments to be made with the approval of the Treasurer out of the Fund from moneys borrowed under section ten A of this Act for the purpose of rendering financial assistance by making advances to owners of hotels for improvements to hotel accommodation;
- (c) to promote, assist and co-ordinate the activities of persons and organisations interested in the development of the tourist industry in the State;
- (d) to be responsible, subject to the Minister, for the administration of this Act; and
- (e) generally to investigate such matters relating to the tourist industry as are referred to it by the Minister.

(2) (a) Subject to the Minister, the Authority has the control and direction of the State Government Department known as the Tourist Bureau.

Power of Authority to control and direct Tourist Bureau.

(b) Nothing in this section prejudices or affects the provisions of the Public Service Act, 1904, or other Acts so far as they apply to any person employed in the Tourist Bureau who is an officer within the meaning of the firstmentioned Act and the provisions of this section do not prejudice or affect his rights or obligations as such an officer under any of those Acts.

8. (1) The Governor may appoint under the provisions of the Public Service Act, 1904, a person as chief executive officer of the Authority, who shall be known as the Director of Tourist Development.

Office of Director of Tourist Development.

(2) The Governor may appoint under the provisions of the Public Service Act, 1904, such officers and employees as the Authority requires for carrying out its functions under this Act.

Appointment of officers.

Power to  
Minister to  
authorise  
loans or  
grants from  
the Fund.  
Cf. Act No.  
6155 of  
Victoria, s. 7.

9. (1) The Minister may authorise payment of any amount out of the Fund—

- (a) that is required to carry out any measures recommended by the Authority for the publicising and development of the tourist industry; or
- (b) that is recommended by the Authority to be paid, whether by way of loan or grant, to any public authority, body or organisation if the Minister is satisfied that such payment is for the establishment, construction, development, improvement or maintenance of works or facilities in relation to tourist travel or tourist resorts and would be an improvement to the tourist facilities of the State.

(2) Any payment so authorised may be made subject to such terms and conditions as the Minister thinks fit.

Power of  
Minister  
with ap-  
proval of  
Treasurer  
to make  
loans for  
hotel im-  
provements.  
Added by  
No. 101 of  
1965, s. 5.

9A. (1) The Minister may, with the approval of the Treasurer, authorise payment of any amount out of the Fund from moneys borrowed by the Authority under section ten A of this Act and paid into the Fund pursuant to this Act to render financial assistance by making any advance on loan to any owner of a hotel for the purpose of his effecting improvements (including furniture, furnishings and equipment) with respect to that hotel in the accommodation provided or to be provided for lodgers from time to time accommodated therein, upon that owner producing a certificate in writing issued by the Licensing Court under the provisions of the Licensing Act, 1911,<sup>1</sup> that he is unable to provide or borrow sufficient money to pay for the estimated cost of effecting those improvements.

(2) Any payment authorised under subsection (1) of this section may be made at such rate of interest (if any) and upon such security and subject to such terms and conditions as the Treasurer may from time to time determine.

<sup>1</sup> Now see Liquor Act, 1970, s. 104.

10. (1) The funds available for the purpose of enabling the Authority to carry out its functions consist of—

Funds.  
Amended by  
No. 101 of  
1965, s. 6.

- (a) money appropriated from time to time by Parliament to the purpose;
- (b) money advanced from time to time by the Treasurer, which he is hereby authorised with the approval of the Governor to advance, out of moneys appropriated by Parliament to the purpose;
- (c) money advanced from time to time by the Treasurer, which he is hereby authorised with the approval of the Governor to advance, from The General Loan Fund mentioned in section fifty-six of the Audit Act, 1904;
- (ca) moneys borrowed by the Authority under section ten A of this Act; and
- (d) any moneys received by the Authority in repayment of any loan or part thereof made from moneys authorised to be paid under the provisions of section nine or section nine A of this Act and interest thereon.

(2) The Treasurer shall cause to be opened and kept at the Treasury an account called the "Tourist Fund" Account and the moneys mentioned in subsection (1) of this section to be placed to the credit of the Fund.

(3) The Account may be operated upon for the purpose of enabling the Authority to carry out its functions under this Act.

10A. (1) The Authority has power to borrow money upon the guarantee of the Treasurer as provided in subsection (3) of this section for the effectual exercise by the Authority of its powers and functions under paragraph (ba) of subsection (1) of section seven of this Act.

Power of  
Authority  
to borrow.  
Added by  
No. 101 of  
1965, s. 7.  
Amended by  
No. 68 of  
1970, s. 2.

(2) The Authority is authorised with the prior approval in writing of the Treasurer to borrow money upon such terms and conditions only as the Treasurer approves.

(3) The Treasurer may, in the name and on behalf of the Crown in right of the State, guarantee repayment of the principal moneys and interest thereon in respect of moneys borrowed by the Authority under this section, and any liability of the Crown arising out of the guarantee is payable out of moneys in the Public Account as defined in the Audit Act, 1904, which to the necessary extent is appropriated accordingly.

(4) Any moneys borrowed by the Authority under this section may be raised as one loan or as several loans and in such manner as the Treasurer may approve, but the amount of the moneys so borrowed shall not in any one year exceed in the aggregate such amount as the Treasurer approves.

(5) The Authority shall set aside half-yearly by way of a sinking fund, for the purpose of repaying any moneys borrowed under this section, an amount calculated at a rate approved by the Treasurer.

Power to  
Treasurer to  
determine  
contribution  
by Authority.

11. Where any portion of The General Loan Fund is, in any year, applied so as to enable the Authority to carry out any of its functions under this Act, the Treasurer—

- (a) shall determine the amount of contribution, if any, to be made by the Authority towards interest payable for the year on account of the Public Debt in respect of that portion of The General Loan Fund; and
- (b) shall determine the amount of contribution, if any, to be made for the year by the Authority towards the sinking fund established on account of the Public Debt in respect of that portion of The General Loan Fund.



12. The Authority is authorised to pay out of the Fund—

Payments from the Fund.

- (a) into the Public Account mentioned in section four of the Audit Act, 1904, in each financial year an amount sufficient to pay the amounts referred to in paragraphs (a) and (b) of section eleven of this Act, as determined by the Treasurer;
- (b) the costs and expenses incurred in the administration of this Act; and
- (c) such payments as the Minister authorises pursuant to section nine of this Act.

13. A person who is or has been a member, nominee of a member, delegate or officer or employee of the Authority is not personally liable for anything done or omitted in good faith, in, or in connection with, the exercise or purported exercise of any power conferred, or the carrying out of any duty imposed on the Authority by this Act.

Exemption from personal liability.

14. (1) For the purposes of this Act, the Minister either on his own motion or on the recommendation of the Authority may appoint such committees as he thinks fit, for the purpose of assisting the Authority to carry out its functions under this Act and generally for giving effect to the purposes of this Act.

Power to Minister to appoint sub-committees.

(2) (a) With the written approval of the Minister the Authority may in relation to any particular matter or class of matters, by written authorisation under the seal of the Authority, delegate to any committee, power to exercise any of the powers conferred, or to carry out any of the duties imposed on the Authority by this Act, except this power of delegation.

(b) A delegation of power conferred by this section has the effect and may be exercised according to its tenor but is revocable at the will of the Authority and does not preclude the Authority from exercising the power.

**Regulations.** 15. The Governor may make such regulations as he considers necessary, convenient, or desirable, to enable the Authority to carry out its functions or for better carrying out the objects and purposes of this Act.