



# **Tourism Australia Amendment Act 2007**

**No. 47, 2007**

**An Act to amend the *Tourism Australia Act 2004*,  
and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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## Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedule(s).....	2
	<b>Schedule 1—Amendment of the Tourism Australia Act 2004</b>	<b>3</b>





# Tourism Australia Amendment Act 2007

No. 47, 2007

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## **An Act to amend the *Tourism Australia Act 2004*, and for related purposes**

[Assented to 10 April 2007]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Tourism Australia Amendment Act 2007*.

### **2 Commencement**

This Act commences on the day after it receives the Royal Assent.

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### **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendment of the Tourism Australia Act 2004**

**1 Section 3 (definition of *government member*)**

Repeal the definition.

**2 Paragraph 12(c)**

Repeal the paragraph.

**3 Subsection 14(1)**

Omit “(1)”.

**4 Subsection 14(1)**

Omit “(other than the government member)”.

**5 Subsections 14(2) and (3)**

Repeal the subsections.

**6 Subsection 15(1)**

Omit “(other than the government member)”.

**7 Subsection 15(2)**

Repeal the subsection.

**8 Subsection 16(2)**

Omit “(other than the government member)”.

**9 Subsection 20(1)**

Repeal the subsection.

**10 Subsections 20(2) and (3)**

Omit “(other than the government member)”.

**11 After section 20**

Insert:

**20A Termination of appointment at instance of Board or for non-performance etc.**

- (1) The Minister may terminate the appointment of an appointed member if:
  - (a) the Board has resolved that the appointment of the appointed member be terminated; and
  - (b) the resolution was passed at a meeting of the Board convened for the purpose of considering a motion that the appointment of the appointed member be terminated; and
  - (c) the resolution was passed by not less than two-thirds of the members present, excluding the appointed member to whom the resolution relates.
- (2) The Minister may terminate the appointment of an appointed member if the Minister is satisfied:
  - (a) that it is not in the best interests of Tourism Australia that the appointed member continue in office; or
  - (b) that the performance of the appointed member has been unsatisfactory for a significant period.

Note: The heading to section 20 is replaced by the heading “**General provision for termination of appointment**”.

**12 Subsection 23(3)**

Omit “or the government member”.

**13 Section 35**

Repeal the section, substitute:

**35 Minister’s response to corporate plan**

- (1) The Board must give each corporate plan to the Minister for his or her endorsement.
- (2) The Minister may ask the Board, in writing, to give the corporate plan to the Minister by a time, and in a manner, specified by the Minister. The Board must comply with the request.
- (3) After receiving the corporate plan, the Minister may request the Board, in writing, to give to the Minister, by a time, and in a manner, specified by the Minister:



- (a) an explanation of matters included in the plan and specified in the request; and
  - (b) an explanation of other matters specified in the request and related to the plan.
- (4) The Board:
- (a) must comply with the request to give an explanation of the specified matters; and
  - (b) may give to the Minister a corporate plan to replace the corporate plan in relation to which the Minister sought an explanation.
- (5) In deciding whether or not to endorse the corporate plan, the Minister must take into account any inconsistencies between the plan and government policies. If the Minister considers that there are any such inconsistencies, the Minister may give written notice of them to the Board before deciding whether or not to endorse the plan.
- (6) The Minister must give written notice to the Board of his or her decision to endorse, or not to endorse, the corporate plan.
- (7) The corporate plan comes into force on the day on which the Board receives written notice of the Minister's endorsement.

**14 Paragraph 36(1)(b)**

Omit "approval", substitute "endorsement".

**15 Subsection 36(5)**

Omit "approval", substitute "endorsement".

**16 Section 37**

Repeal the section, substitute:

**37 Minister's response to annual operational plan**

- (1) After receiving the annual operational plan, the Minister may request the Board, in writing, to give to the Minister, by a time, and in a manner, specified by the Minister:
  - (a) an explanation of matters included in the plan and specified in the request; and

- (b) an explanation of other matters specified in the request and related to the plan.
- (2) The Board:
  - (a) must comply with the request to give an explanation of the specified matters; and
  - (b) may give to the Minister an annual operational plan to replace the annual operational plan in relation to which the Minister sought an explanation.
- (3) In deciding whether or not to endorse the annual operational plan, the Minister must take into account any inconsistencies between:
  - (a) the annual operational plan and the corporate plan; and
  - (b) the annual operational plan and government policies.If the Minister considers that there are any such inconsistencies, the Minister may give written notice of them to the Board before deciding whether or not to endorse the annual operational plan.
- (4) The Minister must give written notice to the Board of his or her decision to endorse, or not to endorse, the annual operational plan.
- (5) An annual operational plan comes into force on the day on which the Board receives written notice of the Minister's endorsement.

## 17 Transitional

Despite the amendments of Part 4 of the *Tourism Australia Act 2004* made by this Act, that Part, as in force immediately before the commencement of this Act, continues to apply in relation to:

- (a) a corporate plan, or a revised corporate plan, given to the Minister before the commencement of this Act for his or her approval; and
- (b) an annual operational plan, or a revised annual operational plan, given to the Minister before the commencement of this Act for his or her approval;

as if those amendments had not been made.

## 18 Paragraph 59(1)(a)

Omit "\$5,000,000", substitute "\$3,000,000".

## 19 Subsection 60(3) (note)

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Omit “46(2) of the *Acts Interpretation Act 1901*”, substitute “13(3) of the *Legislative Instruments Act 2003*”.

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[*Minister’s second reading speech made in—  
House of Representatives on 14 February 2007  
Senate on 22 March 2007*]

(24/07)

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