

CONFIDENTIAL

TOURIST HOTEL CORPORATION BILL

EXPLANATORY NOTE

THIS Bill consolidates and amends the Tourist Hotel Corporation Act 1955 and its amendments.

The principal change to be effected by the Bill relates to the constitution of the Corporation. At present the Corporation consists of 7 directors, being the General Manager of the Tourist and Publicity Department, and 6 others appointed by the Governor-General on the recommendation of the Minister of Tourism. Under the Bill the Corporation is to consist of not more than 5 directors appointed by the Governor-General on the recommendation of the Minister. There is to be no *ex officio* appointment.

At the foot of each clause of the Bill a reference is given to the corresponding provision in the present legislation. Except where otherwise stated in this note, the provisions of this Bill substantially embody those of the existing law, although the opportunity has been taken to make a number of drafting changes.

Clause 1 relates to the Short Title.

Clause 2 defines the terms "Corporation", "General Manager", and "Minister" as used in the Bill. It also provides that in relation to the Cook Islands reference to New Zealand residents shall be deemed to include reference to the residents of those Islands.

Clause 3 makes provision for the continued existence of the Corporation. However, *subclause (2)* provides that the Corporation is to consist of not more than 5 directors, to be appointed by the Governor-General on the recommendation of the Minister. As stated above, under the present legislation the Corporation consists of 7 directors. Every director is to be appointed for a term not exceeding 3 years, but may from time to time be reappointed.

Clause 4 provides for the appointment of a deputy during the incapacity or absence of a director.

Clause 5 relates to meetings of the directors. *Subclause (4)* is new. It requires the Corporation to give notice of every meeting to the Minister, together with an agenda, and a copy of every paper to be considered at the meeting.

Subclauses (12) to (14) are new. They require the Corporation to send a copy of the minutes of every meeting to the Minister. In addition, the person who presided at any meeting is to advise the Minister on the proceedings of the meeting. The Minister is empowered to seek any further information or explanation that he may require.

Clause 6 sets out the functions of the Corporation. The Corporation's present functions remain, but two new ones are provided for, namely—

- (a) To advise or assist any other person on or in the provision by that person of any services, facilities, or amenities, of the kind that the Corporation is itself required to provide; and
- (b) To engage in any business related to the accommodation, or catering industries, or to provide any services, facilities, or amenities, at such place, for such period, and otherwise in such manner as the Minister may direct in writing for the purposes of making the most efficient and economic use of the Corporation's resources, or of otherwise promoting the public interest.

Clause 7 sets out the powers of the Corporation. The only new provision is that set out in paragraph (1) of subclause (2), which empowers the Corporation, with the prior approval of the Minister, to acquire and hold a tavern premises licence, and a tavern-keeper's licence in respect of any of its premises, and to sell or dispose of liquor pursuant to any such licence. However, the power in paragraph (k) has been extended to include restaurant licences.

Clause 8 requires the Corporation to give effect to Government policy.

Clause 9 provides for the appointment by the Corporation of a general manager, and such other officers and employees as the Corporation thinks necessary or desirable to assist it in the efficient exercise of the Corporation's functions and powers.

Clause 10 provides for the delegation of functions and powers by the Corporation and the General Manager.

Clause 11 empowers the Corporation from time to time to appoint such advisory or technical committees as it thinks necessary or desirable.

Clause 12 provides for the payment of fees and allowances to the directors, and to any committee appointed by the Corporation, in accordance with the Fees and Travelling Allowances Act 1951. It also empowers the Corporation to insure directors and committee members against personal injury while on Corporation business.

Clause 13 makes new provision for the capital of the Corporation. At present the capital is \$4,000,000. Under this clause the capital is to remain at that sum, but power is to be taken to increase that amount by Order in Council on the advice of the Minister of Finance. The Corporation may, with the concurrence of the Minister of Tourism, recommend an increase to the Minister of Finance.

Clause 14 provides that the Corporation may borrow money with the prior approval of the Minister of Finance, and that the Minister of Finance may, on behalf of the Crown, make advances to the Corporation.

It also provides that any money required to be paid to the Corporation by the Minister of Finance shall be paid out of the Consolidated Revenue Account or the National Development Loans Account.

Clause 15 provides that the Corporation may set aside reserves and prescribes the modes of investment in which the Corporation may invest money for the time being available for investment.

Clause 16 relates to the operation by the Corporation of bank accounts. The principal change is to authorise the Corporation to avail itself of the bank's money transfer service.

Clause 17 authorises the Corporation to expend for purposes not otherwise authorised by this Bill a total sum not exceeding \$600 in any one financial year.

Clause 18 provides that in each financial year the Corporation shall declare a dividend on its capital of such amount as the Minister of Finance determines. However, in any year the Minister of Finance may, having regard to the Corporation's financial position, determine that no dividend shall be payable.

Clause 19 provides for the keeping of accounts by the Corporation, the audit of the accounts by the Audit Office, and the presentation of an annual report with the accounts to Parliament.

Clause 20 empowers the Crown to transfer any land (not being land comprised in a National Park or public reserve) or other property to the Corporation. It also empowers the Governor-General to declare any land comprised in a National Park or public reserve and held by the Crown under the Tourist and Health Resorts Control Act 1908 to be administered by the Corporation.

Clause 21 prescribes the manner in which contracts are to be entered into by or on behalf of the Corporation.

Clause 22 empowers Government Departments to contract with the Corporation to provide it with goods or services.

Clause 23 relates to repeals and savings.

The *Schedule* sets out the enactments repealed by clause 23.

Hon. Mrs Tirikatene-Sullivan

TOURIST HOTEL CORPORATION

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A BILL INTITULED

**An Act to consolidate and amend the Tourist Hotel Corpora-
tion Act 1955 and its amendments to make better provision
for the efficient and economic operation of the Tourist
5 Hotel Corporation of New Zealand, and to redefine the
Corporation's functions and powers**

BE IT ENACTED by the General Assembly of New Zealand
in Parliament assembled, and by the authority of the same,
as follows:

1. Short Title—This Act may be cited as the Tourist Hotel Corporation Act 1974.

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Corporation” means the Tourist Hotel Corporation of New Zealand: 5

“General Manager” means the General Manager of the Corporation appointed under this Act:

“Minister” means the Minister of Tourism.

(2) In this Act, reference to New Zealand residents shall, in relation to the Cook Islands, be deemed to include reference to the residents of those Islands. 10

PART I

TOURIST HOTEL CORPORATION OF NEW ZEALAND

3. Tourist Hotel Corporation of New Zealand—(1) There shall be a corporation to be called the Tourist Hotel Corporation of New Zealand. 15

(2) The Corporation shall consist of not more than 5 directors to be appointed by the Governor-General on the recommendation of the Minister. 20

(3) The Governor-General shall, on the recommendation of the Minister, appoint one of the directors to be the Chairman of the Corporation.

(4) Subject to the provisions of this section, every director shall be appointed for a term not exceeding 3 years, and may from time to time be reappointed. 25

(5) In any case where a director resigns from office by written notice given to the Minister, or dies in office, his term of office shall be deemed to have expired on his resignation or death. 30

(6) Any director may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, conflict of interest, or misconduct proved to the satisfaction of the Governor-General, and in such a case the term of office of that director shall be deemed to have expired on his removal. 35

(7) The Corporation shall be a body corporate with perpetual succession and a common seal, and shall be capable of acquiring, holding, and disposing of real and personal property, of suing and being sued, and of doing and suffering
5 all such acts and things as bodies corporate may lawfully do and suffer.

(8) The Corporation is hereby declared to be the same body corporate as the corporation of the same name established by section 3 of the Tourist Hotel Corporation Act 1955.

10 (9) Except as expressly provided in this Act, nothing in this Act shall be construed to derogate from the provisions of any other enactment applicable to the Corporation.

(10) No company or other body shall be incorporated or registered under any Act or otherwise with a name that is
15 identical with the name of the Corporation or that in the opinion of the Registrar of Companies so nearly resembles that name as to be likely to deceive.

Cf. 1955, No. 89, ss. 3, 4, 34, 35

4. Deputies of directors—(1) In any case where the
20 Minister is satisfied that the Chairman or any other director is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may appoint a deputy to act for the Chairman or for that other
25 director during his incapacity. In the case of the incapacity of the Chairman his deputy may or may not be one of the other directors; and if the deputy of the Chairman is one of the other directors some other person may be appointed to act as the deputy of that director.

(2) Every deputy appointed under this section shall, while
30 he continues to act, be deemed to be a director of the Corporation, and the deputy of the Chairman shall have all the powers of the Chairman.

(3) No appointment of a deputy and no acts done by him
35 in that capacity, and no acts done by the Corporation while any deputy is acting in that capacity, shall be questioned in any proceedings on the ground that the occasion for his appointment had not arisen or had ceased.

Cf. 1955, No. 89, s. 6

5. Meetings of directors—(1) The first meeting of the directors after the commencement of this Act shall be held on a day to be appointed by the Minister.

(2) Subsequent meetings of the directors shall be held at such times and places as the directors from time to time appoint. 5

(3) Notwithstanding subsection (2) of this section, the following persons may call a meeting of the directors:

- (a) The Minister:
- (b) The Chairman: 10
- (c) Any 2 directors.

(4) The Corporation shall give to the Minister a notice in writing of every proposed meeting of the directors, a copy of the agenda for the meeting, and a copy of every document to be considered at the meeting, unless the Minister from time 15 to time otherwise directs.

(5) The Minister shall be entitled to attend any meeting of the directors, and to raise any matter (with or without prior notice) for consideration at the meeting.

(6) At all meetings of the directors 2 directors shall 20 constitute a quorum.

(7) The Chairman shall preside at every meeting of the directors at which he is present.

(8) If the Chairman is absent from any meeting the directors present shall appoint one of their number to preside 25 at that meeting.

(9) Every question before a meeting shall be decided by a majority of the votes of the directors present at the meeting.

(10) On every question before a meeting, the person presiding shall have a deliberative vote, and in the case of an 30 equality of votes he shall also have a casting vote.

(11) Subject to the foregoing provisions of this section, the Corporation may regulate its own procedure as it thinks fit.

(12) In respect of every meeting of the directors the Corporation shall, within 10 days after the meeting, send 35 to the Minister a copy of every minute recorded at the meeting, and of every document tabled at the meeting, unless the Minister from time to time otherwise directs.

(13) In respect of every meeting that was not attended by the Minister the person who presided at the meeting shall, as soon as practicable after the meeting, arrange for the Minister to be advised on the proceedings of the meeting,
5 unless the Minister from time to time otherwise directs.

(14) On receiving any copy of a minute or any report under this section the Minister may require the Corporation, or the person making the report, as the case may require, to supply him with such explanation of, or such further information relating to, the subject-matter of the minute or report
10 as the Minister may specify.

Cf. 1955, No. 89, s. 7

6. Functions of Corporation—(1) The functions of the Corporation shall be—

- 15 (a) To establish and conduct in New Zealand and the Cook Islands hotels, motels, and other accommodation facilities for New Zealand residents and overseas visitors:
- 20 (b) To provide associated or ancillary services, facilities, and amenities at or in connection with any such accommodation:
- (c) To provide other services, facilities, or amenities for New Zealand residents and overseas visitors:
- 25 (d) To control scenic attractions and recreational facilities on land belonging to or administered by the Corporation, and to encourage the full and proper use of them by New Zealand residents and overseas visitors:
- 30 (e) To advise or assist any other person on or in the provision by that person of any such services, facilities, or amenities for New Zealand residents and overseas visitors as aforesaid:
- (f) To promote the sale and use of the Corporation's services and facilities:
- 35 (g) To do such things as it may be required to do from time to time by the Minister in accordance with the provisions of subsection (2) of this section:
- 40 (h) To do all such other things as it may be required to do by this or any other Act, or as may be, in the opinion of the Corporation, necessary or desirable for the purposes of this Act.

(2) For the purposes of making the most efficient and economic use of the Corporation's resources or of otherwise promoting the public interest the Minister may from time to time, on behalf of the Government, direct the Corporation—

- (a) To engage in any business related to the accommodation or catering industries; or 5
- (b) To provide any services, facilities, or amenities,— at such place, for such period, and otherwise in such manner as the Minister may specify. 10

Cf. 1955, No. 89, s. 8

7. Powers of Corporation—(1) The Corporation shall have all the powers and authorities reasonably necessary for the effective performance of its functions.

(2) The Corporation may—

- (a) Conduct, maintain, and improve the hotels and all other real or personal property controlled or administered by it at the commencement of this Act, or transferred to it or established or acquired by it under this Act, and provide in or in connection with such hotels, accommodation, facilities, meals, refreshments, and entertainment for New Zealand residents and overseas visitors: 15
- (b) With the prior approval of the Minister, acquire by purchase, lease, sublease, or otherwise, any land or interest in land, with or without any building: 25
- (c) With the prior approval of the Minister, erect any hotel, motel, or other accommodation facility on any land belonging to or administered by the Corporation: 30
- (d) With the prior approval of the Minister, dispose of by sale, lease, sublease, or otherwise, any land or interest in land: 35
- (e) Acquire by purchase, bailment, or otherwise, any personal property, rights, or privileges that the Corporation considers necessary or desirable for the purposes of this Act: 35
- (f) Dispose of by sale, bailment, or otherwise, or turn to account or otherwise deal with, any personal property, rights, or privileges of the Corporation: 35
- (g) Erect any building, not being an hotel, motel, or other accommodation facility, required for the purposes of this Act: 40

- (h) Alter or reconstruct any building or property belonging to or administered by the Corporation:
- 5 (i) With the prior approval of the Minister of Finance, subscribe for, acquire, hold, and dispose of or otherwise deal with, shares or stock in any company, whether incorporated within or outside New Zealand, carrying on or intending to carry on in New Zealand or the Cook Islands the business of conducting any hotel, motel, or other accommodation facility, or of providing or maintaining any services, attractions, amenities, or facilities for New Zealand residents and overseas visitors, whether in conjunction with any other business or not:
- 10
- 15 (j) With the prior approval of the Minister of Finance and on and subject to such terms and conditions as that Minister may specify, advance money to any person or body of persons, whether incorporated or not, carrying on or intending to carry on in New Zealand or the Cook Islands the business of conducting any hotel, motel, or other accommodation facility, or of providing or maintaining any services, attractions, amenities, or facilities for New Zealand residents and overseas visitors, whether in conjunction with any other business or not, or give in respect of any advances made to any such person or body of persons as aforesaid by any other person any guarantee, indemnity, or security:
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- 25
- 30 (k) Acquire and hold, in accordance with this Act, any hotel premises licence, tourist-house premises licence, hotelkeeper's licence, tourist-house keeper's licence, restaurant licence, ship licence, special dining permit, extended hours permit, or special permit within the meaning of the Sale of Liquor Act 1962, in respect of any premises or vessel of the Corporation, and sell or dispose of liquor pursuant to any such licence or permit held by it:
- 35
- 40 (l) With the prior approval of the Minister, acquire and hold, in accordance with this Act, any tavern premises licence and any tavernkeeper's licence within the meaning of the Sale of Liquor Act 1962, in respect of any premises of the Corporation, and sell or dispose of liquor pursuant to any such licence held by it:

- (m) Establish, maintain, and operate for the purposes of this Act, farms, launches, boats, services for the transport of passengers and goods, mountain huts, guide services, golf courses, motor camps, aerodromes, ski-tows, and other works, buildings, services, equipment, and apparatus designed for use by or to facilitate the recreation of the travelling public, works and lines for the generation, sale, and supply of electricity, and such other services, attractions, amenities, and facilities for New Zealand residents and overseas visitors as the Corporation thinks necessary or desirable for the effective performance of its functions: 5
- (n) Make such charges as the Corporation may from time to time determine for the use of any accommodation, meals, refreshments, services, works, buildings, recreation grounds, equipment, apparatus, attractions, amenities, or facilities provided, maintained, controlled, or operated by the Corporation: 15
- (o) Contract for the execution or provision by any person of any work or service authorised by this or any other Act to be executed or provided by the Corporation, in such manner and on and subject to such terms and conditions as the Corporation thinks fit: 20
- (p) For the purpose of promoting the efficient marketing of the Corporation's facilities, act in combination or association with any person or body of persons (whether incorporated or unincorporated), whether in New Zealand or elsewhere, or with any Government Department, to promote travel to and within New Zealand and the Cook Islands. 25 30
- (3) Subject to the provisions of paragraphs (b) to (d) and paragraphs (i), (j), and (l) of subsection (2) of this section, nothing in that subsection shall limit the generality of the provisions of subsection (1) of this section. 35
- (4) Notwithstanding anything in the Tourist Hotel Corporation Act 1955, the Corporation shall be deemed always to have had the powers conferred on it by this section.

Cf. 1955, No. 89, s. 9

8. Corporation to implement Government policy—(1) In the exercise of its functions and powers under this Act or any other enactment, the Corporation shall give effect to the 40

policy of the Government in relation to those functions and powers as communicated to it from time to time by the Minister in writing.

5 (2) Without limiting the generality of subsection (1) of this section, the Corporation shall carry out any direction and comply with any request of the Government given or made in relation to the Corporation's functions and powers and conveyed to the Corporation by the Minister in writing.

Cf. 1955, No. 89, s. 10

10 **9. Officers and employees**—(1) The Corporation shall appoint a general manager, who shall be the chief executive officer of the Corporation.

(2) The Corporation may from time to time appoint such other officers and employees, including acting or temporary
15 or casual officers and employees, as the Corporation thinks necessary or desirable to assist it in the efficient and economic exercise of the Corporation's functions and powers, on such terms and conditions as the Corporation may determine, and may at any time remove any officer or employee from his
20 office or employment.

(3) Any person in the service of the Crown may be appointed to be an officer or employee of the Corporation, but no such person shall be entitled to hold office concurrently as an officer or employee of the Corporation and as a servant of the
25 Crown except—

(a) In the case of a person subject to the State Services Act 1962, with the consent of the State Services Commission; or

30 (b) In any other case, with the consent of the Minister of the Crown to whose control he is subject.

(4) Subject to any other Act, the Corporation may pay to its officers and employees such salaries, wages, and allowances as it thinks fit.

35 (5) The Corporation may, for the purpose of providing a superannuation fund or retiring allowance for any of its officers or employees, subsidise out of its funds any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy, or any other employer-subsidised scheme approved by the Minister of Finance.

40 Cf. 1955, No. 89, s. 30

10. Delegation of powers—(1) The Corporation may from time to time appoint a committee comprising 2 or more directors of the Corporation, and may from time to time delegate to any such committee any of the functions or powers of the Corporation, other than the power of delegation conferred by this subsection. 5

(2) The Corporation may from time to time delegate to any director or to the General Manager of the Corporation any of its powers, other than the power of delegation conferred by this subsection. 10

(3) Subject to any instructions given in that behalf by the Corporation, the General Manager may from time to time, with the prior approval and in accordance with the policy of the Corporation, delegate to any other officer or employee of the Corporation any of his functions and powers (not being a power delegated to him under subsection (2) of this section) other than the power of delegation conferred by this subsection. 15

(4) Subject to any general or specific directions given or conditions imposed by the Corporation or, as the case may require, by the General Manager, the committee or person to whom any power is delegated under this section may exercise that power in the same manner and with the same effect as if it had been conferred on it or him directly by this Act. 20

(5) Every committee or person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to the contrary. 25

(6) Any delegation under this section may be made to a specified person or to persons of a specified class, or may be made to the holder for the time being of a specified office or appointment, or to the holders of offices or appointments of a specified class. 30

(7) Any delegation made under this section may be revoked at any time.

(8) No delegation of any power under this section shall prevent the exercise of that power by the Corporation or, as the case may require, by the General Manager. 35

(9) Any delegation under this section shall, until revoked, continue in force according to its tenor, notwithstanding that the person by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the person for the time being holding the same office; and in the event of the holder of a specified office to whom any such delegation has been made ceasing to hold office the delegation shall continue to have effect as if made to the person for the time being holding that office. 40 45

Cf. 1955, No. 89, s. 27

11. **Advisory and technical committees**—(1) The Corporation may from time to time appoint such advisory or technical committees, comprising one or more persons, as it thinks necessary or desirable to advise the Corporation on such matters within the scope of its functions as it may from time to time refer to any such committee.

(2) Any person may be appointed to be a member of any such committee notwithstanding that he is not an officer or employee of the Corporation.

10 Cf. 1955, No. 89, s. 28

12. **Fees, travelling allowances, and insurance**—(1) The Corporation is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) The Corporation shall pay to the directors of the Corporation, and may pay to the members of any committee appointed by the Corporation, out of the funds of the Corporation, remuneration by way of fees, travelling allowances, and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the directors or, as the case may require, the committee members, were members of a statutory Board within the meaning of that Act.

(3) The Corporation may from time to time enter into contracts of insurance insuring a director, or a member of any committee appointed by the Corporation, against loss from personal accident arising out of and in the course of the exercise of their powers or duties as directors or committee members, and pay the premiums payable in respect of those contracts.

30 Cf. 1955, No. 89, ss. 18, 19

PART II

FINANCIAL PROVISIONS

13. **Capital of Corporation**—(1) The capital of the Corporation shall be \$4,000,000.

(2) The Corporation may from time to time, by resolution and with the concurrence of the Minister, recommend to the Minister of Finance that the capital of the Corporation be increased, and in any such case the Governor-General, on the advice of the Minister of Finance, may by Order in Council increase the capital of the Corporation to such amount as may be prescribed in that order. The amount of any such increase shall be paid to the Corporation by the Minister of Finance. 5

Cf. 1955, No. 89, s. 7A

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14. Borrowing by and loans to Corporation—(1) The Corporation may from time to time, with the consent of the Minister of Finance and on and subject to such terms and conditions as he thinks fit, borrow money (whether by way of overdraft or otherwise), and issue debentures or mortgage 15 or charge any of its real or personal property.

(2) The Minister of Finance may from time to time, on behalf of Her Majesty the Queen,—

(a) Advance money to the Corporation; and

(b) Give in respect of any advances made to the Corporation by any other person any guarantee, indemnity, or security,— 20

on and subject to such terms and conditions as the Minister of Finance thinks fit.

(3) The Minister of Finance may from time to time, on behalf of Her Majesty the Queen, enter into agreements with the Corporation for the purpose of giving full effect to the provisions of this section. 25

(4) All money required to be paid by the Minister of Finance under section 13 or subsection (2) of this section of this Act shall, without further appropriation than this section, be paid out of the Consolidated Revenue Account or out of the National Development Loans Account. 30

(5) Where any such money is paid out of the National Development Loans Account the authority of the Minister of Finance to borrow money under section 11 of the New Zealand Loans Act 1953 shall be deemed to be extended as if
5 the money so paid had been duly authorised to be transferred from that Account to another fund or account as mentioned in that section.

Cf. 1955, No. 89, ss. 14, 15

15. Reserves and investment—(1) The Corporation may
10 from time to time, with the approval of the Minister of Finance, set aside out of the Corporation's revenue such sums as it thinks proper as reserves for depreciation of assets, obsolescence, insurance, or such other purposes as it considers necessary or expedient.

15 (2) The Corporation may invest any sum so set aside to the credit of any reserve account in accordance with the provisions of subsection (3) of this section or, with the approval of the Minister of Finance, in the business of the Corporation.

20 (3) Any money belonging to the Corporation and from time to time available for investment may be invested—

(a) In New Zealand Government securities:

(b) On deposit in any bank or banks approved for the purpose by the Minister of Finance, or in the Post Office Savings Bank:

25 (c) In any manner, or in any securities, that may from time to time be authorised for the purpose by the Minister of Finance.

Cf. 1955, No. 89, ss. 16, 17

16. Bank accounts—(1) The Corporation may from time to
30 time open at any bank or banks approved for the purpose by the Minister of Finance, or at any branch or agency of any such bank, such accounts (including imprest and subsidiary accounts) as it considers necessary or desirable for the conduct of its business.

35 (2) Every account opened under subsection (1) of this section shall be operated upon by cheque or other instrument (not being a promissory note or bill) signed by such person or persons as may from time to time be authorised in that behalf by the Corporation.

40 Cf. 1955, No. 89, s. 21

17. Unauthorised expenditure—In any financial year the Corporation may expend for purposes not authorised by this or any other Act any sum or sums not amounting in the aggregate to more than \$600.

Cf. 1955, No. 89, s. 20

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18. Dividends on capital—(1) After allowing for transfers to reserves pursuant to section 15 of this Act and making provision in relation to accumulated losses, and for the payment of rates and taxes, the Corporation shall in each financial year declare a dividend on the capital of the Corporation of such amount as may be fixed in that behalf by the Minister of Finance: 10

Provided that the Minister of Finance, having regard to the financial position of the Corporation, may in any financial year determine that no dividend shall be payable by the Corporation in respect of that year. 15

(2) The amount of any dividend declared by the Corporation under this section shall be paid into the Consolidated Revenue Account.

Cf. 1955, No. 89, s. 25

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19. Accounts and annual report—(1) The Corporation shall cause to be kept true and regular accounts properly recording its financial operations, and shall cause the accounts to be kept in such manner as may be required or approved by the Minister of Finance. 25

(2) The Corporation shall as soon as practicable after the 30th day of September in every year, cause the accounts of the Corporation for the financial year ending with that date to be balanced and a balance sheet, a profit and loss account, and a statement of the source and application of funds of the Corporation as at that date to be prepared, together with such other statements of account as may be necessary to show fully the financial position of the Corporation and the financial results of its operations during that financial year. 30

(3) The Corporation's accounts shall be audited by the Audit Office, which for that purpose shall have all such powers as it has under the Public Revenues Act 1953 in respect of public money and stores, and persons dealing therewith. 35

(4) As soon as practicable after the 30th day of September in every year, the Corporation shall furnish to the Minister a report of the Corporation's operations for the financial year ending on that date, together with a copy of
5 the Corporation's accounts and balance sheet for that year and the report thereon of the Audit Office.

(5) A copy of the report, the balance sheet and accounts, and the Audit Office's report in each year shall be laid before Parliament as soon as may be practicable after their receipt
10 by the Minister.

Cf. 1955, No. 89, ss. 22, 23, 24

PART III

MISCELLANEOUS PROVISIONS

20. Transfer of assets by Crown to Corporation—(1) Her
15 Majesty the Queen is hereby empowered to grant, transfer, or assign to the Corporation any land or interest in land (other than land comprised in a public reserve or a National Park), and any personal property, rights, or privileges, vested in or held on behalf of the Crown and used or administered or
20 which could be used or administered for the purposes of or in connection with any hotel or other facility or amenity owned, controlled, operated, or conducted by the Corporation in accordance with the provisions of this Act, subject to any leases, rights, easements, and interests subsisting in respect of
25 the land or property at the date of the grant, transfer, or assignment.

(2) The Governor-General may from time to time by Order in Council declare that any land described in the Order, being land comprised in a public reserve or a National
30 Park, shall be administered by the Corporation for the purposes of this Act:

Provided that no land that is not administered under the Tourist and Health Resorts Control Act 1908 shall be declared to be administered by the Corporation under this subsection
35 except on the recommendation of the Minister of Lands.

(3) Except as may be otherwise provided in the order, where any land is declared under subsection (2) of this section to be administered by the Corporation, the order by which the land is so declared shall be effective to vest in the Corporation the control of all hostels, buildings, services, amenities, scenic attractions, and recreational and other facilities maintained, operated, or controlled by the Tourist and Publicity Department in connection with the land and the ownership of all equipment, stores, and other personal property held or used by that Department in connection with the land. 5 10

(4) Where any real or personal property, or any right or privilege, is granted, transferred, or assigned to the Corporation or becomes vested in or is declared to be administered by the Corporation under any of the foregoing provisions of this section, the following provisions shall apply: 15

- (a) All debts, liabilities, and obligations, whether present or contingent, incurred in the name or on behalf of the Crown in respect of the property, right, or privilege shall become debts, liabilities, and obligations of the Corporation: 20
- (b) All money payable to the Crown in respect of the property, right, or privilege shall become payable to the Corporation:
- (c) The benefit of every contract entered into by or on behalf of the Crown in respect of the property, right, or privilege shall be deemed to be assigned to the Corporation: 25
- (d) Every licence under the Sale of Liquor Act 1962 held by any person on behalf of the Crown in respect of any licensed premises so granted, transferred, assigned, vested, or declared to be administered shall be deemed to be vested, subject to the provisions of this Act, in the Corporation as licensee: 30
- (e) All proceedings pending by or against the Crown in respect of the property, right, or privilege shall be carried on by or against the Corporation: 35
- (f) The Corporation shall execute in favour of the Minister of Finance, acting on behalf of the Crown, a debenture or other suitable security or securities, securing to the Crown a sum equivalent to the value of the property, right, or privilege, including the value of every licence and all other property deemed to be vested in or assigned to the Corporation or becoming 40

payable to it under any of the provisions of paragraphs (b) to (d) of this subsection, less the amount of the debts, liabilities, and obligations becoming debts, liabilities, and obligations of the Corporation under the provisions of paragraph (a) of this subsection:

- 5 (g) The sum to be secured by every such debenture or other security, and the terms and conditions thereof, shall be determined by the Minister of Finance:
- 10 (h) Every such debenture or other security shall take effect from the time at which the property, right, or privilege to which it relates is granted, transferred, or assigned to the Corporation or becomes vested in or is declared to be administered by the Corporation as aforesaid, and it shall be executed by the Corporation when required by the Minister of Finance.
- 15 (5) Where any land comprised in a public reserve or a National Park is declared under subsection (2) of this section
- 20 to be administered by the Corporation under this section, the following provisions shall apply:
 - 25 (a) In the case of land comprised in a public reserve, the land shall continue to be public reserve land, and the Corporation shall be deemed to have been appointed the administering body of the land under the Reserves and Domains Act 1953:
 - 30 (b) In the case of land comprised in a National Park, the land shall continue to be national park land, and the Corporation shall be entitled, while it continues to administer the land, to such representation on the National Park Board controlling and managing that Park as may be provided for from time to time by the National Parks Act 1950:
 - 35 (c) In any case to which this subsection applies, the Corporation shall not exercise any power of leasing in respect of the land or any part thereof without the prior consent of the Minister of Lands:
 - 40 (d) Nothing in section 7 of the Tourist and Health Resorts Control Act 1908 (which relates to the payment into the Public Account of money received) shall apply to the land:

- (e) All money received by the Corporation in respect of the land shall form part of the Corporation's funds, and all money required to be expended in managing, administering, and improving the land shall be expended by the Corporation out of its funds: 5
- (f) Subject to the provisions of this subsection, the Corporation shall have in respect of the land the functions, powers, and duties of the Minister and of the General Manager of the Tourist and Publicity Department under the Tourist and Health Resorts Control Act 1908, and the provisions of that Act, so far as they are applicable and with the necessary modifications, shall apply accordingly. 10
- (6) In this section, unless the context otherwise requires,—
 "National Park" means a National Park constituted under the National Parks Act 1952, and "national park land" has a corresponding meaning: 15
 "Public reserve" has the meaning assigned to it by section 2 of the Reserves and Domains Act 1953, and "public reserve land" has a corresponding meaning. 20
 Cf. 1955, No. 89, ss. 11, 12, 13

21. Contracts of Corporation—(1) Any contract which if made between private persons must be by deed shall, if made by the Corporation, be in writing under the seal of the Corporation. 25

(2) Any contract which if made between private persons must be in writing signed by each party to be charged therewith shall, if made by the Corporation, be in writing—

(a) Under the seal of the Corporation; or

(b) Signed in the name and by the direction of the Corporation by the General Manager, or by any other person duly authorised in that behalf by the Corporation. 30

(3) Any contract which if made between private persons may be made orally, may be made in the name and by the direction of the Corporation in that manner by the General Manager, or by any other person duly authorised in that behalf by the Corporation: 35

Provided that no contract shall be made orally by any person on behalf of the Corporation involving the payment by the Corporation of a sum exceeding \$500. 40

(4) Notwithstanding anything in the foregoing provisions of this section, no contract made by or on behalf of the Corporation shall be invalid by reason only that it was not made in the manner prescribed by this section, if it was made pursuant to a decision of the Corporation or to give effect to a decision of the Corporation.

Cf. 1955, No. 89, s. 26

22. Government Departments may provide services for Corporation—The Crown, acting through any Government Department, may from time to time, at the request of the Corporation, enter into contracts or arrangements for the execution or provision by the Department for the Corporation of any work or service, or for the supply to the Corporation of any goods, stores, or equipment, on and subject to such terms and conditions as may be agreed upon.

Cf. 1955, No. 89, s. 29

23. Repeals and savings—(1) The enactments specified in the Schedule to this Act are hereby repealed.

(2) Notwithstanding anything in section 4 of the Tourist Hotel Corporation Act 1955, the term of office of every director of the Corporation appointed under section 3 of that Act, if it has not expired before the commencement of this Act, shall be deemed to have expired upon the commencement of this Act.

(3) The repeal of the Tourist Hotel Corporation Act 1955 by this section shall not affect—

- (a) Any Order in Council made under subsection (2) of section 11 of that Act declaring the control of any hotel to be vested in the Corporation:
- (b) The grant, transfer, or assignment of any property to the Corporation under subsection (4) of that section:
- (c) Any Order in Council made under subsection (6) of that section declaring that the land described in the order shall be administered by the Corporation.

(4) The repeal of the Tourist Hotel Corporation Amendment Act 1971 by this section shall not affect—

- (a) The capital of the Corporation as provided for in subsections (1) and (2) of section 2 of that Act:
- (b) The extinction of the debt extinguished by subsection (3) of that section:

- (c) The value for the purposes of the accounts of the Corporation attributed by subsection (1) of section 6 of that Act to the assets shown in the Schedule to that Act:
- (d) Any apportionment of that value between the two types of assets listed in that Schedule or any value attributed to any asset of either type in the accounts of the Corporation for the year ended 30 September 1971 agreed upon or determined in accordance with the provisions of subsection (2) of that section:
- (e) Any amount written off by the Corporation in accordance with the provisions of subsection (3) or subsection (4) of that section.

Section 23

SCHEDULE

ENACTMENTS REPEALED

- 1955, No. 89—The Tourist Hotel Corporation Act 1955 (1957 Reprint, Vol. 15, p. 663).
- 1961, No. 104—The Tourist Hotel Corporation Amendment Act 1961.
- 1962, No. 139—The Sale of Liquor Act 1962: Section 320, so much of the Fifth Schedule to the Act as relates to the Tourist Hotel Corporation Act 1955, and so much of the Sixth Schedule to the Act as relates to the Tourist Hotel Corporation Act 1955.
- 1968, No. 20—The Tourist Hotel Corporation Amendment Act 1968.
- 1971, No. 35—The Tourist Hotel Corporation Amendment Act 1971.
- 1973, No. 104—The Tourist Hotel Corporation Amendment Act 1973.