

CHAPTER 104

TOURIST COMMISSION AND VISITORS BUREAU

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CHAPTER 104

FIJI TOURIST COMMISSION AND VISITORS BUREAU

Ordinance No. 49 of 1969, Legal Notices Nos. 112 and 118 of 1970, Act No. 11 of 1983

AN ACT TO ESTABLISH A FIJI TOURIST COMMISSION AND A FIJI
VISITORS BUREAU AND FOR MATTERS INCIDENTAL THERETO
[20 January 1970]

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Fiji Tourist Commission and Visitors Bureau Act.

Interpretation

2. In this Act, unless the context otherwise requires—
- “Bureau” means the Fiji Visitors Bureau incorporated under the provisions of section 7;
 - “Commission” means the Fiji Tourist Commission established under the provisions of section 3;
 - “Board” means the Board of Directors of the Bureau established under the provisions of section 16;
 - “General Manager” means the General Manager of the Bureau;
 - “Minister” means the Minister responsible for tourism.
- (Amended by Legal Notice 112 of 1970.)*

PART II—FIJI TOURIST COMMISSION

Establishment of the Commission

3. There is hereby established a Fiji Tourist Commission consisting of the Minister responsible for tourism and two other Ministers appointed by the Prime Minister for the purposes of this Act. The Commission shall act through the Minister responsible for tourism.

(Amended by Legal Notices 112 and 118 of 1970.)

Purpose of the Commission

4. The purpose of the Commission shall be to encourage and develop the Fiji tourist industry and tourist traffic to, within, and beyond Fiji, taking into consideration at all times the true cultures and customs of the peoples of Fiji.

Powers of the Commission

5. The Commission shall have power to do all things that are conducive to, or necessary or convenient to be done for, the carrying out of the purpose for which the Commission is established.

Directions to Board

6.—(1) The Commission may give directions to the Board with respect to matters of policy, including directions with respect to the general nature and extent

of the operations of the Bureau, and the Board shall comply with any such direction.

(2) The Board shall, as required by the Commission, formulate, and submit to the Minister proposals with respect to the general nature and extent of its future operations.

(3) The Board shall submit the annual estimates of the Bureau to the Minister for his approval.

PART III—FIJI VISITORS BUREAU

Establishment and incorporation of the Bureau

7. There is hereby established a Bureau to be known as the Fiji Visitors Bureau which shall be a body corporate under that name with perpetual succession and a common seal and which may in such name, sue and be sued, and, subject to the provisions of section 6, shall have power to enter into contracts and to acquire, purchase, take, hold and enjoy real and personal property of every description, and to convey, assign, surrender and yield up, charge, mortgage, transfer or otherwise dispose of, or deal with or in, real or personal property vested in the Bureau upon such terms as the Bureau deems fit.

Seal of Bureau and service of documents

8.—(1) The affixing of the common seal of the Bureau shall be authenticated by the signatures of—

- (a) the Chairman of the Board, or some other member thereof authorised for that purpose by the Board either generally or specially; and
- (b) one other person authorised for that purpose by the Board either generally or specially.

(2) Any instrument purporting to be an instrument duly executed under the seal of the Bureau shall be received in evidence and shall, unless the contrary is proved, be deemed to be an instrument so executed.

(3) Service of any document upon the Bureau shall be deemed to be effected by delivering the same or by sending it by registered post to the General Manager.

Certain contracts and instruments not required to be under seal

9. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the Bureau by any person generally or specially authorised by the Board for that purpose.

Objects of the Bureau

10. The objects of the Bureau shall be to encourage—

- (a) visits to Fiji by people from other countries and travel and holidays within Fiji by people from within or outside Fiji;
- (b) the development of Fiji as a holiday resort and the improvement of facilities for visitors, having regard to the interests of local residents;
- (c) the co-ordination of activities of persons providing services for visitors to Fiji;
- (d) the appreciation by the community of the benefits which will accrue to Fiji through the development of the tourist industry;
- (e) the making of contributions by way of cash and assistance in kind by firms, organisations and individuals to the funds or for the purposes or activities of the Bureau.

Powers of the Bureau

11.—(1) The Bureau shall have power to do all things that are conducive to or necessary or convenient to be done for the carrying out of the objects for which the Bureau is established.

(2) Without limiting the provisions of subsection (1), the Bureau shall have the following powers:—

- (a) to engage in, or arrange for, publicity for Fiji by any appropriate means of communication, with particular reference to its tourist attractions and facilities;
- (b) to induce and assist travel agents, transport operators and other appropriate bodies, or persons engaged in any publicity medium, to encourage people in other countries to visit Fiji;
- (c) to produce, or cause to be produced, and to sell or to distribute free of charge, magazines, pamphlets and other publications and advertising matter;
- (d) to organise demonstrations of local culture and entertainments in Fiji or elsewhere;
- (e) to collect information in relation to any relevant matter and to publish, disseminate or supply, with or without charge, any such information or the results of, or conclusions drawn from, the Bureau's consideration of any such information;
- (f) to undertake, in any country outside Fiji, the provision, with or without charge, of assistance to travel agents, transport operators and other appropriate bodies or persons in arranging travel, accommodation or other services or facilities for people visiting Fiji, where the Board is satisfied that no person whose principal place of business is in Fiji, undertakes, in that country outside Fiji, the provision of assistance of the same kind;
- (g) to seek and accept contributions, by way of cash and assistance in kind particularly with the object of establishing the maximum participation by the commercial community in the promotion of Fiji as a holiday resort;
- (h) with the approval of the Minister, to do such other things as the Board may from time to time determine to be necessary for the promotion of Fiji as a holiday resort;
- (i) to do anything incidental to the exercise of the foregoing powers.

(3) The powers of the Bureau under this section shall extend to the doing of acts and things—

- (a) jointly with, or in co-operation with, any other person or organisation;
and
- (b) in countries outside Fiji.

Officers of the Bureau

12.—(1) The Bureau may appoint a General Manager and such other officers and servants as it may consider necessary for the proper and efficient carrying out of the functions of the Bureau.

(2) The General Manager shall be paid such salary as is determined from time to time by the Higher Salaries Commission.

(3) Subject to the provisions of the Higher Salaries Commission Act, the other

officers and servants of the Bureau shall be paid such salaries as the Bureau from time to time determines.

(Substituted by Act 11 of 1983, s. 27 and Sched. 2.)

Power of Bureau to establish superannuation scheme for officers

13. The Bureau may expend moneys out of its funds for the purpose of continuing any approved superannuation scheme in operation at the commencement of this Act, or, with the approval of the Minister, of entering into any new scheme thereafter.

Remuneration of members

14. A member of the Board may be paid and receive from the funds of the Bureau such travelling and subsistence allowances as the Board may determine. The unofficial members of the Board may also be paid such salaries and fees as the Minister may from time to time determine.

Liability of members and officers of the Bureau

15. No member of the Board or officer of the Bureau shall be personally liable for any act or default done or omitted to be done by him in good faith under the provisions of this Act and any sums of money, damages, or costs which may be recovered against him in respect of any such act or default shall be paid out of the funds of the Bureau.

PART IV—BOARD OF DIRECTORS

Composition of Board

16.—(1) There shall be a Board of Directors of the Bureau having not more than twelve members appointed by the Minister being:—

- (a) a public officer appointed by the Minister;
- (b) a public officer nominated by each of the two other Minister members of the Commission;
- (c) the Director of Information;
- (d) a representative of the airlines serving Fiji;
- (e) a representative of the travel agents operating in Fiji;
- (f) a representative of the Fiji hotel industry;
- (g) a representative of the firms directly engaged as agents or principals of shipping companies operating scheduled passenger services or cruises to Fiji;
- (h) a representative of operators of public service vehicles, including coaches, taxis, hire and rental cars;
- (i) a representative of duty free retail traders;
- (j) two other persons appointed by the Minister.

(2) The members of the Board appointed by the Minister under the provisions of paragraphs (d) to (j), inclusive, of subsection (1) shall, unless they earlier die or resign or unless their appointments are revoked, hold office for a period of two years but shall be eligible for re-appointment.

Chairman of the Board

- 17.—(1) The chairman of the Board shall be appointed by the Minister.
(2) In the absence of the chairman from any meeting the members present shall appoint one of their number to preside at that meeting.

Functions and powers of the Board

- 18.—(1) For and on behalf of the Bureau the Board shall have power to do all things and to act in all lawful matters as are incidental and conducive to the attainment of the objects of the Bureau.
(2) The Board may appoint special committees for such purposes as it deems necessary either from its own members or from outside the Bureau.
(3) The Board shall approve and control all expenditure, but it may delegate the control of certain levels of expenditure to the General Manager or a special committee in accordance with rules which may be made by the Board subject to the approval of the Minister.

Quorum and procedure of the Board

- 19.—(1) One half of the actual number of the members of the Board shall form a quorum.
(2) At any meeting of the Board the chairman or, in his absence, the member presiding shall have an original vote and in the case of an equality of votes shall also have a casting vote.
(3) The Board may make rules governing its own procedure.
(4) Subject to the provisions of subsection (3) of section 18, the Board may at any time either generally or specially delegate its authority to any member or special committee of the Board or to the General Manager.

PART V—FINANCIAL AND GENERAL

Accounts and audit

- 20.—(1) The Bureau shall keep proper accounts and other records in respect of its operations and shall cause to be prepared a statement of account in respect of each financial year.
(2) The accounts of the Bureau shall be audited annually by an auditor appointed by the Board with the approval of the Minister.
(3) After the end of each financial year as soon as the accounts of the Bureau have been audited the Bureau shall cause a copy of the statement of account to be transmitted to the Minister together with a copy of any report made by the auditor on that statement or on the accounts of the Bureau.

Annual report

- 21.—(1) The Bureau shall as soon as is practicable after the end of each financial year cause to be made and transmitted to the Minister a report dealing generally with the activities of the Bureau during the preceding financial year and containing such information relating to the proceedings and policy of the Bureau as the Commission may from time to time direct.
(2) The Commission shall cause the annual report to be printed and laid before Parliament as soon as may be after the close of the financial year to which the report relates. (*Amended by Legal Notice 112 of 1970.*)

Temporary loans for administrative purposes

22. The Bureau may borrow by way of temporary loan or overdraft any sum or sums which may be temporarily required for the purpose of defraying the administrative expenses thereof.

Power to raise loans

23. The Bureau may from time to time with the consent of, and upon such terms and conditions as may be approved by the Minister responsible for tourism raise loans for the purpose of exercising its powers and carrying out its duties and obligations under the provisions of this Act.

(Amended by Legal Notice 112 of 1970.)

Security

24. The repayment of any moneys borrowed or loans raised under the provisions of sections 22 or 23 and the payment of interest thereon may be secured by mortgage, debenture or other charge upon the assets of the Bureau.

Exemption from tax

25. The income of the Bureau shall be exempt from income tax.

Controlled by the Ministry of Economic Development, Planning and Tourism