NORTHERN TERRITORY OF AUSTRALIA

NORTHERN TERRITORY TOURIST COMMISSION ACT

As in force at 27 October 2004

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Act as in force at 27 October 2004. Any amendments that commence after that date are not included.

NORTHERN TERRITORY TOURIST COMMISSION ACT

An Act to establish a Tourist Commission to assist in the development of tourism in the Territory, and for related purposes

Part I Preliminary

1 Short title

This Act may be cited as the *Northern Territory Tourist Commission Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Repeal and savings

(1) The Acts specified in the Schedule are repealed.

(2) Where, immediately before the commencement of this Act, the Board had a title to or an interest in an asset, or had a right, privilege, obligation or liability, contingent or otherwise, that title, interest, right, privilege, obligation or liability is transferred to the Commission.

(3) Where, immediately before the commencement of this Act an activity was being carried on by or in the name of the Board, the Commission may continue to carry on that activity.

(4) Any money that if this Act had not come into operation would be or become payable to the Board is, or will become, as the case may be, payable to the Commission.

(5) Where a transfer is effected by subsection (2), the Commission continued an action by virtue of subsection (3), or money is or becomes payable by virtue of subsection (4), this Act is sufficient authority in relation to that money or to the matter transferred or continued:

(a) for any person having control of a register to register the transfer;

(b) for the Commission, in its own name, to take or continue any action, or to do any other thing that, if this Act had not come into operation, the Board could have taken, continued or done; and

(c) for a person or body to take or continue any action, or to do any other thing, in relation to the Commission, that, if this Act had not come into operation, that person or body could have taken, continued or done in relation to the Board.

(6) In this section ***the Board*** means the Northern Territory Tourist Board established under the *Tourist Board Act*.

4 Interpretation

In this Act, unless the contrary intention appears:

appointed member means a member of the Commission appointed under section 6(1)(b).

Chairperson means the Chairperson of the Commission and includes an acting Chairperson.

chief executive officer means the person appointed as chief executive officer under section 21.

Commission means the Northern Territory Tourist Commission established by this Act.

Part II Northern Territory Tourist Commission

5 Establishment of the Commission

(1) There is hereby established the Northern Territory Tourist Commission.

(2) The Commission:

(a) is a body corporate with perpetual succession;

(b) shall have a common seal; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of real and personal property and of suing and being sued.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Commission or signature of the Chairperson affixed to a document and shall assume that it was duly affixed.

6 Composition of Commission

(1) The Commission consists of:

(a) the chief executive officer; and

(b) not less than 6 persons appointed by the Minister.

(2) The Minister must appoint an appointed member to be the Chairperson of the Commission.

(3) The exercise of a power or the performance of a function by the Commission is not affected by reason only of the office of a member being vacant.

7 Term of office

Subject to this Act, an appointed member holds office for such period not exceeding 2 years as is specified in the instrument of appointment.

8 Chairperson

(2) Subject to subsection (3) the Chairperson shall preside at all meetings of the Commission.

(3) Where the Chairperson is or is expected to be:

(a) absent from duty;

(b) absent from the Territory; or

(c) unable to perform his or her or her duties,

the Minister may appoint any person to act as the Chairperson during the absence or inability, as the case may be.

11 Resignation

An appointed member of the Commission may resign his or her office by writing signed by him or her and delivered to the Minister.

12 Dismissal

(1) The Minister may terminate the appointment of an appointed member for inability, inefficiency, misbehaviour or physical or mental incapacity.

(2) If an appointed member of the Commission:

(a) is absent, except on leave granted by the Commission, from 3 consecutive meetings of the Commission; or

(b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit,

the Minister shall terminate his or her appointment.

13 Acting appointments

(1) Where an appointed member is or is expected to be absent from duty or from the Territory, the Minister may appoint a person to act as a member during the absence.

(2) The validity of a decision of the Commission shall not be questioned in any proceedings on a ground arising from the fact that the occasion for the appointment of a person purporting to be appointed under subsection (1) had not arisen or that an appointment under that subsection had ceased to have effect.

14 Disclosure of interest

(1) A member of the Commission who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons and of which he or she is not a director shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest at a meeting of the Commission.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting, and the member:

(a) shall not, while he or she has that interest, take part after the disclosure in any deliberation or decision of the Commission in relation to that matter; and

(b) shall be disregarded for the purposes of constituting a quorum of the Commission in relation to that matter.

15 Meetings of Commission

(1) The Chairperson shall call such meetings of the Commission as are necessary for the exercise of its powers and the performance of its functions but so that not less than 4 meetings are held each year.

(2) At a meeting of the Commission:

(a) 4 members constitute a quorum;

(b) questions arising shall be determined by a majority of the votes of the members present and voting and in the event of an equality of votes the Chairperson shall have, in addition to his or her deliberative vote, a casting vote; and

(c) subject to this Act, the Commission shall determine the procedures to be followed at or in connection with the meeting.

(3) The Commission shall keep records of its meetings.

16 Information not to be disclosed

A member of the Commission or an employee of the Commission shall not disclose any information obtained in the course of his or her duties as such a member or employee unless that disclosure is made in the course of his or her duty as such a member or employee.

Penalty: $4,000 or imprisonment for 2 years or both.

17 Functions of the Commission

The functions of the Commission are to:

(a) encourage and foster inside and outside the Territory, the development of tourism in the Territory;

(b) assist in the achievement of efficient tourism service delivery in the Territory and to encourage tourism investment in the Territory;

(c) advise the Minister on all matters relating to tourism; and

(d) manage and control its own affairs and property for the purposes of carrying out its functions.

18 Powers of the Commission

(1) The Commission has power to do all things that are necessary or convenient to be done for or in connection with, or incidental to the performance of, its functions and the exercise of its powers.

(2) Without limiting the generality of subsection (1), the Commission may, for the purpose of carrying out its functions or exercising its powers, including the powers conferred on it elsewhere in this Act:

(a) acquire, hold and dispose of real or personal property;

(b) improve any real or personal property owned by or under the control of the Commission; and

(c) enter into contracts.

19 Ministerial control

The Commission, in the performance of its functions and the exercise of its powers, is subject to the directions of the Minister.

20 Delegation

(1) The Commission may, from time to time by resolution, delegate such of its powers and functions, other than this power of delegation, as are specified in the resolution, to a member of the Commission or a person employed by the Commission.

(2) A delegation referred to in subsection (1) may be made generally or for any particular case or class of cases.

(3) A power or function delegated under this section may be performed by the person to whom the delegation is made in accordance with the terms of the delegation.

(4) A delegation under this section is revocable at will and does not prevent the performance of the power or function so delegated by the Commission.

21 Staff

(1) Subject to this section, the chief executive officer on behalf of the Commission, may employ, on such terms and conditions as it thinks fit, a manager and such other persons it thinks necessary for the purposes of the Commission.

(2) The Minister may, in writing, appoint a person to be the chief executive officer of the Commission.

(3) The chief executive officer shall hold office under an Executive Contract of Employment, within the meaning of the *Public Sector Employment and Management Act*, as if the chief executive officer was a Chief Executive Officer, and the Commission was an Agency, within the meaning of that Act.

(4) A person employed by the Commission under subsection (1) may be employed under an Executive Contract of Employment, within the meaning of the *Public Sector Employment and Management Act*, as if the Commission was an Agency, and the chief executive officer was the Chief Executive Officer, within the meaning of that Act, of that Agency.

(5) The chief executive officer shall administer the day to day operations of the Commission.

(6) The Commission may, by agreement with the Commissioner, within the meaning of the *Public Sector Employment and Management Act*, employ an employee, as defined in that Act, in the business of the Commission.

(7) In relation to an employee employed or deemed to be employed in the business of the Commission under subsection (6), the Commission shall be deemed to be an Agency, within the meaning of the *Public Sector Employment and Management Act*, and the chief executive officer shall be deemed to be the Chief Executive Officer, within the meaning of that Act, of that Agency.

22 Consultants

The chief executive officer on behalf of the Commission, may engage consultants and may make arrangements for it to be provided with such advice relating to tourism as it thinks fit.

Part IV Miscellaneous

27 Annual report

(1) The Commission shall, within the period of 6 months immediately following the end of the financial year or such other period as the Minister determines, prepare a report on its operations during the financial year and forward it to the Minister.

(2) The Minister shall table the report under subsection (1), together with the financial statement and report of the Auditor-General on the financial statement required under section 10 or 11 of the *Financial Management Act*, in the Legislative Assembly within 6 sitting days of the Assembly after the delivery of the later of the reports to the Minister.

27A Protection of members

No action or proceeding, civil or criminal, shall lie against the Chairperson or a member of the Commission for or in respect of an act done or omitted to be done in good faith by that person in the person's capacity as Chairperson or member.

28 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Schedule Acts repealed

section 3

No. and year	Short Title
No. 16 of 1962	*Tourist Board Ordinance 1962*
No. 41 of 1963	*Tourist Board Ordinance (No. 2) 1962*
No. 52 of 1964	*Tourist Board Ordinance 1964*
No. 8 of 1966	*Tourist Board Ordinance 1966*
No. 40 of 1966	*Tourist Board Ordinance (No. 2) 1966*
No. 15 of 1967	*Tourist Board Ordinance 1967*
No. 40 of 1967	*Tourist Board Ordinance (No. 2) 1967*
No. 28 of 1970	*Tourist Board Ordinance 1970*
No. 71 of 1970	*Tourist Board Ordinance 1973*
No. 53 of 1978	*Tourist Board Ordinance 1978*
No. 86 of 1978	*Tourist Board Act (No. 2) 1978*

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = *Gazette*
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Northern Territory Tourist Commission Act 1979 (Act No. 124, 1979)

Assent date	15 October 1979
Commenced	1 January 1980 (*Gaz* G51, 20 December 1979, p 9)

Remuneration (Statutory Bodies) Act 1979 (Act No. 9, 1980)

Assent date	14 January 1980
Commenced	8 February 1980 (*Gaz* G6, 8 February 1980, p 6)

Northern Territory Tourist Commission Amendment Act 1981 (Act No. 36, 1982)

Assent date	28 June 1982
Commenced	28 June 1982

Northern Territory Tourist Commission Amendment Act 1986 (Act No. 31, 1986)

Assent date	19 September 1986
Commenced	19 September 1986

Northern Territory Tourist Commission Amendment Act 1992 (Act No. 57, 1992)

Assent date	25 September 1992
Commenced	8 October 1992 (*Gaz* S51, 8 October 1992, p 3)

Northern Territory Tourist Commission Amendment Act 1994 (Act No. 5, 1994)

Assent date	16 March 1994
Commenced	16 March 1994

Northern Territory Tourist Commission Amendment Act (No. 2) 1994 (Act No. 64, 1994)

Assent date	2 November 1994
Commenced	2 November 1994

Financial Management (Consequential Amendments) Act 1995 (Act No. 5, 1995)

Assent date	21 March 1995
Commenced	1 April 1995 (s 2, s 2 *Financial Management Act 1992* (Act No. 4, 1995) and *Gaz* S13, 31 March 1995)

Parks and Wildlife Commission (Consequential Amendments) Act 1995 (Act No. 46, 1995)

Assent date	15 November 1995
Commenced	29 November 1995 (s 2, s 2 *Conservation Commission Amendment Act 1995* (Act No. 43, 1995) and *Gaz* S42, 29 November 1995)

Statute Law Revision Act 1996 (Act No. 42, 1996)

Assent date	17 September 1996
Commenced	17 September 1996

Northern Territory Tourist Commission Amendment Act 1998 (Act No. 75, 1998)

Assent date	13 October 1998
Commenced	25 November 1998 (*Gaz* G46, 25 November 1998, p 2)

Northern Territory Tourist Commission Amendment Act 2000 (Act No. 57, 2000)

Assent date	14 November 2000
Commenced	14 November 2000

Statute Law Revision Act (No. 2) 2004 (Act No. 54, 2004)

Assent date	15 September 2004
Commenced	27 October 2004 (*Gaz* G43, 27 October 2004, p 3)

3 LIST OF AMENDMENTS

s 4	amd No. 31, 1986, s 3; No. 57, 1992, s 4; No. 5, 1994, s 3; No. 75, 1998, s 4; No. 54, 2004, s 7
s 5	amd No. 75, 1998, s 11
s 6	amd No. 31, 1986, s 4 sub No. 57, 1992, s 5 amd No. 64, 1994, s 2; No. 46, 1995, s 3; No. 42, 1996, s 6 sub No. 75, 1998, s 5 amd No. 57, 2000, s 2
s 7	amd No. 31, 1986, s 5 sub No. 57, 1992, s 6
s 8	amd No. 36, 1982, s 2; No. 31, 1986, s 6; No. 57, 1992, s 7; No. 75, 1998, s 11
s 9	rep No. 57, 1992, s 8
s 10	rep No. 9, 1980, s 6
s 11	amd No. 31, 1986, s 7; No. 57, 1992, s 9; No. 75, 1998, s 11
s 12	amd No. 31, 1986, s 8; No. 57, 1992, s 10; No. 75, 1998, s 6
s 13	amd No. 31, 1986, s 9; No. 57, 1992, s 11
s 14	amd No. 75, 1998, s 11
s 15	amd No. 31, 1986, s 10; No. 57, 1992, s 12; No. 5, 1994, s 4; No. 64, 1994, s 3; No. 75, 1998, s 7
s 16	amd No. 75, 1998, s 11
s 17	amd No. 5, 1994, s 5
s 20	amd No. 75, 1998, s 8
s 20A	ins No. 31, 1986, s 11 rep No. 57, 1992, s 13
s 20B	ins No. 31, 1986, s 11 rep No. 57, 1992, s 14
s 21	amd No. 31, 1986, s 12; No. 57, 1992, s 15 sub No. 5, 1994, s 6 amd No. 75, 1998, s 9
s 22	amd No. 75, 1998, s 10
pt III hdg	rep No. 5, 1994, s 7

ss 23 – 26	rep No. 5, 1994, s 7
s 27	sub No. 5, 1995, s 19
s 27A	ins No. 5, 1994, s 8
	amd No. 75, 1998, s 11