

NORTHERN TERRITORY OF AUSTRALIA

TOURISM NT ACT

As in force at 12 April 2006

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 12 April 2006

TOURISM NT ACT

An Act to establish Tourism NT and the Tourism Advisory Board, and for related purposes

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Tourism NT 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- (1) The Acts specified in the Schedule are repealed.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 Definitions

In this Act, unless the contrary intention appears:

appointed member means a person holding or occupying the office of member of the Board referred to in section 6K(b).

Board means the Tourism Advisory Board established by section 6H.

Chairperson means a person holding or occupying the office of Chairperson of the Board.

chief executive officer means a person holding or occupying the office of chief executive officer of Tourism NT referred to in section 6F(2).

member means a person holding or occupying the office of member of the Board referred to in section 6K(a) or (b).

member of the staff of Tourism NT means:

- (a) the chief executive officer; or
- (b) a person who is or is taken to be an employee of Tourism NT under section 6F(1) or (6).

Tourism NT means Tourism NT established by section 5.

Part 2 Tourism NT

Division 1 Establishment and constitution

5 Establishment

- (1) There is hereby established Tourism NT.

- (2) Tourism NT:
- (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 Tourism NT affixed to a document and assume that it was duly affixed.

6 Constitution

Tourism NT consists of the chief executive officer.

6A Validity of actions and decisions

- (1) The establishment of Tourism NT is not affected by a vacancy in the office of chief executive officer.
- (2) The validity of an action or decision of Tourism NT is not affected by:
- (a) a defect in the appointment of the chief executive officer; or
 - (b) a defect in a delegation by Tourism NT.

Division 2 Functions and powers

6B Functions

The functions of Tourism NT 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.

6C Powers

- (1) Tourism NT 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), Tourism NT 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 Tourism NT; and
 - (c) enter into contracts.

6D Ministerial control

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

6E Delegation

Tourism NT may, by instrument under its seal, delegate to a person any of its powers or functions under this Act.

Division 3 Staff and consultants

6F Staff

- (1) Subject to this section, the chief executive officer on behalf of Tourism NT, may employ, on such terms and conditions as it thinks fit, a manager and such other persons it thinks necessary for the purposes of Tourism NT.
- (2) The Minister may, in writing, appoint a person to be the chief executive officer of Tourism NT.
- (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 Tourism NT was an Agency, within the meaning of that Act.
- (4) A person employed by Tourism NT 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 Tourism NT 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 Tourism NT.
- (6) Tourism NT 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 Tourism NT.
- (7) In relation to an employee employed or deemed to be employed in the business of Tourism NT under subsection (6), Tourism NT 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.

6G Consultants

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

Part 3 Tourism advisory board

6H Establishment

The Tourism Advisory Board is established.

6J Function and powers

- (1) The function of the Board is to advise the Minister on strategic issues that impact on tourism in the Territory.
- (2) The Board has the powers that are necessary and convenient for the performance of its function.

6K Constitution

The Board consists of:

- (a) the chief executive officer; and
- (b) at least 6 other members appointed under section 6M.

6L Validity of decisions

The validity of a decision of the Board is not affected by:

- (a) a vacancy in the membership of the Board; or

- (b) a defect in the appointment of the chief executive officer; or
- (c) a defect in the appointment of an appointed member.

6M Appointment of members

The Minister must, in writing, appoint as members of the Board persons who hold suitable qualifications or have suitable knowledge or experience.

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

- (1) The Minister must appoint in writing an appointed member to be the Chairperson of the Board.
- (2) Subject to subsection (3) the Chairperson shall preside at all meetings of the Board .
- (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 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:
 - (a) is absent, except on leave granted by the Board, from 3 consecutive meetings of the Board; 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 Board 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 Board who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board 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 Board.
- (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 Board in relation to that matter; and
 - (b) shall be disregarded for the purposes of constituting a quorum of the Board in relation to that matter.

15 Meetings

- (1) The Chairperson shall call such meetings of the Board 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 Board:
 - (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 Board shall determine the procedures to be followed at or in connection with the meeting.
- (3) The Board shall keep records of its meetings.

Part 4 Miscellaneous matters

27 Annual report

- (1) Tourism NT 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 from liability

- (1) This section applies to a person who:
 - (a) constitutes or formerly constituted Tourism NT; or
 - (b) is or was a member of the Board; or
 - (c) is or was a member of the staff of Tourism NT.
- (2) The person is not civilly or criminally liable for an act done, or omitted to be done, by the person in good faith in the exercise or purported exercise of a power, or the performance or purported performance of a function, under this Act.
- (3) In addition, the person is not civilly or criminally liable for an act done, or omitted to be done, by Tourism NT or the Board in the exercise or purported exercise, or the performance or purported performance of a function, under this Act.
- (4) Subsections (2) and (3) do not affect any liability the Territory would, apart from those subsections, have for the act or omission.

27B Confidentiality

- (1) Subsection (2) applies to a person who:
- (a) constitutes or formerly constituted Tourism NT; or
 - (b) is or was a member of the Board; or
 - (c) is or was a member of the staff of Tourism NT; or
 - (d) is or was a consultant engaged under section 6G.
- (2) The person must not disclose any information obtained in the course of his or her duties in a capacity referred to in subsection (1) unless the disclosure is:
- (a) made in the course of those duties; or
 - (b) authorised or required by this Act or another law in force in the Territory.

Penalty: If the offender is a natural person – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

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	<i>Tourist Board Ordinance 1962</i>
No. 41 of 1963	<i>Tourist Board Ordinance (No. 2) 1962</i>
No. 52 of 1964	<i>Tourist Board Ordinance 1964</i>
No. 8 of 1966	<i>Tourist Board Ordinance 1966</i>
No. 40 of 1966	<i>Tourist Board Ordinance (No. 2) 1966</i>
No. 15 of 1967	<i>Tourist Board Ordinance 1967</i>
No. 40 of 1967	<i>Tourist Board Ordinance (No. 2) 1967</i>
No. 28 of 1970	<i>Tourist Board Ordinance 1970</i>
No. 71 of 1970	<i>Tourist Board Ordinance 1973</i>
No. 53 of 1978	<i>Tourist Board Ordinance 1978</i>
No. 86 of 1978	<i>Tourist Board Act (No. 2) 1978</i>

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rel = relocated
div = Division	rem = remainder
exp = expires/expired	renum = renumbered
f = forms	rep = repealed
Gaz = Gazette	s = section
hdg = heading	sch = Schedule
ins = inserted	sdiv = Subdivision
lt = long title	SL = Subordinate Legislation
nc = not commenced	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 (<i>Gaz</i> G51, 20 December 1979, p 9)

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

Assent date	14 January 1980
Commenced	8 February 1980 (<i>Gaz</i> 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 (<i>Gaz</i> 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 <i>Financial Management Act 1992</i> (Act No. 4, 1995) and <i>Gaz</i> 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)

Northern Territory Tourist Commission Amendment Act 2006 (Act No. 4, 2006)

Assent date 8 March 2006
 Commenced 12 April 2006 (*Gaz G15*, 12 April 2006, p 2)

3 LIST OF AMENDMENTS

It sub No. 4, 2006, s 4
 pt 1 hdg sub No. 4, 2006, s 5
 s 1 amd No. 4, 2006, s 6
 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
 sub No. 4, 2006, s 7
 pt 2 hdg sub No. 4, 2006, s 8
 pt 2
 div 1 hdg ins No. 4, 2006, s 8
 s 5 amd No. 75, 1998, s 11; No. 4, 2006, s 9
 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
 sub No. 4, 2006, s 10
 ins No. 4, 2006, s 10
 s 6A
 pt 2
 div 2 hg ins No. 4, 2006, s 20
 ss 6B – 6E rel and renum No. 4, 2006, s 19
 pt 2
 div 3 hdg ins No. 4, 2006, s 21
 ss 6F – 6G rel and renum No. 4, 2006, s 19
 pt 3 hdg ins No. 4, 2006, s 11
 ss 6H – 6M ins No. 4, 2006, s 11
 s 7 amd No. 31, 1986, s 5
 sub No. 57, 1992, s 6

ENDNOTES

- s 8 amd No. 36, 1982, s 2; No. 31, 1986, s 6; No. 57, 1992, s 7; No. 75, 1998, s 11; No. 4, 2006, s 12
- 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; No. 4, 2006, s 18
- s 12 amd No. 31, 1986, s 8; No. 57, 1992, s 10; No. 75, 1998, s 6; No. 4, 2006, s 18
- s 13 amd No. 31, 1986, s 9; No. 57, 1992, s 11; No. 4, 2006, s 18
- s 14 amd No. 75, 1998, s 11; No. 4, 2006, s 18
- 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; No. 4, 2006, s 18
- pt 4 hdg ins No. 4, 2006, s 13
- s 16 amd No. 75, 1998, s 11
- rep No. 4, 2006, s 14
- s 17 amd No. 5, 1994, s 5; No. 4, 2006, s 18
- rel No. 4, 2006, s 19
- s 18 amd No. 4, 2006, s 18
- rel No. 4, 2006, s 19
- s 19 amd No. 4, 2006, s 18
- rel No. 4, 2006, s 19
- s 20 amd No. 75, 1998, s 8
- sub No. 4, 2006, s 15
- rel No. 4, 2006, s 19
- 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; No. 4, 2006, s 18
- rel No. 4, 2006, s 19
- s 22 amd No. 75, 1998, s 10; No. 4, 2006, s 18
- rel No. 4, 2006, s 19
- pt III hdg rep No. 5, 1994, s 7
- ss 23 – 26 rep No. 5, 1994, s 7
- pt IV hdg rep No. 4, 2006, s 16
- s 27 sub No. 5, 1995, s 19
- amd No. 4, 2006, s 18
- s 27A ins No. 5, 1994, s 8
- amd No. 75, 1998, s 11
- sub No. 4, 2006, s 17
- s 27B ins No. 4, 2006, s 17