

NORTHERN TERRITORY OF AUSTRALIA
AYERS ROCK RESORT (SALE) ACT 1997

No. 29 of 1997

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NORTHERN TERRITORY OF AUSTRALIA

No. 29 of 1997

AN ACT

to amend the *Ayers Rock Resort Corporation Act* and to make provision for certain matters to facilitate the sale of the Ayers Rock Resort and for related purposes

[Assented to 28 November 1997]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

PART 1 — PRELIMINARY

1. SHORT TITLE

This Act may be cited as the *Ayers Rock Resort (Sale) Act 1997*.

2. COMMENCEMENT

(1) Sections 1, 2, 3, 4, 10 and 15 come into operation on the date on which the Administrator's assent is declared.

(2) Sections 5, 6, 7, 8, 9, 11, 12, 13 and 14 come into operation on the date or dates fixed by the Administrator by notice in the *Gazette*.

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PART 2 — AMENDMENTS OF *AYERS ROCK RESORT CORPORATION ACT*

3. PRINCIPAL ACT

The *Ayers Rock Resort Corporation Act* is in this Part referred to as the Principal Act.

4. COMMENCEMENT AND EXPIRATION

Section 2 of the Principal Act is amended by adding at the end the following:

"(2) Section 15(1) expires on the commencement of section 7 of the *Ayers Rock Resort (Sale) Act 1997*.

"(3) The remaining provisions of this Act expire on the date or dates fixed by the Administrator by notice in the *Gazette*.

"(4) If section 5 expires, any right, privilege, obligation or liability of the Corporation vests in the Territory."

5. DEFINITIONS

Section 3 of the Principal Act is amended —

- (a) by omitting the definitions of "Chairman" and "member"; and
- (b) by omitting the definition of "Yulara" and substituting the following:

"'Yulara' means the town of Yulara constituted, and the boundaries of which are established, by proclamation in *Australian Government Gazette* No. G32 of 10 August 1976, or the area of the town as from time to time amended."

6. ESTABLISHMENT OF CORPORATION

Section 4 of the Principal Act is amended by omitting subsection (4).

7. REPEAL AND SUBSTITUTION

Sections 5 to 12, inclusive, of the Principal Act are repealed and the following substituted:

"5. CORPORATION SOLE

"(1) The Corporation is constituted by the Minister.

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"(2) The functions of the Corporation are -

- (a) to facilitate the sale of the business and assets of the Ayers Rock Resort and the Alice Springs Resort; and
- (b) to facilitate the disposal of the assets of the Yulara Town Council."

8. PROTECTION OF MINISTER

Section 13 of the Principal Act is amended by omitting "the Chairman or another member" and "that person in his or her capacity as Chairman or member" and substituting "the Minister" and "the Minister under this Act", respectively.

9. REPEAL

Section 14 of the Principal Act is repealed.

10. FUNCTIONS OF CORPORATION

Section 15 of the Principal Act is amended -

- (a) by omitting "The functions" and substituting "(1) The functions"; and
- (b) by adding at the end the following:

"(2) It is a function of the Corporation that it may dispose of any of its interests, including -

- (a) its interests in real and personal property, shares and partnerships;
- (b) land and improvements acquired from any person, corporation or statutory corporation; and
- (c) the Resort Investment."

11. REPEAL AND SUBSTITUTION

Sections 17, 18 and 19 of the Principal Act are repealed and the following substituted:

"17. CORPORATION TO BE CONSENT AUTHORITY

"(1) The Corporation is the consent authority, within the meaning of the *Planning Act*, in respect of any land or development at Yulara to which that Act applies and the Corporation may exercise the powers and perform the functions of the consent authority in respect of that land or development.

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"(2) The Corporation, in consultation with the Minister responsible for the administration of the *Planning Act*, may, by notice in the *Gazette*, declare a land use objective in relation to Yulara.

"(3) A land use objective declared under subsection (2) is a land use objective for the purposes of the *Planning Act* as if it had been declared under section 8 of that Act.

"(4) Subsections (1) and (2) apply despite anything to the contrary in the *Planning Act*."

12. APPOINTMENT AND POWER OF AUDITOR

Section 26 of the Principal Act is amended -

- (a) by omitting from subsection (1)(a) "appointed" and substituting "or the Auditor-General appointed";
- (b) by omitting subsection (1)(b);
- (c) by omitting from subsection (3) all words after and including "and shall"; and
- (d) by omitting from subsection (4) "and the Minister".

13. CORPORATION TO PAY TERRITORY TAXES, &C.

Section 27 of the Principal Act is amended by omitting all words after "the Corporations Law".

14. ANNUAL REPORT

Section 31 of the Principal Act is amended by omitting subsection (1).

PART 3 - YULARA TOWN COUNCIL

15. YULARA TOWN COUNCIL

- (1) On the commencement of this section -
 - (a) the Yulara Community Government Scheme is revoked;
 - (b) the Yulara Town Council is dissolved;
 - (c) all assets and liabilities of the Yulara Town Council vest in the Corporation; and
 - (d) all references to the Yulara Town Council in any contract, lease, arrangement or other

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document are to be read as references to the Corporation and have effect accordingly.

(2) A person who immediately before the commencement of this section was a member or employee of the Yulara Town Council must permit the Corporation, or a person authorised by the Corporation, to have access to and to take possession of any accounts, records, document or papers relating directly or indirectly to the operations of the Council that are in the person's possession or under the person's control.

Penalty: \$2,000.

(3) The assets that vest in the Corporation under subsection (1) are to be used —

- (a) to satisfy the liabilities of the Yulara Town Council; and
- (b) at the times and in the amounts and manner that the Minister determines, for any purpose that, in the opinion of the Minister, will benefit the community, or a section of the community, at Yulara.

(4) The Minister may appoint not more than 7 persons to a committee to advise the Minister in relation to the exercise of his or her powers under subsection (3)(b).

(5) If the application of this section would, but for this subsection, result in an acquisition of property otherwise than on just terms —

- (a) the person from whom the property is acquired is entitled to receive just compensation for the acquisition; and
- (b) a court of competent jurisdiction may determine the amount of the compensation or make any order that, in its opinion, is necessary to ensure that the acquisition is on just terms.

(6) If an acquisition of property from Yulara Town Council is held by a court to have resulted from the operation of subsection (1)(c) any compensation payable to the Council under subsection (5) is to be set off against and is to be satisfied by the use of the assets in accordance with subsection (3)(b).

(7) This section applies despite anything to the contrary in the *Local Government Act*.