

NORTHERN TERRITORY OF AUSTRALIA
NORTHERN TERRITORY TOURIST COMMISSION AMENDMENT
ACT 2006

Act No. 4 of 2006

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SCHEDULE



NORTHERN TERRITORY OF AUSTRALIA

Act No. 4 of 2006

AN ACT

to amend the *Northern Territory Tourist Commission Act*

[Assented to 8 March 2006]

[Second reading 1 December 2005]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Northern Territory Tourist Commission Amendment Act 2006*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Principal Act amended

This Act (except sections 22 and 23) amends the *Northern Territory Tourist Commission Act*.

4. Repeal and substitution of long title

Long title –

repeal, substitute

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

5. Repeal and substitution of Part I heading

Part I heading –

repeal, substitute

PART 1 – PRELIMINARY MATTERS

6. Amendment of section 1 (Short title)

Section 1 –

omit

Northern Territory Tourism Commission

substitute

Tourism NT

7. Repeal and substitution of section 4

Section 4 –

repeal, substitute

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.

8. Repeal and substitution of Part II heading

Part II heading –

repeal, substitute

PART 2 – TOURISM NT

Division 1 – Establishment and constitution

9. Amendment of section 5 (Establishment)

(1) Section 5(1) –

omit

the Northern Territory Tourist Commission

substitute

Tourism NT

(2) Section 5(2) –

omit

The Commission

substitute

Tourism NT

(3) Section 5(3) –

omit

the Commission or signature of the Chairperson affixed to a document and shall

substitute

Tourism NT affixed to a document and

10. Repeal and substitution of section 6

Section 6 –

repeal, substitute

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.

11. New Part 3 heading and sections 6H to 6M

Before section 7 –

insert

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.

12. Amendment of section 8 (Chairperson)

- (1) Before section 8(2) –

insert

(1) The Minister must appoint in writing an appointed member to be the Chairperson of the Board.

- (2) Section 8(2) –

omit

Commission

substitute

Board

13. New Part 4 heading

After section 15 –

insert

PART 4 – MISCELLANEOUS MATTERS

14. Repeal of section 16

Section 16 –

repeal

15. Repeal and substitution of section 20

Section 20 –

repeal, substitute

20. Delegation

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

16. Repeal of Part IV heading

Part IV heading –

repeal

17. Repeal and substitution of section 27A

Section 27A –

repeal, substitute

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.

18. Further amendments

The Schedule has effect.

19. Relocation and renumbering of sections 17 to 22

Sections 17 to 22 –

relocate and renumber as sections 6B to 6G

20. New Part 2, Division 2 heading

After section 6A –

insert

Division 2 – Functions and powers

21. New Part 2, Division 3 heading

After section 6E –

insert

Division 3 – Staff and consultants

22. Amendment of *Public Sector Employment (Interim Arrangements) Act*

- (1) This section amends the *Public Sector Employment (Interim Arrangements) Act*.

- (2) Schedule 1 –

omit

Northern Territory Tourist Commission

substitute

Tourism NT

- (3) Schedule 2 –

omit

Northern Territory Tourist Commission Act

Section 21

substitute

Tourism NT Act

Section 6F

23. Amendment of *Superannuation Regulations*

- (1) This section amends the *Superannuation Regulations*.

- (2) Regulation 4(c) –

omit, substitute

- (c) Tourism NT established by the *Tourism NT Act*;
-

SCHEDULE

Section 18

FURTHER AMENDMENTS

Provision	Amendment	
	omit	substitute
Section 11	of the Commission	
Section 12(2)	of the Commission (first reference)	
Sections 12(2)(a), 13(2), 14(1) and (2)(a) and (b) and 15(1), (2) and (3)	Commission (all references)	Board
Section 17	the Commission	Tourism NT
Section 18(1)	The Commission	Tourism NT
Section 18(2)	the Commission (all references)	Tourism NT
Section 19	The Commission	Tourism NT
Section 21(1), (2), (3), (4) and (5)	the Commission (all references)	Tourism NT
Section 21(6)	The Commission	Tourism NT
	the Commission	Tourism NT
Sections 21(7) and 22	the Commission (all references)	Tourism NT
Section 27(1)	The Commission	Tourism NT

ALTERATION TO SECTION HEADINGS

On the day on which the *Northern Territory Tourist Commission Act* is amended by this Act, in addition to any alteration to section headings indicated in the text of this Act, the headings to the sections specified in the table are altered as set out in the table.

Provision	Alteration	
	omit	substitute
Section 15	of Commission	
Sections 17 and 18	of the Commission	