

NORTHERN TERRITORY OF AUSTRALIA

NORTHERN TERRITORY TOURIST
COMMISSION AMENDMENT ACT 1994

No. 5 of 1994

TABLE OF PROVISIONS

Section

1. Short title
2. Principal Act
3. Interpretation
4. Meetings of Commission
5. Functions of Commission
6. Repeal and substitution:

"21. STAFF"
7. Repeal
8. New section:

"27A. PROTECTION OF MEMBERS"
9. Transitional



NORTHERN TERRITORY OF AUSTRALIA

No. 5 of 1994

AN ACT

to amend the *Northern Territory Tourist Commission Act*

[Assented to 16 March 1994]

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:

1. SHORT TITLE

This Act may be cited as the *Northern Territory Tourist Commission Amendment Act 1994*.

2. PRINCIPAL ACT

The *Northern Territory Tourist Commission Act* is in this Act referred to as the Principal Act.

3. INTERPRETATION

Section 4 of the Principal Act is amended by omitting the definition of "Council".

4. MEETINGS OF COMMISSION

Section 15(1) of the Principal Act is amended by omitting all words after "but so that" and substituting "not less than 6 meetings are held each year."

5. FUNCTIONS OF COMMISSION

Section 17 of the Principal Act is amended -

- (a) by omitting paragraph (b) and substituting the following:

Northern Territory Tourist Commission Amendment

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

(b) by omitting from paragraph (c) "matters relating to the promotion of tourism" and substituting "all matters relating to tourism".

6. REPEAL AND SUBSTITUTION

Section 21 of the Principal Act is repealed and the following substituted:

"21. STAFF

"(1) Subject to this section, 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, subject to the control of the Commission, 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."

7. REPEAL

Part III of the Principal Act is repealed.

8. NEW SECTION

The Principal Act is amended by inserting after section 27 the following:

"27A. PROTECTION OF MEMBERS

"No action or proceeding, civil or criminal, shall lie against the Chairman 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 Chairman or member.".

9. TRANSITIONAL

(1) The person holding the office of chief executive officer immediately before the commencement of this Act shall, on that commencement, be deemed to have been appointed as the chief executive officer under section 21, as inserted by section 6, on the same terms and conditions as applying to his or her appointment before that commencement.

(2) Where a person was, immediately before the commencement of the *Public Sector Employment and Management Act*, employed under section 21(2) of the Principal Act in the business of the Commission, that person shall, on that commencement, be deemed to be employed under section 21(6), as inserted by section 6, and, for that purpose, section 6 and this section shall be deemed to have commenced on the commencement of the *Public Sector Employment and Management Act*.

(3) Subject to subsection (4), where a person referred to in subsection (2) becomes an employee employed under the *Public Sector Employment and Management Act* by virtue of subsection (2), the person shall -

- (a) be paid a salary and wage not less than the salary or wage payable to him or her immediately before the commencement of that Act and be entitled to receive the same allowances, on the same terms and conditions, as those to which he or she was entitled immediately before that commencement;
- (b) retain all rights that, immediately before that commencement, have accrued or are accruing to him or her by virtue of the person being an employee, as defined in the *Public Service Act*;

Northern Territory Tourist Commission Amendment

- (c) if a contributor immediately before that commencement to any fund established under the *Superannuation Act*, continue to contribute to that fund; and
- (d) be entitled to receive any leave and any remuneration, pension, gratuity or other payment,

as if the person had continued to be employed under the *Public Service Act*.

(4) Where a term or condition of employment of a person referred to in subsection (2) was, immediately before the commencement of the *Public Sector Employment and Management Act* -

- (a) regulated by an award, the term or condition shall continue from that commencement to be so regulated until another award regulating the term or condition and binding on the Commissioner, within the meaning of that Act, is made by a competent tribunal; or
 - (b) prescribed in an instrument of a legislative or administrative character then in force, the term or condition shall continue to apply to the person until a new instrument prescribing the term or condition is made under that Act.
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