

THE NORTHERN TERRITORY OF AUSTRALIA

NORTHERN TERRITORY TOURIST COMMISSION ACT
No. 124 of 1979
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THE NORTHERN TERRITORY OF AUSTRALIA

No. 124 of 1979

AN ACT

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

[Assented to 15 October 1979]

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 I - PRELIMINARY

1. This Act may be cited as the Northern Territory Tourist Commission Act 1979.

Short title

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

Commencement

3.(1) The Acts specified in the Schedule are repealed.

Repeal and savings

(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 sub-section (2), the Commission continued an action by virtue of sub-section (3), or money is or becomes payable by virtue of sub-section (4), this Act is sufficient authority in relation to that money or to the matter transferred or continued -

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- (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.

Interpretation 4. In this Act, unless the contrary intention appears -

"Chairman" means the Chairman of the Commission and includes an acting Chairman;

"Commission" means the Northern Territory Tourist Commission established by this Act;

"Council" means the Tourism Advisory Council established under section 23;

"public servant" means an employee within the meaning of the Public Service Act.

PART II - NORTHERN TERRITORY
TOURIST COMMISSION

Establishment
of the
Commission 5.(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.

Northern Territory Tourist Commission

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

6.(1) The Commission shall consist of 3 members.

Composition
of the
Commission

(2) The Minister may, by instrument in writing, appoint a person to be a member of the Commission.

(3) Subject to this Act, the exercise of the powers and the performance of the functions of the Commission are not affected by reason only of there being a vacancy in the office of a member.

7.(1) Subject to this Act, a member of the Commission who is not a public servant holds office until the expiration of such period, not exceeding 2 years, as is specified in his instrument of appointment, but is eligible for reappointment.

Period of
appointment

(2) Where a period of appointment is not specified in the instrument of appointment of a member of the Commission who is not a public servant, the member holds office, subject to this Act, for 2 years.

8.(1) The Minister shall appoint a person who is, or is to be, a member of the Commission and who is a public servant, to be the Chairman.

Chairman

(2) Subject to sub-section (3) the Chairman shall preside at all meetings of the Commission.

(3) During any absence of the Chairman, the members of the Commission present at a meeting shall elect an acting Chairman, and that person may exercise the powers and perform the duties of the Chairman for that meeting, but if the members present cannot agree upon a Chairman, the Minister may nominate a member who shall be deemed to be elected under this sub-section.

9. An appointment under section 6 or 8 shall be notified in the Gazette and shall take effect on and from -

Notification
of appoint-
ment

(a) the date of publication of the notification; or

(b) if there is a later date specified in the notification - that later date.

10. The members of the Commission who are not public servants shall be paid in respect of their services as members, such fees, allowances and ex-

Fees and
expenses

Northern Territory Tourist Commission

penses and at such rates as are determined by the Administrator from time to time.

Resignation

11. A member of the Commission who is not a public servant may resign his office by writing signed by him and delivered to the Minister.

Dismissal

12.(1) The Minister may terminate the appointment of a member of the Commission who is not a public servant for inability, inefficiency, misbehaviour or physical or mental incapacity.

(2) If a 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 creditors or makes an assignment of his remuneration for their benefit,

the Minister shall terminate his appointment.

Acting appointments

13.(1) Where a member of the Commission who is not a public servant 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 sub-section (1) had not arisen or that an appointment under that sub-section had ceased to have effect.

Disclosure of interest

14.(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 is not a director shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Commission.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting, and the member -

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- (a) shall not, while he 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.(1) The Chairman 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 a minimum of 6 meetings are convened each year.

Meetings
of the
Commission

(2) At a meeting of the Commission -

- (a) 2 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 Chairman shall have, in addition to his 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. A member of the Commission or an employee of the Commission shall not disclose any information obtained in the course of his duties as such a member or employee unless that disclosure is made in the course of his duty as such a member or employee.

Information
not to be
disclosed

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

17. The functions of the Commission are to -

- (a) encourage and foster inside and outside the Territory, the development of tourism in the Territory;
- (b) establish and operate tourist bureaus;
- (c) advise the Minister on matters relating to the promotion of tourism; and
- (d) manage and control its own affairs and property for the purposes of carrying out its functions.

Functions
of the
Commission

Northern Territory Tourist Commission

Powers
of the
Commission

18.(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 sub-section (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.

Ministerial
control

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

Delegation

20.(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.

(2) A delegation referred to in sub-section (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.

Staff

21.(1) Subject to sub-section (2), the Commission may employ, on terms and conditions it thinks fit, a manager of the Commission and other persons it thinks necessary for the purposes of the Commission.

(2) The Commission may, by agreement with the Public Service Commissioner, employ a public servant in the business of the Commission.

(3) In relation to the Chairman and a person employed in the business of the Commission in pursuance of sub-section (2), the Commission shall be

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deemed to be a prescribed authority within the meaning of the Public Service Act.

22. The Commission may engage consultants and may make arrangements to be provided with such advice relating to tourism as it thinks fit.

Consultants

PART III - TOURISM ADVISORY COUNCIL

23.(1) There shall be a Council to be known as the Tourism Advisory Council.

Establishment
of Tourism
Advisory
Council

(2) The Council shall consist of not less than 6 and not more than 15 members.

(3) Subject to this section, the Minister may, by instrument in writing, appoint a person to be a member of the Council.

(4) The exercise of the powers and the performance of the functions of the Council shall not be affected by reason only of there being a vacancy in the membership of the Council.

24. The Council shall conduct its affairs in accordance with terms of reference determined by the Minister.

Conducting
of affairs

25. The functions of the Council are to -

Functions
of the
Council

(a) advise the Minister and the Commission on matters relating to tourism in the Territory and on proposals to assist and develop the growth of tourism; and

(b) examine and report to the Minister or the Commission on any matters relating to tourism referred to the Council by him or it, as the case may be.

26. Subject to this Act, the Council 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.

Powers of
the Council

PART IV - MISCELLANEOUS

27. For the purposes of the Financial Administration and Audit Act, the Commission is a prescribed statutory corporation.

Financial
control of
Commission

28. The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed or

Regulations

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necessary or convenient to be prescribed for carrying out or giving effect to this Act.

SCHEDULE

Section 3

ACTS REPEALED

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

