

Serial 30  
Northern Territory Tourist Commission Amendment Bill 2005  
Ms Martin

**A BILL  
for  
AN ACT**

to amend the *Northern Territory Tourist Commission Act*

NORTHERN TERRITORY OF AUSTRALIA  
NORTHERN TERRITORY TOURIST COMMISSION AMENDMENT ACT  
2005

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Act No. [ ] of 2005

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## SCHEDULE



# NORTHERN TERRITORY OF AUSTRALIA

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Act No. [ ] of 2005

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## AN ACT

to amend the *Northern Territory Tourist Commission Act*

[Assented to [ ] 2005]

[Second reading [ ] 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 2005*.

**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 Northern Territory 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 Tourist Commission*

*substitute*

*Tourism Northern Territory*

**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 Northern Territory established by section 5.

**8. Repeal and substitution of Part II heading**

Part II heading –

*repeal, substitute*

**PART 2 – TOURISM NORTHERN TERRITORY**

*Division 1 – Establishment and constitution*

**9. Amendment of section 5 (Establishment)**

(1) Section 5(1) –

*omit*

the Northern Territory Tourist Commission

*substitute*

Tourism Northern Territory

(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 Northern Territory

*Northern Territory Tourist Commission Amendment Act 2005*

- (3) Schedule 2 –

*omit*

*Northern Territory Tourist Commission Act*

Section 21

*substitute*

*Tourism Northern Territory Act*

Section 6F

**23. Amendment of *Superannuation Regulations***

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

- (2) Regulation 4(c) –

*omit, substitute*

- (c) Tourism Northern Territory established by the *Tourism Northern Territory Act*;
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**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
Section 15	omit of Commission
Sections 17 and 18	of the Commission