

2012

LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

MINISTER FOR TOURISM

TOURISM NT BILL 2012
SERIAL NO. 8

EXPLANATORY STATEMENT

GENERAL OUTLINE

§ This Bill is an Act to reconstitute Tourism NT as a Commission, and for related purposes.

§ The purpose of this Bill is to establish Tourism NT as a Commission that will be constituted by a Chief Executive Officer and at least 6 other commissioners and enables their appointment. The Commission will be responsible for all major aspects of policy and strategic development and the consequential operational outcomes. The authority and responsibility for performance, external accountability and corporate governance will be vested within a number of persons, instead of one individual who is the Chief Executive Officer.

§ This Bill seeks to continue the existence of the body corporate and allows provisions to continue to trade in the name of Tourism NT and gives power to trade as “Tourism Northern Territory” in the future.

NOTES ON CLAUSES

Clause 1. Short Title

This is a formal clause which provides for the citation of the Bill. The Bill when passed may be cited as the *Tourism NT Act 2012*.

Clause 2. Commencement

This clause deals with when this Act will become operational.

Clause 3. Definitions

This clause defines the terms - *appointed commissioner, chairperson, chief executive officer, commissioner, repealed Act and Tourism NT*.

Clause 4 Application of the Criminal Code

This clause states the relevant part of the Criminal Code that applies to offences set out in Part 3 Clause 31 sub-section (1).

Clause 5 Continuation of Tourism NT

This clause allows for the entity that was known as Tourism NT, to become a Commission and be known as Tourism NT a statutory corporation.

Clause 6 Use of alternate name

This clause provides for the future use of the name Tourism Northern Territory.

Clause 7 Functions

This clause sets out the new functions of the Commission.

Clause 8 Powers

This clause outlines the powers of Tourism NT which will enable it to carry out its functions.

Clause 9 Ministerial Control

This clause provides for the Commission to be subject to the directions of the Minister. This

was the case for Tourism NT under the previous Act.

Clause 10 Delegation

This is a standard concept in statutory corporations and provides for the entity to delegate its powers and functions. The provisions of the Interpretation Act would apply.

Clause 11 Constitution

This clause describes Tourism NT as a Commission, that is comprised of the Chief Executive Officer and at least six other appointed commissioners including the Chairperson. It ensures that the appointed commissioners hold suitable qualifications, knowledge or experience relevant to the functions of Tourism NT.

Clause 12 Chief Executive Officer

This clause provides for the Chief Minister to appoint the Chief Executive Officer pursuant to the Public Sector Employment and Management Act. The appointment is to be gazetted and the Chief Executive Officer is to administer the day-to-day operations of Tourism NT.

Clause 13 Acting Chief Executive Officer

This clause provides for the Minister to appoint an Acting Chief Executive Officer when Chief Executive Officer is absent from duty or the office is vacant.

Clause 14 Chairperson

This clause provides for the Minister to appoint the Chairperson of the Commission to preside at all its meetings.

Clause 15 Duration of appointment

This clause provides for the period of appointment of commissioners and reappointment.

Clause 16 Leave of absence

This clause allows for the Commission to grant a leave of absence to a commissioner.

Clause 17 Vacation of office

This clause provides for the circumstances where an appointed commissioner ceases to be a commissioner and ensures that any vacancy in the membership of the Commission does not affect the operation of Tourism NT.

Clause 18 Termination of Appointment

This clause describes the terms under which the Minister may terminate an appointment of an appointed commissioner.

Clause 19 Procedures

This clause enables the Commission to determine its own procedures.

Clause 20 Meetings

This clause provides that the Commission must meet at least 4 times each financial year. Meetings are to be convened by the Chairperson.

Clause 21 Quorum

This clause provides that a quorum is a majority of commissioners.

Clause 22 Presiding at meeting

This clause provides for the Chairperson to preside over meetings of the Commission and for another commissioner to preside in the Chairperson's absence.

Clause 23 Voting at meeting

This clause provides for how a decision is made by the Commission.

Clause 24 Records of meetings

This clause requires that accurate records of meetings must be kept.

Clause 25 Disclosure of personal interest

This clause describes the circumstances under which commissioners are required to disclose a personal interest when a matter is being considered by Tourism NT and how that disclosure must be made.

Clause 26 Effect of a personal interest

This clause details the procedures to be followed during a meeting of the Commission when a commissioner discloses a personal interest and how that will be managed when a conflict of interest arises. It also ensures that any decisions made by the Commission at its meeting will not be invalid if a commissioner fails to disclose a personal interest.

Clause 27 Appointment of Staff

This clause provides for the employment of employees within Tourism NT pursuant to the Public Sector Employment and Management Act. The intent is to maintain public sector conditions for existing and future employees of Tourism NT. However, employees engaged in its wholesale commercial operations known as Territory Discoveries will continue to be engaged on conditions that align with the private sector.

Clause 28 Annual Report

This clause provides for the preparation and tabling of an annual report after the end of the financial year. This was the case for Tourism NT under the previous Act. The report will be tabled in the Legislative Assembly in addition to the financial statement and report of the Auditor General required under the *Financial Management Act*.

Clause 29 Protection from Liability

This clause exempts commissioners, employees and the Chief Executive Officer of Tourism NT from civil or criminal liability when exercising their power or performing their functions in good faith.

Clause 30 Confidentiality of information

This clause ensures that persons engaged in the business of the Commission that breach confidentiality provisions and discloses information inappropriately can be prosecuted. This includes current commissioners, the Chief Executive Officer, staff and public sector employees as well as former commissioners, Chief Executive Officers, staff, public sector employees, consultants etc.

Clause 31 Regulations

This clause provides the Administrator with the power to make regulations under this Act.

Clause 32 Repeals

This clause repeals the previous Tourism NT Act which was in force before the commencement of this Act.

Clause 33 Public Sector Employment and Management Regulations amended

This clause provides for a consequential amendment to the Public Sector Employment and Management Regulations.

Clause 34 Schedule 1 amended

This clause exempts staff engaged in Tourism NT on non-public sector conditions of employment from the application of the Public Sector Employment and Management Act. Schedule 1 of the Public Sector Employment and Management Act details exemptions to that Act. This clause amends that Schedule to reflect the staffing arrangements detailed in Clause 27 of the draft Tourism Bill – Appointment of Staff, thus exempting staff employed within Tourism NT’s commercial wholesale/retail arm, Territory Discoveries, from the application of the Public Sector Employment and Management Act.

Clause 35**Expiry of Part**

This clause is a technical drafting matter and reflects standard policy of Parliamentary Counsel. Its purpose is to enliven Clauses 33 and 34 of the Tourism Bill for the purposes of consequential amendments to the Public Sector Employment and Management Act.