



NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980

[Consolidated as at 10 September 2011
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

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Norfolk Island Government Tourist Bureau Act 1980

An Act to establish the Norfolk Island Government Tourist Bureau and for related purposes

Short title

1. This Act may be cited as the *Norfolk Island Government Tourist Bureau Act 1980*.

Interpretation

2. In this Act unless the contrary intention appears —

“Advisory Board” means the Norfolk Island Government Tourist Bureau Advisory Board established under section 4;

“Bureau” means the Norfolk Island Government Tourist Bureau established by section 3.

“member” means a member of the Advisory Board;

“recognised association” has the meaning given by subsection 5(1).

Establishment of the Norfolk Island Government Tourist Bureau

3. (1) A body known as the Norfolk Island Government Tourist Bureau is hereby established.

(2) The Bureau —

- (a) is a body corporate, with perpetual succession; and
- (b) shall have a seal; and
- (c) may sue and be sued in its corporate name.

(3) All courts and persons acting judicially shall take judicial notice of the seal of the Bureau affixed to a document and shall presume that it was duly affixed.

(4) Notwithstanding subsection (1) and the provisions of the *Business Names Act 1976*, the Bureau may carry on business under the name “Norfolk Island Tourism” without in any way affecting the powers rights and responsibilities of the Bureau under this or any other enactment.

Norfolk Island Government Tourist Bureau Advisory Board

4. (1) The Norfolk Island Government Tourist Bureau Advisory Board is established.

(2) The Advisory Board consists of 6 members appointed by the Minister in accordance with a resolution of the Legislative Assembly.

(3) The general manager and employees of the Bureau are not eligible to be appointed a member.

(4) The Advisory Board may act notwithstanding a vacancy in its membership.

(5) Subject to subsections (6) and (8), a member holds office for 2 years and is eligible for re-appointment.

(6) If a person ceases to be a member for any reason the Minister shall fill the vacancy for the remainder of the term of the member replaced and in accordance with a resolution of the Legislative Assembly.

(7) Proceedings of the Advisory Board shall not be called into question by reason of a defect or irregularity in connection with the appointment of a member.

(8) An appointment under subsection (2) shall be by notice published in the Gazette.

(9) As soon as practicable after commencement of this section the Minister shall, in accordance with subsection (2), appoint 3 members to hold office for 18 months and 3 members to hold office for 2 years.

Right to nominate members

5. (1) The Minister may declare an incorporated association formed for the principal purpose of promoting tourism and related activities on Norfolk Island, and having not less than the prescribed number of members, to be a recognised association.

(2) A recognised association may nominate 2 persons as being appropriate for appointment to the Advisory Board.

(3) A nomination under subsection 5(2) shall be in writing and shall be sent to the Minister.

Delegates

6. (1) The Minister, in accordance with a resolution of the Legislative Assembly, may, in respect of each member, appoint a person to be his or her delegate to act for the member while the member holds office.

(2) An appointment under subsection (1) must be published in the Gazette.

(3) A delegate may only act as a member if the member in respect of whom the delegate is appointed is absent or unable to discharge official duties.

(4) A reference in this Act to a member will be taken to include a reference to a delegate when acting as a member in accordance with this Act.

(5) The delegate for a member nominated by a recognised association must have been nominated to the Minister by the registered association and a delegate for a member who is a member of the Legislative Assembly must also be a member of the Legislative Assembly.

Chairperson and deputy

6A. (1) The Minister shall appoint a member, other than one who is a member of the Legislative Assembly, to be Chairperson of the Advisory Board.

(2) The Chairperson has no executive powers.

(3) The Chairperson is responsible for the conduct of meetings of the Advisory Board, informing the members of directives or other communications from the Minister, issuing of reports of the business of the Bureau from time to time and as required by law.

(4) In addition to the appointment under subsection (1) the Minister shall similarly appoint a member, other than one who is a member of the Legislative Assembly, to be Deputy Chairperson of the Advisory Board.

(5) The powers and functions of the Chairperson may be exercised and performed by the Deputy Chairperson if—

(a) the office of the Chairperson is vacant; or

(b) the Chairperson is for any reason unable to exercise those powers or perform those functions.

Vacation of Office and leave of absence

7. (1) A member of the Advisory Board may resign by giving written notice to the Minister.

(2) The Minister may remove from office a member, or a delegate—

(a) for misconduct or incapacity or if the member becomes insolvent; or

(b) if the member is absent, except with the leave of the Advisory Board, from 3 consecutive meetings of the Advisory Board.

Meetings of the Advisory Board

8. (1) The Advisory Board shall, subject to subsection (2) hold meetings at such times and places as the Chairperson determines.

(2) If the Chairperson receives a request from the Minister, the general manager or two members of the Advisory Board to convene a meeting of the Advisory Board, the Chairperson shall convene a meeting within 14 days.

(3) The Chairperson or in his or her absence the Deputy Chairperson shall preside at all meetings of the Advisory Board at which he or she is present.

(4) At a meeting of the Advisory Board 3 members constitute a quorum.

(5) A question arising at a meeting of the Advisory Board shall be decided by a majority of the votes of the members of the Advisory Board present.

(6) The Chairperson or Deputy Chairperson presiding at a meeting of the Bureau has a deliberative vote but not a casting vote and if on a question the number of votes is equal the question shall be deemed to have passed in the negative.

(7) The Advisory Board shall cause minutes of its meetings to be recorded and kept.

(8) Subject to this Act, the procedures of the Advisory Board are as determined by the Advisory Board.

General manager of the Bureau

9. (1) The Minister on the recommendation of the Advisory Board may appoint a person to be the general manager of the Norfolk Island Government Tourist Bureau.

(2) The general manager holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Minister on the advice of the Advisory Board.

(3) During a vacancy in the office of general manager or during the absence from duty of the general manager, the Minister may, but need not, appoint a person to act in the office of general manager and exercise and perform the powers and duties of the general manager provided that an acting general manager may not be appointed for an aggregate period greater than 6 months in any continuous period of 12 months.

Duties of general manager

9A. (1) The general manager is responsible for the day to day management and control of the Bureau having regard to the advice of the Advisory Board, and must maintain the confidentiality necessary to protect the interests of the Bureau in respect of the internal management issues, industrial relations matters, commercial transactions, dealings with individual members of the public and all matters affecting the interests of the Bureau.

(2) In the performance of his or her duties, the general manager shall regularly report to the Advisory Board and must keep the Advisory Board fully informed about the operations of the Bureau.

(3) In his or her reports to, and relationship with, the Advisory Board the general manager has a duty to be timely, frank and honest.

Powers of general manager

9B. (1) Subject to this Act, the general manager has power to do anything that is necessary or convenient to be done for or in connection with, or incidental to, the performance of the Bureau's functions or the exercise of its powers.

(2) Without limiting subsection (1), the general manager may exercise any of the powers of the Bureau specified in section 11.

(3) The general manager may, for the purposes of the Bureau, employ persons to be employees of the Bureau.

(4) In the exercise of powers conferred by subsection (2), the general manager shall have regard to such Human Resources Policies and Procedures as adopted from time to time by the Bureau.

(5) The duties of an employee are to be as determined by the general manager, and each employee is to be responsible for the performance of his or her duties to —

- (a) the general manager; or
- (b) another employee determined by the general manager.

Deputy general manager

9C. (1) The Minister upon the advice of the general manager and the Advisory Board may appoint an employee of the Bureau to be the deputy general manager of the Bureau.

(2) Unless the Minister on the advice of the Advisory Board has appointed a person to act in the office of general manager, the deputy general manager may exercise and perform the powers and duties of the general manager during a vacancy in the office of general manager or during the absence from duty of the general manager.

(3) Nothing done by the deputy general manager is to be called into question, or is invalid, because the occasion for the deputy general manager to exercise or perform the powers or duties of the general manager had not arisen or had ceased.

Functions etc of the Bureau

10. The functions of the Bureau are —

- (a)** to encourage —
 - (i)** visits to; and
 - (ii)** travel within,
Norfolk Island by people from outside Norfolk Island; and
- (b)** to seek and receive the views, comments, suggestions and complaints of persons and bodies concerning Norfolk Island tourism; and
- (c)** to advise the Minister on Norfolk Island tourism including the means by which tourism in Norfolk Island might be extended or improved; and
- (d)** to consider any matters relating to Norfolk Island that the Minister may refer to the Bureau; and
- (e)** to carry out any directions given to the Bureau by the Minister under section 15.

Powers of the Bureau

11. (1) Subject to this Act, the Bureau has, in addition to the powers otherwise conferred on it by this Act, power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions and, in particular, has power —

- (a)** to enter into contracts; and
- (b)** to acquire, hold and lease real and personal property; and
- (c)** to engage in, or arrange for, publicity in relation to Norfolk Island, with particular reference to the Island's attractions and tourist facilities; and
- (d)** to induce and assist travel agents, transport operators and other appropriate bodies and persons to encourage people to visit Norfolk Island; and
- (e)** to produce, or cause to be produced, and to distribute without charge or to sell magazines, books, booklets, pamphlets and other publications concerning Norfolk Island; and

- (f) to advertise Norfolk Island as a tourist resort, on television or by any other means of communication; and
- (g) to collect and supply, with or without charge, information concerning Norfolk Island; and
- (h) to provide assistance to travel agents, transport operators and other appropriate bodies or persons in arranging travel, accommodation or other services or facilities for people visiting Norfolk Island; and
- (j) to carry on the business of travel agent or transport operator; and
- (k) to arrange or conduct tours to or from Norfolk Island, with or without another place as an intermediate destination; and
- (l) to carry on the business of providing accommodation, meals, refreshments, goods and other services and facilities for persons visiting Norfolk Island; and
- (m) to operate tourist bureaux; and
- (n) to accept gifts and contributions for the purposes of the Bureau; and
- (o) to —
 - (a) carry out all or any of its functions; or
 - (b) to exercise all or any of its powers, either in Norfolk Island or elsewhere; and
- (p) to do all things necessary or ancillary to its powers.

(2) In the exercise of its functions the Bureau shall at all times operate in accordance with any directions given to it by the Minister under section 15.

(3) The powers and functions of the Bureau extend to the doing of acts and things jointly with other persons or bodies, either in Norfolk Island or elsewhere.

Principles to be adhered to by Bureau

11A. (1) In exercising its powers and performing its functions, the Bureau must, so far as is practicable, comply with —

- (a) the principle that in the development of the tourist industry, due consideration must be given to the protection and conservation of the Island's unique ecology, environment and lifestyle, recognising that Norfolk Island is first and foremost the home of its residents; and
- (b) any policies of the Government notified by the Minister under section 15A; and
- (c) any directions given by the Minister under subsection 15(1); and
- (d) the Performance Agreement developed for the Bureau by the Minister after consultation with the Advisory Board.

(2) A Performance Agreement referred to in paragraph (1)(d) must set out goals and targets to be developed by the Minister to monitor the performance of the Bureau.

Functions and powers of Advisory Board

- 11B. (1)** The Advisory Board has the following functions—
- (a) to provide advice and direction on the strategic management of the Bureau;
 - (b) to advise the Minister on issues relating to the future development of the Bureau;
 - (c) to advise the Minister on tourism matters and issues.
- (2)** The Advisory Board has power to do all things necessary or convenient to be done in connection with the performance of its functions.
- (3)** In performing its functions, the Advisory Board must comply with the matters specified in section 11A.
- (4)** Except as otherwise provided by or under this or any other Act, the Advisory Board is not subject to direction.
- (5)** In performing its functions, the Advisory Board —
- (a) may consult any person or body; and
 - (b) may take such steps as it considers practicable to consult the Norfolk Island community generally; and
 - (c) must maintain the confidentiality necessary to protect the interests of the Bureau in respect of the internal management issues, industrial relations matters, commercial transactions, dealings with individual members of the public and all matters affecting the interests of the Bureau.

Reports of the Advisory Board

- 11C. (1)** The Advisory Board shall furnish to the Minister for presentation to the Legislative Assembly a report relating to the activities of the Bureau and of the Advisory Board during each financial year.
- (2)** In addition to the report referred to in subsection (1), the Advisory Board shall furnish to the Minister such information or reports as requested by the Minister and shall keep the Minister regularly informed of the activities of the Bureau and of the Advisory Board.
- (3)** A report referred under subsection (1) must include a statement evaluating the extent to which the Advisory Board has been successful in implementing any government policy notified in accordance with section 15A.

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Borrowing of money

- 13. (1)** The Bureau may not borrow money except —
- (a) with the consent of the Minister; and
 - (b) subject to Part 6 of the *Norfolk Island Act 1979*.
- (2)** The Bureau shall repay a loan in accordance with the terms under which it is made.
- (3)** The Administration may guarantee payment of a liability of the Bureau.

Power to delegate

14. (1) The Bureau, by writing under its seal, may delegate to a person all or any of its powers and functions under this Act (except this power of delegation), so that the delegated powers and functions may be exercised by the delegate with respect to the matters, or class of matters, within Norfolk Island or elsewhere, as specified in the instrument of delegation.

(2) A delegation under this section is revocable at will and no delegation prevents the exercise of a power or the carrying out of a function by the Bureau.

Directions to Bureau by Minister

- 15. (1)** The Minister may give to the Bureau directions as to —
- (a) the conduct of the business or affairs of the Bureau; and
 - (b) the manner in which the Bureau carries out its functions or exercises its powers; and
 - (c) the financial and accounting procedures to be adopted and followed by the Bureau,

and the Bureau shall give effect to those directions.

(2) The Minister shall lay a copy of any directions given under subsection 15(1) before the Legislative Assembly at its first meeting after the giving of the directions.

Government policy

15A. The Minister may notify the Bureau of general policies of the Government that are to apply in relation to the Bureau.

Financial operations

- 16. (1)** The Bureau shall —
- (a) open and maintain an account with such bank as the Minister may approve; and
 - (b) pay all money received by it into that account and may, subject to this section, operate that account as the Bureau sees fit.

(2) The money of the Bureau shall not be expended except in discharge of expenses, obligations and liabilities of the Bureau arising out of the carrying out of its functions or the exercise of its powers under this Act.

Accounts

17. The Bureau shall keep proper accounts and records of the transactions and affairs of the Bureau and shall ensure that —

- (a) all payments by the Bureau are properly authorised and correctly made; and
- (b) adequate control is maintained over property of, or in the custody of, the Bureau and over the incurring of liabilities by the Bureau.

Audit

18. (1) The Minister shall, in accordance with a resolution of the Legislative Assembly, by notice in the Gazette, appoint a person to be the auditor for the purposes of this Act.

(2) The auditor shall —

- (a) inspect and audit the accounts and records of the financial transactions and other property of the Bureau; and
- (b) draw the Minister's attention to any irregularity revealed by the inspection and audit which, in the auditor's opinion, is of sufficient importance to justify his so doing.

(3) The auditor shall, at least once in each year, report to the Minister the result of the inspection and audit carried out under subsection 18(2).

(4) The auditor is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Bureau relating directly or indirectly to the receipt or payment of moneys by the Bureau or to the acquisition, receipt, custody or disposal of assets of the Bureau.

(5) The auditor may —

- (a) make copies of; or
- (b) take extracts from,

the accounts, records, documents or papers referred to in subsection 18(4).

(6) The auditor may require a member or employee of the Bureau to furnish to him such information in the possession of the member or employee, or to which the member or employee has access, as the auditor considers necessary for the purposes of an inspection or audit under this section.

(7) A person is guilty of an offence if he —

- (a) hinders or obstructs the auditor in the exercise and performance of his duties and functions under this section; or
- (b) refuses or fails to furnish information lawfully required by the auditor under subsection 18(6).

Penalty: A fine not exceeding 2 penalty units.

(8) The Minister shall lay a copy of a report received by him under subsection 18(3) before the Legislative Assembly within 2 sitting days of receiving the report.

Reports, etc

19. (1) The Bureau shall —

- (a) not later than 30 March of each year submit to the Minister particulars of proposed expenditure by the Bureau in the next financial year; and
- (b) not later than 29 September of each year prepare and forward to the Minister for laying before the Legislative Assembly a report and financial statement in a form approved by the Minister in respect of the Bureau during the preceding financial year.

(2) A copy of the report provided in accordance with subsection 19(1) shall be laid before the Legislative Assembly by the Minister.

Transitional

20. On the date of the first meeting of the Bureau —

- (a) the assets and liabilities of the Norfolk Island Tourist Board become the assets and liabilities of the Bureau; and
- (b) the Bureau is substituted for the Norfolk Island Tourist Board as a party to any contract to which that Board is a party; and
- (c) all employees of the Norfolk Island Tourist Board become employees of the Bureau on the same terms and conditions as those that applied to them as employees of the Norfolk Island Tourist Board.

Regulations

21. The Administrator may make Regulations, not inconsistent with this Act, prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

NOTES

The *Norfolk Island Government Tourist Bureau Act 1980* as shown in this consolidation comprises Act No. 26 of 1980 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Norfolk Island Government Tourist Bureau Act 1980</i>	26, 1980	25.9.80	
<i>Norfolk Island Government Tourist Bureau (Amendment) Act 1982</i>	14, 1982	9.12.82	
<i>Statute Law Revision (Penalties and Fees) Act 1984</i>	9, 1985	13.5.85	4
<i>Norfolk Island Government Tourist Bureau Amendment Act 1992</i>	14, 1992	24.12.92	
<i>Statute Law (Miscellaneous Provisions) Act 1995</i>	13, 1995	27.7.95	
<i>Norfolk Island Government Tourist Bureau (Amendment) Act 2006</i>	3, 2007	23.2.07	
[previously consolidated as at 24 February 2007]			
<i>Norfolk Island Government Tourist Bureau (Amendment) Act 2011</i>	10, 2011	9.9.11	

Table of Amendments

ad = added or inserted am = amended rep = repealed rs = repealed and substituted

Provisions affected	How affected
2	am 10, 2011
3	am 10, 2011
4	rs 10, 2011
4(2)	rs 3, 2007
5	am 10, 2011
6	rs 10, 2011
6A	ad 10, 2011
7	rs 10, 2011
8	am 14, 1992
	rs 13, 1995; 10, 2011
9	rs 10, 2011

ad = added or am = amended rep = repealed rs = repealed and
inserted substituted

Provisions affected	How affected	
9A	ad	10, 2011
9B	ad	10, 2011
9C	ad	10, 2011
10	am	10, 2011
11	am	10, 2011
11A	ad	10, 2011
11B	ad	10, 2011
11C	ad	10, 2011
12	rep	10, 2011
13	am	10, 2011
15	am	10, 2011
15A	ad	10, 2011
18	am	14, 1982; 9, 1985; 10, 2011
19	am	10, 2011

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