

NORTHERN TERRITORY OF AUSTRALIA

GRAIN MARKETING ACT
No. 46 of 1983
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NORTHERN TERRITORY OF AUSTRALIA

No. 46 of 1983

AN ACT

Relating to the acquisition and marketing of certain
grains, and for other purposes

[Assented to 3 October 1983]

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. SHORT TITLE

This Act may be cited as the *Grain Marketing Act 1983*.

2. COMMENCEMENT

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

3. INTERPRETATION

(1) In this Act, unless the contrary intention appears -

"Authority" means the Agricultural Development and Marketing Authority established by the *Agricultural Development and Marketing Act*;

"Board" means the Northern Territory Grain Marketing Board established by section 4(1);

"Chairman" means the Chairman of the Board;

"Chief Electoral Officer" means the Chief Electoral Officer appointed under the *Electoral Act*;

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"commodity" means grain sorghum, maize, panicum, millet, rice, triticales, cowpea, navy beans, soya beans, mung beans, other dry edible beans, peanuts, sunflower seeds, and similar grain products, declared under section 19 to be a commodity;

"eligible voter" means a grower whose name appears on the list of eligible voters maintained under section 10 by the Board;

"grower" means the grower of a crop from which a commodity is derived or the person who, immediately before the harvesting of the crop from which the commodity is derived, was the owner of the crop;

"grower member" means a member elected under Part III as a member;

"inspector" means a person appointed under section 43 to be an inspector;

"member" means a member of the Board.

(2) For the purpose of the definition of "eligible voter" in sub-section (1) and for the purposes of section 10(1), "grower" means grower as defined in sub-section (1) or, where the commodity crop is grown by or on behalf of a partnership or in pursuance of a share-farming agreement, the person who, in the opinion of the Board -

- (a) in the case of partnership - is the senior partner; and
- (b) in the case of a share-farming agreement - is to receive the greater share of the proceeds of the sale of the commodity or, where the parties to the agreement are to share equally, the holder of the land on which the crop is grown.

PART II - NORTHERN TERRITORY GRAIN MARKETING BOARD

4. ESTABLISHMENT OF BOARD

(1) There is hereby established a Board by the name of the Northern Territory Grain Marketing Board.

(2) The Board -

- (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, leasehold and personal property and of suing and being sued.

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

5. COMPOSITION OF BOARD

(1) The Board shall consist of -

(a) the Chairman and members from time to time of the Authority, who shall be *ex officio* members; and

(b) 3 grower members.

(2) The exercise of a power or the performance of a function of the Board is not affected by reason only of there being a vacancy in the membership of the Board or the occasion for the election of grower members not having arisen.

6. TERM OF OFFICE OF GROWER MEMBER

(1) A grower member holds office until the declaration of the poll for the election of grower members next following his election or re-election as a grower member.

(2) Subject to Part III, a grower member is eligible for re-election as a grower member.

7. CHAIRMAN

The Chairman of the Authority shall be the Chairman of the Board.

8. RESIGNATION OF GROWER MEMBERS

A grower member may resign his office by writing signed by him and delivered to the Chairman.

9. MEETINGS OF BOARD

(1) Subject to sub-section (2), the Chairman shall call such meetings of the Board as he considers necessary for the exercise of its powers and the performance of its functions, but so that the interval between one meeting and the next does not exceed 6 months.

(2) Where not less than 2 members, in writing, request him so to do, the Chairman shall call a meeting of the Board to be held as soon as practicable after he receives the request.

(3) At a meeting of the Board -

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- (a) the Chairman and 3 other members, one of whom shall be a grower member, 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 matter shall be taken to have been defeated; and
- (c) subject to this Act, the Board shall determine the procedure to be followed at or in connection with the meeting.
- (4) The Board shall keep records of its meetings.

PART III - ELECTION OF GROWER MEMBERS

10. ELIGIBLE VOTERS

(1) Subject to sub-section (2), for the purposes of this Part, the Board shall maintain a list of eligible voters which shall consist of the names and postal addresses of each grower in the Territory who, in the immediately preceding completed growing season, grew not less than 40 hectares of a commodity crop, or an aggregate of not less than 40 hectares of commodity crops, and who, in its opinion, has not in the current growing season ceased to be a grower or does not intend, in respect of the ensuing growing season, to cease to be a grower.

(2) In respect of the first election of grower members after the commencement of this Act "the Board" in sub-section (1) and section 12 shall be construed as "the Authority".

11. OCCASION FOR ELECTIONS

(1) For the purposes of this Part, there shall be an election of grower members of the Board to be held -

- (a) in the case of the first election of grower members after the commencement of this Act - as soon as practicable after that commencement; and
- (b) in the case of subsequent elections of grower members - as soon as practicable after the Minister declares that the occasion for an election of grower members has arisen.

(2) Subject to sub-section (3), the Minister shall, once in each calendar year, by notice in the Gazette, declare that the occasion for the election of grower members has arisen.

(3) Where in a calendar year the Minister has made a declaration under sub-section (2) and in that same calendar year a grower member resigns his office or

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indicates his intention to resign his office to be effective in that year, the Minister may, by notice in the Gazette, appoint the eligible voter who polled the next highest number of votes at the election at which the retiring grower member was elected, to be a grower member for the remainder of the term of office of the retiring grower member or, where there was not a greater number of candidates for election at that election than the number of members to be elected or the person who polled the next highest number of votes is no longer an eligible voter or declines to be so appointed, any eligible voter.

12. ELECTION OF GROWER MEMBERS

(1) As soon as practicable after the commencement of this Act and each occasion for the election of grower members is notified under section 11 in the Gazette -

- (a) the Board shall give to the Chief Electoral Officer the list of eligible voters maintained under section 10; and
- (b) the Chief Electoral Officer shall cause to be held, in accordance with this Part, an ordinary election by postal ballot of eligible voters of 3 eligible voters as grower members.

(2) The Chief Electoral Officer shall, as soon as practicable after receiving from the Board a list of eligible voters, call for nominations for election as grower members by giving notice by post to each eligible voter.

(3) An eligible voter may, in a form approved by the Chief Electoral Officer signed by the eligible voter and 2 other eligible voters, nominate himself for election as a grower member.

13. TIME LIMITS

The -

- (a) period for the receiving of nominations under section 12 shall close at 5 o'clock in the afternoon on the twenty-first day after the date on which the last of the notices under section 12(2) was given;
- (b) ballot for election shall be conducted within 28 days after the date of closure of nominations; and
- (c) result of the ballot shall be declared within 21 days after the date for the return of the ballot-papers.

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14. ELECTORAL ACT TO APPLY

Subject to this Part and the Regulations, the *Electoral Act* shall apply, with the necessary changes, to and in relation to an election under this Part of grower members.

PART IV - FUNCTIONS AND POWERS OF BOARD

15. FUNCTIONS OF BOARD

The functions of the Board are to acquire, process, treat, market and generally deal with commodities grown or produced in the Territory, to act as an agent for the sale of a product referred to in section 19(1) grown or produced in the Territory but not declared under that section to be a commodity, to administer the scheme under Part V, and to do such other things as are required of it by or under this or any other law of the Territory.

16. POWERS OF BOARD

(1) Subject to this Act, the Board 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 subsection (1), the Board may, for the purpose of carrying out its functions and exercising its powers, including the powers conferred on it elsewhere in this Act -

- (a) market or otherwise deal with commodities vested in the Board by or under this Act;
- (b) acquire commodities for consumption in the Territory during periods of shortage and for that purpose arrange with producers outside the Territory for the delivery of commodities to the Board for such periods and on such terms and conditions, as it thinks fit;
- (c) enter into contracts;
- (d) acquire, hold and dispose of real or personal property, or an interest therein, and any rights, privileges, permits, licences and authorities;
- (e) participate in the formation of companies;
- (f) administer the scheme under Part V;
- (g) co-operate with persons or bodies in the marketing of agricultural products;

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- (h) improve real or personal property owned by or under the control of the Board;
- (j) appoint receivers, agents and attorneys;
- (k) act as agents; and
- (m) do all things reasonably associated with or incidental to trading in commodities and other agricultural products.

17. DELEGATION

(1) The Board may, by instrument in writing, delegate to a person any of its powers and functions under this Act, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purpose of this Act, be deemed to have been exercised or performed by the Board.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Board.

18. BOARD NOT SUBJECT TO DIRECTIONS OF MINISTER

Except as expressly provided in this Act, the Board, in the exercise of its powers and the performance of its functions, is not subject to the directions of the Minister.

PART V - MARKETING SCHEME

19. DECLARATION AND VESTING OF COMMODITY

(1) The Board may, by notice in the *Gazette*, declare grain sorghum, maize, panicum, millet, rice, triticale, cowpea, navy beans, soya beans, mung beans, other dry edible beans, peanuts, sunflower seeds, or similar grain products, or any of them, to be a commodity.

(2) On the declaration of a commodity under subsection (1), the commodity is divested from the growers of the commodity and vested in, and becomes the property of, the Board as the owner of the commodity.

20. DELIVERY OF COMMODITY TO BOARD, &c.

(1) Subject to this Part, a person who has in his possession a quantity of a commodity which has not been sold by the Board shall deliver it to the Board, or to a person authorized by the Board to receive it, within such times, at such places and in such manner as is prescribed or, where not prescribed, as the Board, by notice in a

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newspaper circulating in the area in which the commodity is located or, in a particular case, in writing, directs.

Penalty: \$2,000.

(2) All of a commodity delivered under this section to the Board or a person authorized by the Board to receive it shall, except as prescribed, be delivered in the name of the grower of the commodity.

(3) Subject to section 21, the Board shall accept all of a commodity delivered under and in accordance with sub-section (1) to it or to a person authorized by the Board to receive it.

21. QUALITY OF COMMODITY

(1) The Board may, by notice in the *Gazette*, declare the minimum quality of a commodity acceptable to it, and such other grades of that commodity, as it thinks fit.

(2) The Board is not obliged under section 20(1) to accept delivery of a commodity that does not meet the minimum quality for that commodity declared under sub-section (1).

(3) The Board's decision as to whether a commodity meets the minimum or other quality standard declared under sub-section (1) is final.

22. REVESTING OF COMMODITY

Where the Board does not accept a quantity of a commodity delivered to it or to a person authorized by the Board to receive it, the Board, or that person on behalf of the Board, shall give to the grower of the commodity a certificate in the prescribed form, relating to that quantity of the commodity and, on the certificate being so given, that quantity of the commodity is divested from the Board and is vested in, and becomes the property of, the grower.

23. GRADES OF COMMODITY MAY BE KEPT SEPARATE

Subject to the Regulations, the Board may, in its discretion, keep different grades of a commodity separate from each other or mix them, as it thinks fit.

24. PROHIBITION ON SALE

Subject to section 25, a person who sells, barter or exchanges, or offers to sell, barter or exchange, or delivers, or buys or receives, any quantity of a commodity

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vested in the Board to, with or from a person other than the Board, is guilty of an offence.

Penalty: For a first offence - \$2,000.

For a second or subsequent offence - \$4,000.

25. EXEMPTION FROM PROHIBITION

The Board may, by notice in the *Gazette* or, in a particular case, in writing, on such terms and conditions as it thinks fit, exempt from the operation of this Part -

- (a) such growers of a commodity as it thinks fit;
- (b) sales of a commodity direct to local consumers or to retail vendors;
- (c) such portion of a commodity as the grower reasonably requires for his own use as seed or for food for his family or his animals; and
- (d) such other sales, purchases or receipts of a commodity as it thinks fit,

and they, he or it shall be exempted from the operation accordingly.

26. SALES OF COMMODITIES

The Board may sell or otherwise dispose of a commodity vested in it.

27. PAYMENTS TO GROWERS

(1) Subject to this Part, the Board shall, out of the proceeds of a commodity sold under this Act by it, make payment to a grower of that proportion of the net proceeds of the sale of all the commodity of which the commodity delivered under section 20 in the name of the grower is a part which the amount of that commodity so delivered bears to all of the commodity sold and, where the quality of the commodity varies, with proper allowance for variations in that quality.

(2) Payments referred to in sub-section (1) shall, subject to section 31(5), be made at such times and in such manner as is prescribed.

(3) For the purpose of sub-section (1), "net proceeds" means the price actually received by the Board from the sale of the commodity less the reasonable expenses of the Board in relation to the sale (including in relation to the handling, preparation and packaging for sale of the commodity).

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28. BOARD MAY MAKE DEDUCTIONS FOR PROCESSING AND TREATING, &c.

Before making a payment under section 27, the Board may deduct from the amount that but for this section would be payable to a grower its reasonable costs of processing and treating, as prescribed, the commodity delivered by the grower.

29. BOARD MAY MAKE DEDUCTIONS FOR ADMINISTRATION

(1) The Board may, with the consent of the Minister, deduct from the net proceeds referred to in section 27 of the sale of a commodity such amount, not exceeding 2%, as it thinks fit.

(2) An amount deducted under sub-section (1) shall be kept by the Board in a separate account and shall be drawn upon to meet the administrative expenses of the Board.

30. BOARD TO INSURE AGAINST DEFALCATIONS

Except with the approval of the Minister, the Board shall insure, and at all times keep itself insured, with the Territory Insurance Office established under the *Territory Insurance Office Act*, or such other insurer approved by the Minister, against the failure of an agent of the Board to pay to the Board moneys payable by him as agent.

31. ISSUE OF CERTIFICATES AND PAYMENTS

(1) Subject to this section, as soon as practicable after the receipt by it of a commodity, the Board shall issue to the grower of the commodity a certificate in the prescribed form.

(2) The Board may, in its discretion, refuse or withhold the issue under sub-section (1) of a certificate if it has notice of a bill of sale, mortgage, charge, lien or encumbrance over a contract relating to the commodity.

(3) Where a commodity is grown under a share-farming agreement the Board may, in its discretion, issue under sub-section (1) a separate certificate to each of the parties to that agreement.

(4) A certificate under sub-section (1) shall not be transferable except by way of security approved by the Board.

(5) The Board may make or arrange for advances and payment on account in relation to a commodity delivered to the Board and, subject to the Regulations, such advances

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and payment may be made at such times, and on such terms and conditions, and in such manner, as the Board thinks fit.

32. REMEDY AGAINST BOARD CONFINED TO CLAIM FOR ACCOUNT

(1) Subject to sub-section (2), no action for damages shall be brought against the Board or a person acting under its authority by any person claiming to be entitled to a bill of sale, mortgage, charge, lien or encumbrance of, upon or over a commodity or claiming to be the true owner of the commodity.

(2) A person who, but for this section, might have brought an action in respect of an encumbrance referred to in sub-section (1) may adopt the delivery of the commodity to the Board as a delivery by him to the Board and may, subject to sub-section (3), claim accordingly for an account of the payments due in respect of the commodity.

(3) Notwithstanding any other law in force in the Territory, a person referred to in sub-section (2) shall not be entitled to claim under that sub-section for an account of the payments due in respect of a commodity, or any part of that payment, unless he has given prior notice in writing in the prescribed form to the Board of the encumbrance or claim of ownership and then only for such part of such moneys as has not been paid to other persons at the time of the receipt by the Board of such notice.

33. DUTY TO GIVE NOTICE OF ENCUMBRANCES

A grower of a commodity which is subject to a bill of sale, mortgage, charge, lien or encumbrance referred to in section 32, or in respect of which or of the crop from which it was harvested he has entered into a contract in derogation of his title to sell the commodity as the absolute owner thereof (and whether such bill of sale, mortgage, charge, lien or encumbrance or contract was made before or after the extension of this Act to the commodity) shall, when delivering under section 20 the commodity to the Board, give to the person receiving the commodity on behalf of the Board a notice in the prescribed form of every such encumbrance or contract.

Penalty: \$2,000.

34. NON-LIABILITY OF BOARD FOR PAYMENTS IN GOOD FAITH, &c.

Where the Board, in good faith, has made a payment -

- (a) to a grower delivering a commodity to the Board or to a person authorized by the Board to receive it;

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- (b) to a person entitled or claiming to be entitled through such grower; or
- (c) to a person on the order of the grower or the person referred to in paragraph (b),

the Board shall not be answerable to any other person in respect of that payment or in an action, claim or demand for damages or otherwise.

35. BOARD MAY REQUIRE GROWERS AND HOLDERS TO FURNISH RETURNS

(1) The Board may from time to time, by notice in the *Gazette* and in a newspaper circulating in the Territory, require growers of a commodity and holders of a commodity to furnish a return, in the prescribed form, showing the quantity of the commodity grown or held at any time specified in the notice and setting out the prescribed particulars in relation to that commodity.

(2) A grower or holder of a commodity who fails to comply with a notice under sub-section (1), or who wilfully furnishes a false or misleading return, is guilty of an offence.

Penalty: \$500.

36. PROTECTION OF TERRITORY AND ITS OFFICERS

No action, claim or demand whatsoever shall lie, or be made or allowed by or in favour of a person, against the Territory, the Minister, the Board, or officer or person acting in the execution of this Act, for or in relation to damage or loss or injury sustained or alleged to be sustained by reason of the extension of this Act to a commodity, or of its operation, or of anything done or purporting to be done in good faith thereunder.

PART VI - FINANCE OF BOARD

37. MONEYS OF BOARD

The moneys of the Board consist of -

- (a) such moneys as are appropriated for the purposes of the Board by or under this or any other Act;
- (b) moneys received as a result of a levy under this Act on growers;
- (c) proceeds of the sale of commodities vested in the Board;
- (d) proceeds of the sale or other disposition of other property of the Board;

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- (e) interest on investment of moneys of the Board; and
- (f) such other amounts as, from time to time, become available for the use of the Board under this or any other Act.

38. APPLICATION OF MONEYS

(1) The moneys of the Board shall be applied only in payment or discharge of the expenses and other obligations of the Board, whether contractually incurred or imposed by or under a law in force in the Territory.

(2) Moneys standing to the credit of an account established in respect of a particular commodity shall not be applied except to meet the obligations of the Board in respect of that commodity or for meeting the reasonable costs of operations under Part V in relation to that commodity.

39. BANK ACCOUNTS

The Board shall open and maintain in the Territory an account or accounts with a bank or banks.

40. PROPER ACCOUNTS TO BE KEPT

The Board shall cause to be kept proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of the moneys of the Board are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Board and over the incurring of liabilities by the Board.

41. POWER OF AUDITOR

(1) In this section "auditor" means a registered company auditor within the meaning of the *Companies Act*, and includes a firm of auditors all the partners of which are so registered.

(2) The Board shall, not later than 7 days after 30 June of each year, appoint an auditor for the Board and shall, within 28 days after so doing, notify the Minister of the name of the auditor.

(3) The auditor shall inspect and audit the accounts and records of financial transactions of the Board and the records relating to assets of, or in the custody of, the Board, and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that, in the opinion of the auditor, is of sufficient importance to justify his so doing.

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(4) The auditor may, in his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (3).

(5) The auditor shall, as soon as practicable after completing it, report to the Minister the results of the inspection and audit carried out under sub-section (3).

(6) The auditor, or a person authorized by him, is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Board relating directly or indirectly to the receipt or payment of moneys by the Board or to the acquisition, receipt, custody or disposal of assets (including stocks of a commodity) by the Board.

(7) The auditor, or a person authorized by him, may make copies of or take extracts from any such accounts, records, documents or papers.

(8) The auditor, or a person authorized by him, may require a person to furnish him with such information in the possession of the person or to which the person has access as the auditor or authorized person considers necessary for the purposes of the functions of the auditor under this Act, and the person shall comply with the requirement.

Penalty for an offence against this sub-section: \$200.

42. BOARD TO PAY TERRITORY TAXES, &c.

Nothing in this or any other Act relieves the Board from the liability to pay Territory taxes, rates and duties in respect of its business and activities that it would have to pay if it were a company incorporated under the *Companies Act*.

PART VII - INVESTIGATIONS, &c.

Division 1 - Inspectors

43. INSPECTORS

The Board may appoint such persons as it thinks fit to be inspectors for the purposes of this Act.

44. IDENTITY CARDS

(1) The Board shall issue to each inspector an identity card in such form as it thinks fit.

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(2) A person who ceases to be an inspector shall, as soon as practicable after so ceasing, return his identity card to the Board.

Penalty: \$200.

45. PROTECTION OF INSPECTORS

No action, either criminal or civil, shall lie against an inspector in respect of an action taken by him in good faith in pursuance or purported pursuance of this Part.

Division 2 - Investigations

46. SEARCH, SEIZURES, &c.

(1) Where an inspector is satisfied that there are reasonable grounds for suspecting that an offence against this Act has been, is being or is about to be committed, he may, without warrant, and with such assistance as he thinks necessary -

- (a) subject to sub-section (4), enter, with such force as is reasonably necessary, at any time, any land, building, vehicle, vessel, aircraft or place and, for the purpose, stop and detain a vehicle, vessel or aircraft;
- (b) search the land, building, vehicle, vessel, aircraft or place;
- (c) break open and search any cupboard, drawer, chest, trunk, box, cage, package or other receptacle, whether a fixture or not, in or on the land, building, vehicle, vessel, aircraft or place;
- (d) seize, take, detain, remove and secure any vehicle, vessel or aircraft, or equipment or device for treating, packing, storing or otherwise dealing with a commodity, whether in, on or attached to any land, building, vehicle, vessel, aircraft or place, or any commodity or other thing (including a document) he finds on the land, building, vehicle, vessel, aircraft or place, if he has reasonable grounds for believing that it is evidence of or otherwise relates to an offence that has been, is being or is about to be committed against this Act;
- (e) require the master or other person in charge of a vehicle, vessel or aircraft to cause it to stop or to bring it to a place in the Territory and to remain in control of it at that place until an inspector permits him to depart from that place; and

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(f) take such action as is reasonably necessary to prevent the commission of an offence against this Act.

(2) A person shall comply with and not contravene a requirement made under sub-section (1)(e).

Penalty: \$2,000.

(3) Before commencing a search under sub-section (1), if there is a person who is or appears to be in charge of the land, building, vehicle, vessel, aircraft or place to be searched, an inspector shall produce his identity card to that person.

(4) The power conferred by sub-section (1) to enter a building without a warrant does not include power to enter a room that is used solely for domestic purposes.

47. RETURN OF THING DETAINED

(1) A thing detained under section 46(1) shall, within 7 days after it is detained, be released to the person in whose possession it was immediately before it was detained, unless it is sooner seized.

(2) For the purposes of sub-section (1), a thing shall be deemed not to be seized unless the inspector who seizes it, at the time of seizure or as soon as possible thereafter, gives to the person from whom it is seized a written notice, signed by the inspector, identifying the thing and declaring that it is seized.

48. REPORT

Where an inspector exercises a power under section 46, he shall, as soon as practicable thereafter, make a report in writing to the Board in such form as the Board requires.

Division 3 - Forfeiture

49. FORFEITURE

(1) Subject to sub-section (2), a thing seized under this Part may, on conviction of a person for an offence in connection with which that thing was seized, in the discretion of the court recording the conviction, be forfeited to the Crown.

(2) A forfeiture under this Part shall be in addition to and not a part of a penalty imposed under this Act.

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(3) Where a thing seized under this Part is not forfeited under sub-section (1), section 51 applies as if no prosecution had been instituted within the period referred to in that section.

(4) Notwithstanding sub-section (3), where a person is convicted of an offence in connection with which the thing was seized, that person is liable to pay to the Territory the reasonable costs of handling, maintaining and storing that thing from the time it was seized.

50. DELIVERY TO BOARD

A thing seized under this Part shall, as soon as practicable, be delivered to the Board, or a person authorized by the Board to accept delivery of such things, by the inspector who seized it.

51. NOTICE TO CLAIM

Where a thing seized under this Part is delivered under section 50, if no prosecution is instituted in respect of the thing within 30 days after it was seized, the Board shall, by notice in writing, require the person from whom it was seized, or a person appearing to the Board to be the owner of the thing, to claim delivery to him of the thing seized.

52. FAILURE TO CLAIM

If no claim is made within 21 days after the date of service of the notice under section 51, the thing seized is forfeited.

53. DETERMINATION OF CLAIM

Where a person served with a notice under section 51 makes a claim for the delivery to him of a thing seized under this Part, the Board shall refer the claim to a court of summary jurisdiction which may deal with the claim in all respects as if it were a claim made by a claimant of property under section 130B of the *Justices Act*.

54. DISPOSAL OF FORFEITED THINGS

All things forfeited under this Part may be sold, destroyed or disposed of in such manner as is prescribed or, in the absence of regulations prescribing the manner of destruction or disposal, as the Board thinks fit.

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PART VIII - MISCELLANEOUS

55. LEVY BY BOARD

(1) The Board, with the prior approval of the Minister, may, from time to time, make a levy on growers in respect of a commodity in such amount as the Board, with the approval of the Minister, determines.

(2) Subject to sub-section (3), moneys raised by the Board by a levy under this section shall be kept in a separate account and shall be applied -

- (a) in payment of such administrative expenses of the Board as the Board from time to time determines to be payable out of the account;
- (b) in establishing and maintaining a fund or funds for the purpose of effecting or providing insurance against fire, pests, hail, flood or other casualty for the benefit of such class or classes of growers as are prescribed;
- (c) in establishing and maintaining a reserve fund; and
- (d) in establishing and maintaining a fund for effecting any other special object which the Board determines to be in the common interest of the growers of the particular commodity.

(3) The Board shall not apply money for a purpose referred to in sub-section (2)(b), (c) or (d) unless the purpose and the rate of levy on the commodity for that purpose have been approved by the Minister.

56. STAFF

The Board may, on such terms and conditions as it thinks fit, employ such persons as it thinks necessary for the purposes of the Board.

57. CONSULTANTS MAY BE ENGAGED

The Board may engage consultants and may make arrangements to be provided with such economic, technical and scientific advice as it thinks fit.

58. ANNUAL REPORTS

(1) The Board shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister a report of its operations during the year ended on that date, together with financial statements in respect of that year, in such form as the Treasurer approves.

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(2) Before furnishing financial statements to the Minister, the Board shall submit them to the auditor appointed under section 41, who shall report to the Minister -

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records;
- (c) whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Board during the year have been in accordance with this Act; and
- (d) as to such other matters arising out of the statements as the auditor considers should be reported to the Minister.

(3) The Minister shall cause the report and financial statements of the Board, together with the report of the auditor, to be laid before the Legislative Assembly within 6 sitting days of that Assembly after the Minister receives them.

59. EXCLUSION OF APPLICATION OF *FINANCIAL ADMINISTRATION AND AUDIT ACT*

The Board is not a statutory corporation within the meaning or for the purposes of the *Financial Administration and Audit Act*.

60. REGULATIONS

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act and in particular for prescribing -

- (a) the manner of the marking of votes in elections under Part III and of determining the results of those elections;
- (b) quality standards and grades of a commodity;
- (c) the processing and treatment of a commodity that may be carried out by the Board;
- (d) the parcels or pools into which various commodities or qualities of a commodity shall be held and the method of determining the amount and the quality of the commodity to be held in each;

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- (e) the procedure for applying for, and the making by the Board of, payments to growers in advance of the sale of a commodity by the Board;
 - (f) the records to be kept by the Board in relation to commodities and the dealing with commodities;
 - (g) the interest to be paid by the Board on account of moneys received by the Board for a commodity sold but not paid to a grower; and
 - (h) the form of certificates and other documents.
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