

NORTHERN TERRITORY OF AUSTRALIA

AGRICULTURAL DEVELOPMENT AND MARKETING ACT

No. 41 of 1980

TABLE OF PROVISIONS

Section

PART I - PRELIMINARY

1. Short title
2. Commencement
3. Expiration
4. Interpretation

PART II - ESTABLISHMENT OF THE AGRICULTURAL  
DEVELOPMENT AND MARKETING AUTHORITY

5. Establishment of the Authority
6. Composition of Authority and appointment of members
7. Chairman
8. Conditions of appointment
9. Resignation of members
10. Acting appointment
11. Disclosure of interest
12. Meetings of Authority

PART III - FUNCTIONS AND POWERS OF THE  
AUTHORITY

13. Functions of the Authority
14. Powers of the Authority
15. Ministerial control
16. Guarantee of loans by other persons
17. Administration of schemes
18. Staff
19. Consultants may be engaged
20. Provision of managerial advice and assistance

PART IV - MISCELLANEOUS

21. Vesting of land, &c.
22. Moneys of the Authority
23. Audit, &c., provisions
24. Regulations

# THE PORTLAND CEMENT INDUSTRY

## TO A

In accordance with the provisions of the Act of 1914, the Commission has the honor to advise you that the Commission has received your application for a license to operate a business in the State of New York.

The Commission has reviewed your application and has found that you are qualified to operate a business in the State of New York.

You are hereby granted a license to operate a business in the State of New York, effective from the date of this order.

This license is granted subject to the conditions set forth in the Act of 1914 and in the regulations of the Commission.

You are required to file with the Commission a true and correct copy of your books and accounts, and to keep the same open for inspection at all times.

You are also required to file with the Commission a true and correct copy of your returns and reports, and to keep the same open for inspection at all times.

The Commission reserves the right to revoke or suspend this license at any time if you fail to comply with the conditions set forth in the Act of 1914 and in the regulations of the Commission.

This license is granted for a term of one year, and may be renewed for successive terms of one year each, if you apply to the Commission for renewal before the expiration of the term.

The Commission has no objection to your application for a license to operate a business in the State of New York.

This order is made this 1st day of January, 1914.

Very truly yours,  
The Commission

# THE NORTHERN TERRITORY OF AUSTRALIA

No. 41 of 1980

## AN ACT

To establish an Authority to assist in the Development of  
Agricultural Activities in the Territory and the Marketing  
of Agricultural Products, and for Related Purposes

[Assented to 30 May 1980]

**B**E 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 Agricultural Development and  
Marketing Act 1980.

#### 2. COMMENCEMENT

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

#### 3. EXPIRATION

(1) Sections 4 to 24 inclusive of this Act shall expire on 30  
June 1985.

(2) The estate or interest in any land held by the Authority  
immediately before the expiry date shall, on that date, by force of  
this section, be vested, both legally and beneficially, in the Northern  
Territory Development Land Corporation.

(3) Subject to sub-section (2), the rights, assets and liabilities  
of the Authority existing immediately before the expiry date are  
acquired and accepted by the Northern Territory Development  
Corporation.

(4) The Northern Territory Development Corporation shall carry  
out and complete and give effect to all dealings, transactions or  
matters in relation to the acquisition of rights, assets and liabilities  
referred to in sub-section (3) that the Authority was required to  
carry out, complete or give effect to immediately before the expiry  
date as if the Northern Territory Development Corporation were the  
Authority.

## Agricultural Development and Marketing

(5) Notwithstanding any law of the Territory, the Registrar-General shall, after the expiry date without any other authority than this section, upon application by the Northern Territory Development Corporation, amend all references to the Authority in the registers kept under the Real Property Act to read as references to the Northern Territory Development Land Corporation.

(6) In this section -

"expiry date" means 30 June 1985;

"Northern Territory Development Corporation" and "Northern Territory Development Land Corporation" mean, respectively, the Northern Territory Development Corporation and the Northern Territory Development Land Corporation established by the Territory Development Act.

### 4. INTERPRETATION

In this Act, unless the contrary intention appears -

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

"Chairman" means the Chairman of the Authority;

"member" means a member of the Authority and includes the Chairman and a person appointed to act as a member.

## PART II - ESTABLISHMENT OF THE AGRICULTURAL DEVELOPMENT AND MARKETING AUTHORITY

### 5. ESTABLISHMENT OF THE AUTHORITY

(1) There is established by this Act an Authority by the name of the Agricultural Development and Marketing Authority.

(2) The Authority -

(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.

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

### 6. COMPOSITION OF AUTHORITY AND APPOINTMENT OF MEMBERS

(1) The Authority shall consist of 3 members.

## Agricultural Development and Marketing

(2) The Minister may, by notice in the Gazette, appoint a person to be a member of the Authority.

(3) The exercise of a power or the performance of a function of the Authority is not affected by reason only of there being a vacancy in the membership of the Authority.

### 7. CHAIRMAN

(1) The Minister shall appoint a person who is, or is to be, a member of the Authority to be the Chairman of the Authority.

(2) The Chairman shall preside at all meetings of the Authority.

### 8. CONDITIONS OF APPOINTMENT

Where, immediately before his appointment as a member, a person was an employee within the meaning of the Public Service Act, the terms and conditions of his appointment as a member shall be as determined, from time to time, by the Administrator and shall be not less favourable than those applicable to him immediately before his appointment as a member.

### 9. RESIGNATION OF MEMBERS

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

### 10. ACTING APPOINTMENT

(1) Where a member 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) Where the office of Chairman is or is expected to be vacant or the Chairman is or is expected to be absent from duty or from the Territory, the Minister may appoint a person to act as Chairman during the vacancy or absence.

(3) The Minister may at any time terminate an appointment made under this section.

(4) The validity of a decision of the Authority 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 this section had not arisen or that an appointment under this section had ceased to have effect.

### 11. DISCLOSURE OF INTEREST

(1) A member of the Authority who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Authority, 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

## Agricultural Development and Marketing

knowledge, disclose the nature of his interest at a meeting of the Authority.

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

- (a) shall not, while he has that interest, take part after the disclosure in any deliberation or decision of the Authority in relation to that matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Authority in relation to that matter.

### 12. MEETINGS OF AUTHORITY

(1) The Chairman shall call such meetings of the Authority as are 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 3 months.

(2) The Minister may at any time direct the Chairman to convene a meeting of the Authority and the Chairman shall convene a meeting in accordance with the direction of the Minister.

(3) At a meeting of the Authority -

- (a) the Chairman and one other 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 Authority shall determine the procedure to be followed at or in connection with the meeting.

(4) The Authority shall keep records of its meetings.

## PART III - FUNCTIONS AND POWERS OF THE AUTHORITY

### 13. FUNCTIONS OF THE AUTHORITY

The functions of the Authority are to investigate, organize and assist in the development and continued operation of agricultural projects in the Territory, including the processing and marketing of agricultural products; and such other functions as are imposed upon it by or under a law of the Territory.

### 14. POWERS OF THE AUTHORITY

(1) Subject to this Act, the Authority 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.

## Agricultural Development and Marketing

(2) Without limiting the generality of sub-section (1), the Authority may, for the purpose of carrying out its functions or exercising its powers, including the powers conferred on it elsewhere in this Act -

- (a) provide assistance in the performance of a function conferred on another person or body under a law in force in the Territory;
- (b) investigate any matter referred to it by the Minister and report to the Minister thereon;
- (c) administer such schemes, including schemes of assistance, as the Minister refers to it;
- (d) make such assessments as it thinks necessary, or as required by the Minister, of the agricultural industry in the Territory;
- (e) enter into contracts;
- (f) acquire, hold and dispose of real or personal property, or any interest therein, and any rights, privileges, permits, licences and authorities;
- (g) participate in the formation of companies;
- (h) administer or participate in the administration of compulsory marketing schemes established under a law of the Territory;
- (j) co-operate with any person or body in the development of agricultural projects or the marketing of agricultural products;
- (k) give guarantees;
- (m) improve any real or personal property owned by or under the control of the Authority;
- (n) appoint receivers, agents and attorneys;
- (p) act as agents; and
- (q) do anything incidental to any of its powers.

### 15. MINISTERIAL CONTROL

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

### 16. GUARANTEE OF LOANS BY OTHER PERSONS

(1) The Authority may make arrangements for an advance to a person or body by a bank or other lending company, institution or body upon terms that include a term that the Territory guarantees the repayment of the loan, together with accrued interest.

## Agricultural Development and Marketing

(2) No arrangements may be made under sub-section (1) unless the Treasurer has approved the proposal prior to the making of the arrangements.

(3) Where arrangements have been made under sub-section (1) -

- (a) the Treasurer shall sign the instrument of guarantee; and
- (b) the Authority shall arrange for the provision by the borrower to the Territory of security of such a nature and on such terms as the Authority thinks fit securing the repayment to the Territory of all money that the Territory may be required to pay under the guarantee.

### 17. ADMINISTRATION OF SCHEMES

Where the Minister has referred to the Authority the administration of a scheme, the Authority has all the powers and functions necessary or desirable for the management and administration of the scheme, but shall observe any limitations of or conditions upon its administration which have been specified by the Minister in his reference.

### 18. STAFF

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

(2) The Authority may, by agreement with the Public Service Commissioner, employ an employee within the meaning of the Public Service Act in the business of the Authority.

(3) In relation to a member and a person employed in the business of the Authority in pursuance of sub-section (2), the Authority shall be deemed to be a prescribed authority within the meaning of the Public Service Act.

### 19. CONSULTANTS MAY BE ENGAGED

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

### 20. PROVISION OF MANAGERIAL ADVICE AND ASSISTANCE

The Authority may provide to a person or body engaged in agricultural activities in the Territory or in the marketing of agricultural products produced in the Territory managerial or



## Agricultural Development and Marketing

technical advice and assistance and, with the approval of the Minister and on such terms and conditions as are specified by the Minister and agreed to by the person or body, may temporarily manage or reconstruct the business of a person or body so engaged.

### PART IV - MISCELLANEOUS

#### 21. VESTING OF LAND, &c.

(1) The Minister for the time being administering the Crown Lands Act may, by notice in the Gazette, declare any land in respect of which -

- (a) all the right, title and interest is vested in the Territory;  
or
- (b) no person, other than the Territory, holds a right, title or interest,

to be vested in the Authority.

(2) Upon the publication of a notice under sub-section (1), all right, title and interest, both legal and beneficial, in respect of the land (including any subsoil) described in the notice, but not in respect of any minerals, becomes, by force of this sub-section, vested in the Authority as though the notice were an alienation in fee from the Crown by way of grant to the Authority.

(3) Upon lodgement of a copy of a notice under sub-section (1) in relation to land with the Registrar-General within the meaning of the Real Property Act or the proper officer controlling any official register or record of the land described in the notice, the Registrar-General or that officer shall deal with the copy of the notice as though it were an instrument of transfer or conveyance of all the right, title and interest in the land to the Authority.

#### 22. MONEYS OF THE AUTHORITY

The moneys of the Authority consist of -

- (a) such moneys as are appropriated by a law of the Territory for the purposes of the Authority;
- (b) interest earned on money lent by the Authority;
- (c) money lent to the Authority by any statutory body or financial institution;
- (d) the proceeds of the sale of produce in the course of its administration of a marketing scheme;
- (e) rent received from land leased from the Authority; and

Agricultural Development and Marketing

- (f) such other amounts as, from time to time, become available for the use of the Authority under this or any other Act.

23. AUDIT, &c., PROVISIONS

The Authority is a prescribed statutory corporation within the meaning, and for the purposes, of the Financial Administration and Audit Act.

24. 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.

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PROCEEDINGS OF THE CONFERENCE

CONFERENCE ON THE HISTORY OF THE UNITED STATES

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