

TERRITORY DEVELOPMENT ORDINANCE 1978

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SCHEDULE

TERRITORY DEVELOPMENT ORDINANCE 1978

175

No. 40 of 1978

An Ordinance to establish a Corporation to assist in the
Development of Industry

[Assented to 29 June 1978]

BE it ordained by the Legislative Assembly for the Northern
Territory of Australia as follows:

PART I—PRELIMINARY

1. This Ordinance may be cited as the *Territory Development Ordinance 1978*. Short title

2. This Ordinance shall come into operation on 1 July 1978. Commencement

3.(1) The *Encouragement of Primary Production Ordinance 1976* and the Ordinances listed in the Schedule are repealed. Repeal and savings

(2) Where, immediately before the commencement of this Ordinance, the Board had a title to or an interest in an asset, or had a right, privilege, obligation or liability, contingent or otherwise, that title, interest, right, privilege, obligation or liability is transferred to the Corporation.

(3) Where, immediately before the commencement of this Ordinance, an activity was being carried on by or in the name of the Board, the Corporation may continue to carry on that activity.

(4) Any money that if this Ordinance had not come into operation would be or become payable to the Board is, or will become, as the case may be, payable to the Corporation.

(5) Where a transfer is effected by sub-section (2), the Corporation continues an action by virtue of sub-section (3), or money is or becomes payable by virtue of sub-section (4), this Ordinance is sufficient authority in relation to that money or to the matter transferred or continued—

- (a) for any person having control of a register to register the transfer;
- (b) for the Corporation, in its own name, to take or continue any action, or to do any other thing that, if this Ordinance had not come into operation, the Board could have taken, continued or done; and
- (c) for a person or body to take or continue any action, or to do any other thing, in relation to the Corporation, that, if this

Ordinance had not come into operation, that person or body could have taken, continued or done in relation to the Board.

(6) In this section "the Board" means the Primary Producers Board established under the *Encouragement of Primary Production Ordinance*.

Interpretation

4. In this Ordinance, unless the contrary intention appears—
- "Chairman" means the Chairman of the Corporation and includes the Deputy Chairman or an acting Chairman when acting as Chairman;
- "Corporation" means the Northern Territory Development Corporation established by this Ordinance;
- "Deputy Chairman" means the Deputy Chairman of the Corporation and includes a person appointed to act as Deputy Chairman;
- "industry" means a trade, business, branch of productive labour or other activity carried on in the Territory that has for its object—
- (a) the production of food, marketable products or things; or
 - (b) the provision of services;
- "member" means a member of the Corporation and includes the Chairman and a person appointed to act as a member.

PART II—THE NORTHERN TERRITORY DEVELOPMENT CORPORATION

Establishment of the Northern Territory Development Corporation

5.(1) There is established by this Ordinance a corporation by the name of the Northern Territory Development Corporation.

(2) The Corporation—

- (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 Corporation affixed to a document and shall assume that it was duly affixed.

Composition of Corporation and appointment of members

6.(1) The Corporation shall consist of 7 members.

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

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

7.(1) Subject to this Ordinance, a member holds office until the expiration of such period, not exceeding 3 years, as is specified in the instrument of appointment, but is eligible for re-appointment. Period of appointment

(2) Where a period of appointment is not specified in the instrument of appointment of a member, the member holds office, subject to this Ordinance, for 3 years.

8.(1) The Minister shall appoint a person who is, or is to be, a member of the Corporation to be the Chairman and another such person to be the Deputy Chairman of the Corporation. Chairman

(2) The Chairman or, in his absence the Deputy Chairman, shall preside at meetings.

(3) In the absence of the Chairman and Deputy Chairman, the members of the Corporation present at a meeting shall elect an acting Chairman, and that person may exercise the powers and perform the duties of the Chairman for that meeting.

9. The members of the Corporation shall be entitled to receive, in respect of their services as members, such fees, allowances and expenses and at such rates as are determined by the Administrator. Fees and expenses

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

11.(1) The Minister may terminate the appointment of a member for inability, inefficiency, misbehaviour or physical or mental incapacity. Dismissal of members

(2) If a member—

(a) is absent, except on leave granted by the Corporation, from 3 consecutive meetings of the Corporation; or

(b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit,

the Minister shall terminate the appointment of the member.

12.(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. Acting appointment

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

(3) A person appointed under sub-section (2) to act as Deputy Chairman shall not act as Chairman while there is a person appointed under section 8 to be the Deputy Chairman and that person is in the Territory and is not absent from duty.

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

(5) The validity of a decision of the Corporation 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.

Disclosure of interest

13.(1) A member of the Corporation who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Corporation, 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 knowledge, disclose the nature of his interest at a meeting of the Corporation.

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

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

Meeting of Corporation

14.(1) The Chairman shall call such meetings of the Corporation 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 Corporation and the Chairman shall convene a meeting in accordance with the direction of the Minister.

(3) At a meeting of the Corporation—

- (a) 4 members 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 Ordinance, the Corporation shall determine the procedure to be followed at or in connexion with the meeting.

(4) The Corporation shall keep records of its meeting.

PART III—FUNCTIONS AND POWERS OF THE CORPORATION

Function of the Corporation

15. The function of the Corporation is to assist in the development of industry in the Territory by the provision of money, resources and advice.

16.(1) The Corporation has power to do all things that are necessary or convenient to be done for or in connexion with or incidental to the performance of its function and the exercise of its powers.

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

- (a) provide assistance in the performance of a function conferred on another person or body under another law of 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 assessments from time to time as required by the Minister of the needs of industry in the Territory;
- (e) enter into contracts;
- (f) acquire, hold and dispose of real or personal property, rights, privileges, permits, licences and authorities;
- (g) participate in the formation of companies;
- (h) give guarantees;
- (i) improve any real or personal property owned by or under the control of the Corporation;
- (j) appoint receivers, agents and attorneys;
- (k) act as agents; and
- (l) do anything incidental to any of its powers.

17. The Corporation in the exercise of its powers and the performance of its functions is subject to the directions of the Minister. Ministerial control

18.(1) Subject to sub-section (2), the Corporation may lend money— Corporation may lend money

- (a) for the purpose of acquiring assets to be used in industry;
- (b) for use as working capital in industry;
- (c) for the discharge or consolidation of debts; or
- (d) for any other purpose that is approved by the Minister and is consistent with its functions.

(2) Money shall not be lent by the Corporation except with the approval of the Minister.

(3) The approval of the Minister given under sub-section (2) may be given from time to time either in relation to a specific loan or by a standing approval in general terms.

- (4) A standing approval in general terms may set out—
- (a) the upper limit of loans which may be made;
 - (b) the rate or rates of interest to be charged on loans;
 - (c) the rate of repayment of loans;
 - (d) the class of securities to be required for repayment of loans;
and
 - (e) such other terms and conditions as the Minister thinks fit.

Guarantee of
loans by other
persons

19.(1) The Corporation 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.

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

- (3) Where arrangements have been made under sub-section (1)—
- (a) the Minister shall sign the instrument of guarantee; and
 - (b) the Corporation shall arrange for the provision by the borrower to the Territory of security of such a nature and on such terms as the Corporation thinks fit securing the repayment to the Territory of all money that the Territory may be required to pay under the guarantee.

Property may
be supplied
as assistance

20. Where an application for assistance specifies, or the applicant for assistance otherwise indicates, that the assistance may be provided partly or wholly by the delivery or transfer to the applicant of land, machinery, material or buildings (whether new or second-hand), the Corporation may purchase or may acquire from the Territory such land, machinery, material or buildings and deliver or transfer it or them to the applicant upon the basis that the delivery and transfer to the applicant constitutes a loan upon specified terms and conditions of such an amount of money as is determined by the Corporation to be the value of the land, machinery, material or buildings at the date of the delivery or transfer.

Waiver of
debts, &c.

21. The Corporation, with the approval of the Minister, may waive, forgive or defer—

- (a) the payment of an amount of interest accrued;
- (b) the repayment of all or part of an amount of money lent to a person or of an instalment of such money; or
- (c) the performance of a duty or act to be performed or done by a person or body under an agreement relating to an advance of money to that person or body.

Administration
of schemes

22. Where the Minister has referred to the Corporation the administration of a scheme, the Corporation has all the powers and functions necessary or desirable for the management and administra-

tion of the scheme, but shall observe any limitations of or conditions upon its administration which have been specified by the Minister in his reference.

23.(1) Subject to sub-section (2), the Corporation may employ, upon such terms and conditions as it thinks fit, a manager of the Corporation and such other persons as it thinks may be necessary for the purposes of the Corporation. Employment of staff

(2) The Corporation shall comply with any directions given by the Minister as to the terms and conditions upon which it may employ persons.

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

25. The Corporation may provide to a person or body engaged in industry managerial or technical advice and assistance and, with the approval of the Minister and upon terms and conditions specified by the Minister and agreed to by the person or body may temporarily manage or reconstruct the business of a person or body engaged in industry. Provision of managerial advice and assistance

PART IV—MISCELLANEOUS

26. The moneys of the Corporation consist of such moneys as are appropriated by a law of the Territory for the purposes of the Corporation. Money of the Corporation

27. The Administrator may make regulations, not inconsistent with this Ordinance, prescribing all matters required or permitted by this Ordinance to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance. Regulations

SCHEDULE

Section 3

ORDINANCES REPEALED

No. and Year	Name of Ordinance
No. 1 of 1931	<i>Encouragement of Primary Production Ordinance 1931</i>
No. 1 of 1934	<i>Encouragement of Primary Production Ordinance 1934</i>
No. 15 of 1938	<i>Encouragement of Primary Production Ordinance 1938</i>
No. 6 of 1954	<i>Encouragement of Primary Production Ordinance 1954</i>
No. 19 of 1956	<i>Encouragement of Primary Production Ordinance 1956</i>
No. 7 of 1960	<i>Encouragement of Primary Production Ordinance 1960</i>
No. 47 of 1965	<i>Encouragement of Primary Production Ordinance 1965</i>
No. 28 of 1968	<i>Encouragement of Primary Production Ordinance 1968</i>
No. 16 of 1970	<i>Encouragement of Primary Production Ordinance 1970</i>
No. 50 of 1971	<i>Encouragement of Primary Production Ordinance 1971</i>
No. 43 of 1972	<i>Encouragement of Primary Production Ordinance 1972</i>
No. 9 of 1973	<i>Encouragement of Primary Production Ordinance 1973</i>
No. 15 of 1975	<i>Encouragement of Primary Production Ordinance 1975</i>