

WEST AUSTRALIAN MEAT EXPORT WORKS.

6° GEO. VI., No. XXIV.

No. 24 of 1942.

AN ACT to ratify an agreement for the purchase by the Government of Western Australia of the undertaking, assets, and business of the West Australian Meat Exports Company, Limited; to ratify the purchase price paid in accordance with the terms of the said agreement; to establish the West Australian Meat Export Works as a State Trading Concern; to validate all transactions hitherto carried on by the West Australian Meat Export Works, and for other purposes.

[Assented to 9th December, 1942.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *West Australian Meat Export Works Act, 1942.* Short title.

2. The agreement set out in the Appendix hereto and the payment of the purchase price specified in clause three of the said agreement is hereby ratified and the said agreement may and shall be carried into effect. Ratification of agreement and payment of purchase price.

3. The West Australian Meat Export Works, as the same is being carried on at the commencement of this Act, is hereby established as a State trading concern West Australian Meat Export Works established.

under the name of "The West Australian Meat Export Works," and it is hereby declared that such trading concern shall be subject to the State Trading Concerns Act, 1916.

Prior transac-
tions of West
Australian
Meat Export
Works vali-
dated.

4. In so far as may be necessary, all transactions engaged in, carried on, and conducted prior to the commencement of this Act by the Government of the State shall be and are hereby validated, and all contracts made in relation to the business of the said West Australian Meat Export Works shall have effect at law and in equity according to the tenor thereof respectively.

APPENDIX.

AN AGREEMENT made this fifth day of June 1942 BETWEEN THE WEST AUSTRALIAN MEAT EXPORTS COMPANY LIMITED a company duly incorporated under the Companies Act 1893 and having its registered office and principal place of business situate at Robbs Jetty Fremantle in the State of Western Australia (hereinafter with its successors and assigns referred to as "the Company") of the one part and THE HONOURABLE JOHN COLLINGS WILLCOCK M.L.A. of Treasury Buildings Barrack street Perth in the said State Treasurer in the Government of Western Australia acting herein for and on behalf of the said Government (and hereinafter with his successors in office referred to as "the Treasurer") of the other part:

WHEREAS the Company is—

- (a) the registered proprietor of an estate in fee simple in the land described in the First Schedule herein:
- (b) the registered lessee of an estate in leasehold in the lands set forth in the Second Schedule herein: and
- (c) the owner of certain plant machinery fittings and fixtures goods and chattels situate on or about the said lands:

AND WHEREAS the said Company carries on on the said land an extensive business in respect of the treatment and export of meat together with such other business as the Company pursuant to its Memorandum of Association is empowered to conduct:

AND WHEREAS the Company desires to sell and the Treasurer for and on behalf of the Government of the State of Western Australia desires to purchase the undertaking of the Company together with all its assets and business as a going concern:

AND WHEREAS pursuant to its Memorandum of Association the objects of the Company are *inter alia* "to sell the undertaking or all or any part of the property of the Company:"

NOW THEREFORE IT IS AGREED as follows:—

1. The Company shall sell and the Treasurer shall purchase the undertaking of the Company which expression shall be deemed to include all the lands buildings hereditaments goods chattels moneys

credits debts bills notes goodwill things in action contracts agreements securities and other assets whatsoever and wheresoever of the Company:

2. As a part of the consideration for the said sale the Treasurer shall undertake pay satisfy discharge perform and fulfil all the debts liabilities contracts engagements and obligations of the Company whatsoever (including taxation owing and to become owing) and shall indemnify the Company against all actions proceedings claims and demands in respect thereof:

3. As a further consideration the Treasurer shall pay to the Company the sum of SEVENTY-FOUR THOUSAND AND SIXTY-FOUR POUNDS (£74,064.) cash:

4. The sale and purchase hereby agreed to be made shall be completed on the 30th day of June 1942 when the said consideration in cash shall be paid to the Company by the Treasurer and the Company shall execute all such assurances and documents and shall do all such things as shall be reasonably required by the Treasurer for vesting in him or his nominee the whole of the assets of the Company.

5. The Company shall not for a period of twenty (20) years from the date hereof either directly or indirectly undertake or carry on or be engaged concerned or interested either alone or in partnership with any other person firm or company or otherwise in a business of a like nature to that carried on by the Company prior to this agreement within the State of Western Australia and will not in the said period solicit orders or seek to obtain business or permit the Company's name to be used for such purpose for or by any person carrying on or about to carry on such business within the said State:

FIRST SCHEDULE referred to—

Portion of Cockburn Sound locations 102, 109, 133 and 280 being lot 12 on plan 3727 being the whole of the land comprised in Certificate of Title registered in Volume 608 Folio 26 save and except such portion of the said land as is comprised in public road marked "Entrance" on Plan 4097:

SECOND SCHEDULE referred to—

Fremantle Lots 1594, 1595, 1596, 1597 and 1598 being the land comprised in Lease 4221-153 Crown Lease 573-1919:

IN WITNESS whereof the parties hereto have hereunto set their hand and seals the day and year first hereinbefore written.

THE COMMON SEAL of THE WEST AUSTRALIAN MEAT EXPORTS COMPANY LIMITED was hereto affixed by authority of the Board of Directors and in the presence of and countersigned by:—

ALEX J. MONGER, Director

SIGNED SEALED AND DELIVERED by the said THE HONOURABLE JOHN COLLINGS WILLCOCK M.L.A. Treasurer for and in the Government of Western Australia in the presence of:—

J. WILLCOCK

Alex J. Reid