

Western Australia

## **Albany Freezing Works Agreement Act 1945**

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## **Albany Freezing Works Agreement Act 1945**

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## **Albany Freezing Works Agreement Act 1945**

**An Act to ratify an agreement for the purchase by the Government of Western Australia of the undertaking, assets and business of the Albany Freezing Works, Limited; to ratify the purchase price paid or payable in accordance with the terms of the said agreement; to provide that the undertaking, assets and business purchased as aforesaid shall be added to, incorporated with, and be part of the West Australian Meat Export Works as a State Trading concern; to validate all transactions hitherto carried on by the Government as the purchaser of the said undertaking, assets and business aforesaid; and for other purposes.**

**1. Short title**

This Act may be cited as the *Albany Freezing Works Agreement Act 1945*<sup>1</sup>.

**2. Agreement and purchase price ratified**

The agreement set out in the Schedule to this Act, and the payment of the purchase price specified in clause 2 of the said agreement are both hereby approved and ratified, and the said agreement may and shall be carried into effect.

**3. Undertaking, etc., as acquired to become part of West Australian Meat Export Works**

The undertaking, assets and business of the Albany Freezing Works, Limited, as acquired by the Government of the State pursuant to the said agreement shall be added to, incorporated

with and become and remain part of the State Trading Concern established under the name of “The West Australian Meat Export Works” by the *West Australian Meat Export Works Act 1942*<sup>2</sup>, and shall be carried on as such.

**4. Prior transactions valid**

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 as part of or in connection with the business as hitherto carried on by the said Albany Freezing Works, Limited, and purchased by the said Government pursuant to the said agreement shall be and are hereby validated; all contracts made and still subsisting in relation to the said business shall have effect at law and in equity according to the tenor thereof respectively in the same manner and extent as if such contracts had been made and entered into by and with the said West Australian Meat Export Works:

**Schedule**

AN AGREEMENT made the 11th day of October, One thousand nine hundred and forty-five BETWEEN ALBANY FREEZING WORKS LIMITED a Company duly incorporated under the Companies Act 1893 and having its registered office and principal place of business situate at 42-56 Beach street 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 FRANK JOSEPH SCOTT WISE M.L.A. of Treasury Buildings Barrack street Perth in the said State Treasurer in the Government of Western Australia and acting herein for and on behalf of the said Government (hereinafter with his successors in office referred to as “the Treasurer”) of the other part.

WHEREAS the Company is the owner of certain plant machinery fittings and fixtures goods chattels and effects situate at Deep Water Jetty Albany and Beach street Fremantle.

AND WHEREAS the Company carries on 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 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 of the Company.”

NOW THEREFORE IT IS AGREED as follows: —

1. The Company shall sell and the Treasurer shall purchase as at the 30th day of June 1945 the undertaking of the Company which expression shall be deemed to include all the buildings hereditaments goods chattels moneys credits debts bills notes goodwill options things in action contracts agreements securities and other assets whatsoever and wheresoever of the Company save and except the assets of the butcher’s shop know as “Hill and Co” Albany.

**Schedule**

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2. The value of the whole of the said assets of the Company is fixed at the sum of Fifty-eight thousand two hundred pounds (£58,200) (subject to adjustment in respect of stock sundry debtors sundry creditors and sundries such adjustment to be certified by the Auditor General and the Company's auditors) which sum less the Company's existing liability to the Treasurer shall be paid to the Company by the Treasurer on or about the 31st day of October 1945 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 save and except as hereinbefore mentioned.

3. The Company shall not for a period of twenty 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.

4. This Agreement shall not take effect unless and until ratified by the Parliament of this State.

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

THE COMMON SEAL of ALBANY  
FREEZING WORKS LIMITED  
was hereunto affixed by resolution  
passed at a meeting of Directors  
on the 11th day of October 1945 by

F. R. HERON, Director

J. S. FOULKES, Director

in the presence of:

A .E. Boneham, Secretary

}  
[Seal.]

SIGNED SEALED AND DELIVERED  
By THE HONOURABLE FRANK  
JOSEPH SCOTT WISE M.L.A.  
Treasurer in and acting here in  
for and on behalf of the Government  
of Western Australia in the presence of:

R. H. Doig



F. J. S. WISE  
[Seal.]

**Notes**

- <sup>1</sup> This is a compilation of the *Albany Freezing Works Agreement Act 1945* and includes all amendments effected by the other Acts referred to in the following Table.

**Table of Acts**

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| <b>Short title</b>                              | <b>Number and year</b> | <b>Assent</b>   | <b>Commencement</b> | <b>Miscellaneous</b> |
|---|------------------------|-----------------|---------------------|----------------------|
| <i>Albany Freezing Works Agreement Act 1945</i> | 46 of 1945             | 30 January 1946 | 30 January 1946     |                      |

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- <sup>2</sup> Repealed by the *Acts Amendment (Western Australian Meat Commission) Act 1975* (No. 70 of 1975).