

MEAT AGREEMENT (DEFICIENCY PAYMENTS).

No. 32 of 1955.

An Act to provide for the making of certain
Payments in respect of Meat exported to the
United Kingdom, and for other purposes.

[Assented to 16th June, 1955.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows:—

- Short title.** 1. This Act may be cited as the *Meat Agreement (Deficiency Payments) Act 1955*.
- Commencement.** 2. This Act shall come into operation on the day on which it receives the Royal Assent.
- Interpretation.** 3.—(1) In this Act, unless the contrary intention appears—
- “deficiency payment” means a payment by the Board under section five of this Act;
 - “edible offal” means any edible portion, other than the flesh, of cattle or sheep;
 - “licensed exporter” means a person holding a licence under section seventeen of the *Meat Export Control Act 1935–1953*;
 - “meat” means beef, veal, mutton, lamb and edible offal, but does not include canned meat;
 - “participating meat” means meat of a kind for which the Minister has fixed a rate of deficiency payment;
 - “producer” means a person engaged in the raising or fattening of cattle, sheep or lambs intended for the production of meat for human consumption;
 - “the agreed minimum price”, in relation to a class of meat, means the minimum price agreed upon from time to time under the Meat Agreement in respect of that class of meat;
 - “the Board” means the Australian Meat Board constituted under the *Meat Export Control Act 1935–1953*;
 - “the Fund” means the Meat Export (Deficiency Payments) Fund;

“the Meat Agreement” means the Agreement between the Government of the Commonwealth and the Government of the United Kingdom signed in London on the eleventh day of October, One thousand nine hundred and fifty-one, relating to the marketing in the United Kingdom of meat exported from Australia ;

“year” means a period of twelve months ending on the thirtieth day of September.

(2.) For the purposes of this Act, meat is divided into the following three classes :—

- (a) beef and veal and edible offal of cattle ;
- (b) mutton and edible offal of sheep not being lambs ; and
- (c) lamb and edible offal of lambs.

4.—(1.) Subject to this section, where the Board—

- (a) informs the Minister that, in the opinion of the Board, by reason of the average market price in the United Kingdom for a class of meat exported to the United Kingdom during a year being less than the agreed minimum price for that class of meat, an amount will be payable in respect of that class of meat by the Government of the United Kingdom to the Government of the Commonwealth under the Meat Agreement ; and
- (b) recommends the making of deficiency payments in respect of specified kinds of meat within that class and the rate at which, and the period during which, the payments should be made,

Rate of
deficiency
payments.

the Minister may, at any time before the expiration of that year, by instrument in writing, fix a rate of deficiency payment for those kinds of meat (not exceeding the rate recommended by the Board) for a specified period within that year.

(2.) A period specified by the Minister under the last preceding sub-section in relation to the year ending on the thirtieth day of September, One thousand nine hundred and fifty-five, shall not be a period commencing before the first day of May, One thousand nine hundred and fifty-five.

(3.) The rate of deficiency payment recommended by the Board under this section for meat included in a class of meat shall be based upon, but shall not exceed, the amount by which the agreed minimum price for that class of meat exceeds the amount estimated by the Board as the free on board equivalent in the Commonwealth of the market price in the United Kingdom of that class of meat at the time the rate is recommended.

5. Subject to this Act, the Board shall, in respect of the export to the United Kingdom of participating meat, being meat that has been delivered into cold store or cool store during a period for which the

Deficiency
payments.

Minister has fixed a rate of deficiency payment for that kind of meat under the last preceding section, make deficiency payments in accordance with the rate so fixed.

Persons to whom payable.

6. The deficiency payments are payable—

- (a) to the exporter of the meat, being a licensed exporter ; or
- (b) if the meat is exported by a licensed exporter on account of the owner in pursuance of the condition specified in sub-section (1A.) of section seventeen of the *Meat Export Control Act 1935-1953*—to the owner.

Minister may make arrangements with Commonwealth Bank.

7. The Minister may arrange with the Commonwealth Bank of Australia for the making by that Bank of advances to the Board for the purposes of this Act and may, on behalf of the Commonwealth, guarantee to the Bank the repayment, out of moneys made available by the Parliament, of advances made by the Bank in pursuance of the arrangement and interest on those advances.

Exporters to pass on benefit of deficiency payments.

8.—(1.) Where the Minister is not satisfied that the prices paid by a licensed exporter to producers in respect of participating meat exported to the United Kingdom are such as to pass on to those producers, in an equitable manner, the full benefit of deficiency payments made to that licensed exporter, the Minister may, by instrument in writing, direct that deficiency payments shall not be made to that licensed exporter.

(2.) The Minister shall, before exercising a power under this section, consider any report made to him by the Board in connexion with the exercise of that power.

Payment of certain moneys to Board.

9. There shall be paid to the Board out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to the amounts received by the Government of the Commonwealth from the Government of the United Kingdom under the Meat Agreement by reason of the average market price in the United Kingdom for a class of meat for a year being less than the agreed minimum price for that class of meat.

Meat Export (Deficiency Payments) Fund.

10.—(1.) The Board shall establish and maintain a Meat Export (Deficiency Payments) Fund.

(2.) There shall be paid into the Fund—

- (a) advances received by the Board in pursuance of section seven of this Act ;
- (b) amounts paid to the Board under the last preceding section ; and
- (c) amounts out of the Consolidated Revenue Fund, which is appropriated accordingly, equal to the moneys received by specified officers under the *Meat Export (Additional Charge) Act 1955*.

(3.) Where an account referred to in the next succeeding section is opened, payment into that account of moneys referred to in the last preceding sub-section shall be deemed to be payment into the Fund.

(4.) Subject to the next succeeding sub-section, moneys standing to the credit of the Fund shall be applied by the Board—

- (a) in making deficiency payments ;
- (b) in meeting expenses in connexion with the making of deficiency payments ;
- (c) in repaying moneys advanced to the Board for the purposes of this Act, including interest payable by the Board in respect of moneys so advanced ; and
- (d) in any other manner approved by the Minister on the recommendation of the Board for the purposes of carrying out the Meat Agreement.

(5.) The Board shall keep separate accounts of moneys in the Fund attributable to each class of meat and shall not apply moneys attributable to a class of meat in making payments in connexion with another class of meat.

11.—(1.) Moneys in the Fund not immediately required for the purposes specified by sub-section (4.) of the last preceding section—

Investment of
moneys, &c.

- (a) may be invested in securities of, or guaranteed by, the Government of the Commonwealth or of a State ; or
- (b) may be lodged in an account at call or on fixed deposit, or partly in an account at call and partly on fixed deposit, at the Commonwealth Bank of Australia or at another bank approved by the Minister.

(2.) Income derived from the investment of moneys standing to the credit of the Fund forms part of the Fund.

(3.) The income of the Fund is not subject to taxation by the Commonwealth or a State.

12. Where, in respect of a year, the amount of the deficiency payments made by the Board in relation to a class of meat, together with the expenses incurred by the Board in connexion with those payments (including interest payable by the Board on moneys advanced to the Board for the purposes of this Act and attributable to those payments) exceeds the amount of the payments by the Government of the United Kingdom to the Government of the Commonwealth under the Meat Agreement in relation to that class of meat in respect of that year, the amount of the excess shall be met by the Board out of moneys attributable to that class of meat in the Fund, in the Meat Export Fund established under the *Meat Export Control Act 1935-1953* or in an account opened by the Board under section nineteen A of that Act.

Overpayment
of deficiency
payments.

Inspection of
books and
accounts.

13.—(1.) For the purpose of this Act, a person authorized in writing by the Minister to exercise powers under this section may, at all reasonable times—

- (a) enter the premises of a licensed exporter or of the Board, or the premises where any books or accounts relating to a licensed exporter or the Board are kept; and
- (b) inspect, and make copies of or extracts from, any such books or accounts.

(2.) A person shall not obstruct or hinder a person authorized to exercise powers under this section in the exercise of those powers.

Penalty : Fifty pounds.

Returns and
information.

14. A person authorized in writing by the Minister for the purpose may, by notice in writing, require a licensed exporter or a producer to furnish, within such time as is specified by the person so authorized, such returns and information, being returns and information relevant to the operation of this Act, as are specified in the notice, and the licensed exporter or producer shall furnish those returns and that information accordingly.

Penalty : Fifty pounds.

Offences.

15.—(1.) A person shall not—

- (a) obtain a deficiency payment by means of a false or misleading statement;
- (b) present to a person performing duties in relation to this Act or the regulations a document, or make to such a person a statement, which is false or misleading in a particular; or
- (c) furnish under this Act or the regulations a return which is false or misleading in a particular.

Penalty : Five hundred pounds, or imprisonment for one year.

(2.) Where a person is convicted under the last preceding sub-section, the court may, in addition to imposing a penalty under that sub-section, order the person to refund to the Board the amount of any deficiency payment wrongfully obtained.

(3.) Where the court has made an order under the last preceding sub-section, a certificate under the hand of the clerk or other appropriate officer of the court, specifying the amount ordered to be refunded and the person by whom the amount is payable, may be filed in a court having civil jurisdiction to the extent of that amount and is thereupon enforceable in all respects as a final judgment of that court.

Regulations.

16. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing penalties not exceeding Fifty pounds for breaches of the regulations.