

MEAT EXPORT CONTROL.

No. 52 of 1935.

An Act relating to the Export of Meat.

[Assented to 6th December, 1935.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

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| 1. This Act may be cited as the <i>Meat Export Control Act 1935</i> . | Short title. |
| 2. This Act shall commence on a date to be fixed by Proclamation. | Commencement. |
| 3. The <i>Meat Industry Encouragement Act 1924</i> is repealed. | Repeals. |
| 4. In this Act, unless the contrary intention appears— | Definitions. |
| “edible offal” means any edible portion, other than the flesh, of cattle, sheep or pigs ; | |
| “meat” means the flesh, whether fresh or preserved, of cattle, sheep or pigs ; | |
| “Meat Advisory Committee” means a body established in a State by arrangement between the Minister and the Government of the State for the purpose of advising on matters relating to the meat industry of that State ; | |
| “Meat Exporters Association” means any association established in a State which, in the opinion of the Minister, is an association representative of meat exporting companies operating in that State ; | |
| “meat product” means food prepared from or containing meat, and includes canned meat ; | |
| “member” means a member of the Board ; | |
| “stock producer” means a person engaged in the raising or fattening of cattle or sheep intended for the production of beef, veal, mutton or lamb for human consumption ; | |
| “the Board” means the Australian Meat Board constituted in pursuance of this Act ; | |
| “the Chairman” means the Chairman of the Board ; | |
| “the Fund” means the Meat Export Fund established under this Act ; | |
| “the Southern Riverina” means that part of the State of New South Wales which is described in the Schedule to this Act ; | |
| “the Southern Riverina Meat Advisory Committee” means a body established in the State of New South Wales by arrangement between the Minister and the Government of that State for the purpose of nominating a member of the Board to represent the stock producers of the Southern Riverina. | |

**Australian
Meat Board;**

5.—(1.) For the purposes of this Act, there shall be an Australian Meat Board.

(2.) The Board shall consist of—

- (a) one member in respect of each State to represent the stock producers of the State (but not including, in the case of the State of New South Wales, the stock producers referred to in paragraph (c) of this sub-section);
- (b) one member to represent the stock producers of the Northern Territory;
- (c) one member to represent the stock producers of the Southern Riverina;
- (d) one member to represent the pig producers of Australia;
- (e) one member in respect of each State which exports more than Fifteen thousand tons of meat annually, to represent meat exporting companies in that State;
- (f) one member to represent co-operative organizations which export mutton and lamb;
- (g) four members to represent publicly owned abattoirs and freezing works which deal with meat for export from Australia; and
- (h) one member (in this Act referred to as “the Government representative”) to represent the Commonwealth Government.

(3.) The members of the Board shall be appointed by the Governor-General in accordance with the provisions of this section.

(4.) The members appointed to represent the stock producers of each State shall be appointed upon the nomination of a majority of the representatives of the stock producers on the Meat Advisory Committee in that State:

Provided that, in the case of the State of New South Wales, representatives of the stock producers of the Southern Riverina (if any) shall not take part in the nomination of a member under this sub-section.

(5.) The member appointed to represent the stock producers of the Northern Territory shall be a person nominated by the Northern Territory Pastoral Lessees Association and approved by the Minister.

(6.) The member appointed to represent the stock producers of the Southern Riverina shall be appointed upon the nomination of a majority of the representatives of the stock producers on the Southern Riverina Meat Advisory Committee.

(7.) The member appointed to represent the pig producers of Australia shall be appointed upon the nomination of the Council for the Australian Pig Industry, or such other body as is approved by the Minister.

(8.) Each member appointed in pursuance of paragraph (e) of sub-section (2.) of this section to represent meat exporting companies shall be a person nominated by the Minister:

Provided that the Minister shall, whenever practicable, consult the Meat Exporters Association in the State concerned before submitting his nomination.

(9.) The member appointed to represent co-operative organizations which export mutton and lamb shall be a person nominated by the Minister to represent those organizations.

(10.) The members appointed to represent publicly owned abattoirs and freezing works which deal with meat for export shall be—

- (a) the person for the time being holding the position of Metropolitan Meat Industry Commissioner in the State of New South Wales or in the event of that person ceasing in pursuance of this section to hold office as a member of the Board, such person as is appointed by the Governor-General on the nomination of the Governor-in-Council of that State ;
- (b) the person for the time being holding the position of Chairman, Queensland Meat Industry Board or in the event of that person ceasing in pursuance of this section to hold office as a member of the Board, such person as is appointed by the Governor-General on the nomination of the Governor-in-Council of the State of Queensland ;
- (c) the person holding at the commencement of this Act the position of General Manager, Government Produce Department, State of South Australia or in the event of that person ceasing to hold that position or ceasing in pursuance of this section to hold office as a member of the Board, such person as is appointed by the Governor-General on the nomination of the Governor-in-Council of the State of South Australia ;
- (d) the person for the time being holding the position of General Manager, Western Australian Government Meat Works, Wyndham or in the event of that person ceasing in pursuance of this section to hold office as a member of the Board, such person as is appointed by the Governor-General on the nomination of the Governor-in-Council of the State of Western Australia.

Each member shall hold office during the pleasure of the Governor-General.

(11.) The Government Representative shall be appointed by the Governor-General and shall hold office during the pleasure of the Governor-General.

(12.) Nominations of members of the Board by any association or body of persons shall be in writing, and shall be forwarded to the Minister so as to be received by him on or before a date fixed by the Minister by notice in the *Gazette*.

(13.) Where any member is required by this section to be appointed pursuant to a nomination by any association or body of persons, and no nomination is received by the Minister on or before the time fixed

in accordance with the last preceding sub-section, the Governor-General may appoint such person as he thinks fit to represent the interests concerned.

(14.) Members of the Board, other than the Government Representative and the persons holding the positions specified in sub-section (10.) of this section, shall hold office for a period of three years and shall be eligible for re-appointment.

(15.) Members of the Board, other than the Government Representative, may be removed from office by the Governor-General on the recommendation of the Board.

(16.) On the occurrence of any vacancy in the membership of the Board by reason of the death, resignation or removal from office of any member (other than a member holding one of the positions specified in sub-section (10.) of this section) the Governor-General may appoint a person to fill the vacancy, and any person so appointed (other than the Government Representative) shall hold office for the residue of the term of the member whose place became vacant :

Provided that where the member whose place became vacant was appointed upon the nomination of any body of persons or any association, the person appointed to fill the vacancy shall, subject to sub-section (13.) of this section, be appointed upon the nomination of that body of persons or that association.

(17.) The powers and functions conferred on the Board by this Act shall not be affected by reason only of there being a vacancy in the membership of the Board.

**Incorporation
of Board.**

6. The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of suing and being sued and of holding real and personal property.

**Deputies of
members.**

7.—(1.) In the event of the illness or absence of a member of the Board, the Governor-General may appoint a person to be the deputy of that member, and the person so appointed shall, during the illness or absence of the member, exercise and perform all the powers and functions of a member of the Board.

(2.) Where the member who is ill or absent was appointed upon the nomination of any body of persons or any association, the person appointed to be the deputy of that member shall be appointed upon the nomination of that body of persons or that association, or, if the Minister is of the opinion that it is not practicable to obtain such a nomination, upon the nomination of the Minister.

(3.) An appointment of a deputy of a member, and any act done by him as such, shall not be questioned in any proceedings on the ground that the occasion for his appointment had not arisen or had ceased.

**Validity of
appointments.**

8. The appointment of any person as a member, or as the deputy of a member, upon the nomination of any body of persons or any association, shall not be questioned on the ground that that person was not nominated by that body or that association.

9.—(1.) At the first meeting of the Board, which shall be held at a time and place notified by the Minister in the *Gazette*, the Board shall appoint one of its members to be the Chairman of the Board.

Chairman of
the Board.

(2.) The Chairman of the Board shall hold office until the appointment of a successor in accordance with this section, and shall be eligible for re-appointment.

(3.) At a meeting of the Board, which shall be held in the month of July of each year, the Board shall appoint a person to be the Chairman for the ensuing period of twelve months.

(4.) At any meeting of the Board at which the Chairman is not present, the members present shall appoint one of their number to act as Chairman at that meeting.

10.—(1.) Subject to this Act, meetings of the Board shall be held at such times and places within the Commonwealth as the Board from time to time determines.

Meetings of the
Board.

(2.) The Chairman or any three members may at any time call a special meeting of the Board.

(3.) At all meetings of the Board nine members shall form a quorum.

(4.) At any meeting of the Board the Chairman shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

(5.) All questions before the Board shall be decided by a majority of votes.

(6.) The Board shall keep a record of its proceedings.

11.—(1.) There shall be an Executive Committee of the Board consisting of the Chairman and six other members of the Board to be elected annually by the Board.

Executive
Committee of
Board.

(2.) In the election of the Executive Committee, the Board shall endeavour to provide, as far as possible, for the representation on the Executive Committee of the various interests represented on the Board.

(3.) The Executive Committee shall have such powers and functions of the Board as the Board recommends, subject to the approval of the Minister, but the Board may at any time exercise any of its powers and functions notwithstanding the appointment of the Committee.

(4.) At any meeting of the Executive Committee four members shall form a quorum.

(5.) In the event of the absence of the Chairman from any meeting of the Executive Committee the members present at the meeting may elect one of their number to be the Chairman at that meeting.

(6.) At any meeting of the Executive Committee the Chairman shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

(7.) All questions before a meeting of the Executive Committee shall be decided by a majority of votes.

(8.) In the event of a vacancy occurring in the Executive Committee, the Board may elect one of its members to hold the vacant office for the residue of the term for which the member whose office is vacant was elected.

**Beef
Committee.**

12.—(1.) There shall be a Beef Committee of the Board consisting of the Chairman and such other members of the Board as the Board determines.

(2.) The Beef Committee shall advise the Board in relation to matters affecting the export of beef from the Commonwealth.

(3.) At any meeting of the Beef Committee at which the Chairman is not present the members present shall appoint one of their number to act as Chairman at that meeting.

**Fees and
expenses**

13. The members of the Board, of the Executive Committee of the Board, and of the Beef Committee of the Board, and the deputies of members of the Board while acting as such, shall receive such fees and expenses as are prescribed.

**London
Representative.**

14.—(1.) The Board shall appoint a person approved by the Minister to be the representative of the Board in London.

(2.) The London Representative shall hold office upon such terms and conditions as the Board thinks fit.

(3.) The London Representative shall keep the Board advised as to current prices of meat and as to other matters relating to the disposal of meat, meat products and edible offal, and shall act generally as the representative of the Board in accordance with the directions of the Board.

**Appointment of
Officers.**

15.—(1.) The Board may appoint such officers as are necessary to assist the Board in carrying out its functions under this Act.

(2.) Officers appointed in pursuance of this section shall not be subject to the *Commonwealth Public Service Act 1922-1934* and shall hold office during the pleasure of the Board.

(3.) The salaries and conditions of employment of officers appointed in pursuance of this section shall be as prescribed.

(4.) If an officer of the Public Service of the Commonwealth is appointed as Secretary to the Board, his service as an officer of the Board shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth, and the *Officers' Rights Declaration Act 1928-1933* shall apply to that officer in like manner as if this Act and section were specified in the Schedule to that Act.

**Powers of
Board.**

16. The Board shall have power—

(a) to make recommendations to the Minister in relation to the making of regulations for the purpose of regulating the export of meat, meat products, and edible offal from the Commonwealth ;

(b) to make reports and suggestions to the Minister on such matters as the quality standards and grading of any

particular class or kind of meat to be exported from Australia ;

(c) to advise or to make recommendations to the Minister regarding matters arising in connexion with any export programmes which it may, from time to time, be necessary to observe ;

(d) to make arrangements, either on its own behalf or in collaboration with any other Board or Authority, for any experiment, act, or thing which, in the opinion of the Board, is likely to lead to the improvement of the quality of, or the prevention of deterioration before or during transport from Australia of, Australian meat, meat products or edible offal, or to promote the sale overseas of such meat, meat products or edible offal,

and such other powers as are conferred by this Act.

17.—(1.) For the purpose of enabling the Board effectively to control the export of Australian meat, meat products, and edible offal, the Governor-General may make regulations prohibiting the export from the Commonwealth of any meat, meat products, or edible offal except by persons who hold licences issued by the Minister or by any person thereto authorized in writing by the Minister, and subject to such conditions and restrictions as are prescribed after recommendation to the Minister by the Board.

Power to control export of meat.

(2.) Any person who exports meat, meat products or edible offal from the Commonwealth in contravention of the regulations made in pursuance of this section (including the prescribed conditions and restrictions) shall be guilty of an offence.

Penalty : Five hundred pounds.

(3.) Where the Minister is satisfied, on report by the Board, that any person, to whom a licence under this section has been granted, has contravened or failed to comply with the prescribed conditions and restrictions, the Minister may cancel the licence.

18.—(1.) After such date as is notified in the *Gazette* by the Minister on the recommendation of the Board, a contract for—

(a) the carriage by sea to any place beyond the Commonwealth of any meat, meat products or edible offal ; or

(b) the insurance against loss or deterioration of such meat, meat products or edible offal whilst awaiting transport or in transit or until disposed of,

shall not be made except by the Board acting as the agent of the owners of the meat, meat products or edible offal, or of other persons having authority to export it, or in conformity with conditions approved by the Board.

Contracts relating to shipment and insurance of meat, meat products and edible offal.

(2.) Every contract of the kind specified in the last preceding sub-section which is made otherwise than in accordance with this section shall be void.

(3.) The Collector or other officer of Customs may require any person who, after the date notified by the Minister in pursuance of this section, exports any meat, meat products or edible offal from the Commonwealth, on making entry thereof under the *Customs Act*

1901-1935 and before the entry has been passed, to satisfy him that the contract for the carriage of the meat, meat products or edible offal has been approved by the Board, and the Collector or other officer of Customs may decline to pass the entry until the person has so satisfied him.

(4.) This section shall apply, with the necessary modifications, to contracts made before the date notified in the *Gazette* in pursuance of sub-section (1.) of this section (whether made before or after the commencement of this Act) in like manner as it applies to contracts made after that date :

Provided that the approval of the Board shall not be required for any such contract if the meat, meat products or edible offal to which it relates is exported from Australia not later than the first day of March, One thousand nine hundred and thirty-six.

Operation of
Customs Act
and *Commerce*
(*Trade*
Descriptions)
Act not
affected.

19. Nothing in this Act or the regulations shall affect the operation of the *Customs Act* 1901-1935, of the *Commerce (Trade Descriptions) Act* 1905-1933, or of any regulations made under either or both of those Acts.

Meat Export
Fund.

20.—(1.) There shall be a Meat Export Fund into which shall be paid, out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, all moneys received by the prescribed officers under the *Meat Export Charges Act* 1935.

(2.) Where any account referred to in section twenty-two of this Act is opened, payment into that account of the moneys mentioned in the last preceding sub-section shall be held to be payment into the Fund.

(3.) Income derived from the investment of the Fund shall form part thereof.

(4.) The income of the Fund shall not be subject to taxation by the Commonwealth or a State.

Application of
moneys paid
into Fund.

21. The moneys paid into the Fund shall be applied by the Board—

- (a) in payment of the expenses and other charges incurred by the Board, or for which the Board may become liable in the course of its business ;
- (b) in payment of the prescribed salaries and allowances of officers of the Board ;
- (c) in payment of travelling allowances, fees or other remuneration to members of the Board or of the London Representative ;
- (d) in investment in any securities of, or guaranteed by, the Government of the Commonwealth or of a State ; and
- (e) in payment of any costs or expenses incurred in connexion with any experiment, act, or thing undertaken or done in pursuance of any arrangement made by the Board under the powers conferred by paragraph (d) of section sixteen of this Act.

Moneys in Fund
uninvested may
be lodged in
Bank.

22. Moneys held in the Fund uninvested by the Board may be lodged in an account at call or on fixed deposit, or partly in an account

at call and partly on fixed deposit, with the Commonwealth Bank, and while in such bank shall be held to be moneys of the Crown.

23. Cheques drawn on any account referred to in the last preceding section shall be signed as prescribed. How cheques signed.

24.—(1.) The Board may call upon any person to furnish, within such time as is specified by the Board, such returns and information in relation to the meat industry or to meat, meat products or edible offal, owned by him or under his control, as are necessary for the purposes of carrying out this Act. Power to call for returns.

(2.) Any person who, being called upon in pursuance of this section to furnish any return or information in relation to any matter within his knowledge or under his control, fails to furnish the return or information within the time specified shall be guilty of an offence.

Penalty: One hundred pounds.

25. The accounts of the Board shall be subject to inspection and audit by the Auditor-General for the Commonwealth. Audit.

26. The members of the Board shall not be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board. Liability of Board for its acts.

27.—(1.) The Board shall, in the month of July in each year, report to the Minister generally as to the operation of the Act. Annual Report.

(2.) A copy of the report of the Board shall be laid before each House of the Parliament within seven days of its receipt by the Minister, if the Parliament is then sitting, and, if the Parliament is not then sitting, then within seven days of the next meeting of the Parliament.

(3.) The report shall be accompanied by a statement by the Minister regarding the operation of the Act.

28. 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 any breach of the regulations other than a breach for which a penalty is prescribed by this Act. Regulations.

THE SCHEDULE.

THE SOUTHERN RIVERINA.

That portion of the State of New South Wales lying within a line starting from Forrest Hill on the Victorian border and drawn along the Eastern boundaries of the Hume and Wagga Wagga Pastures Protection Districts to the River Murrumbidgee, thence along the River Murrumbidgee to its junction with the River Lachlan, thence by the Eastern boundaries of the East Darling Crown Lands Division to the North-East corner of Kilfera, thence by the Northern boundaries of Kilfera and Manfred, Western boundaries of Manfred and Mulurulu, Northern and Western boundaries of Pan Ban, and Northern boundaries of Garnpang and Tarcoola to the River Darling, thence by the River Darling Southwards to Mallara, thence by the Northern boundaries of that run and Avoca and Lake Victoria to the South Australian border, thence along the South Australian border and the Southern border of New South Wales to the starting point.