

# STATUTORY RULES.

1934. No. 56.

## REGULATIONS UNDER THE WINE OVERSEAS MARKETING ACT 1929-1930.

WHEREAS it is provided by the *Wine Overseas Marketing Act* 1929-1930 that for the purpose of enabling the Wine Overseas Marketing Board effectively to control the export and the sale and distribution after export of Australian wine, the Governor-General may by Proclamation prohibit the export from the Commonwealth of any wine except in accordance with a licence issued by the Minister subject to such conditions and restrictions as are prescribed after recommendation to the Minister by the Board:

And whereas by Proclamation dated the twenty-first day of May, 1930, and published in the *Gazette* of the twenty-fourth day of May, 1930, the Governor-General prohibited the export from the Commonwealth on and after the second day of June, 1930, of any wine (except wine to be exported to the Dominion of New Zealand) except in accordance with a licence issued by the Minister subject to such conditions and restrictions as are prescribed after recommendation to the Minister by the Board:

And whereas the Board has recommended to the Minister that licences for the export of wine from the Commonwealth should be issued subject to the conditions and restrictions prescribed in the Regulations hereunder:

Now therefore I, the Governor-General in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Wine Overseas Marketing Act* 1929-1930.

Dated this *Twentyfirst*  
day of *March*, 1934.

Governor-General.

By His Excellency's Command,

*(Sd) Fred. H. Stewart.*

Minister of State for Commerce.

### WINE OVERSEAS MARKETING (LICENCES) REGULATIONS.

1. These Regulations may be cited as the Wine Overseas Marketing Citation. (Licences) Regulations.

2. The Wine Overseas Marketing (Licences) Regulations (being Repeal. Statutory Rules 1930, No. 56, as amended by Statutory Rules 1931, No. 148, and Statutory Rules 1932, Nos. 18, 39 and 119) are repealed.

3.—(1.) In these Regulations, unless the contrary intention Definitions. appears—

“authorized person” means a person appointed to act as such for the purpose of these Regulations by a resolution of the Board;

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“authorized price” means—

(a) in the case of wine sold together with the casks containing the wine, the price for the time being fixed by the Board for the sale of wine overseas together with the casks containing the wine; and

(b) in the case of wine sold without the casks, the price for the time being fixed by the Board for the sale of wine overseas;

and where any price is stated in any currency other than the currency in which the authorized price is fixed the authorized price shall be deemed to be the equivalent price in the former currency at the rate of exchange ruling at the time of sale;

“cask” includes receptacle of any kind;

“Executive Committee” means the Executive Committee of the Board constituted under section eleven A of the Act;

“export” means export from the Commonwealth;

“licence” means a licence granted by the Minister in pursuance of section fifteen of the Act;

“licensee” means a person to whom a licence has been granted;

“overseas” means in any place outside the Commonwealth other than the Dominion of New Zealand;

“person” includes company, corporation, firm, syndicate, association (co-operative or otherwise), and any other body or group of persons whether incorporated or not;

“sale” includes agreement to sell, offering for sale, supply, or other disposition, and “sell” and “sold” have corresponding meanings;

“the Act” means the *Wine Overseas Marketing Act 1929-1930*;

“the Board” means the Wine Overseas Marketing Board constituted under section five of the Act and includes the Executive Committee in respect of any powers and functions of the Board exercised by the Executive Committee;

“the Minister” means the Minister of State for Commerce;

“the Secretary” means the Secretary of the Board.

(2.) In these Regulations any reference to a Form shall be read as a reference to a Form contained in the Schedule to these Regulations.

Application  
for licence  
to export  
wine.

4. Any person who desires to export wine shall forward to the Secretary an application in accordance with Form A, and shall furnish such information in support of the application as the Secretary or an authorized person requires.

Form of  
licences.  
Conditions of  
licences.

5. A licence to export wine may be in accordance with Form B.

6. The terms and conditions upon which licences to export wine may be granted shall be as follows:—

(1) That the licensee shall comply with all regulations from time to time made under the Act so far as the same are applicable to him.

(2) That the licensee shall not—

(a) sell any wine, or wine together with the casks containing the wine, overseas at a price less than the authorized price;

(b) export any wine, or wine together with the casks containing the wine, for sale overseas at a price less than the authorized price;

- (c) enter into any contract or agreement whereby any person is enabled, authorized or permitted to sell any wine, or wine together with the casks containing the wine, overseas at a price less than the authorized price;
  - (d) give any authority, licence, consent or approval, either generally or with respect to any particular case, to any person to sell any wine, or wine together with the casks containing the wine, overseas at a price less than the authorized price;
  - (e) facilitate, counsel, procure, or encourage the sale overseas of any wine, or wine together with the casks containing the wine, at a price less than the authorized price;
  - (f) give or allow, or promise or agree to give or allow, any rebate, discount, commission, allowance, option or benefit, whether in money, money's worth, credit, goods, or otherwise, to any person in respect of the sale overseas of any wine, or any wine together with the casks containing the wine, at a price less than the authorized price, or whereby the sale overseas of wine, or wine together with the casks containing the wine, at a price less than the authorized price may be enabled, facilitated, or encouraged;
  - (g) fail or omit to take all reasonable and proper steps to ensure that any agent, representative, or consignee of the licensee, shall not sell the wine, or the wine together with the casks containing the wine, overseas at a price less than the authorized price.
- (3) That, whenever the licensee sells wine overseas (whether directly, or through an agent or consignee), the licensee shall—
- (a) stipulate (or cause his agent or consignee to stipulate on his behalf) in the contract or agreement relating to the sale of the wine, that the purchaser of the wine shall, within six months after the date of the sale, return to the licensee at the port from which the wine was shipped, the casks in which the wine was exported, freight, insurance and all other charges in respect of such return to be paid by the purchaser; or
  - (b) furnish to the Board, and to the London Agency, of the Board, full particulars of every sale, hiring, gift or other transaction of, or relating to, casks in which the wine was exported, and shall, if requested by the Board or an authorized person, produce to the Board or the authorized person, evidence to the satisfaction of the Board

or the authorized person, that any such sale, hiring or other transaction did not operate, either directly or indirectly, to reduce the price of that wine to a price less than the authorized price,

and the licensee will not waive compliance with any stipulation referred to in paragraph (a) of this condition, or authorize or permit his agent or consignee to waive such compliance, and in the event of the purchaser failing to comply with the stipulation, the licensee will forthwith furnish full particulars relating to the matter to the Board or to an authorized person.

- (4) That the licensee shall, not less than fourteen days prior to the export by him of any shipment of wine, furnish to the Board, or to an authorized person, a statement, in duplicate, relating to the shipment, in accordance with Form C.
- (5) That the licensee shall not export any shipment of wine unless he has first obtained from the Secretary, or an authorized person, a certificate (in accordance with Form D) certifying that the export of that shipment of wine is authorized.
- (6) That the type, quantity, approximate alcoholic strength in proof spirit and approximate sugar strength, as determined by the Beaume test, of wine comprised in each shipment for export shall be in accordance with the certificate of authority to export that shipment of wine.
- (7) That the licensee shall export each shipment of wine—
  - (i) to the person,
  - (ii) by the vessel,
  - (iii) from the port, and
  - (iv) on or about the date,
 specified in the certificate of authority to export that shipment of wine.
- (8) That the licensee shall, upon demand in writing by the Secretary or an authorized person—
  - (a) furnish to the Board, or to the authorized person, such information as is required in relation to the sale or export, or the intended sale or export, by the licensee of any wine, or in relation to any wine at any time owned by, or in the custody, possession or power of, the licensee;
  - (b) produce to the Board or to the authorized person all books, papers, letters, copies of letters, accounts, statements, balance-sheets, vouchers, and other writings and documents in his custody, possession or power, containing any entry, memorandum or minute relating to the sale or export, or the intended sale or export, by the licensee, of any wine, or relating to any wine which has been exported and was at any time owned by or in the custody, possession or power of the licensee, or relating to any casks in which wine has been exported.

- (9) That the licensee shall, upon demand by the Secretary or an authorized person, permit the Board or the authorized person to take samples of any wine owned by, or in the custody, possession, or power of, the licensee, or of any wine intended to be exported by the licensee, either before export or on arrival at the port of discharge or at such other time or place as the Board or the authorized person requires.

(10) That the licensee shall, whenever so required by notice in writing signed by the Secretary or an authorized person, withhold from export the whole or any portion of any wine intended for export.
7. Any notice to be given to a licensee by the Board, the Secretary, or an authorized person may be sent by post to the licensee at his address specified in the licence.

8.—(1.) Any licensee who fails to comply with, or commits any breach of, these Regulations, shall be guilty of an offence.  
Penalty: Fifty pounds.

(2.) In any prosecution against a licensee for failing to comply with, or committing any breach of, these Regulations, the averment of the prosecutor contained in the information or complaint shall be *prima facie* evidence of the matter or matters averred.

9. The appointment by the Board of an authorized person shall be notified in the *Gazette*.

10. The authorized price or authorized prices and any alterations thereto or variations thereof shall be notified in the *Gazette*.
- Appointment of authorized persons to be notified in the *Gazette*.

Authorized prices to be notified in the *Gazette*.

Form A.

THE SCHEDULE.  
COMMONWEALTH OF AUSTRALIA.  
Wine Overseas Marketing (Licenses) Regulations.  
APPLICATION FOR LICENCE TO EXPORT WINE.

Reg. 3 (2.).  
Reg. 4.

To the Secretary,  
Wine Overseas Marketing Board,  
\*.....  
.....  
.....  
I/We .....  
[Here insert full name of Applicant]  
of.....hereby make  
[Here insert full address of Applicant]  
application for a licence to export wine.  
Dated this.....day of.....193...  
.....  
(Signature(s) of Applicant(s).)

\* Applications should be forwarded to the address shown hereunder in the State in which the applicant resides, namely :—  
New South Wales—c/o Department of Commerce, Customs House, Sydney. *Cwlth Bank Bldgs*  
Victoria—c/o Department of Commerce, 524 Collins-street, Melbourne. *419*  
Queensland—c/o Department of Commerce, ~~Deemed Chambers~~, *Adelaide-street*, Brisbane. *Q.T.C Bldgs Queen St.*  
South Australia—23 Waymouth-street, Adelaide.  
Western Australia—c/o The Collector of Customs, Fremantle.  
Tasmania—c/o The Collector of Customs, Hobart.

SCHEDULE—continued.

Form B.

Reg. 5.  
Licence No.....

COMMONWEALTH OF AUSTRALIA.  
Wine Overseas Marketing Act 1929-1930.  
LICENCE TO EXPORT WINE.

In pursuance of section 15 of the *Wine Overseas Marketing Act 1929-1930*, I.....the Minister of State for Commerce, do hereby grant to.....of.....a licence to export wine from the Commonwealth during the period commencing on.....193... and ending on.....193..., upon the terms and conditions prescribed by the *Wine Overseas Marketing (Licences) Regulations*.

Dated this.....day of.....193...

.....  
Minister of State for Commerce.

N.B.—Sections 15 (3.) and 16 of the *Wine Overseas Marketing Act 1929-1930* read as follows:—

“(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 any term or condition upon which the licence was granted, the Minister may cancel the licence.”.

“16. Any person who—

(a) exports wine from the Commonwealth in contravention of any Proclamation under this Act; or

(b) being the holder of a licence under the last preceding section, contravenes or fails to comply with any term or condition upon which the licence was granted,

shall be guilty of an offence.

Penalty: One hundred pounds.”.

Form C.

Reg. 6.  
No.....

COMMONWEALTH OF AUSTRALIA.  
*Wine Overseas Marketing (Licences) Regulations.*  
STATEMENT CONTAINING PARTICULARS OF WINE FOR EXPORT.  
To

\* .....

.....

I/We, .....  
of .....being the holder(s)  
of Licence No....., granted for the period from.....  
193...to.....193..., to export wine, do hereby furnish the  
following particulars in respect of wine to be exported pursuant to the licence:—

(a) The following wine is to be submitted for shipment pursuant to the licence:—

Type.	Quantity in Gallons (approximate).	Particulars and Number of Packages.	Shipping Marks.	Approximate Alcoholic Strength in Proof Spirit.	Approximate Sugar Strength, as determined by the Beaume Test.

\* Here insert authority to whom statement is to be furnished in pursuance of condition (4) prescribed by Regulation 6 of the *Wine Overseas Marketing (Licences) Regulations*.

SCHEDULE--continued.

- (b) The vessel in which it is proposed to ship the wine is.....  
leaving.....on or about.....193..
- (c) The port to which the wine will be consigned is.....
- (d) The name and address of the person, firm or company to whom or  
to which the wine is shipped is.....
- (e) The quantity of the wine which—  
† (i) has been sold f.o.b., or c.i.f. is.....gallons;  
† (ii) is being transferred by the consignor to his Principal or his  
Branch establishment overseas is.....gallons; or  
† (iii) is shipped on consignment for sale overseas is.....  
gallons.
- (f) ‡The wine was purchased from.....  
.....  
[Give full name and address of person, firm or company from  
whom the wine was purchased.]

I/We declare that the particulars shown herein are true and correct in every  
detail.

Dated this.....day of.....193..  
.....  
Signature of Licensee.

† Strike out the sub-paragraphs which are inapplicable.  
‡ To be filled in only when the shipper or owner of the wine at time of shipment is a person, firm or  
company other than the manufacturer of the wine.

Form D. Reg. 6.  
No.....

COMMONWEALTH OF AUSTRALIA.

Wine Overseas Marketing (Licences) Regulations.

CERTIFICATE OF AUTHORITY TO EXPORT WINE.

This is to certify that.....  
of.....to whom a Licence No.....  
dated.....193.. has been granted to export wine, is  
authorized in pursuance of that licence to export from the Commonwealth the  
wine described hereunder:—

Type.	Quantity in Gallons (approximate).	Particulars and Number of Packages.	Shipping Marks.	Approximate Al- coholic Strength in Proof Spirit.	Approximate Sugar Strength, as determined by the Beaume Test.

The wine is to be shipped from.....to.....  
by the SS.....leaving.....on or  
about.....193..

Dated this.....day of .....193..  
.....  
\*Secretary, Wine Overseas Marketing Board.  
\*Authorized Person.

\* Strike out the words which are inapplicable.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.