

STATUTORY RULES

1936. No. 10.

REGULATIONS UNDER THE DAIRY PRODUCE EXPORT CONTROL ACT 1924-1936.*

WHEREAS by section 14 of the *Dairy Produce Export Control Act 1924-1936* it is enacted (subject to sub-section (2.) of that section) that, for the purpose of enabling the Australian Dairy Produce Board effectively to control the export and the sale and distribution after export of Australian dairy produce, the Governor-General may by proclamation prohibit the export from the Commonwealth of any dairy produce except in accordance with a licence granted under that Act:

And whereas by proclamation dated the twenty-ninth day of July, 1936, the Deputy of the Governor-General prohibited the export from the Commonwealth on and after the first day of August, 1936, of any dairy produce to places other than the ports referred to in sub-section (2.) of section 14 of the said Act, except in accordance with a licence granted under the said Act:

And whereas the Australian Dairy Produce Board has recommended to the Minister that licences granted under the said Act should be granted upon the terms and conditions prescribed by the Regulations hereunder:

Now therefore I, the Deputy of 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 *Dairy Produce Export Control Act 1924-1936*.

Dated this

Twenty-ninth

day of July, 1936.

(Sgd) P. W. Deane.

Deputy of the Governor-General.

By His Excellency's Command,

S. T. Pearce

Jm

Acting Minister of State for Commerce.

DAIRY PRODUCE EXPORT CONTROL (LICENCES) REGULATIONS.

1. These Regulations may be cited as the Dairy Produce Export Control (Licences) Regulations.

2. These Regulations shall come into operation on the first day of Commencement, August, 1936.

3. The Dairy Produce Export Control (Licences) Regulations ^{repeal} (being Statutory Rules 1925 No. 124, as amended by Statutory Rules 1930, No. 131; 1931, Nos. 12 and 84; 1933, Nos. 39 and 94; and 1934, No. 87) are hereby repealed.

* Notified in the *Commonwealth Gazette* on 3876.—8/27.7.1936.—PRICE 5D.

July, 1936.

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

“export” means export from the Commonwealth to places other than the ports referred to in sub-section (2.) of section 14 of the Act;

“licence” means a licence granted under the Act;

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

“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 *Dairy Produce Export Control Act 1924-1936* and, if that Act is at any time amended, includes that Act as so amended;

“the Board” means the Australian Dairy Produce Board constituted under section 4 of the Act, and includes the Executive Committee of the Board in respect of any powers or functions of the Board exercised by the Executive Committee;

“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.

5. Any person who desires to export dairy produce 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 requires.

Application
for licence.

6. A licence granted under the Act may be in accordance with Form B.

Form of
licence.

7. The terms and conditions upon which licences may be granted shall be as follows:—

Terms and
conditions
of licences.

(1) 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) The licensee shall, within seven days after the shipment of any dairy produce, furnish a return in duplicate to the Board—

(a) in the case of butter exported on consignment—in accordance with Form C;

(b) in the case of cheese exported on consignment—in accordance with Form D;

(c) in the case of butter exported and sold f.o.b., c.i.f., or c.i.f. & e.—in accordance with Form E; and

(d) in the case of cheese exported and sold f.o.b., c.i.f., or c.i.f. & e.—in accordance with Form F.

(3) The licensee shall—

(a) in the case of dairy produce shipped on consignment to the United Kingdom, arrange for his agent or distributor in the United Kingdom to advise the London agency of the Board, within seven days after the sale has been effected, of

the gross price per hundredweight at which each grade of dairy produce comprised in each shipment of dairy produce was sold; and

- (b) in the case of dairy produce shipped on consignment to Canada or the United States of America—advise the Board, within sixty days after the sale has been effected, of the gross price per hundredweight at which each grade of dairy produce comprised in each shipment of dairy produce was sold.
- (4) The licensee shall insure each shipment of dairy produce with such company or companies as the Board determines.
- (5) The licensee shall ship all dairy produce through such shipping companies as the Board determines.
- (6) The licensee shall sell all dairy produce through such agents as the Board determines.
- (7) The licensee shall withhold from shipment such proportion of dairy produce as the Board determines and shall, if so required by the Board, export, within such time as is fixed by the Board, the whole or portion of any dairy produce which has been so withheld from shipment.
- (8) If the licensee exports any dairy produce to Canada or the United States of America, he shall—
- (a) ship the dairy produce to such persons, firms or companies as the Board determines;
 - (b) ship the dairy produce by such vessel or vessels as the Board determines;
 - (c) apply to the Board for the shipping space required for all shipments of dairy produce;
 - (d) permit the Board, in its discretion, to allocate the shipping space available amongst the licensees requiring that space.
- (9) The licensee shall not enter into any contract or agreement for the sale of butter f.o.b. or c.i.f. or c.i.f. & e. for shipment to the United Kingdom unless—
- (a) the butter has previously been delivered to an appointed place for examination and marking in accordance with the Commerce (Export Dairy Produce) Regulations or is delivered to an appointed place for examination and marking within fourteen days after the date upon which the licensee enters into the contract or agreement; and
 - (b) the price fixed under the contract or agreement is not less than such price as is for the time being determined by the Board upon the basis of the price of butter ruling in London after taking into account such rates of commissions and other charges and allowances as are for the time being determined by the Board as reasonable.
- (10) The licensee shall comply with such other terms and conditions (including amendments of any terms or conditions) as are prescribed after the licence is granted.

8. Any notice to be given to a licensee by the Board or the Secretary may be sent by post to the licensee at his address specified in the licence. Notices to licensees.

9.—(1.) A person shall not make any false or misleading statement in any return under these Regulations. False or misleading returns.

Penalty: Fifty pounds.

(2.) In any prosecution for an offence against the last preceding sub-regulation, the averments of the prosecutor contained in the information or complaint shall be *prima facie* evidence of the matter or matters averred.

THE SCHEDULE.

FORM A.

Reg. 5.

COMMONWEALTH OF AUSTRALIA.

Dairy Produce Export Control Act 1924-1936.

DAIRY PRODUCE EXPORT CONTROL (LICENCES) REGULATIONS.

APPLICATION FOR LICENCE TO EXPORT DAIRY PRODUCE.

To the Secretary,

Australian Dairy Produce Board,

.....

I
 We

[Here insert full name of applicant.]

of.....hereby apply

[Here insert full address of applicant.]

for a licence to export dairy produce.

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

.....
 [Signature(s) of applicant(s).]

FORM B.

Reg. 6.

Licence No.....

COMMONWEALTH OF AUSTRALIA.

Dairy Produce Export Control Act 1924-1936.

DAIRY PRODUCE EXPORT CONTROL (LICENCES) REGULATIONS.

LICENCE TO EXPORT DAIRY PRODUCE.

In pursuance of section 15 of the *Dairy Produce Export Control Act 1924-1936*, I.....the Minister of State for

Commerce,* hereby grant to.....

of.....a licence to export dairy produce from *or "a person authorized in writing by the Minister of State for Commerce to grant licences under that Act,"

the Commonwealth during the period commencing on the.....day of

....., 193... and ending on the.....day of

....., 193..., upon the terms and conditions prescribed by the

Dairy Produce Export Control (Licences) Regulations.

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

.....
 [* Minister of State for Commerce.]

N.B.—Sections 15 (3.) and 16 of the *Dairy Produce Export Control Act 1924-1936* 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 dairy produce 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. 7.

COMMONWEALTH OF AUSTRALIA.

DAIRY PRODUCE EXPORT CONTROL (LICENCES) REGULATIONS.

RETURN OF BUTTER EXPORTED ON CONSIGNMENT.

The Secretary,

Australian Dairy Produce Board,

Aberdeen House,

528 Collins-street, Melbourne.

I,* the holder of licence No. granted for the period from....., 193... to..... 193... to export dairy produce, hereby furnish the following particulars with respect to butter exported on consignment, pursuant to the licence:—

*Here insert full name and address of licensee.

(a) The following butter has been shipped pursuant to the licence:—

Name and address of owner.	Name and address of manufacturer.	Brands.	Grades.	Number of boxes shipped under each brand and grade.	Total net weight.				Name and address of consignee.
					Tons.	cwt.	qrs.	lbs.	

(b) The date on which the butter was shipped is, 193...

(c) The name of the vessel on which the butter was shipped is.....

(d) The port from which the butter was shipped is.....

(e) The ^{ports} at which the butter will be landed for sale ^{are} is.....

I declare that the particulars shown in this return are true and correct in every detail.

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

[Signature of licensee.]

NOTE.—Any person who makes any false or misleading statement in this return is guilty of an offence punishable by a fine not exceeding £50.

FORM D.

Reg. 7.

COMMONWEALTH OF AUSTRALIA.

DAIRY PRODUCE EXPORT CONTROL (LICENCES) REGULATIONS.

RETURN OF CHEESE EXPORTED ON CONSIGNMENT.

The Secretary,
 Australian Dairy Produce Board,
 Aberdeen House,
 528 Collins-street, Melbourne.

I,* of the holder of licence No. granted for the period from 193... to 193... to export dairy produce hereby furnish the following particulars with respect to cheese exported on consignment pursuant to the licence:—
 (a) The following cheese has been shipped pursuant to the licence:—

Name and address of owner.	Name and address of manufacturer.	Brands.	Grades.	Number of crates shipped under each brand and grade.	Total net weight.				Name and address of consignee.
					Tons.	cwt.	qrs.	lbs.	

- (b) The date on which the cheese was shipped is....., 19...
- (c) The name of the vessel on which the cheese was shipped is.....
- (d) The port from which the cheese was shipped is.....
- (e) The ^{ports} at which the cheese will be landed for sale ^{are} is

I declare that the particulars shown in this return are true and correct in every detail.

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

[Signature of licensee.]

NOTE.—Any person who makes any false or misleading statement in this return is guilty of an offence punishable by a fine not exceeding £50.

Form E.

Reg. 7

COMMONWEALTH OF AUSTRALIA.

Dairy Produce Export Control (Licences) Regulations.

RETURN OF BUTTER EXPORTED AND SOLD F.O.B., C.I.F., OR C.I.F. & E.

The Secretary,
 Australian Dairy Produce Board,
 Aberdeen House,
 528 Collins-street, Melbourne.

I,* of the holder of licence No. granted for the period from 19... to 19... to export dairy produce, hereby furnish the

*Here insert full name and address of licensee.

following particulars with respect to butter exported and sold f.o.b. or c.i.f. or c.i.f. & e. pursuant to the licence:

(a) The following butter has been shipped pursuant to the licence:—

Name and address of owner.	Name and address of manufacturer.	Brands.	Grades.	Salted or un-salted.	Number of boxes shipped under each brand and grade.	Total net weight.				Name and address of overseas purchaser.	Net price paid by purchaser (State whether sold f.o.b. or c.i.f. or c.i.f. and e.).	
						Tons.	cwt.	qrs.	lbs.			

- (b) *The date of the contract or agreement for the sale of the butter is.....19.....
- (c) *The date on which the butter was delivered to the appointed place at.....for examination and marking in accordance with the Commerce (Export Dairy Produce) Regulations is.....19.....
- (d) The date on which the butter was shipped is.....19.....
- (e) The name of the vessel on which the butter was shipped is.....
- (f) The port from which the butter was shipped is.....
- (g) The ports at which the butter will be loaded are is.....
- (h) The name of the insurance company with which the butter is insured is.....

*Paragraphs (b) and (c) should be completed only in respect of butter shipped to the United Kingdom.

I declare that the particulars shown in this return are true and correct in every detail.

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

[Signature of licensee.]

NOTE.—Any person who makes any false or misleading statement in this return is guilty of an offence punishable by a fine not exceeding £50.

Form F.

Reg. 7.

COMMONWEALTH OF AUSTRALIA.

DAIRY PRODUCE EXPORT CONTROL (LICENCES) REGULATIONS.

RETURN OF CHEESE EXPORTED AND SOLD F.O.B., C.I.F., OF C.I.F. & E.

The Secretary,

Australian Dairy Produce Board,

Aberdeen House,

528 Collins-street, Melbourne.

I*..... of
the holder of licence No..... granted for the period from.....
19....to.....19.... to export dairy produce, hereby furnish the

*Here insert full name and address of licensee.

following particulars with respect to cheese exported and sold f.o.b., c.i.f. or c.i.f. & c. pursuant to the licence:—

(a) The following cheese has been shipped pursuant to the licence:—

Name and address of owner.	Name and address of manufacturer.	Brands.	Grades.	Number of crates shipped under each brand and grade.	Total net weight.				Name and address of overseas purchaser.	Nett price paid by purchaser (State whether sold f.o.b., c.i.f. or c.i.f. and e.).
					Tons.	cwt.	qrs.	lbs.		

(b) The date on which the cheese was shipped is.....19....

(c) The name of the vessel on which the cheese was shipped is.....

(d) The port from which the cheese was shipped is.....

(e) The ^{ports} at which the cheese will be landed ^{are} _{is}

I declare that the particulars shown in this return are true and correct in every detail.

Dated this.....day of.....19....

[Signature of licensee.]

NOTE.—Any person who makes any false or misleading statement in this return is guilty of an offence punishable by a fine not exceeding £50.