

STATUTORY RULES.

1954. No. 1.

88/

REGULATIONS UNDER THE WINE OVERSEAS MARKETING ACT 1929-1953.*

WHEREAS by section 14 of the *Wine Overseas Marketing Act* 1929-1953 it is enacted that the regulations may prohibit the export from the Commonwealth of wine—

- (a) except by a person who holds a licence granted as prescribed; and
- (b) except in accordance with such conditions and restrictions as are prescribed after recommendation to the Minister by the Australian Wine Board:

And whereas the Australian Wine Board has recommended to the Minister that the conditions and restrictions applying to the export from the Commonwealth of wine should be the conditions and restrictions set forth in the following Regulations:

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* 1929-1953.

Dated this *twenty-seventh*
day of *July*, 1954.

W. J. SLIM

Governor-General.

By His Excellency's Command,

(Sgd) J. M. Ewen
Minister of State for Commerce and Agriculture.

WINE OVERSEAS MARKETING (LICENCES) REGULATIONS.

1. These Regulations may be cited as the Wine Overseas Marketing (Licences) Regulations.
2. These Regulations shall come into operation on the second day of August, 1954.
3. The Wine Overseas Marketing (Licences) Regulations (comprising Statutory Rules 1934, No. 36; and Statutory Rules 1937, Nos. 23 and 32) are repealed.

* Notified in the *Commonwealth Gazette* on
2626.—PRICE 5D.

, 1954.
10/17.6.1954.

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

“authorized person”, in relation to the exercise of a power or the performance of a duty or function under these Regulations, means a person authorized for that purpose by the Board;

“authorized price”, in relation to a sale of wine, means the minimum price for that sale determined by, or calculated in accordance with, the determination under regulation 10 of these Regulations that is applicable to the sale, or, where that price is expressed in a currency other than that in which the sale is made, the equivalent price in the currency in which the sale is made according to the rate of exchange applicable at the time of the sale;

“export” means export from the Commonwealth;

“licence” means a licence issued in pursuance of these Regulations;

“licensee” means the holder of a licence;

“overseas” means in a place outside the Commonwealth;

“the Secretary” means the Secretary to the Board, and includes a person for the time being acting as Secretary to the Board.

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

5. The export of wine is prohibited—

Regulation of
export.

(a) except by licensees; and

(b) except in accordance with the conditions and restrictions prescribed by these Regulations.

6.—(1.) The Minister or a person authorized in writing by the Minister to grant licences under these Regulations may, in his discretion, grant or refuse to grant a licence to export wine. Issue of
licences.

(2.) A licence granted in pursuance of the last preceding sub-regulation shall, subject to this regulation, be in force for the period specified in the licence.

(3.) Where the Minister is satisfied, on a report by the Board, that a person to whom a licence has been granted has failed to comply with a provision of these Regulations or with an undertaking given for the purposes of these Regulations, the Minister may cancel the licence or suspend the licence for such period as he thinks fit.

7. A licence to export wine shall be in accordance with Form A.

Form of
licence.

8.—(1.) A licensee shall not export wine unless—

Conditions and
restrictions.

(a) any purchaser, agent or representative to or through whom the wine is shipped is approved by the Board for the purposes of these Regulations;

(b) the wine has been sold before export, or is consigned, upon terms and conditions approved by the Board;

- (c) the export of the wine is in accordance with any directions of the Board with respect to the quantities of wine which may be exported by the licensee either generally, to particular places, or to particular persons, agents or representatives;
- (d) the licensee has, if so required by the Board or an authorized person, given an undertaking to the satisfaction of the Board that he will not, without the consent of the Board—
 - (i) sell any of the wine overseas at a price less than the authorized price;
 - (ii) enter into a contract or agreement or a variation of a contract or agreement whereby a person is enabled, authorized, or permitted to sell any of the wine overseas at a price less than the authorized price;
 - (iii) give an authority, licence, consent or approval to a person to sell any of the wine overseas at a price less than the authorized price;
 - (iv) facilitate, counsel, procure, or encourage the sale overseas of any of the wine at a price less than the authorized price;
 - (v) give or allow, or promise or agree to give or allow, in relation to the sale of any of the wine any brokerage, rebate, discount, commission, allowance, option or benefit, whether in money, money's worth, credit, goods or otherwise, that is not provided for in the terms and conditions upon which the wine has been sold before export, or is consigned; or
 - (vi) fail or omit to take all reasonable and proper steps to ensure that any agent, representative or consignee of the licensee does not sell any of the wine overseas at a price less than the authorized price; ~~and~~
- (e) the licensee has obtained from the Secretary or an authorized person a certificate in accordance with Form C (which certificate has not been revoked) certifying that the export is authorized by the Board; and
- (f) the export is in accordance with the particulars shown in the certificate so obtained.

(2.) A licensee shall not export wine, unless he gives an undertaking to the satisfaction of the Board that, where any of the wine is sold or disposed of by him or on his behalf and the casks or other containers in which the wine is contained are not sold or disposed of, the casks or other containers in which the wine was exported will not be the subject of a sale, hiring, gift or other disposition having the effect of reducing the price of the wine to a price less than the authorized price.

9.—(1.) An application by a licensee for a certificate in accordance with Form C in relation to any wine proposed to be exported shall be in accordance with Form B and shall be lodged, in duplicate, with the Secretary or an authorized person not less than fourteen days before the date of export. Certificate of authority to export.

(2.) Where an application is made in accordance with the last preceding sub-regulation, the Secretary or an authorized person may—

(a) if he is satisfied that the proposed export will, if the certificate is granted, be in conformity with these Regulations and with any directions or determinations of the Board—grant the certificate; or

(b) if he is not so satisfied—refuse to grant the certificate.

(3.) A certificate granted under this regulation may be revoked by the Secretary or an authorized person by notice in writing to the licensee at any time before the export of the wine to which it relates.

10.—(1.) For the purposes of these Regulations, the Board or an authorized person may, from time to time, determine, or determine the manner of calculation of, minimum prices for the sale of wine to be exported or for the sale overseas of exported wine. Determination of minimum prices.

(2.) A determination under this regulation may—

(a) make different provisions with respect to wine exported or to be exported to different countries; and

(b) be made in respect of the sale of wine and the casks or other containers in which it is contained or in respect of the sale of the wine alone.

11.—(1.) A licensee shall, upon demand in writing by the Secretary or an authorized person— Information to be furnished, &c.

(a) furnish to the Board or to the authorized person, as the case may be, such information as is required in relation to the sale, disposal or export, or the intended sale, disposal or export, by the licensee of wine or in relation to wine at any time owned by, or in the custody, possession or control of the licensee; and

(b) produce to the Board or to the authorized person, as the case may be, all or any books, letters, copies of letters, accounts, statements, balance-sheets, vouchers and other documents in his custody, possession or control relating to the sale, disposal or export, or the intended sale, disposal or export, by the licensee of wine, or relating to wine which has been exported and was at any time owned by, or in the custody, possession or control of, the licensee.

(2.) A licensee shall, upon demand by the Secretary or an authorized person, permit an authorized person to take samples of any wine produced in the Commonwealth and owned by, or in the custody, possession, or control of, the licensee, whether the wine is in the Commonwealth or is overseas.

Penalty: Fifty pounds.

12. A notice or other document for the purposes of these Regulations may be served on a licensee by post at his address specified in his licence. Notices.

13. A person shall not, for the purposes of these Regulations, make a statement or furnish information which is false or misleading. False information.
Penalty: Fifty pounds.

THE SCHEDULE.

FORM A.

Reg. 7.
No. .

COMMONWEALTH OF AUSTRALIA.
Wine Overseas Marketing (Licences) Regulations.
LICENCE TO EXPORT WINE.

In pursuance of regulation 6 of the Wine Overseas Marketing (Licences) Regulations, I
(a) the Minister of State for Commerce and Agriculture,
(a) a person authorized by the Minister of State for Commerce and Agriculture (a) Strike out whichever is inapplicable.
to grant licences under those Regulations,
hereby grant to _____ of _____
a licence to export wine from the Commonwealth, subject to those Regulations,
during the period commencing on _____, 19____ and
ending on _____, 19____.
Dated the _____ day of _____, 19____.
(a) Minister of State for Commerce and Agriculture.
(a) An authorized person.

FORM B.

Reg. 9.

COMMONWEALTH OF AUSTRALIA.
Wine Overseas Marketing (Licences) Regulations.
APPLICATION FOR AUTHORITY TO EXPORT WINE.

To—
The Secretary,
Australian Wine Board.
I _____ of _____ being the
We _____
holder(s) of Licence No. _____ to export wine, granted for the period
commencing on _____, 19____ and ending on _____
19____, hereby apply for a certificate of authority to export the following wine:—

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

The vessel in which it is proposed to ship the wine is _____
leaving _____ on or about _____, 19____.
The port to which the wine will be shipped is _____
The wine is to be shipped (a) _____
to (b) _____

(a) State whether "on consignment" or "in pursuance of a sale actually made to an overseas purchaser," namely "as the case may be).
(b) State full name and address of consignee or purchaser.

(c) The owner of the wine at the time of shipment from Australia is

(d) The terms on which the wine has been sold to the overseas purchaser are as follows:—

(d) The date on which the wine is required by the contract of sale to be delivered is

I declare that the information given

We

in this application is true and correct in every particular.

Dated this day of , 19 .

(Signature of licensee.)

(c) Where the owner is not the manufacturer of the wine also state full name and address of person from whom the wine was purchased.

(d) Strike out if the wine is to be shipped on consignment.

FORM C.

Regs. 8 and 9.
No.

COMMONWEALTH OF AUSTRALIA.

Wine Overseas Marketing (Licences) Regulations.

CERTIFICATE OF AUTHORITY TO EXPORT WINE.

This is to certify that of

to whom Licence No. dated , 19 ,

has been granted to export wine is authorized by the Australian Wine Board to export from the Commonwealth the following wine:—

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

The wine is to be shipped from to

by leaving on or about

, 19 .

Dated this day of , 19 .

(a) Secretary, Australian Wine Board.

(a) An authorized person.

(a) Strike out whichever is inapplicable.

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