

STATUTORY RULES.

1955. No. .

REGULATIONS UNDER THE CANNED FRUITS EXPORT CONTROL ACT 1926-1953.*

WHEREAS by section 13 of the *Canned Fruits Export Control Act* 1926-1953 it is enacted that the regulations may prohibit the export from the Commonwealth of canned fruits—

- (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 Canned Fruits Board:

And whereas the Australian Canned Fruits Board has recommended to the Minister that the conditions and restrictions applying to the export from the Commonwealth of canned fruits 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 *Canned Fruits Export Control Act* 1926-1953.

Dated this *thirty first*

day of *March*, 1955.

W. J. SLIM
Governor-General.

By His Excellency's Command,

(Sgd) J. McEwen

Minister of State for Commerce and Agriculture.

CANNED FRUITS EXPORT CONTROL (LICENCES) REGULATIONS.

1. These Regulations may be cited as the Canned Fruits Export Control (Licences) Regulations.

2. The Canned Fruits Export Control (Licences) Regulations (comprising Statutory Rules 1936, No. 165 and Statutory Rules 1937, No. 47) are repealed.

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

* Notified in the *Commonwealth Gazette* on 1152/55.—PRICE 5D.

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“authorized price”, in relation to a sale of canned fruits, means the minimum price for that sale calculated in accordance with the determination under regulation 9 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.

4. The export of canned fruits is prohibited—

(a) except by licensees; and

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

Regulation of
export.

5.—(1.) A licence to export canned fruits may, in his discretion, be granted by the Minister or by a person authorized in writing by the Minister to grant licences under these Regulations.

Issue of
licences.

(2.) An application for a licence to export canned fruits—

(a) shall be in accordance with Form A; and

(b) shall be lodged with the Secretary.

(3.) A licence granted in pursuance of this regulation shall, subject to the next succeeding sub-regulation, be in force for the period specified in the licence.

(4.) 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.

6. A licence to export canned fruits shall be in accordance with Form B.

Form of
licence.

7.—(1.) A licensee shall not export canned fruits unless—

(a) if the Board so requires—any purchaser, agent or representative to or through whom the canned fruits are shipped is approved by the Board for the purposes of these Regulations;

(b) the canned fruits are insured with a person approved by the Board;

Conditions and
restrictions.

- (c) the canned fruits—
- (i) have been sold before export upon terms and conditions approved by the Board; or
 - (ii) are, with the approval of the Board, exported on consignment and the consignment is upon terms and conditions approved by the Board;
- (d) the export of the canned fruits is in accordance with any directions of the Board with respect to the quantities of canned fruits which may be exported by the licensee either generally or to particular places;
- (e) he has, if so required by the Board or an authorized person, given, in respect of the export by him of canned fruits, an undertaking to the satisfaction of the Board that he will not, without the consent of the Board—
- (i) sell any of the canned fruits 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 canned fruits 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 canned fruits overseas at a price less than the authorized price;
 - (iv) facilitate, counsel, procure or encourage the sale overseas of any of the canned fruits 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 canned fruits 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 canned fruits have been sold before export, or are consigned; or
 - (vi) fail or omit to take all reasonable and proper steps to ensure that his agents, representatives ~~or consignees~~ do not sell any of the canned fruits overseas at a price less than the authorized price;
- (f) in the case of the export of canned fruits to the United Kingdom, the Dominion of Canada or the Dominion of New Zealand, he has obtained from the Secretary or an authorized person a certificate in accordance with Form D (which certificate has not been revoked) certifying that the export is authorized by the Board; and
- (g) the export is in accordance with the particulars shown in the certificate so obtained.

(2.) A licensee shall not export canned fruits to a country other than the United Kingdom, the Dominion of Canada or the Dominion of New Zealand unless he has given an undertaking to the satisfaction of the Board that he will, within fourteen days after shipment, or within such other period as may be determined by the Board, furnish a return to the Board in accordance with Form E.

(Sp) J.M.F.

8.—(1.) An application by a licensee for a certificate in accordance with Form D in relation to any canned fruits proposed to be exported to the United Kingdom, the Dominion of Canada or the Dominion of New Zealand shall be in accordance with Form C and shall be lodged, in duplicate, with the Secretary or an authorized person not less than three 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 canned fruits to which it relates.

9.—(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 canned fruits to be exported or for the sale overseas of exported canned fruits. Determination of minimum prices.

(2.) A determination under this regulation may make different provisions with respect to canned fruits exported or to be exported to different countries.

10. 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 canned fruits or in relation to canned fruits 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 canned fruits, or relating to canned fruits which have been exported and were at any time owned by, or in the custody, possession or control of, the licensee.

Penalty: Fifty pounds.

11. 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.

12. 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.

FORM A.

Reg. 5 (2.).

COMMONWEALTH OF AUSTRALIA.

Canned Fruits Export Control (Licences) Regulations.

APPLICATION FOR LICENCE TO EXPORT CANNED FRUITS.

To—

The Secretary,
Australian Canned Fruits Board,I
We of , hereby apply for a licence to export canned
fruits.

Dated this day of , 19 .

Signature(s) of Applicant(s).

FORM B.

Reg. 6.
No. .

COMMONWEALTH OF AUSTRALIA.

Canned Fruits Export Control (Licences) Regulations.

LICENCE TO EXPORT CANNED FRUITS.

In pursuance of regulation 5 of the Canned Fruits Export Control (Licences)
Regulations, I,

(a) the Minister of State for Commerce and Agriculture,

(a) a person authorized by the Minister of State for Commerce and Agricul- (a) Strike out
ture to grant licences under those Regulations, whichever is
inapplicable.hereby grant to of , a licence
to export canned fruits from the Commonwealth, subject to those Regulations,
during the period commencing on 19 , and ending
on , 19 .

Dated this day of , 19 .

(a) Minister of State for Commerce and
Agriculture.

(a) An authorized person.

FORM C.

Reg. 8.

COMMONWEALTH OF AUSTRALIA.

*Canned Fruits Export Control (Licences) Regulations.*APPLICATION FOR A CERTIFICATE OF AUTHORITY TO EXPORT CANNED
FRUITS TO THE UNITED KINGDOM, THE DOMINION OF CANADA
OR THE DOMINION OF NEW ZEALAND.

To—

The Secretary,
Australian Canned Fruits Board.I
We of , being the holder(s) of Licence to
Export Canned Fruits No. , hereby apply for a certificate of authority to
export the following canned fruits:—

| Variety of Fruit. | Number of Cartons. | Grade. | Size of Cans. | Label under which Fruit will be Shipped. |
|---------------------------------|-----------------------|--------|---------------|--|
| Apricots | | | | |
| Peaches— | | | | |
| Halves | | | | |
| Sliced | | | | |
| Pears | | | | |
| Pineapples | | | | |
| Mixed Fruits— | | | | |
| Two Fruits | | | | |
| Fruit Cocktail | | | | |
| Tropical Fruit Cocktail | | | | |
| Fruit Salad | | | | |
| Tropical Fruit Salad | | | | |
| Pineapple Juice | | | | |

The vessel in which it is proposed to ship the canned fruits is leaving _____ on or about _____, 19 _____.

The port to which the canned fruits will be shipped is _____

The canned fruits are to be shipped _____

(a) in pursuance of a sale actually made to _____

(a) on consignment to _____

(a) Strike out whichever is inapplicable.

The full name of the packer of the canned fruits is _____

The full name of the owner of the canned fruits at the time of shipment from Australia is _____

I declare that the particulars set out in this application are true and correct in every particular, and that the canned fruits (a) have been sold (a) are to be consigned on the terms and conditions approved by the Australian Canned Fruits Board.

Dated this _____ day of _____, 19 _____.
(Signature of Licensee.)

FORM D.

Regs. 7 and 8.

No. _____

COMMONWEALTH OF AUSTRALIA.

Canned Fruits Export Control (Licences) Regulations.

CERTIFICATE OF AUTHORITY TO EXPORT CANNED FRUITS TO THE UNITED KINGDOM, THE DOMINION OF CANADA OR THE DOMINION OF NEW ZEALAND.

This is to certify that _____ of _____, to whom Licence to Export Canned Fruits No. _____ has been granted, is authorized by the Australian Canned Fruits Board to export from the Commonwealth to the (a) United Kingdom (a) Dominion of Canada the following canned fruits:— (a) Dominion of New Zealand

(a) Strike out whichever is inapplicable.

| Variety of Fruit. | Number of Cartons. | Grade. | Size of Cans. | Label under which Fruit will be Shipped. |
|---------------------------------|--------------------|--------|---------------|--|
| Apricots | | | | |
| Peaches— | | | | |
| Halves | | | | |
| Sliced | | | | |
| Pears | | | | |
| Pineapples | | | | |
| Mixed Fruits— | | | | |
| Two Fruits | | | | |
| Fruit Cocktail | | | | |
| Tropical Fruit Cocktail | | | | |
| Fruit Salad | | | | |
| Tropical Fruit Salad | | | | |
| Pineapple Juice | | | | |

The canned fruits are to be shipped from _____ to _____ by _____ leaving _____ on or about _____, 19 _____.

Dated this _____ day of _____, 19 _____.
(a) Secretary, Australian Canned Fruits Board.
(a) Authorized person.

FORM E.

Reg. 7.

COMMONWEALTH OF AUSTRALIA.

Canned Fruits Export Control (Licences) Regulations.

RETURN OF CANNED FRUITS EXPORTED TO DESTINATIONS OTHER THAN THE UNITED KINGDOM, THE DOMINION OF CANADA OR THE DOMINION OF NEW ZEALAND.

To—

The Secretary,

Australian Canned Fruits Board.

I
We, _____ of _____, being the holder(s) of Licence to Export Canned Fruits No. _____, hereby furnish the following particulars in respect of canned fruits shipped in pursuance of that licence to destinations other than the United Kingdom, the Dominion of Canada or the Dominion of New Zealand:—

| Variety of Fruit. | Number of Cartons. | Grade. | Size of Cans. | Label under which Fruit Shipped. |
|---------------------------------|--------------------|--------|---------------|----------------------------------|
| Apricots | | | | |
| Peaches— | | | | |
| Halves | | | | |
| Sliced | | | | |
| Pears | | | | |
| Pineapples | | | | |
| Mixed Fruits— | | | | |
| Two Fruits | | | | |
| Fruit Cocktail | | | | |
| Tropical Fruit Cocktail | | | | |
| Fruit Salad | | | | |
| Tropical Fruit Salad | | | | |
| Pineapple Juice | | | | |

The vessel in which the canned fruits were shipped is _____ which left _____ on _____, 19 _____.

The port to which the canned fruits were shipped is _____.

The canned fruits were shipped (a) in pursuance of a sale actually made to _____ (a) Strike out whichever is inapplicable.
(a) on consignment to _____

The full name of the packer of the canned fruits is _____.

The full name of the owner of the canned fruits at the time of shipment from Australia is _____.

(b) The price at which the canned fruits have been sold to the overseas purchaser is:— (b) Strike out if inapplicable.

- (a) Net C.I.F.
(a) Net F.O.B.

I
We declare that the particulars set out in this return are true and correct in every particular and that the canned fruits have been (a) sold (a) consigned on terms and conditions approved by the Australian Canned Fruits Board.

Dated this _____ day of _____, 19 _____.
(Signature of Licensee.)

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