

STATUTORY RULES.

1955. No. .

REGULATIONS UNDER THE DAIRY PRODUCE EXPORT CONTROL ACT 1924-1954.*

WHEREAS by section fourteen of the *Dairy Produce Export Control Act 1924-1954* it is enacted that the regulations may prohibit the export from the Commonwealth of dairy produce—

- (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 Dairy Produce Board:

And whereas the Board has recommended to the Minister that the conditions and restrictions applying to the export from the Commonwealth of dairy produce 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 *Dairy Produce Export Control Act 1924-1954*.

Dated this

Twenty Fifth

day of

May,

, 1955.

W. J. Suw

Governor-General.

By His Excellency's Command,

(Sgd) J. M. Ewen

Minister of State for Commerce and Agriculture.

DAIRY PRODUCE EXPORT CONTROL (LICENCES) REGULATIONS.

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

2. These Regulations shall come into operation on the first day of Commencement. July, 1955.

3.—(1.) The Dairy Produce Export Control (Licences) Regula- Repeal. tions (comprising Statutory Rules 1936, No. 102; Statutory Rules 1938, No. 53; Statutory Rules 1948, No. 53; and Statutory Rules 1951, No. 25) are repealed.

(2.) Notwithstanding the repeal effected by the last preceding sub-regulation, the Dairy Produce Export Control (Licences) Regulations as in force immediately before the commencement of these Regulations shall continue to apply after the commencement of these Regulations to and in relation to the export to the United Kingdom of butter and cheese produced before the commencement of these Regulations.

* Notified in the *Commonwealth Gazette* on 5723/54.—PRICE 5d.

, 1955.

9/11.5.55.

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

“export” means export from the Commonwealth;

“licensee” means the holder of a licence to export dairy produce in force under these Regulations;

“the Board” means the Australian Dairy Produce Board constituted under the *Dairy Produce Export Control Act 1924-1954* and, in relation to a power or function of the Board which the Executive Committee of the Board is authorized to exercise or perform, includes the Executive Committee;

“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 by letter shall be read as a reference to the Form so lettered in the Schedule to these Regulations.

(3.) Strict compliance with a Form in the Schedule to these Regulations is not necessary and substantial compliance is sufficient.

5. The export of dairy produce 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, upon the recommendation of the Board, grant a licence to export dairy produce. Issue of licences.

(2.) A licence granted in pursuance of the last preceding sub-regulation shall, subject to the next succeeding sub-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 licensee has failed to comply with a provision of these Regulations the Minister may, by notice served on the licensee, cancel the licence or suspend the licence for such period as he thinks fit.

(4.) A licence to export dairy produce shall be in accordance with Form A.

7. Where, immediately before the date of commencement of the *Dairy Produce Export Control Act 1954*, a licence to export dairy produce was in force under the *Dairy Produce Export Control Act 1924-1953*, not being a licence issued for a period which expired on that date, that licence shall, upon the commencement of these Regulations, be deemed to be a licence to export dairy produce granted and in force under these Regulations. Licences in force under the Dairy Produce Export Control Act 1924-1953.

8. A licensee shall not export dairy produce unless—

Conditions and restrictions—general.

(a) the dairy produce has been produced at a factory the proprietor of which participates, in respect of dairy produce produced at the factory, in an equalization scheme approved by the Minister;

- (b) the dairy produce is insured with a person approved by the Board;
- (c) the dairy produce is exported on a ship, or a ship included in a class of ships, approved by the Board; and
- (d) the licensee has obtained from the Secretary or an authorized person a certificate in accordance with Form B (which certificate has not been revoked) certifying that the export is authorized by the Board, and the export is in accordance with the particulars shown in the certificate.

9. Except with the approval of the Board, a person shall not export dairy produce to the United Kingdom unless an arrangement has been made between the Board and the person for the sale and disposal of the dairy produce in the United Kingdom by the Board on behalf of the person.

Conditions and restrictions—United Kingdom.

10. A licensee shall not export dairy produce to a country other than the United Kingdom unless—

Conditions and restrictions—countries other than the United Kingdom.

- (a) the dairy produce has been sold before export, or is consigned, upon terms and conditions approved by the Board; and
- (b) the export of the dairy produce is in accordance with any directions of the Board with respect to the quantities of dairy produce which may be exported by the licensee either generally or to particular places.

11.—(1.) A licensee shall, upon demand in writing by the Secretary or an authorized person—

Furnishing of information on demand.

- (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 dairy produce, or in relation to dairy produce 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 dairy produce, or relating to dairy produce 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 dairy produce produced in the Commonwealth and owned by, or in the custody, possession or control of, the licensee, whether the dairy produce is in the Commonwealth or overseas.

Penalty: Fifty pounds.

12.—(1.) Subject to the next succeeding sub-regulation, a licensee shall, not later than the twelfth day of each month of the year—

Return as to butter and cheese.

- (a) furnish to the Board a return in duplicate in accordance with Form C showing particulars of the butter and cheese exported by the licensee during the month immediately preceding the month in which the return is furnished; or

(b) where the licensee has not so exported butter or cheese—
furnish to the Board a statement to that effect.

Penalty: Fifty pounds.

(2.) A reference in the last preceding sub-regulation to butter or cheese does not include a reference to butter or cheese which was owned by the Board at the time of export.

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

14. 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.

Regulation 6.
No.

COMMONWEALTH OF AUSTRALIA.

Dairy Produce Export Control (Licences) Regulations.
LICENCE TO EXPORT DAIRY PRODUCE.

In pursuance of regulation 6 of the Dairy Produce 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 Agriculture (a) Strike out whichever is inapplicable.

to grant licences under those Regulations,

upon the recommendation of the Australian Dairy Produce Board, hereby grant to _____ of _____ a licence to export dairy produce 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 B.

Regulation 8.

COMMONWEALTH OF AUSTRALIA.

Dairy Produce Export Control (Licences) Regulations.

CERTIFICATE OF AUTHORITY TO EXPORT DAIRY PRODUCE.

This is to certify that _____ of _____, the holder of Licence No. _____ under the Dairy Produce Export Control (Licences) Regulations, is authorized by the Australian Dairy Produce Board to export before _____, 19____, to each importer at _____ named in the first column of the following table the dairy produce particulars of which are set out in that table opposite to the name of that importer:—

Importer.	Particulars of Dairy Produce.	
	Quantity.	Description.

Dated this _____ day of _____, 19____.

(a) Secretary. (a) Strike out whichever is inapplicable.
(a) An authorized person.

FORM C.

Regulation 12.

COMMONWEALTH OF AUSTRALIA.

Dairy Produce Export Control (Licences) Regulations.

RETURN OF BUTTER AND CHEESE EXPORTED.

To—

The Secretary,

Australian Dairy Produce Board,

In pursuance of regulation 12 of the Dairy Produce Export Control (Licences) Regulations, I, _____ of _____, the holder of Licence No. _____ under those Regulations, hereby furnish the following particulars of the butter and cheese exported by me during the month of _____, 19 _____ :—

Date of Shipment.	Port of Shipment.	Name of Vessel.	Destination.	Australian Dairy Produce Board Permit Number.	Weight in Pounds.						
					Butter.			Cheese.			
					Bulk or Pats.	Tinned.	Ghee and Butter Concentrate.	Cheddar.	Processed.	Fancy.	
Total Exports (in pounds) ..											

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

Dated this _____ day of _____, 19 _____.

(Signature of Licensee.)

Printed for the GOVERNMENT of the COMMONWEALTH by A. J. ARTHUR
at the Government Printing Office, Canberra.