

STATUTORY RULES.

1964. No. 26.

REGULATIONS UNDER THE CANNED FRUITS EXPORT MARKETING ACT 1963.*

WHEREAS sub-section (1.) of section 23 of the *Canned Fruits Export Marketing Act* 1963 provides that, for the purpose of enabling the Australian Canned Fruits Board effectively to control the export, and the sale and distribution after export, of canned fruits, the regulations under that Act may prohibit the export from Australia of canned fruits by a person other than the Board unless—

- (a) the person holds a licence to export canned fruits issued, on the recommendation of the Board, by the Minister or by a person authorized by the Minister;
- (b) the Board has issued a permit to the person to export the canned fruits and any conditions contained in the permit are complied with; and
- (c) the export is in accordance with such conditions and restrictions as are prescribed:

And whereas sub-section (2.) of section 23 of that Act provides that regulations prescribing conditions or restrictions for the purposes of paragraph (c) of sub-section (1.) of that section shall not be made unless the conditions or restrictions, as the case may be, have been recommended 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 Australia 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 Marketing Act* 1963.

Dated this *twenty-fourth*
day of *February*, 1964.

DE L'ISLE

Governor-General.

By His Excellency's Command,

(sgd.) C. F. ADERMANN

Minister of State for Primary Industry.

CANNED FRUITS EXPORT CONTROL (LICENCES) REGULATIONS.

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

* Notified in the *Commonwealth Gazette* on
11908/63.—PRICE 1s.

, 1964.

9/5.2.1964.

27th February

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

“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 canned fruits, means the minimum price for that sale—

(a) determined under regulation 8 of these Regulations; or

(b) calculated in accordance with such determination under that regulation as is applicable to the sale,

as the case may be, or, where the price so determined or calculated is expressed in a currency other than that in which the sale is made, the equivalent of that price expressed 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 Australia;

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

“licensee” means the holder of a licence;

“overseas” means a place outside Australia;

“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 number shall be read as a reference to the Form so numbered in the Schedule to these Regulations.

3. The export of canned fruits by a person other than the Board is prohibited unless— Regulation of export.

(a) the person is a licensee;

(b) the Board has issued a permit to the person to export the canned fruits and any conditions contained in the permit are complied with; and

(c) the export is in accordance with the conditions and restrictions prescribed by these Regulations.

4. A person may, by application in accordance with Form 1 lodged with the Secretary, apply for a licence to export canned fruits. Application for licence.

5.—(1) The Minister, or a person authorized in writing by the Minister to issue licences under these Regulations, may, on the recommendation of the Board, issue to a person a licence to export canned fruits. Issue of licences.

(2.) A licence shall be in accordance with Form 2.

(3.) Subject to the next succeeding sub-regulation, a licence remains in force for such period as is specified in the licence.

(4.) Where the Minister is satisfied, on a report by the Board, that a licensee 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. An application for the issue of a permit under paragraph (b) of regulation 3 of these Regulations shall be in accordance with Form 3 or Form 4, whichever is applicable, and shall be furnished to the Secretary, Applications for permits.

together with a copy of the application, not later than three clear working days, or such shorter period as the Secretary allows, before the proposed date of shipment.

7. A licensee shall not export canned fruits unless—
- Conditions and
restrictions.
- (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;
 - (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) the licensee 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 overseas any canned fruits to which the undertaking applies 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 overseas any canned fruits to which the undertaking applies at a price less than the authorized price;
 - (iii) give an authority, licence, consent or approval to a person to sell overseas any canned fruits to which the undertaking applies at a price less than the authorized price;
 - (iv) facilitate, counsel, procure or encourage the sale overseas of any canned fruits to which the undertaking applies 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 canned fruits to which the undertaking applies 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 or representatives do not sell overseas any canned fruits to which the undertaking applies at a price less than the authorized price; and

- (f) 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 take all reasonable and proper steps to ensure that the advertising for sale of canned fruits exported by him is carried out in accordance with the directions of the Board.

8.—(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.

9. 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: One hundred pounds.

10. 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.

11. A person shall not, for the purposes of these Regulations, make a statement or furnish information which is false or misleading. False information.

Penalty: One hundred pounds.

12. Strict compliance with the Forms in the Schedule to these Regulations is not necessary, and substantial compliance is sufficient. Compliance with Forms.

THE SCHEDULE.

FORM 1.

Regulation 4.

COMMONWEALTH OF AUSTRALIA.

Canned Fruits Export Control (Licences) Regulations.

APPLICATION FOR LICENCE TO EXPORT CANNED FRUITS.

To: The Secretary, Australian Canned Fruits Board.

I , of , hereby
We ,
apply for a licence to export canned fruits.

Dated this day of , 19 .
Applicant(s).

FORM 2.

Regulation 5.

COMMONWEALTH OF AUSTRALIA.

No. .

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,

* the Minister of State for Primary Industry,

* a person authorized by the Minister of State for Primary Industry to issue licences under those Regulations,

* Strike out whichever is inapplicable.

hereby grant to of
a licence to export canned fruits from Australia, subject to those Regulations, during the period commencing on , 19 , and ending on , 19 .

Dated this day of , 19 .

* Minister of State for Primary Industry.
* Authorized person.

THE SCHEDULE—continued.

FORM 3.
COMMONWEALTH OF AUSTRALIA.

Regulation 6.

Canned Fruits Export Control (Licences) Regulations.

APPLICATION FOR A PERMIT TO EXPORT CANNED FRUITS (OTHER THAN CANNED PINEAPPLES).

To: The Secretary, Australian Canned Fruits Board.

I _____ of _____,
We _____
being the holder(s) of Licence to Export Canned Fruits No. _____,
hereby apply for a permit to export the following canned fruits to _____:

| Variety of fruit. | Number of cartons each containing— | | | | Grade. | Label. | Shipping marks. | Name of buyer or consignee. | * Insert the number of No. 1 cans per carton. † Insert the number of cans per carton and the size of the cans. |
|----------------------|------------------------------------|-----------------|---------------|---------|--------|--------|-----------------|-----------------------------|---|
| | 6 No. 10 cans. | 24 No. 2½ cans. | * No. 1 cans. | † cans. | | | | | |
| Apricots | | | | | | | | | |
| Peaches— | | | | | | | | | |
| Halves | | | | | | | | | |
| Sliced | | | | | | | | | |
| Pears— | | | | | | | | | |
| Halves | | | | | | | | | |
| Quarters | | | | | | | | | |
| Two Fruits | | | | | | | | | |
| Fruit Cocktail | | | | | | | | | |
| Fruit Salad | | | | | | | | | |
| Total | | | | | | | | | |

Name of vessel in which canned fruits to be shipped—

Port of departure—

Expected date of departure—, 19 .. .

Full name of packer—

Full name of owner at time of shipment—

Ports to which canned fruits consigned:—

| | | | | | | |
|-------------------------|--|--|--|--|--|--|
| Ports | | | | | | |
| Number of cartons | | | | | | |

Total number of cartons:

The canned fruits are to be shipped _____ in pursuance of a sale actually made,
_____ on consignment.

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

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

THE SCHEDULE—continued.

FORM 4.

Regulation 6.

COMMONWEALTH OF AUSTRALIA.

Canned Fruits Export Control (Licences) Regulations.

APPLICATION FOR A PERMIT TO EXPORT CANNED PINEAPPLES.

To: The Secretary, Australian Canned Fruits Board.

I, _____ of _____
 We, _____ of _____
 being the holder(s) of Licence to Export Canned Fruits No. _____, hereby apply for
 a permit to export the following canned fruits to _____ :—

| Variety of fruit. | Number of cartons each containing— | | | | | Grade and label. | Shipping marks. | Name of buyer or consignee. | * Insert the number of cans per carton and the size of cans. |
|-------------------------|------------------------------------|-----------------|----------------|----------------|---------|------------------|-----------------|-----------------------------|--|
| | 6 No. 10 cans. | 24 No. 2½ cans. | 24 No. 2 cans. | 24 No. 1 cans. | * cans. | | | | |
| Pineapple— | | | | | | | | | |
| Sliced | | | | | | | | | |
| Pieces | | | | | | | | | |
| Crushed | | | | | | | | | |
| Tropical fruit cocktail | | | | | | | | | |
| Tropical fruit salad .. | | | | | | | | | |
| Pineapple juice | | | | | | | | | |
| Total | | | | | | | | | |

Name of vessel in which canned fruits to be shipped—

Port of departure—

Expected date of departure—

, 19 .. .

Full name of packer—

Full name of owner at time of shipment—

Ports to which canned fruits consigned:—

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| Ports | | | | | | |
| Number of cartons .. | | | | | | |

Total number of cartons:

The canned fruits are to be shipped in pursuance of a sale actually made.
 on consignment.

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

Dated this _____ day of _____, 19 .. .

Licensee(s).

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.