

STATUTORY RULES.

1949. No. 108.

REGULATIONS UNDER THE APPLE AND PEAR ORGANIZATION ACT 1938-1948.*

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 *Apple and Pear Organization Act 1938-1948*.

Dated this thirtieth day of November, 1949.

W. J. McKELL

Governor-General.

By His Excellency's Command,

R. T. POLLARD

Minister of State for Commerce and Agriculture.

APPLE AND PEAR ORGANIZATION (LICENCES AND PERMITS) REGULATIONS.

1. These Regulations may be cited as the Apple and Pear Organization (Licences and Permits) Regulations.

2. In these Regulations, unless the contrary intention appears—

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

“authorized price” means the price determined under regulation 6 of these Regulations;

“export” means export from the Commonwealth;

“licence” means a licence issued under section 14 of the Act;

“licensee” means the holder of a licence;

“permit” means a permit issued under section 14 of the Act;

“the Act” means the *Apple and Pear Organization Act 1938-1948*;

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

3. The appointment by the Board of an authorized person shall be notified in the *Gazette*.

Appointment of
authorized
person.

* Notified in the *Commonwealth Gazette* on 1st December, 1949.

Regulation of
export.

4. The export of any apples or pears is prohibited—
- (a) except by licensees;
 - (b) except in accordance with these Regulations; and
 - (c) unless the Board has issued a permit in respect of the apples and pears.

Applications
for permits.

5. An application for a permit to export apples or pears shall be lodged with the Secretary—

- (a) in the case of apples or pears intended to be exported to the United Kingdom or the continent of Europe or America—at least seven clear days before the proposed date of shipment; and
- (b) in all other cases—at least two clear days before the proposed date of shipment.

Authorized
price.

6.—(1.) The Board or an authorized person may determine the price at which apples or pears may be sold overseas.

(2.) Where a price is stated in any currency other than the currency in which the authorized price is determined, the authorized price shall be deemed to be the equivalent price in the first-mentioned currency calculated at the rate of exchange ruling at the time of sale.

Conditions and
restrictions.

7. A licensee shall—

- (a) upon request in writing by the Secretary or an authorized person, furnish forthwith, or within the time (if any) specified in the request, the information specified in the request in relation to the export, or intended export, by the licensee of any apples or pears or in relation to apples or pears at any time owned by, or in the custody, possession or control of, the licensee;
- (b) comply with such provisions of the Exports (Fresh Fruit) Regulations as are applicable to him;
- (c) ship all apples and pears through such shipping companies and by such vessels as the Board determines;
- (d) insure, or cause to be insured, in accordance with conditions approved by the Board, all apples and pears intended for export;
- (e) shall, where he desires to export apples or pears to the United Kingdom or the continent of Europe or America, furnish to the Secretary or an authorized person, on or before the seventeenth day of December in each year, a return setting out the quantity of apples and pears which he so desires to export during the following year, the place to which he desires to export the apples or pears and such other information relating to the intended export as the Secretary or authorized person requires; and
- (f) shall not, where an authorized price has been determined by the Board—
 - (i) sell any apples or pears overseas at a price less than the authorized price;
 - (ii) export any apples or pears for sale overseas at a price less than the authorized price;

- (iii) enter into any contract or agreement whereby any person is enabled, authorized or permitted to sell any apples or pears overseas at a price less than the authorized price;
- (iv) give any authority, licence, consent or approval, either generally or with respect to any particular case, to any person to sell any apples or pears overseas at a price less than the authorized price;
- (v) facilitate, counsel, procure, or encourage the sale overseas of any apples or pear at a price less than the authorized price; or
- (vi) give or allow or promise or agree to give or allow, any brokerage, rebate, discount, commission, allowance, option or benefit, whether in money, money's worth, credit, goods, or otherwise, to any person in respect of the sale overseas of any apples or pears at a price less than the authorized price, or whereby the sale overseas of apples or pears at a price less than the authorized price may be enabled, facilitated, or encouraged.

8. A notice or other document under the Act or these Regulations may be served by post on the licensee at his address specified in his licence. Service of notices, &c.

9. After shipment of apples or pears in respect of which a permit has been issued has been effected, the holder of the permit shall furnish to the Board a return in accordance with the Form in the Schedule to these Regulations. Shipment return.

10. A person shall not—

- (a) refuse or fail duly to furnish a return which he is required under these Regulations to furnish;
- (b) refuse or fail duly to furnish information which he is required under these Regulations to furnish; or
- (c) knowingly furnish a return or information which is, in any particular, incomplete, false or misleading.

Offences.

Penalty: Fifty pounds.

THE SCHEDULE.

Regulation 9

COMMONWEALTH OF AUSTRALIA.

APPLE AND PEAR ORGANIZATION (LICENCES AND PERMITS) REGULATIONS.

I
We being the holder
holders of Permit to
Export Apples and Pears numbered hereby declare that the apples and
pears referred to therein were shipped in accordance with the permit
with the exceptions set out hereunder*

Signature(s).

* Where quantities shipped vary from the permit, state particulars of the altered quantities and the reasons therefor.