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PERTH: TUESDAY, 9th MARCH

[1965

Crown Law Department,
Perth, 3rd March, 1965.

THE undermentioned Regulations made under the provisions of the Fruit Cases Act, 1919, and amended from time to time prior to 15th October, 1964, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

R. C. GREEN,
Under Secretary for Law.

FRUIT CASES ACT, 1919.

REGULATIONS.

Published in the *Government Gazette* on the 31st December, 1936, and incorporating the amendments thereto published in the *Government Gazette* on the 7th January, 1949, the 22nd June, 1961, the 13th June, 1962 and the 23rd August, 1962; and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting
of Regulations Act, 1954 by authority of
the Minister dated 3rd March, 1965.

FRUIT CASES ACT, 1919-1933.¹

Substituted
by G.G.
13/6/62,
p. 1567.

1. (1) Fruit cases (other than fruit cases that are fibre-board cartons) shall be in conformity with the measurements and capacities prescribed in the First Appendix to these regulations, but the dimensions of those cases may be varied to the extent of five per centum, if the resultant variation in the cubic capacity of any such case be not more or less than five per centum of the cubic capacity prescribed for that case in that Appendix.

(2) Fruit cases that are fibre-board cartons shall be—

- (i) in conformity with the measurements prescribed in the First Appendix to these regulations; and
- (ii) of two piece construction, fully telescopic.

2. (1) Every person who desires to register a fruit brand for the purposes of paragraph (b) of section five of the Act shall make application to the Director of Agriculture in accordance with Form No. 1 in the Second Appendix to these regulations.

(2) Such application shall be accompanied by duplicate copies of the form of the brand proposed to be registered together with the registration fee of seven shillings and sixpence.

(3) The Director of Agriculture shall keep a register for the purpose of registering therein fruit brands in respect whereof applications for registration under regulation 2 hereof are granted.

(4) Upon receipt of an application for registration of a fruit brand made in accordance with regulation 2, the Director of Agriculture, if satisfied concerning the truth of the particulars contained in the application, shall submit to the Minister for his approval the form of the brand proposed to be registered.

(5) If the form of such brand is approved by the Minister, such brand shall be registered by the Director of Agriculture by inserting in the said register one copy of the said form of brand, together with the particulars contained in the application and by returning the other copy of the form of brand, with a certificate of approval and registration annexed thereto to the applicant.

(6) If an application for registration of a fruit brand is not approved by the Minister, the applicant shall be notified thereof, and the registration fee which accompanied the application shall be refunded to the applicant.

3. Before any second-hand fruit case is again used for containing fruit under the authority of the proviso to subsection (1) of section eight of the said Act, all brands appearing on such case shall be removed, and the case shall be steamed or dipped in boiling water at the registered factory or place where the case is to be packed with fruit as aforesaid, and such steaming or dipping shall be carried out under the supervision of an inspector.

4. Before any second-hand fruit case, which has been treated as provided for in regulation 3, is forwarded from the registered factory to a fruit-grower or seller, such case shall be legibly branded on one end thereof in stencilled letters with the words "Steamed" or "Dipped" (as the case may be), and shall also be branded with the name of the registered factory or place where such steaming or dipping was effected. The stencilled letters so used shall not be less than one half of an inch in height.

5. Any second-hand fruit case which has been treated as provided for in regulation 3, and which is subsequently received at a registered factory with fruit contained therein, shall not again

¹ Now Fruit Cases Act, 1919-1963.

be used for the carriage of fruit or be forwarded to a grower or seller of fruit unless and until such case has again been treated in accordance with the requirements of regulation 3.

6. All prescribed cases imported into the State containing bananas or pineapples shall be steamed or dipped in boiling water and branded as directed by an inspector before being again used.

7. The transport of fruit in second-hand cases from one place to another place within the State under the authority of paragraph (iii) of the proviso to subsection (1) of section eight of the Fruit Cases Act, 1919-1933,¹ shall be subject to the following provisions, namely:—

(a) Subject as in this paragraph hereinafter provided, a second-hand case used to contain fruit in any portion of the State, other than those portions described in Part 2 and Part 3 of the Third Appendix to these regulations, may be transported either by rail or road between any places not being situated within either of those portions of the State described in Part 2 and Part 3 of the said Third Appendix, but shall not be transported at all to any place situated in either of those portions of the State described in Part 2 and Part 3 of the said Third Appendix.

Provided that a second-hand case containing fruit used by a registered factory and treated and marked before transport as required by regulations 3, 4, and 5 of these regulations may be transported by rail or road between a place not situated in either of the portions of the State described in Part 2 and Part 3 of the said Third Appendix, and a place situated in either of the said last-mentioned portions of the State

(b) Subject as in this paragraph hereinafter provided, a second-hand case used to contain fruit in that portion of the State described in Part 2 of the Third Appendix to these regulations may be transported either by rail or road between any places within the said portion of the State, or between a place within such portion of the State and any other place situated in any other portion of the State, other than that portion of the State described in Part 3 of the said Third Appendix, but shall not be transported at all to any place within that portion of the State described in the said Part 3.

Provided that—

(i) A second-hand case containing fruit used by a registered factory and treated and marked before transport as required by regulations 3, 4, and 5 of these regulations may be transported by rail or road between a place situated in that portion of the State described in Part 2 of the said Third Appendix and a place situated within that portion of the State described in Part 3 of the said Third Appendix; and

(ii) Where, under the authority of this paragraph, a second-hand case has been transported from a place within that portion of the State described in Part 2 of the said Third Appendix to a place situate elsewhere in the State than in those portions described in Part 2 and Part 3 of the said Third Appendix, such second-hand case shall thereafter be a second-hand case to which paragraph (a) of this present regulation applies, and shall be subject thereto accordingly.

(c) Subject as in this paragraph hereinafter provided, a second-hand case used to contain fruit in that portion of the State described in Part 3 of the Third Appendix to these regulations may be transported either by sea, rail, or road between any places within the said portion of the State or between a place situated within the said portion of the State and any place situated in any other portion of the State.

¹ Now Fruit Cases Act, 1919-1963.

Provided that—

- (i) Where under the authority of this paragraph a second-hand case has been transported from a place within that portion of the State described in Part 3 of the said Third Appendix to a place situated outside that portion of the State described in Part 3 of the said Third Appendix and also outside that portion of the State described in Part 2 of the said Third Appendix such second-hand case shall thereafter be a second-hand case to which paragraph (a) of this regulation applies and shall be subject thereto accordingly; and
 - (ii) Where under the authority of this paragraph a second-hand case has been transported from a place within that portion of the State described in Part 3 of the said Third Appendix to a place situated within that portion of the State described in Part 2 of the said Third Appendix such second-hand case shall thereafter be a second-hand case to which paragraph (b) of this regulation applies and shall be subject thereto accordingly.
- (d) The foregoing paragraphs (a), (b) and (c) of this regulation shall be read in conjunction with and as being subject to every Proclamation, Order in Council, or notice issued, made, or promulgated under the provisions of the Plant Diseases Act, 1914-1935,¹ and for the time being and from time to time in force, which in any way relates to the transport of fruit or specified fruits, or to the transport of second-hand fruit cases, whether containing fruit or not, between places within the State.

8. (1) Every person who desires to be registered as a Factory Buyer under section 9 of the said Act shall make application to the Director of Agriculture, in accordance with Form No. 2 in the Second Appendix to these regulations.

(2) Such application shall be accompanied by a registration fee of seven shillings and sixpence.

9. (1) The Director of Agriculture shall keep a register for the purpose of registering therein the names of registered Factory Buyers.

(2) Upon receipt of an application under regulation 8, the Director of Agriculture, if satisfied concerning the truth of the particulars contained in the application, shall register the applicant as a Factory Buyer by entering in the said register the name and address of the applicant, together with such other relevant particulars as are contained in the application.

(3) When an applicant has been registered as aforesaid he shall be entitled to receive from the Director of Agriculture a certificate of such registration.

Amended by
G.G. 7/1/49,
p. 34;
G.G. 22/6/61,
p. 1890;
G.G. 13/6/62,
pp. 1567-8;
G.G. 23/8/62,
p. 2367.

First Appendix.

Fruit Cases Act, 1919-1933.

PRESCRIBED MEASUREMENTS AND CAPACITIES OF FRUIT CASES.

(Regulation 1)

Class of Case.	Inside Measurements clear of all Divisions.	Capacity.
Australian bushel case	18 in. long, 14½ in. deep, 8½ in. wide	Not less than one Imperial bushel or cubical content of 2,223 cubic inches.
Australian three-quarter bushel case	18 in. long, 10½ in. deep 8½ in. wide.	Not less than three-quarters of an Imperial bushel or cubical content of 1,664 cubic inches.
Australian half-bushel case	18 in. long, 8½ in. deep, 7½ in. wide	Not less than one-half of an Imperial bushel or cubical content of 1,111½ cubic inches.

¹ Now Plant Diseases Act, 1914-1962.

Class of Case.	Inside Measurements clear of all Divisions.	Capacity.
Banana case	21 in. long, 12 in. deep, 12 in. wide	Not less than a cubical content of 3,024 cubic inches.
Banana bushel case	18 in. long, 9½ in. deep, 13 in. wide	Not less than a cubical content of 2,223 cubic inches.
Flat bushel case	26 in. long, 14½ in. deep, 6 in. wide	Not less than one Im- perial bushel or cubical content of 2,223 cubic inches.
Flat three-quarter bushel case	24 in. long, 11½ in. deep, 6 in. wide	Not less than three- quarters of an Imperial bushel or cubical con- tent of 1,692 cubic inches
Flat half-bushel case	26 in. long, 7½ in. deep, 6 in. wide	Not less than one-half of an Imperial bushel or cubical content of 1,111½ cubic inches.
Quarter-bushel case	13½ in. long, 8 in. deep, 5½ in. wide	Not less than one- quarter of an Imperial bushel or cubical con- tent of 556½ cubic inches.
Tropical fruit case	24½ in. long, 12 in. deep, 12 in. wide	Not less than a cubical content of 3,564 cubic inches.
Standard apple case	18 in. long, 10½ in. deep, 11½ in. wide	Not less than a cubical content of 2,173½ cubic inches.
Standard half case	18 in. long, 5½ in. deep, 11½ in. wide	Not less than a cubical content of 1,086½ cubic inches.
Standard bushel apple fibre-board carton	17½ in. long, 10½ in. deep, 11½ in. wide	
Half bushel standard fibre-board carton	17½ in. long, 5½ in. deep, 11½ in. wide	
Half bushel dump fibre- board carton	17½ in. long, 7½ in. deep, 8½ in. wide	
Bushel tray pack fibre- board carton	19½ in. long, 11½ in. deep, 12 in. wide	

Second Appendix.

Fruit Cases Act, 1919-1933.

(Form No. 1.)

APPLICATION FOR REGISTRATION OF A FRUIT BRAND.

(Regulation No. 2.)

To the Director of Agriculture.

I (or We), the undersigned, hereby make application for registration of a fruit brand under and for the purposes of the above-mentioned Act.

Particulars.

Name of Applicant (a)

Address (b)

Specimen of brand proposed to be registered (c)

The registration fee of seven shillings and sixpence is enclosed herewith.

Signature of Applicant

Address

Received with the fee (7s. 6d.) at the Department of Agriculture, Perth, on the day of 19.....

Director of Agriculture.

(a) Name of person, firm or company. (b) Address. (c) Specimen of brand.

Fruit Cases Act, 1919-1933.

(Form No. 2.)

APPLICATION FOR REGISTRATION AS A FACTORY BUYER.

(Regulation No. 8.)

To the Director of Agriculture.

I (or We) (a).....of (b).....in the State of Western Australia, hereby apply to be registered as a Factory Buyer under and for the purposes of the abovementioned Act.

The factory which I (or We) occupy for the purpose of using fruit for the manufacture or preparation of articles used for food or drink is situated at (c).....

Registration fee of seven shillings and sixpence is enclosed herewith.

Signature of Applicant.....

Received with the fee (7s. 6d.) at the Department of Agriculture, Perth, on.....the.....day of.....19.....

Director of Agriculture.

(a) Name of applicant, person, firm or company. (b) Address.
(c) Address of factory.

Third Appendix.

PART 1.

All that portion of the State of Western Australia bounded on the south by the 33rd parallel of south latitude from the west coast to a point immediately south of Saddleback Hill, on the east by a straight line drawn from that point to a point midway between Baker's Hill and Clackline; on the north by a straight line drawn at right angles to the eastern boundary line from that point to the west coast, and on the west by the west coast.

PART 2.

All that portion of the State of Western Australia bounded on the north by the 33rd parallel of south latitude from the west coast to a point fifteen miles east of the Great Southern Railway, on the east by a line commencing at such point and running in a southerly direction parallel with the Great Southern Railway to a point on the No. 2 Rabbit-Proof Fence where a line drawn from Cape Clairault on the west coast and running due east meets the No. 2 Rabbit-Proof Fence; on the south by the said last-mentioned line from the said point in No. 2 Rabbit-Proof Fence to Cape Clairault aforesaid; and on the west by the west coast between Cape Clairault aforesaid and the 33rd parallel of south latitude.

PART 3.

All that portion of the State of Western Australia bounded by an imaginary line commencing on the north-west at Cape Clairault on the west coast and running thence in a direct easterly direction until it reaches No. 2 Rabbit-Proof Fence; thence running in a direct southerly direction until it meets the south coast; thence following the coast in a westerly and northerly direction to Cape Clairault aforesaid.