
Dried Vine Fruits Stabilization

No. 133 of 1971

An Act relating to Certain Dried Vine Fruits.

[Assented to 16 December 1971]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title.

1. This Act may be cited as the *Dried Vine Fruits Stabilization Act 1971*.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

3.—(1.) The *Dried Vine Fruits Contributory Charges Act* 1964, the *Dried Vine Fruits Contributory Charges (Collection) Act* 1964, the *Dried Vine Fruits Stabilization Act* 1964 and the *Dried Vine Fruits Stabilization Act* 1966 are repealed. Repeal of earlier legislation.

(2.) Notwithstanding the repeal made by the last preceding subsection—

- (a) any arrangement in force under section 9 of the *Dried Vine Fruits Stabilization Act* 1964–1966 immediately before the commencement of this section continues in force, and that section continues to apply in relation to any such arrangement, as if that repeal had not been made;
- (b) the Stabilization Funds in being by virtue of section 11 of the *Dried Vine Fruits Stabilization Act* 1964–1966 immediately before the commencement of this section continue in being, and that section and section 12 of that Act continue to apply in relation to those Stabilization Funds, as if that repeal had not been made; and
- (c) an appropriation of the Consolidated Revenue Fund in force by virtue of section 11 of the *Dried Vine Fruits Stabilization Act* 1964–1966 immediately before the commencement of this section continues in force as if that repeal had not been made.

4.—(1.) In this Act, unless the contrary intention appears—

Interpretation.

“ authorized person ” means—

- (a) a person appointed by the Minister, by instrument in writing, to be an authorized person for the purposes of the provision in which the expression occurs; or
- (b) a person included in a class of persons appointed by the Minister, by instrument in writing, to be authorized persons for the purposes of the provision in which the expression occurs;

“ average return ”, in relation to a season in respect of a kind of dried fruit, means the amount per ton determined under section 8 of this Act to be the average return for that season in respect of that kind of dried fruit;

“ base price ”, in relation to a season in respect of a kind of dried fruit, means the amount per ton that is the base price for that season in respect of that kind of dried fruit in accordance with section 10 of this Act;

“ currants ” means dried currant grapes;

“ dried fruit ” means dried fruit to which this Act applies;

“ grower ”, in relation to dried fruit received for packing, means the person in whose name the dried fruit was delivered to the packer, and includes, where that person is deceased, his legal personal representative;

- “levy” has the same meaning as in the Levy Act;
- “packed” means packed at a packing house, whether before or after the commencement of this Act;
- “packer” means—
- (a) in relation to dried fruit received for packing—the proprietor of the packing house into which the dried fruit was received; and
 - (b) in relation to packed dried fruit—the proprietor of the packing house in which the dried fruit was packed;
- “packing house” means any premises or place registered as a packing house or packing shed under a law of the Commonwealth or of a State relating to dried fruit;
- “provisional levy” has the same meaning as in the Levy Collection Act;
- “raisin grapes” means White Muscatel or Waltham Cross (sometimes called Malaga) grapes or equivalent varieties;
- “raisins” means raisin grapes that have been dipped and dried;
- “received for packing”, in relation to dried fruit, means received into a packing house, whether before or after the commencement of this Act;
- “season” means a season to which this Act applies;
- “stabilization fund” means the Currants Stabilization Fund, the Sultanas Stabilization Fund or the Raisins Stabilization Fund;
- “stabilization payment” means a stabilization payment under section 13 of this Act, and includes an advance on account of a stabilization payment under section 17 of this Act;
- “sultanas” means dried sultana grapes;
- “the Audit Act” means the *Audit Act* 1901–1969;
- “the Company” means The Dried Fruits Stabilization Committee Limited incorporated under the law of the State of Victoria relating to companies;
- “the Levy Act” means the *Dried Vine Fruits Levy Act* 1971;
- “the Levy Collection Act” means the *Dried Vine Fruits Levy Collection Act* 1971.

(2.) A reference in this Act to a kind of dried fruit shall, unless the contrary intention appears, be read as a reference to a kind of dried fruit specified in the next succeeding section.

Dried fruit
to which Act
applies.

5. This Act applies to dried fruit of any of the following kinds:—
- (a) currants;
 - (b) sultanas;
 - (c) raisins.

6.—(1.) This Act applies in relation to the season that commenced on the first day of January, One thousand nine hundred and seventy-one, and to each of the next four succeeding seasons.

Season to which Act applies.

(2.) In this section, “season” means a period of twelve months commencing on the first day of January in any year.

7.—(1.) The regulations may prescribe standards of quality for a kind of dried fruit for the purposes of this Act.

Standards may be prescribed.

(2.) Dried fruit delivered at a packing house for packing that does not comply with a relevant prescribed standard that is in force at the time of the delivery shall be deemed not to be dried fruit to which this Act applies.

8.—(1.) When the Minister is satisfied that dried fruit of a particular kind received for packing during a season has been completely, or almost completely, sold or otherwise disposed of, the Minister shall, by instrument in writing, determine, in accordance with this section, the amount per ton that is the average return for that season in respect of that kind of dried fruit.

Average return.

(2.) Subject to the next succeeding sub-section, the amount per ton that is the average return for a season in respect of a kind of dried fruit shall be determined by—

- (a) ascertaining the net proceeds received from the original sales of all packed dried fruit derived from dried fruit of that kind received for packing during that season that has been sold;
- (b) deducting from those net proceeds such amount as the Minister considers appropriate in order to convert them to the corresponding proceeds for the dried fruit received for packing from which the packed dried fruit so sold was derived; and
- (c) dividing the resultant amount by a number equal to the number that, in the opinion of the Minister, is the number of tons of dried fruit received for packing from which the packed dried fruit so sold was derived.

(3.) The Minister may, in his discretion, determine the amount per ton that is the average return for a season in respect of a kind of dried fruit by—

- (a) selecting such packing houses as, in his opinion, have packed between them a sufficient proportion of the packed dried fruit derived from dried fruit of that kind received for packing during that season that has been sold to enable that average return to be fairly ascertained by reference only to the operations of those packing houses; and
- (b) applying the provisions of the last preceding sub-section as if only dried fruit packed at those packing houses were to be taken into consideration.

(4.) At any time after the commencement of a season, the regulations may, for the purposes of the next succeeding sub-section, prescribe an amount per ton, or a manner of ascertaining an amount per ton, that is the minimum price for the season in respect of an original sale for consumption in Australia of packed dried fruit derived from dried fruit of a specified kind received for packing during the season.

(5.) Where—

(a) an original sale for consumption in Australia of packed dried fruit derived from dried fruit received for packing during a season takes place at a time when a minimum price is applicable to the packed dried fruit by virtue of regulations under the last preceding sub-section; and

(b) the selling price of the packed dried fruit is less than that minimum price,

the net proceeds received from that original sale shall, for the purpose of determining the average return for that season in respect of the kind of dried fruit from which the packed dried fruit was derived, be deemed to be such amount as the Minister determines would have been the net proceeds if the sale had been made at that minimum price.

(6.) A determination under sub-section (1.) of this section shall be published in the *Gazette*.

Export prices
to be approved
by Minister.

9. Where any regulations for the time being in force under the *Dried Fruits Export Control Act 1924–1966* authorize the Australian Dried Fruits Control Board constituted under that Act to determine, or to determine the manner of calculation of, minimum prices that may be required by the Board to be observed in respect of the sale of packed dried fruit to be exported or for the sale overseas of exported packed dried fruit, the Board—

(a) shall comply with any direction of the Minister with respect to the making of any such determination in respect of packed dried fruit derived from dried fruit received for packing during a season; and

(b) shall, except as otherwise approved by the Minister, take all action that the Board can lawfully take with a view to ensuring that that packed dried fruit derived from dried fruit received for packing during a season—

(i) is not exported after having been sold at a price less than the price applicable under such a determination of the Board; and

(ii) is not sold overseas at a price less than the price applicable under such a determination of the Board.

Base price.

10.—(1.) The base price for the season that commenced on the first day of January, One thousand nine hundred and seventy-one is—

(a) in respect of currants—Three hundred and thirteen dollars per ton;

- (b) in respect of sultanas—Two hundred and seventy-three dollars per ton; and
- (c) in respect of raisins—Two hundred and forty-three dollars per ton.

(2.) The base price for a season, other than the season referred to in the last preceding sub-section, in respect of a kind of dried fruit is such amount per ton as is prescribed as the base price for that season in respect of that kind of dried fruit.

11.—(1.) The following stabilization funds are hereby established:— Stabilization funds to be established.

- (a) the Currants Stabilization Fund;
- (b) the Sultanas Stabilization Fund;
- (c) the Raisins Stabilization Fund.

(2.) For the purposes of this Act—

- (a) the Currants Stabilization Fund relates to currants;
- (b) the Sultanas Stabilization Fund relates to sultanas; and
- (c) the Raisins Stabilization Fund relates to raisins.

(3.) A stabilization fund is a Trust Account for the purposes of section 62A of the Audit Act.

12.—(1.) There shall be paid into a stabilization fund out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to the amounts from time to time received by the Commonwealth as levy, or provisional levy, in respect of dried fruit of the kind to which the fund relates. Moneys to be paid into a stabilization fund.

(2.) There shall also be paid into a stabilization fund—

- (a) moneys paid by any person to the Commonwealth for the purposes of the stabilization fund; and
- (b) interest on the investment of moneys standing to the credit of the stabilization fund.

13. Where the amount per ton that constitutes the average return for a season in respect of a kind of dried fruit is less by more than Ten dollars than the amount per ton that constitutes the base price for that season in respect of that kind of dried fruit, a stabilization payment is, subject to this Act, payable on the production of dried fruit of that kind that is received for packing during that season. Stabilization payment.

14.—(1.) In this section—

“the Commonwealth limit”, in relation to dried fruit received for packing during a season, means— Rate of a stabilization payment.

- (a) where the specified factor in relation to that dried fruit is less than one—an amount equal to the product of Twenty-three dollars and the specified factor; or
- (b) in any other case—Twenty-three dollars;

“ the maximum quantity ” means—

- (a) in relation to currants—Thirteen thousand five hundred tons;
- (b) in relation to sultanas—Seventy-five thousand tons; and
- (c) in relation to raisins—Eleven thousand tons;

“ the prescribed amount ”, in relation to dried fruit received for packing during a season, means an amount that is less by Ten dollars than the amount by which the amount per ton that constitutes the average return for the season in respect of the kind of dried fruit in which that dried fruit is included is less than the amount per ton that constitutes the base price for the season in respect of that kind of dried fruit;

“ the specified factor ”, in relation to dried fruit received for packing during a season, means a number equal to the number of tons in the maximum quantity in relation to the kind of dried fruit in which that dried fruit is included divided by a number equal to the number of tons of dried fruit of that kind that is received for packing during that season.

(2.) Subject to the next succeeding sub-section, the rate of a stabilization payment in respect of dried fruit received for packing during a season is an amount per ton equal to—

- (a) where the specified factor in relation to that dried fruit is less than one—the product of the prescribed amount and the specified factor in relation to that dried fruit; or
- (b) in any other case—the prescribed amount in relation to that dried fruit.

(3.) Where the rate of the stabilization payments payable out of a stabilization fund in respect of dried fruit received for packing during a season would, but for this sub-section, exceed an amount per ton equal to the Commonwealth limit in relation to that dried fruit and—

- (a) an amount has been paid into that fund under sub-section (2.) of section 18 of this Act and an amount equal to that amount has not been repaid under section 22 of this Act; or
- (b) the making of those stabilization payments out of that fund at the rate that would apply but for this sub-section would require a payment into that fund under sub-section (2.) of section 18 of this Act,

the rate of those stabilization payments shall not exceed an amount per ton equal to the Commonwealth limit in relation to that dried fruit.

15. A stabilization payment in respect of dried fruit is payable to the grower of the dried fruit.

16. An assignment of a stabilization payment is void as against the Commonwealth.

Assignment of a stabilization payment to be void.

17.—(1.) An advance on account of a stabilization payment may be made to a person on such terms and conditions as are approved by the Minister.

Advance on account of stabilization payment.

(2.) If a person receives by way of advances in respect of a stabilization payment in respect of any dried fruit an amount that exceeds the amount of the stabilization payment payable in respect of that dried fruit, he is liable to repay to the Commonwealth the amount of the excess, and the Commonwealth may recover the amount of the excess as a debt due to the Commonwealth by action in a court of competent jurisdiction.

18.—(1.) Moneys standing to the credit of a stabilization fund may be expended in making—

Application of stabilization fund.

(a) a stabilization payment; or

(b) a payment under section 5 or section 12 of the Levy Collection Act, in respect of dried fruit of the kind to which the fund relates.

(2.) In the event of the amount standing to the credit of a stabilization fund being at any time insufficient to meet a stabilization payment out of the fund, or in the event of there being no amount standing to the credit of a stabilization fund out of which it is proposed to make a stabilization payment, there shall be paid into the fund out of the Consolidated Revenue Fund, which is appropriated accordingly, the amount necessary to enable the payment to be made.

19.—(1.) The Minister may, on behalf of the Commonwealth, enter into an arrangement with the Company to perform the function of making stabilization payments on behalf of the Commonwealth.

Payment of stabilization payments to the Company for distribution.

(2.) Without prejudice to the generality of the last preceding subsection, an arrangement under that sub-section may provide for—

(a) the keeping by the Company of accounts and records in relation to stabilization payments received and distributed by the Company;

(b) the inspection and audit of the accounts and records referred to in the last preceding paragraph; and

(c) the furnishing by the Company to the Minister of information with respect to anything done by the Company in pursuance of the arrangement.

(3.) Stabilization payments to which an arrangement under this section relates may be paid to the Company for distribution in accordance with the arrangement.

(4.) The Audit Act does not apply in relation to amounts of stabilization payments in the hands of the Company.

(5.) Money paid to the Company under this section shall, until it is distributed in accordance with the arrangement under which it is paid, be deemed to be money held in trust for the Commonwealth.

Payments to packer for payment to grower.

20.—(1.) For the purposes of making stabilization payments in respect of dried fruit, the Company may arrange for the packer of the dried fruit to pay, as agent of the Company, to each of the growers of the dried fruit the stabilization payment payable to that grower, and payment may be made by the Company to the packer in accordance with the arrangement.

(2.) The Audit Act does not apply in relation to amounts of stabilization payments in the hands of a packer referred to in the last preceding sub-section.

(3.) Money paid to a packer under this section shall, until it is distributed in accordance with the arrangement under which it is paid, be deemed to be money held in trust for the Commonwealth.

(4.) Notwithstanding section 16 of this Act, where—

- (a) an arrangement has been made between the Company and a packer in accordance with sub-section (1.) of this section;
- (b) moneys are paid by the Company to the packer as a stabilization payment that is payable to the grower of any dried fruit; and
- (c) the grower is indebted to the packer by reason of a loan or advance made to the grower by the packer and the grower has authorized the packer to retain moneys payable by him to the grower in respect of that dried fruit in or towards the discharge of that indebtedness,

the packer may apply the whole or a part of the moneys so paid by the Company to the packer in or towards the discharge of that indebtedness and, when the packer so applies an amount, the amount so applied shall, for the purposes of this Act, be deemed to have been received by the grower from the packer as a stabilization payment in respect of the dried fruit concerned.

Application of sections 19 and 20 in relation to payments under section 22.

21. The provisions of the last two preceding sections apply in relation to the making of refunds of levy to growers of dried fruit under the next succeeding section as if an amount payable to a grower under that last-mentioned section by way of refund of levy in respect of dried fruit were a stabilization payment payable to the grower in respect of that dried fruit.

Refund from stabilization funds.

22.—(1.) In this section, “the maximum amount” means—

- (a) in relation to the Currants Stabilization Fund—Seven hundred and fifty thousand dollars;

- (b) in relation to the Sultanas Stabilization Fund—Four million dollars; and
- (c) in relation to the Raisins Stabilization Fund—Seven hundred and fifty thousand dollars.

(2.) Subject to sub-section (10.) of this section, if the moneys standing to the credit of a stabilization fund at any time exceed the maximum amount, an amount equal to the excess shall be paid out of the fund by the Minister in accordance with this section.

(3.) Where the making of a repayment to the Consolidated Revenue Fund out of a stabilization fund would permit the rate of a stabilization payment payable out of the stabilization fund to exceed Twenty-three dollars per ton, the Minister shall make that repayment.

(4.) Subject to sub-section (11.) of this section, after the expiration of a period of three months from the end of the last season in relation to which this Act applies, and after the making, in respect of a stabilization fund, of all payments into the fund and of all payments out of the fund apart from this sub-section, any moneys standing to the credit of the fund shall be paid out of the fund by the Minister in accordance with this section.

(5.) The payments out of a stabilization fund under the preceding provisions of this section shall be made by way of—

- (a) repayment to the Consolidated Revenue Fund, so far as the amounts so payable out of the stabilization fund permit, of any moneys paid into the stabilization fund under sub-section (2.) of section 18 of this Act; and
- (b) subject to the last preceding paragraph, the making of refunds of levy, in accordance with the next succeeding sub-section, to the persons who have paid levy in respect of which moneys have been paid into the stabilization fund.

(6.) The amount of refund under paragraph (b) of the last preceding sub-section shall be allocated as follows:—

- (a) where the amounts that have been paid into the stabilization fund under sub-section (1.) of section 12 of this Act are amounts in respect of levy paid in respect of one season only, the whole of the amount of the refund shall be allocated to that season;
- (b) where the amounts that have been paid into the stabilization fund under sub-section (1.) of section 12 of this Act are amounts in respect of levy paid in respect of different seasons, a portion of the amount of the refund shall be allocated to each of those seasons, each portion bearing the same proportion to the whole of the amount of the refund as the amount paid into the stabilization fund in respect of levy paid in respect of the season to which the portion is allocated bears to the amount paid into the stabilization fund in respect of levy paid in respect of both or all of those seasons;

- (c) from the amount allocated to a season in accordance with either of the last two preceding paragraphs, each person who has paid levy in respect of that season in respect of which moneys have been paid into the stabilization fund shall be paid an amount of refund that bears the same proportion to the amount so allocated as the amount of the levy so paid by the person bears to the total amount of levy in respect of that season in respect of which moneys have been paid into the stabilization fund.
- (7.) For the purposes of this section—
- (a) levy shall be deemed to have been paid in respect of a season if it is paid in respect of dried fruit received for packing during that season;
- (b) an amount that has been paid into a stabilization fund in respect of levy that has subsequently been refunded from the fund shall be deemed never to have been paid into the fund;
- (c) where a packer has recovered from a person, or been recouped by a person in respect of, levy paid by the packer, that person shall be deemed to have paid that levy; and
- (d) a person who has paid levy in respect of any dried fruit shall be deemed to have also paid as levy in respect of that dried fruit such proportion as the Minister thinks just of any moneys credited to the relevant stabilization fund as income from investments.
- (8.) An amount payable to a person under this section shall be deemed to be duly paid if it is paid in a manner in which it could lawfully be paid if it were a stabilization payment due to that person under this Act.
- (9.) For the purposes of this section, a stabilization payment in respect of dried fruit received for packing during a season shall not be taken to be a refund of any levy paid in respect of dried fruit received for packing before the commencement of that season.
- (10.) The Minister is not obliged to make payments under sub-section (2.) of this section out of a stabilization fund by way of refund of levy paid in respect of a season if the payments will not be sufficient to refund in full, or to complete the refund in full of, the levy paid in respect of that season in respect of which moneys have been paid into the stabilization fund.
- (11.) The Minister is not obliged to make payments under sub-section (4.) of this section out of a stabilization fund by way of refund of levy if, before the expiration of the period referred to in that sub-section, a scheme for the stabilization of returns to growers of dried fruit received for packing after the end of the last season to which this Act applies is under consideration by the Commonwealth and representatives of the dried fruit industry and that scheme requires, or may require, the carrying forward of the moneys in the stabilization fund.
- (12.) In this section “levy” includes provisional levy.

23. The Minister or an authorized person may, by notice in writing, require a person to furnish to him, within the time specified in the notice, such return or information in relation to matters relevant to the operation of this Act as is specified in the notice, including a return or information verified by statutory declaration.

Power to
require
furnishing
of returns.

24. A person shall not fail or neglect duly to furnish a return or information that he is required under this Act or the regulations to furnish.

Offences in
relation to
returns, &c.

Penalty: Two hundred dollars.

25.—(1.) A person shall not—

Offences.

- (a) obtain a stabilization payment that is not payable;
- (b) obtain payment of a stabilization payment to himself or to another person by means of a statement that is false or misleading in a material particular; or
- (c) in connexion with this Act, present to a person (including the Company) doing duty or performing functions in relation to this Act or the regulations an account, book or document, or make or furnish to such a person a statement or return, that is false or misleading in a material particular.

Penalty: One thousand dollars or imprisonment for twelve months.

(2.) Where a person is convicted under the last preceding sub-section, the court may, in addition to imposing a penalty under that sub-section, order the person to refund to the Commonwealth the amount of any stabilization payment, or any moneys in respect of a stabilization payment, paid to him or to any other person as a result of the offence.

(3.) Where a court has made an order under the last preceding sub-section, a certificate under the hand of the clerk or other appropriate officer of the court specifying the amount ordered to be refunded and the person by whom the amount is payable may be filed in a court having civil jurisdiction to the extent of that amount and is thereupon enforceable in all respects as a final judgment of that court.

26.—(1.) An authorized person may, with the consent of the occupier of any premises, enter the premises for the purpose of exercising the functions of an authorized person under this section.

Access to
premises.

(2.) Where an authorized person has reason to believe that books, documents or papers relating to—

- (a) dried fruit received for packing during a season; or
- (b) the sale of packed dried fruit derived from dried fruit received for packing during a season,

are on premises, the authorized person may make application to a Justice of the Peace for a warrant authorizing the authorized person to enter the premises for the purpose of exercising the functions of an authorized person under this section.

(3.) If, on an application under the last preceding sub-section, the Justice of the Peace is satisfied by information on oath—

- (a) that there is reasonable ground for believing that there are on the premises to which the application relates any books, documents or papers relating to—
 - (i) dried fruit received for packing during a season; or
 - (ii) the sale of packed dried fruit derived from dried fruit received for packing during a season; and
- (b) that the issue of the warrant is reasonably required for the purposes of this Act,

the Justice of the Peace may grant a warrant, in accordance with the prescribed form, authorizing the authorized person, with such assistance as he thinks necessary, to enter the premises, during such hours of the day or night as the warrant specifies or, if the warrant so specifies, at any time, if necessary by force, for the purpose of exercising the functions of an authorized person under this section.

(4.) Where an authorized person has entered any premises in pursuance of sub-section (1.) of this section or in pursuance of a warrant granted under sub-section (3.) of this section, he may exercise the functions of an authorized person under this section.

(5.) A person shall not, without reasonable excuse, obstruct or hinder an authorized person acting in pursuance of a warrant granted under sub-section (3.) of this section or in pursuance of the last preceding sub-section.

Penalty: Two hundred dollars.

(6.) The functions of an authorized person under this section are to search for, inspect, take extracts from and make copies of any books, documents or papers relating to—

- (a) dried fruit received for packing during a season; or
- (b) the sale of packed dried fruit derived from dried fruit received for packing during a season.

(7.) In this section, “ occupier ”, in relation to premises, includes the person in charge of the premises.

27.—(1.) A packer of dried fruit shall—

- (a) maintain, in respect of each season, proper books and accounts in respect of his operations, receipts and expenditure in relation to—
 - (i) dried fruit received for packing during that season; or
 - (ii) the sale by him of packed dried fruit derived from dried fruit received for packing during that season,
 and enter promptly in those books and accounts full and correct particulars of all such operations, receipts and expenditure;
- (b) retain those books and accounts for a period of six years after the end of that season; and

- (c) upon demand by an authorized person at any time during that season or within the period of six years referred to in the last preceding paragraph, produce to the authorized person all or any of those books or accounts.

Penalty: Two hundred dollars.

(2.) A prosecution for an offence against paragraph (a) of the last preceding sub-section may be commenced at any time within three years after the commission of the offence.

28. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular—

- (a) requiring packers of dried fruit to furnish, to such persons as are prescribed, returns or information relating to that dried fruit;
 - (b) providing that a stabilization payment payable to a person is not to be paid, or that payment of a stabilization payment payable to a person may be withheld, where a provision of the regulations has not been complied with by the person; and
 - (c) prescribing penalties, not exceeding a fine of Two hundred dollars, for offences against the regulations.
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