

South Australia

## **Dried Fruits Regulations 1993**

under the *Dried Fruits Act 1993*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Dried Fruits Regulations 1993*.

### 2—Commencement

These regulations will come into operation on 1 January 1994.

### 3—Revocation

All regulations previously made under the *Dried Fruits Act 1934* are revoked.

### 4—Interpretation

In these regulations, unless the contrary intention appears—

*the Act* means the *Dried Fruits Act 1993*;

*Export Control (Dried Fruits) Orders* means the *Export Control (Dried Fruits) Orders*, made under the *Export Control Act 1982* of the Commonwealth, as in force from time to time and as modified by Schedule 1;

*false mark* means any mark or description relating to dried fruits that is likely to mislead in a material respect.

#### Note—

For definition of divisional penalties (and divisional expiation fees) see Appendix.

### 5—Reference to Export Control (Dried Fruits) Orders

- (1) A copy of the Export Control (Dried Fruits) Orders must be kept available for inspection by members of the public, without charge and during normal office hours, at the office of the Board.
- (2) An expression used in the Export Control (Dried Fruits) Orders has, for the purposes of these regulations, the meaning (if any) assigned by the orders as modified by Schedule 1.

## Part 2—Registration of producers and packers

### 6—Requirements for registration

For the purposes of section 25 of the Act, the premises at which a business as a producer or packer will be carried on, and the facilities and equipment at the premises, must comply with Part 1 of Schedule 1 of the Export Control (Dried Fruits) Orders.

### 7—Board to supply copy of Act, regulations and Orders to registered packer

- (1) The Board must supply a copy of the Act, these regulations and the Export Control (Dried Fruits) Orders to a packer on registration under the Act.
- (2) The Board must supply a copy of any amendment to, or substitution of, the Act, these regulations or the Export Control (Dried Fruits) Orders to each packer registered under the Act as soon as possible after the document becomes available.

- (3) The Board need not supply a document to a packer under this regulation if satisfied that the packer already has a copy.

## **Part 3—General controls**

### **8—Operation of business as producer or packer**

- (1) The business of a producer or packer must be carried on in accordance with Part 2 of Schedule 1 of the Export Control (Dried Fruits) Orders and in particular—
- (a) the premises at which the business as producer or packer (as the case may require) is carried on, and the facilities and equipment at the premises, must be cleaned, maintained and operated in accordance with that Schedule; and
  - (b) persons at the premises must comply with the requirements set out in that Schedule; and
  - (c) dried fruits, fruit from which dried fruits are to be prepared and packaging materials must be stored in accordance with that Schedule; and
  - (d) toxic substances and sources of contamination must be stored and handled in accordance with that Schedule.
- (2) If the business of a producer or packer is not carried on in accordance with subregulation (1), the producer or the packer (as the case requires) is guilty of an offence.

Penalty:

- (a) in the case of a producer—Division 7 fine;
- (b) in the case of a packer—Division 5 fine.

### **9—Chemical compounds and ingredients**

A producer or packer is guilty of an offence unless orders 13 and 15 of the Export Control (Dried Fruits) Orders are complied with in respect of the producer's or packer's premises or dried fruits produced or packed by the producer or packer.

Penalty:

- (a) in the case of a producer—Division 7 fine;
- (b) in the case of a packer—Division 5 fine.

### **10—Packaging for sale and sale of dried fruits**

A person—

- (a) who packs dried fruits in advance ready for sale; or
- (b) who sells dried fruits that have been packed in advance ready for sale,

is guilty of an offence unless the dried fruits are or have been prepared, graded and packed (whether in this State or elsewhere) in accordance with the appropriate requirements of Schedule 2 of the Export Control (Dried Fruits) Orders and the dried fruits comply with the appropriate standards set out in that Schedule.

Penalty: Division 5 fine.

## 11—False marks

It is an offence for a person—

- (a) to mark or label a package of dried fruits with a false mark; or
- (b) to alter a mark or label on a package of dried fruits so as to make it a false mark; or
- (c) to sell dried fruits in a package that is marked or labelled with a false mark.

Penalty: Division 7 fine.

## 12—Sale of dried fruits not in packages

A person who sells by retail dried fruits in bulk rather than in packages is guilty of an offence unless the dried fruits have been prepared and graded in accordance with Schedule 2 of the Export Control (Dried Fruits) Orders and comply with the appropriate standards set out in that Schedule.

Penalty: Division 5 fine.

# Schedule 1—Modification of Export Control (Dried Fruits) Orders

## 1—General modifications

For the purposes of these regulations, the Export Control (Dried Fruits) Orders are modified as follows:

- (a) a reference to an establishment or registered establishment is to be taken to be a reference to the premises at which a registered producer's or packer's business is carried on;
- (b) a reference to the occupier of an establishment or registered establishment is to be taken to be a reference to the registered person whose business is carried on at the premises constituting the establishment or registered establishment;
- (c) a reference to the Secretary is to be taken to be a reference to the Board;
- (d) a reference to an authorised person is to be taken to be a reference to an inspector.

## 2—Modification of Part 1 clause 5

Clause 5 of Part 1 of the Export Control (Dried Fruits) Orders is modified by striking out from the definition of *dried fruits* ", excluding prunes,".

## 3—Modification of Schedule 1 Part 1

Schedule 1 of the Export Control (Dried Fruits) Orders is modified by striking out clauses 36 and 40 from Part 1.

#### **4—Insertion of Schedule 2 Part 4 Div VI**

The Export Control (Dried Fruits) Orders are modified by inserting in Part 4 of Schedule 2 after Division V the following Division:

### **DIVISION VI—DRIED PRUNES**

#### **71A—Basic requirements for dried prunes**

Dried prunes may contain sodium sorbate or potassium sorbate and must—

- (a) be manufactured from sound and reasonably mature fruit that is dried and thoroughly cured; and
- (b) be practically free of foreign matter; and
- (c) contain the same style of prunes; and
- (d) not have a moisture content of less than 22% unless the prunes are packaged and the package is marked with the readily legible words "DRY PACK" or the package is hermetically sealed and treated with sodium sorbate or potassium sorbate.

#### **71A.1—Fancy dried prunes**

Fancy dried prunes must consist of prunes that comply with clause 71A and—

- (a) have an excellent texture, are full-bodied and have a uniformly dark colour; and
- (b) are size graded as either jumbo, extra large, large, medium or small.

#### **71A.2—Choice dried prunes**

Choice dried prunes must consist of prunes that comply with clause 71A and—

- (a) have a good texture and a uniformly dark colour; and
- (b) are size graded as either jumbo, extra large, large, medium or small.

#### **71A.3—Manufacturing or MF dried prunes**

Manufacturing or MF dried prunes must consist of dried prunes that comply with clause 71A.

71A.4 Manufacturing or MF dried prunes must not be packed in final consumer packages.

#### **71A.5—Size grading of dried prunes**

Dried prunes that are size graded must be classified as follows:

- (a) as "jumbo" if there are less than 30 prunes per 454 grams;

- (b) as "extra large" if there are at least 30 but not more than 45 prunes per 454 grams;
- (c) as "large" if there are at least 45 but not more than 70 prunes per 454 grams;
- (d) as "medium" if there are at least 70 but not more than 90 prunes per 454 grams;
- (e) as "small" if there are more than 90 prunes per 454 grams.

## **Schedule 2—Fees**

The following fees are payable to the Board under the Act:

1	Application for registration as packer	\$500
2	Application for renewal of registration as packer	\$250
3	Application for approval of premises of packer subsequent to registration or renewal of registration	\$250

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

### Revocation of regulations

These regulations became obsolete on the repeal of the *Dried Fruits Act 1993* on 24.6.2004.

### Principal regulations

Year	No	Reference	Commencement
1993	262	<i>Gazette 18.11.1993 p2505</i>	1.1.1994: r 2

### Appendix—Divisional penalties and expiation fees

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	—	\$500	\$100
10	—	\$200	\$75
11	—	\$100	\$50
12	—	\$50	\$25

*Note: This appendix is provided for convenience of reference only.*