



ANNO DUODECIMO

GEORGII VI REGIS.

A.D. 1948.

No. 43 of 1948.

An Act relating to the hide and leather industries.

[Assented to 16th December, 1948.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title
and
commence-
ment.

1. (1) This Act may be cited as the "Hide and Leather Industries Act, 1948".

(2) This Act shall come into operation on a day to be fixed by the Governor by proclamation.

Interpretation.

2. In this Act unless inconsistent with the context or subject matter—

"the board" means the Australian Hide and Leather Industries Board constituted under the Commonwealth Act ;

"the chairman" means the chairman of the board ;

"the committee" means the Appraisement Committee constituted under this Act ;

"the Commonwealth Minister" means the Minister of State of the Commonwealth for Commerce and Agriculture or the Minister for the time being acting for that Minister ;

"the Commonwealth Act" means the Hide and Leather Industries Act, 1948 of the Commonwealth of Australia and, if that Act is amended, includes that Act as amended from time to time ;

“ export sale ” means—

- (a) a sale of hides by the board at an auction at which any buyer of hides may bid ; and
- (b) a sale of hides by the board, otherwise than by auction, at prices which the board decides to be equivalent to prices being realized at the type of sale to which paragraph (a) of this definition refers ;

“ hides ” means cattle hides and includes yearling and calf skins ;

“ home consumption sale ” means—

- (a) a sale of hides by the board at an auction at which a person may not bid unless the board is satisfied that he will use those hides in Australia ; and
- (b) a sale of hides by the board, otherwise than by auction, at prices which the board decides to be equivalent to prices being realized at the type of sale to which paragraph (a) of this definition refers ;

“ leather ” means the substance produced by the tanning of hides but does not include goods manufactured from leather unless, in the opinion of the board, the character and nature of the leather used in the goods has not been materially altered ;

“ licensed dealer ” means a person, firm, or company licensed by the board to buy, sell and otherwise deal in hides ;

“ meatworks ” means an establishment at which stock is slaughtered and treated principally for export ;

“ member ” means a member of the board and includes the chairman ;

“ the Minister ” means the Minister or Acting Minister of Agriculture.

3. (1) For the purposes of this Act there shall be an Appraisalment Committee appointed and constituted in accordance with this section.

Appraisalment
Committee.

(2) The committee shall consist of—

- (a) one person actively engaged or concerned in the business of tanning hides of fifty pounds weight or over ;

- (b) one person actively engaged or concerned in the business of tanning hides (not including calf skins or yearling skins) of under fifty pounds weight ;
- (c) one person actively engaged or concerned in the business of tanning calf skins or yearling skins ;
- (d) two persons who are hide brokers or actively engaged or concerned in that business ; and
- (e) one person who is a hide exporter or actively engaged or concerned in that business,

who shall be appointed by the Minister by notice published in the *Gazette* and who shall hold office during the pleasure of the Minister.

(3) The Minister shall appoint one member of the committee to be the chairman of the committee.

(4) In the absence of the chairman of the committee the members present at any meeting may elect one of their number to be the chairman of that meeting.

(5) At any meeting of the committee, four members shall form a quorum.

(6) At any meeting of the committee, the chairman or person acting as chairman shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(7) All questions before the committee shall be decided by a majority of votes.

(8) Any member of the board shall have the right to attend and to take part in the proceedings of any meeting of the committee :

Provided that a member of the board shall not vote or be counted in any quorum.

(9) The committee shall have such powers and functions as this Act confers or as are assigned to it by the board, but shall exercise all its powers and functions subject to any direction of the board.

Deputies of
members of
Appraisal
Committee.

4. (1) The Minister may in respect of each member of the Appraisal Committee appoint a person representative of the same interests as the member to be the deputy of that member.

(2) Any person so appointed shall in the event of the absence of the member of whom he is the deputy through illness or other cause have all the powers of that member during the absence of the member.

(3) No such appointment of a deputy and no acts done by him as such shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

5. (1) For the purposes of this Act the Minister may constitute an Allocation Committee for the allocation of hides. Allocation Committee.

(2) The Allocation Committee shall consist of such members as the Minister determines, and they shall be appointed by the Minister by notice published in the *Government Gazette* and shall hold office during the pleasure of the Minister.

(3) The Minister shall appoint a member of the Allocation Committee to be chairman of that committee.

(4) In the absence of the chairman of the Allocation Committee, the members present at any meeting may elect one of their number to be the chairman of that meeting.

(5) At any meeting of the Allocation Committee, one more than half the number of the members shall form a quorum.

(6) At any meeting of the Allocation Committee the chairman or person acting as chairman shall have a deliberative vote and in the case of an equality of votes shall also have a casting vote.

(7) All questions before the Allocation Committee shall be decided by a majority of votes.

(8) The Allocation Committee shall distribute on an equitable basis the hides which may be sold to tanners at auctions and, for that purpose, it may assess a quota of hides which may be bought at each sale by tanners.

(9) The Allocation Committee shall exercise its powers and functions subject to any direction of the board.

6. (1) Subject to the next succeeding subsection, a person shall not sell or offer for sale any hides which have not been appraised in accordance with the next succeeding section. No sale of hides before appraisement.

(2) The prohibition contained in the last preceding subsection shall not apply to any sale of hides by a person other than a licensed dealer to a licensed dealer.

7. All hides, other than hides salted and treated in a meat-works, shall be submitted to a person or place appointed or approved by the board or by the committee for appraisement— Hides to be submitted for appraisement.

(a) in the case of hides which do not come into the possession of a licensed dealer within twenty-

eight days after being salted and treated, within twenty-eight days after being so salted and treated ; and

(b) in the case of hides in the possession of a licensed dealer, within twenty-eight days after coming into the possession of that licensed dealer.

Licences to deal in hides.

8. (1) The board may license a person, firm or company, subject to such conditions as are specified in the licence, to buy, sell, or otherwise deal in hides on behalf of the board and to buy, sell, and otherwise deal in hides on his or its own behalf to such extent as is specified in the licence, and may cancel or suspend any such licence.

(2) In so far as any licence granted under subsection (1) of this section licenses any person, firm, or company to buy, sell, and otherwise deal in hides on behalf of the board, the licence shall specify the remuneration payable by the board to the licensee for his services and for any facilities made available by him for the storage protection treatment handling transfer and shipping of hides, and for any expenses properly incurred by him.

(3) A person, firm, or company licensed under the Commonwealth Act shall be deemed to be licensed under this section.

Acquisition of hides.

9. (1) All hides which on or after the date of the commencement of this section are salted and treated in a meatworks or are submitted for appraisalment in accordance with section 7 of this Act shall thereupon, by force of this section, be acquired by and become the absolute property of the board freed from all mortgages, charges, liens, pledges, interests, and trusts, affecting those hides, and payment in respect of those hides shall be made in accordance with section 11 of this Act.

(2) Nothing in the last preceding subsection shall apply to any hides the subject of trade commerce or intercourse between States or required or intended by the owners of the hides for the purpose of trade, commerce, or intercourse between States.

Disposal of hides acquired by the board.

10. Any person having hides acquired by the board in his possession or under his control shall hold those hides on behalf of the board until the board, or a person authorized in that behalf by the board, serves on him a notice in writing instructing him as to the disposal of those hides, and, upon receipt of the notice, he shall act in accordance with the instructions contained in the notice.

11. (1) The person who would have been entitled to receive the price of the hides if the hides had been lawfully sold to the board at the time of their acquisition by the board shall be entitled to be paid in respect thereof such amount as is fixed in accordance with the provisions of the Commonwealth Act.

Payment by the board for hides acquired by the board.

(2) The same rights (if any) shall exist against the person receiving an amount paid by the board in respect of any hides acquired by the board under this Act as would exist if the moneys so paid were the proceeds of a sale or purported sale of the hides by him, and any such rights may be enforced by action in a court of competent jurisdiction.

(3) Payment in good faith by the board of any moneys payable to the person appearing to the board to be entitled to receive them shall discharge the board from any further liability in respect of those moneys.

12. Except as provided in this Act or with the consent of the board a person shall not—

Unauthorized dealings in hides.

- (a) part with the possession of, or take into his possession, any hides which are the property of the board ; or
- (b) purport to sell or offer for sale, or purport to purchase or offer to purchase (otherwise than from the board), any hides which are the property of the board.

13. (1) Notwithstanding any other provisions of this Act—

Exemptions.

- (a) a primary producer may, after giving written notice to the board of his intention to do so, deliver to a tanner for tanning any hides which have been produced by the primary producer and which he requires for use as leather on the land where he carries on primary production ;
- (b) a tanner to whom any such hides are delivered may tan them and return them to the primary producer ;
- (c) any hides so tanned and delivered need not be submitted for appraisalment and shall not be subject to acquisition under this Act.

(2) A primary producer shall not without the consent of the board sell, or otherwise dispose of, to any person other than the board, any tanned hides.

14. (1) The board may determine which hides acquired by it shall be sold at home consumption sales and which hides acquired by it shall be sold at export sales.

Sales of hides.

(2) A person shall not buy any hides at a home consumption sale unless he first satisfies the board that he will use those hides in Australia.

Returns.

15. (1) All persons who—

(a) submit any hides (other than hides salted and treated in a meatworks) for appraisalment in accordance with section 7 of this Act ; or

(b) salt and treat any hides in a meatworks,

shall, within seven days after submitting those hides for appraisalment or after salting and treating those hides (as the case may be) furnish to the board a return in a form corresponding with the form of return prescribed under the Commonwealth Act.

(2) The board may, by notice in writing, require any person, or persons included in any class of persons, to furnish, in such manner and within such time as are specified in the notice, such returns relating to hides or leather as the board considers necessary for the purposes of this Act.

(3) A person shall not without reasonable excuse—

(a) refuse or fail to comply with a requirement under this section ; or

(b) furnish to the board any information which is false or misleading in any particular.

Contracts for sale of hides.

16. (1) Every contract relating to the sale of any hides acquired by the board, entered into before the acquisition of the hides, shall by force of this section be void and of no effect in so far as that contract has not been completed by delivery.

(2) Any transaction or contract with respect to any hides which are the subject matter of any contract or part of a contract which is void by force of the last preceding subsection shall also be void and of no effect, and any money paid in respect of any contract made void by this section or of any such transaction shall be repaid.

(3) No action shall lie for the enforcement of, or for damages for any breach of, any contract of the kind specified in subsection (1) or subsection (2) of this section, in so far as that contract has not been completed by delivery prior to the acquisition of the hides.

17. (1) A member of the police force or any person who is authorized by the board or the chairman to act under this section may—

Entry of premises, etc.

- (a) at all reasonable times enter any premises and inspect any stocks of hides or leather and any accounts books and documents relating to any hides or leather; and
- (b) take possession of and remove any hides which are the property of the board or which, in contravention of section 7 of this Act, have not been submitted for appraisalment.

(2) A person shall not hinder or obstruct any person in the exercise of powers under this section.

(3) Any hides, other than hides which are the property of the board, of which possession is taken under subsection (1) of this section shall, for the purposes of this Act, but without affecting the liability of any person for any offence, be deemed to be acquired by the board under this Act.

(4) For the purposes of this section "premises" includes any vessel, vehicle or aircraft.

18. Any person having any hides the property of the board in his possession or under his care shall exercise proper care and take all proper and reasonable precautions and do all things necessary to preserve and safeguard those hides and to keep them free from damage or deterioration.

Proper care of board's hides to be taken.

19. The board may—

Powers of board.

- (a) purchase any hides or leather;
- (b) use, sell or otherwise dispose of any hides or leather the property of the board;
- (c) manage and control all matters connected with the handling, storage, protection, treatment, transfer, or shipment of any hides or leather referred to in paragraphs (a) and (b) of this section; and
- (d) do all matters and things which it is required by this Act to do or which are necessary or convenient for giving effect to this Act.

20. A person who submits any hides for appraisalment in pursuance of this Act shall not—

Offences in connection with appraisalment

- (a) do anything in or in connection with the cataloguing, grading or display of any of those hides which is

intended or likely to deceive the person making the appraisalment ; or

(b) trim any of the hides otherwise than in the manner customary in the preparation of hides for sale.

Offences and penalties.

21. (1) Any person who contravenes or fails to comply with any provision of this Act or any regulation made thereunder or any notice, direction, requirement, or other instrument made or given under this Act shall be guilty of an offence against this Act.

(2) No prosecution for an offence against this Act shall be instituted without the written consent of the Minister.

(3) Any person who is guilty of an offence against this Act or of the regulations made thereunder shall be liable—

(a) if a body corporate, to a fine of not more than four hundred pounds ;

(b) if any other person, to a fine of not more than two hundred pounds, or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

Regulations.

22. The Governor may make regulations prescribing any matter or thing authorized or directed to be prescribed by this Act or necessary or expedient to be prescribed for the purpose of carrying this Act into effect.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.