

## HIDE AND LEATHER INDUSTRIES.

### No. 66 of 1948.

AN ACT relating to the stabilisation of the Hide and Leather Industries. [15 December, 1948.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—(1) This Act may be cited as the *Hide and Leather Industries Act 1948*. Short title and commencement.

(2) This Act shall commence on a day to be fixed by proclamation.

**2** In this Act, unless the contrary intention appears— Interpretation.

“Board” means the Australian Hide and Leather Industries Board constituted under the Commonwealth Act;

“Commonwealth Act” means the *Hide and Leather Industries Act 1948* of the Commonwealth, 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 realised at the type of sale to which paragraph (a) of this definition refers;

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

“home consumption sale” means—

(a) a sale of hides by the Board at an auction at which only buyers who the Board is satisfied will use those hides in Australia 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 realised 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 of leather manufacture 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 licensed by the Board to buy, sell, and otherwise deal in hides;

“meatworks” means any building, premises, or place at which stock is slaughtered and treated principally for export;

“the Committee” means the Appraisal and Allocation Committee constituted under this Act.

Appraisal  
and Allocation  
Committee.

**3**—(1) For the purposes of this Act, there shall be a committee, to be known as the Hide and Leather Appraisal and Allocation Committee, constituted as provided by this section.

(2) The Committee shall consist of—

(a) two persons selected by the Minister, one of whom shall be the chairman of the Committee;

(b) one person actively engaged or concerned in the business of tanning hides;

(c) one person who is a hide broker or is actively engaged or concerned in the business of hide broking; and

(d) one person nominated by the Tasmanian Division of the Australian Meat and Allied Trades Federation.

(3) The members of the Committee shall be appointed by the Minister by notice published in the *Gazette* and shall hold office during the pleasure of the Minister.

(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, three 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, but shall not vote or be counted in any quorum.

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

(10) In addition to any other powers and functions conferred upon or assigned to the Committee, it shall be the duty of the Committee, subject to the directions of the Board, to 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.

(11) The members of the Committee (including any deputy of a member) shall be entitled to receive such remuneration (if any) and such travelling and other expenses as the Minister may approve.

**4—**(1) Subject to subsection (2), the Minister may, Deputies of members of Committee. in respect of each member of the Committee, appoint a person to be the deputy of that member.

(2) Any persons appointed as the deputies of the members appointed under paragraph (b), (c), and (d) of subsection (2) of section three shall be persons who are representative of the same interests as the members in respect of whom they are appointed as deputies.

(3) Any person so appointed shall, in the event of the absence of the member of whom he is the deputy, have all the powers of that member during the absence of that member.

(4) No appointment of a deputy under this section, and no acts done by a deputy 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) The Minister may enter into an arrangement with the Minister of the Crown of the State of Victoria administering any Act (in this section called the "Victorian Act") relating to the stabilization of the hide and leather industries which may be passed by the Parliament of that State, for the performance and exercise, by any committee (in this section called the "Victorian committee") constituted under the Victorian Act, of all or any of the powers, functions, and duties of the Committee under this Act. Power of Minister to enter into an arrangement with Victorian Minister.

(2) Any arrangement under subsection (1) shall continue in operation for such period and subject to such conditions (including the reimbursement by this State of any expenses incurred by the Victorian committee under this Act) as may be agreed upon between the Minister and the Minister administering the Victorian Act.

(3) While any such arrangement is in operation the powers, functions, and duties of the Committee under this Act may be performed and exercised by the Victorian committee, and any reference in this Act to the Committee shall be read and construed accordingly as a reference to the Victorian committee.

Sale of hides  
by persons  
prohibited.

**6**—(1) Subject to subsection (2) of this section, no person shall sell or offer for sale any hides which have not been appraised in accordance with section seven.

(2) The prohibition contained in subsection (1) of this section shall not apply to any sale of hides to a licensed dealer by a person other than a licensed dealer.

Hides to be  
submitted for  
appraisement.

**7** All hides, other than hides salted and treated in any meatworks, shall be submitted for appraisement to a person or place appointed or approved by the Board or by the Committee—

(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 any person, subject to such conditions as are specified in the licence, to buy, sell, and otherwise deal in hides on behalf of the Board and to buy, sell, and otherwise deal in hides on his 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 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 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 commencement of this Act, are salted and treated in a meatworks or are submitted for appraisement in accordance with section seven 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 eleven of this Act.

(2) Nothing in subsection (1) of this section 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.

**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 authorised 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.

Disposal of  
hides acquired  
by the Board.

**11**—(1) The person who would have been entitled to receive the price of any 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 any moneys 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 of the hides by him, and any such rights may be enforced by action in any 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, no person shall—

Unauthorised  
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) sell or offer for sale, or purchase or offer to purchase (otherwise than from the Board), any hides which are the property of the Board.

**13**—(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) No person shall buy any hides at a home consumption sale unless he first satisfies the Board that he will use those hides in Australia.

**14**—(1) All persons who—

- (a) in the case of hides other than hides salted and treated in a meatworks—submit those hides for appraisement in accordance with section seven of this Act; or
- (b) in the case of hides salted and treated in a meatworks—so salt and treat those hides,

Returns.

shall, within seven days after submitting those hides for appraisement, or of salting and treating those hides, as the case may be, furnish to the Board a return in the prescribed form or, if no form is prescribed, in the form required by the Board.

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

(3) No person shall, 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 the sale  
of hides.

**15**—(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 subsection (1) of this section 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 breach of, any contract of the kind specified in subsection (1) or subsection (2) of this section, whether the contract was entered into or is to be performed in this State or elsewhere, in so far as that contract has not been completed by delivery prior to the acquisition of the hides.

Entry of  
premises, &c.

**16**—(1) Any police officer, or any person who is authorised by the Board or by the Chairman of the Board to act under this section may—

(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 seven of this Act, have not been submitted for appraisalment.

(2) 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.

(3) For the purposes of this section “premises” includes any vessel, vehicle, or aircraft.

**17** 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.

**18** 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.

**19** No person who submits any hides for appraisalment in pursuance of this Act shall—

Offences in  
connection  
with appraise-  
ment.

- (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.

**20**—(1) Any person who contravenes or fails to comply with any provision of this Act which is applicable to him, or any notice, direction, requirement, or other instrument made or given under this Act, shall be guilty of an offence against this Act.

Offences and  
penalties.

(2) No proceedings in respect of any offence against this Act shall be instituted against any person without the written consent of the Minister.

(3) Any person who is guilty of an offence against this Act shall be liable—

- (a) if a body corporate, to a penalty of four hundred pounds; or
- (b) if any other person, to a penalty of two hundred pounds, or to imprisonment for twelve months, or both.

**21** The Governor may make regulations prescribing all matters required or permitted by this Act to be prescribed or which are necessary or convenient to be prescribed for the carrying out or giving effect to the provisions of this Act.

Regulations.

**22** This Act shall expire on the thirty-first day of December, one thousand nine hundred and forty-nine.

Expiry of Act.