

Western Australia

Hide and Leather Industries Act 1948

As at 23 Feb 1999

Version 00-a0-05

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NOTES

Hide and Leather Industries Act 1948

An Act relating to the Hide and Leather Industries and for other purposes.

[Assented to 24th December, 1948.]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows: —

1. Short title

- (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 proclamation.

2. Interpretation

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

“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

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- (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 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 Hill 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, 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 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 State Minister” means the Minister of the Crown to whom the administration of this Act is for the time being

committed by the Governor and includes any Minister of the Crown for the time being discharging the duties of the office of the Minister.

3. Appraisement Committee

- (1) For the purposes of this Act there shall be an Appraisement Committee appointed and constituted in accordance with this section.
- (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 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 State Minister by notice published in the *Gazette* and who shall hold office during the pleasure of the State Minister.

- (3) The State Minister shall appoint one member of the Committee to be the Chairman of that 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.

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- (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 the 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.

4. Deputies of members of Appraisement Committee

- (1) The State Minister may, in respect of each member of the Appraisement 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. Allocation Committee

- (1) For the purposes of this Act, the State Minister may constitute an Allocation Committee for the allocation of hides.
- (2) The Allocation Committee shall consist of such members as the State Minister determines, but shall include a representative of the Tanning and Leather Dressing Section of the W.A. Branch

of the Leather, Canvas and Allied Trades Employees' Federation Industrial Union of Workers, and they shall be appointed by the State Minister by notice published in the *Gazette* and shall hold office during the pleasure of the State Minister.

- (3) The State 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. No sale of hides before appraisalment

- (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.
- (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. Hides to be submitted for appraisalment

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

- (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.

8. Licenses to deal in hides

- (1) The Board may license a person, firm or company, subject to such conditions as are specified in the license, 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 license, and may cancel or suspend any such license.
- (2) Insofar as any license, 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 license 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 Commonwealth Act, shall be deemed to be licensed under this section.

9. Acquisition of hides

- (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 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 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.

10. Disposal of hides acquired by the Board

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.

11. Payment by the Board for hides acquired by the Board

- (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.
- (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

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shall discharge the Board from any further liability in respect of those moneys.

12. Unauthorised dealings in hides

Except as provided in this Act or with the consent of the Board, a person shall not —

- (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. Sale of hides

- (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.
- (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.

14. Returns

- (1) All persons who —
 - (a) in the case of hides other than hides salted and treated in a meatworks — submit those hides for appraisalment 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,

shall, within seven days after submitting those hides for appraisalment or of 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.

15. Contracts for sale of hides

- (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 insofar 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 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 the State or elsewhere, insofar as that contract has not been completed by delivery prior to the acquisition of the hides.

16. Entry of premises, etc.

- (1) A member of the police force or any person who is authorised by the Board or the Chairman to act under this section may —

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- (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) 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.

17. Proper care of Board’s hides to be taken

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.

18. Powers of Board

The Board may —

- (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. Offences in connection with appraisalment

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

- (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. Offences and penalties

- (1) Any person who contravenes or fails to comply with any provisions of this Act or any regulations 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 State Minister administering this Act.
- (3) Any person who is guilty of an offence against this Act or 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.

21. Regulations

The Governor in Council may make regulations for or with respect to prescribing any matter or thing authorised or directed

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to be prescribed by this Act or necessary or expedient to be prescribed for the purpose of carrying this Act into effect.

Notes

- ^{1.} This is a compilation of the *Hide and Leather Industries Act 1948* and includes all amendments effected by the other Acts referred to in the following Table.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Hide and Leather Industries Act 1948</i>	42 of 1948	24 December 1948	7 January 1949 (see <i>Gazette</i> 7 January 1949 p.1)	
