

HIDE AND LEATHER INDUSTRIES.

No. 71 of 1948.

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

[Assented to 17th December, 1948.]

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

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

2.—(1.) Sections one and two of this Act shall come into operation Commencement. on the day on which this Act receives the Royal Assent.

(2.) The remaining provisions of this Act shall commence on such dates as are respectively fixed by Proclamation.

3. In this Act, unless the contrary intention appears— Definitions.

“Allocation Committee” means an Allocation Committee constituted under a State Act relating to the hide and leather industries;

“Appraisement Committee” means an Appraisement Committee constituted under a State Act relating to the hide and leather industries;

“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 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 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 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 dealer 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 ;
- “ Territory ” means a Territory of the Commonwealth which forms part of the Commonwealth ;
- “ the Board ” means the Australian Hide and Leather Industries Board constituted under this Act ;
- “ the Chairman ” means the Chairman of the Board.

Australian
Hide and
Leather
Industries
Board.

4.—(1.) For the purposes of this Act there shall be an Australian Hide and Leather Industries Board.

(2.) The Board shall consist of a Chairman and eleven other members, who shall be appointed by the Minister and shall hold office during his pleasure.

(3.) Of the eleven members, other than the Chairman—

- (a) six shall be cattle raisers, or be persons actively engaged or concerned in that pursuit, nominated as provided by the next succeeding sub-section ;
- (b) one shall be a hide broker or be a person actively engaged or concerned in that business ;
- (c) one shall be a hide merchant or exporter or be a person actively engaged or concerned in either of those businesses ;
- (d) one shall be a representative of Australian meatworks ;

(e) one shall be a master tanner or leather manufacturer or be a person actively engaged or concerned in either of those businesses; and

(f) one shall be a representative of the organization of employees registered under the *Commonwealth Conciliation and Arbitration Act 1904-1948* as the Australian Leather and Allied Trades Employees Federation.

(4.) The appropriate Minister of State of each of the States may nominate for appointment to the Board one person who is a cattle raiser or is actively engaged or concerned in that pursuit in the State.

(5.) Subject to any direction of the Minister, the Chairman may invite a representative of any section of the hide and leather industries to attend any meeting of the Board, and that representative may then attend and take part in the proceedings of that meeting, but shall not be permitted to vote or be counted in any quorum.

5.—(1.) The Board shall be a body corporate with perpetual ^{Incorporation.} succession and a common seal, and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued in its corporate name.

(2.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to any document and shall presume that it was duly affixed.

6.—(1.) The Minister may, in respect of each member of the Board ^{Deputies of} (other than the Chairman), appoint a person representative of the ^{members.} same interests as the member to be the deputy of that member.

(2.) A person so appointed shall, in the event of the illness or absence of the member of whom he is the deputy, have all the powers of that member during his illness or absence.

7.—(1.) Meetings of the Board shall be held at such times and ^{Meetings of} places as the Board from time to time determines. ^{the Board.}

(2.) The Chairman of the Board or any five members thereof may at any time call a special meeting of the Board.

(3.) At all meetings of the Board seven members shall form a quorum.

(4.) The Chairman of the Board shall preside at all meetings of the Board at which he is present, but, in the event of the absence of the Chairman from a meeting of the Board, the members present at that meeting may elect one of their number to preside at that meeting.

(5.) At all meetings of the Board the person presiding shall have a deliberative vote and, in the event of an equality of votes, shall have a casting vote.

(6.) All questions before the Board shall be decided by a majority of votes.

(7.) The Board shall keep a record of its proceedings.

**Executive
Committee.**

8.—(1.) The Board may appoint any number of its members to be an Executive Committee and may delegate to that Committee such of its powers and functions as the Board, subject to any direction by the Minister, determines.

(2.) Every such delegation shall be revocable at the will of the Board and no delegation shall prevent the exercise of any power or function by the Board.

Indemnity.

9. A member of the Board shall not be personally liable for any act of the Board or of the member acting as such.

**Appointment
of officers.**

10.—(1.) The Board may appoint such officers as are necessary to assist the Board in carrying out its functions under this Act.

(2.) Officers appointed in pursuance of this section shall not be subject to the *Commonwealth Public Service Act 1922-1948* but shall be employed on such terms and conditions (including conditions with respect to punishment for breaches of discipline) as, subject to the approval of the Public Service Board, are determined by the Board.

(3.) All persons in the employment of the Australian Hide and Leather Industries Board established by the National Security (Hide and Leather Industries) Regulations immediately prior to the first day of January, One thousand nine hundred and forty-nine shall, on and from that date, by force of this Act, be in the employment of the Board and be deemed to have been employed under this section, but, until the terms and conditions of their employment are determined in pursuance of this Act, they shall be deemed to be employed upon the same terms and conditions as those upon which they were employed by the Australian Hide and Leather Industries Board so established.

(4.) Where an officer appointed or deemed to be appointed in pursuance of this section was, immediately prior to his appointment (or, in the case of an officer deemed to be appointed under this section, immediately prior to his appointment as an officer of the Australian Hide and Leather Industries Board established by the National Security (Hide and Leather Industries) Regulations) an officer of the Public Service of the Commonwealth, his service as an officer of the Board and, in the case of an officer deemed to be appointed under this section, his service as an officer of the Board so established, shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth, and the *Officers' Rights Declaration Act 1928-1940* shall apply as if this Act and this section had been specified in

the Schedule to that Act and as if service as an officer of the Australian Hide and Leather Industries Board established by the National Security (Hide and Leather Industries) Regulations had been service under this Act.

11.—(1.) There shall be payable to a member of the Board and to any person who attends a meeting of the Board at the invitation of the Chairman such salary (if any), fees and expenses as the Governor-General directs. Remuneration of Board and Committees.

(2.) The remuneration payable to a member of an Allocation Committee and to a member of an Appraisal Committee shall be as agreed by the Minister and the appropriate Minister of State of the State concerned.

12.—(1.) Subject to the next succeeding sub-section, a person shall not in any Territory 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 sub-section shall not apply to any sale of hides by a person other than a licensed dealer to a licensed dealer.

13. All hides in a Territory, 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 an Appraisal 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; or

(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.

14.—(1.) For the purpose of appraising hides according to description, the Board shall cause to be prepared a table of limits containing lists of appraisement types of hides and the prices of those types. Table of limits.

(2.) The prices appearing in that table shall be—

(a) in relation to hides acquired in pursuance of this Act, such prices as are fixed by the Commonwealth Prices Commissioner; and

(b) in relation to hides acquired in pursuance of a State Act, such prices as are fixed by the authority empowered under the law of that State to fix those prices.

15.—(1.) The Board may license a person, subject to such conditions as are specified in the licence, to buy, sell and otherwise deal in a Territory in hides on behalf of the Board and to buy, sell and otherwise deal in a Territory in hides on his own behalf to such extent as is specified in the licence and may cancel or suspend any such licence. Licences to deal in hides.

(2.) In so far as any licence granted under sub-section (1.) of this section licenses any person to buy, sell and otherwise deal in hides on behalf of the Board, there shall be payable by the Board to that person, 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, such remuneration as is specified in the licence.

(3.) A person or firm licensed under a State Act relating to the hide and leather industries to buy, sell or otherwise deal in hides shall be deemed to be licensed under this section.

Acquisition
of hides.

16. All hides in a Territory 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 thirteen 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 eighteen of this Act.

Disposal of
hides acquired
by the Board.

17. Any person in a Territory 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.

Payment by
the Board for
hides acquired.

18.—(1.) Where hides are acquired by the Board in pursuance of this Act, or where, under a State Act relating to the hide and leather industries, the payment to be made by the Board in respect of hides acquired by the Board in pursuance of the State Act is to be fixed in accordance with the provisions of this Act, the Board shall pay for those hides the appropriate price specified in the table of limits or such amount in excess of that price as the Board, subject to any direction by the Minister, determines from time to time.

(2.) The amount payable under this Act in respect of any hides shall be payable to 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.

(3.) 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 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.

(4.) Payment in good faith by the Board of any moneys payable under this Act 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.

19.—(1.) 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 in a Territory which are the property of the Board ;
- (b) purport to sell or offer for sale, or purport to purchase or offer to purchase (otherwise than from the Board), any hides in a Territory which are the property of the Board ;
- or
- (c) export any hides.

Penalty: Two hundred pounds or imprisonment for one year, or both.

(2.) The prohibition of export contained in the last preceding sub-section shall be in addition to, and not in substitution for, any prohibition contained in any regulations in force (whether made before or after the commencement of this section) under the *Customs Act 1901-1947*.

20.—(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 in a Territory unless he satisfies the Board that he will use those hides in Australia.

21. Subject to this Act and to any directions of the Minister but otherwise in its absolute discretion, the Board may licence any person to export from Australia, subject to such conditions as are specified in the licence, such hides as have been purchased at an export sale and as are specified in the licence and may cancel or suspend any such licence. Export of hides.

22.—(1.) Subject to this Act and to any directions by the Minister but otherwise in its absolute discretion, the Board may license any person to export from Australia, subject to such conditions as are specified in the licence, such quantity of leather as is specified in the licence and may cancel or suspend any such licence. Export of leather.

(2.) The Board shall so regulate the grant of licences under the last preceding sub-section and the quantity of leather specified in any such licence as to ensure that of the total quantity of leather

manufactured by a manufacturer after the commencement of this section no greater portion shall be exported than that which bears the same proportion to that total quantity as the weight of hides purchased by him at export sales bears to the total weight of hides purchased by him after the commencement of this section.

(3.) Except in accordance with a licence granted under this section, a person shall not export any leather from Australia.

(4.) The prohibition of export contained in this section shall be in addition to, and not in substitution for, any prohibition contained in any regulations in force (whether made before or after the commencement of this section) under the *Customs Act 1901-1947*.

Returns.

23.—(1.) All persons in a Territory who—

(a) in the case of hides other than hides salted and treated in a meat works—submit those hides for appraisement in accordance with section thirteen of this Act; or

(b) in the case of hides in a Territory salted and treated in a meat works—so salt and treat those hides,

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 accordance with the prescribed form.

(2.) The Board may, by notice in writing, require any person, or persons included in any class of persons, in a Territory 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.

24.—(1.) Every contract relating to the sale of any hides acquired by the Board, entered into in a Territory before the acquisition of those 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 sub-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 sub-section (1.) or sub-section (2.) of this section, whether the contract was entered into or is to be performed in a Territory or elsewhere, in so far as that contract has not been completed by delivery prior to the acquisition of the hides.

25.—(1.) A member of the police force of a Territory or any person who is authorized by the Board or the Chairman to act under this section may—

Entry of premises, &c.

- (a) at all reasonable times, enter any premises in a Territory 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 thirteen of this Act, have not been submitted for appraisal.

(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 sub-section (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.

26. 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.

27.—(1.) The Board may—

Powers of Board.

- (a) purchase in any Territory 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 sub-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.

(2.) The Board shall have and perform all the duties, and shall have and may exercise, in relation to hides and leather acquired before the first day of January, One thousand nine hundred and forty-nine, all the powers, authorities and functions, of the Australian Hide and Leather Industries Board constituted under the National Security (Hides and Leather Industries) Regulations, and for that purpose—

- (a) the Board shall, by force of this Act, be substituted for, and be deemed to be, the Australian Hide and Leather Industries Board so constituted;

- (b) the assets of the Australian Hide and Leather Industries Board so constituted shall, by force of this Act, be vested in the Board ;
- (c) all rights, obligations and liabilities which, on the thirty-first day of December, One thousand nine hundred and forty-eight, were vested in or imposed on, the Australian Hide and Leather Industries Board so constituted shall, by force of this Act, be vested in or imposed on the Board ; and
- (d) in any contract, agreement or other instrument to which the Australian Hide and Leather Industries Board so constituted was a party any reference to that Board shall be read as a reference to the Board.

Finance.

28.—(1.) The Board shall open and maintain an account at the Commonwealth Bank of Australia into which it shall pay all moneys received in respect of sales of hides or leather or otherwise, and any moneys appropriated by the Parliament or advanced in pursuance of an arrangement made under the next succeeding section.

(2.) Out of the moneys standing to the credit of the account the Board shall defray all costs and expenses of administering this Act, including any payment under section eleven of this Act, and make all such other payments as the Board is required or authorized by law to make.

(3.) The Board may withdraw from the account any moneys not immediately required for any of the costs, expenses and payments specified in the last preceding sub-section, and may lodge those moneys on fixed deposit in the name of the Board at the Commonwealth Bank of Australia for such period as the Board thinks fit.

(4.) Notwithstanding anything contained in this section, the Board may authorize any licensed dealer to receive any moneys derived from the sale of, or other dealings in, any hides by him on behalf of the Board, and—

- (a) to deduct therefrom any amounts payable to the dealer under this Act in connexion with those hides ; and
- (b) to pay thereout, on behalf of the Board, any payment due to any person in respect of those hides.

(5.) A licensed dealer authorized under the last preceding sub-section to receive moneys shall—

- (a) as soon as practicable, pay to the Board the balance (if any) remaining after making all authorized deductions and payments ; and

(b) present to the Board such returns and accounts as the Board directs.

(6.) The accounts of the Board shall be subject to audit by the Auditor-General.

29. The Minister may arrange with the Commonwealth Bank of Australia for the making by that Bank of advances to the Board for the purposes of this Act, and may guarantee to that Bank the repayment, out of moneys lawfully made available by the Parliament, of any advance (including any interest thereon) made by the Bank in pursuance of the arrangement.

Arrangement
with
Commonwealth
Bank for
advances.

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

Offences in
connexion with
appraisement.

(a) do anything in or in connexion with the cataloguing, grading or display of any of those hides which is intended or likely to deceive the person making the appraisement; or

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

31.—(1.) A person who contravenes or fails to comply with any provision of this Act for which no other penalty is provided shall be guilty of an offence.

Offences.

Penalty: Two hundred pounds or imprisonment for one year, or both.

(2.) Where a person found guilty of an offence against this Act is a body corporate and the prescribed penalty for the offence is a fine not exceeding Two hundred pounds or imprisonment for a period not exceeding one year, or both, the penalty for the offence in the case of the body corporate shall be a fine not exceeding Four hundred pounds.

(3.) An offence against this Act may be prosecuted summarily.

32.—(1.) It is hereby declared to be the intention of the Parliament that the operation of any provision of a law of a State which confers any power, right or function, or imposes any obligation, liability or duty, which is also conferred or imposed by this Act, or which can operate without prejudice to the operation of this Act, shall not be prevented or limited by reason of the provisions made by this Act.

Operation of
State laws.

(2.) The Board shall be subject (without express mention) to any law of a State fixing, or providing for the fixing of, prices for the sale of hides, except in relation to sales of hides for export, and to any other law of a State which is expressly applicable to the Board.

Regulations.

33. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.
