



ANNO SEXTO

# GEORGII V REGIS.

A.D. 1915.

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## No. 1214.

An Act to Regulate the Buying and Selling of Hides, Skins, and Wool, and for purposes incidental thereto and consequent thereon.

[*Assented to, December 16th, 1915.*]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Hide, Skin, and Wool Dealers Act, 1915." Short title.

2. In this Act, unless inconsistent with the context, or some other meaning is clearly intended,— Interpretation.

"Applicant" means applicant for the issue or transfer or renewal of a licence:

"Chief Inspector" means Chief Inspector of Stock under the Stock Diseases Act, 1888: No. 443 of 1888.

"Hide" or "skin" means the hide or skin, before treatment in any process of manufacture, of any horse, mare, gelding, colt, filly, ass, mule, bull, cow, heifer, steer, calf, camel, ram, ewe, wether, lamb, goat, or kid:

"Inspector" means Inspector under the Stock Diseases Act, 1888: No. 443 of 1888.

"Justice" means Justice of the Peace for the said State:

"Licence" means licence issued under this Act:

*Hide, Skin, and Wool Dealers Act.—1915.*

“Licensee” means the holder of a licence:

“Prescribed” means prescribed by this Act or by regulation:

“Regulation” means regulation made under this Act:

“This Act” includes regulations:

The verb to sell includes—

- I. to sell, barter, or exchange;
- II. to agree to sell, barter, or exchange;
- III. to offer, expose, store, have in possession, send, consign, or deliver for or on sale;
- IV. to receive for sale;
- V. to cause or suffer to be sold, bartered, or exchanged, or to be agreed to be sold, bartered, or exchanged;
- VI. to cause or suffer to be offered, exposed, stored, had in possession, sent, consigned, or delivered for or on sale;
- VII. to cause or suffer to be received for sale; and
- VIII. to attempt to do any of such acts or things;

and the word “sale” shall be construed accordingly.

The verb to buy includes to buy, to receive or accept under an agreement to sell, and to offer to receive or accept or cause or suffer to be received or accepted under an agreement to sell.

Licences may be issued.

**3.** (1) Subject to section 7, the Chief Inspector may, upon application made to him in writing in the prescribed form and on payment of the prescribed fee, issue to the person applying therefor a licence in the prescribed form authorising such person to buy and sell hides, skins, and wool.

(2) The Chief Inspector shall, on issuing a licence, assign to such licence a distinctive number.

Duration of licence.

**4.** Subject to section 19, every licence shall continue in force until the thirtieth day of June next after the date of the issue thereof, and no longer unless renewed as provided by section 5.

Renewal of licence.

**5.** (1) Subject to section 7, the Chief Inspector may, upon the application in writing in the prescribed form and on payment of the prescribed fee, renew any licence. Such renewal shall be made in manner prescribed.

(2) Every application for renewal of a licence shall be made not later than fourteen days before the date of the expiration of the licence.

(3) Every licence when so renewed shall continue in force for a further period of twelve months next after the thirtieth day of June on which, but for such renewal, such licence would expire.

**6.** (1) Subject

*Hide, Skin, and Wool Dealers Act.—1915.*

6. (1) Subject to section 7, the Chief Inspector may, upon the application in writing, in the prescribed form, of—

(a) the licensee, or

(b) any other person, with the written consent of the licensee,

and on payment of the prescribed fee, transfer the licence from such licensee to the person mentioned in that behalf in the application.

(2) In every case where the Chief Inspector transfers a licence, he shall endorse thereon a memorandum of such transfer.

7. (1) The Chief Inspector shall refuse to issue, renew, or transfer any licence if, in his opinion, the applicant is not a fit and proper person to be a licensee.

(2) The decision of the Chief Inspector shall be final and conclusive, and shall not be challenged, appealed against, reviewed, quashed, or called in question, or be subject to prohibition or *mandamus*, in any Court on any account whatever.

8. (1) The Chief Inspector shall keep a register of all licensees and of all licences and of all licence-numbers, and of all renewals, transfers, and cancellations of licences.

(2) A document purporting to be a copy of any entry in such register and purporting to be signed by the Chief Inspector shall, in any legal proceedings, be *prima facie* evidence of the truth of the matters stated in such document.

9. (1) Upon the application of the licensee, the Chief Inspector may, on proof to his satisfaction of the loss or destruction of the applicant's licence, and on payment of the prescribed fee, issue to the applicant a duplicate licence, bearing all memoranda endorsed on the original licence.

(2) Such duplicate shall avail for all purposes as if it were the original licence.

10. Every licensee shall at all times keep conspicuously painted or otherwise marked on all premises and on every vehicle used by him in the course of, or in connection with, his business as a licensee, in such manner and situation as may be prescribed, his Christian names and surname, the number of his licence, and the words "Licensed Hide, Skin, and Wool Dealer."

11. Any inspector or any member of the Police Force may at all reasonable times—

(a) enter and search any premises used, whether by a licensee or not, for the purpose of storing hides, skins, or wool, or which he has reasonable cause to believe is being used for such purpose ;

(b) search,

*Hide, Skin, and Wool Dealers Act.—1915.*

- (b) search, or stop and search, all vehicles used, whether by a licensee or not, for the purpose of carrying hides, skins, or wool, or which he has reasonable cause to believe is being used for such purpose ;

and may inspect any hide, skin, or wool found therein or thereon.

Every person buying or selling hides, skins, or wool to be licensed.

**12.** Any person who—

- (a) not being a licensee, buys or sells any hide, skin, or wool, or  
 (b) being a licensee, sells any hide, skin, or wool to any person other than a licensee,

shall be guilty of an offence against this Act: Provided that this section shall not render unlawful the sale—

- I. to any licensee of any hide, skin, or wool taken from an animal the property of the seller ; or
- II. by any person of any such hide, skin, or wool as mentioned in subdivision I. hereof, or by any licensee of any hide, skin, or wool, if, in either case, it is to be used by the buyer for the purposes of, or in connection with, his business, or for some domestic purpose ; or
- III. by any person of any such hide, skin, or wool as mentioned in subdivision I. hereof, or by any licensee of any hide, skin, or wool, to an educational institution, for whatever purpose it is to be used :

Provided further that whenever in any proceedings for an offence against this section the defendant alleges that the hide, skin, or wool with respect to which such offence is alleged to have been committed was taken from an animal the property of the seller, or that the said hide, skin, or wool was sold to be used for any of the purposes mentioned in subdivision II. of the first proviso to this section, it shall be necessary for the defendant to prove to the satisfaction of the Magistrate or Justices that such hide, skin, or wool was taken, or was to be used, as alleged.

Unlicensed person pretending to be licensed.

**13.** Any person who, not being a licensee—

- (a) takes, uses, or exhibits the name or title of, or in any way pretends to be, a licensee, or  
 (b) takes, uses, or exhibits any title or term which may be construed to mean that he is qualified to carry on the business of buying hides, skins, or wool, or that he is willing to act in that capacity,

shall be guilty of an offence against this Act.

Obstruction of officers.

**14.** Any person who in any way obstructs, hinders, prevents, or interferes with any inspector or member of the Police Force in the exercise of any of the powers conferred or the discharge of any of the duties imposed on him by this Act, shall be guilty of an offence against this Act.

**15.** (1) Any

*Hide, Skin, and Wool Dealers Act.—1915.*

**15.** (1) Any contravention of or failure to observe any provision of this Act, whether by act or omission, shall be an offence against this Act. Penalty.

(2) Every person guilty of an offence against this Act shall be liable to a penalty not exceeding Fifty Pounds, or to be imprisoned, with or without hard labor, for any period not exceeding twelve months.

**16.** (1) The Governor may make all such regulations as he deems necessary or convenient for carrying out or giving effect to the provisions and objects of this Act, including, though without limiting the effect of this section, regulations prescribing— Governor may make regulations.

(a) the forms of licences and of renewals and transfers of licences, and of applications for the same ;

(b) the fees to be paid for licences and duplicate licences, and for the renewal and transfer of licences ;

(c) the manner and situation of painting or otherwise marking on premises and vehicles used by a licensee, in the course of his business as such licensee, the words and numerals prescribed by section 10 :

(d) all other things which this Act requires or permits to be prescribed or contemplates will be prescribed.

(2) Any such regulation may fix penalties, not exceeding in any case the sum of Ten Pounds, for the breach of the same or any other regulation.

(3) Every regulation—

(a) shall be published in the *Government Gazette* :

Publication and effect of regulations.

(b) shall, subject to subsection (4) hereof, take effect from the date of such publication, or from a later date fixed by the order making such regulation ; and

(c) shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session of Parliament.

(4) If either House of Parliament passes a resolution disallowing any regulation, of which resolution notice has been given at any date within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity, of anything done, or of the omission of anything, in the meantime. Disallowance of Parliament.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same Session or Parliament as that in which the regulation is laid before such House.

(5) When

*Hide, Skin, and Wool Dealers Act.—1915.*

Publication of  
disallowance.

(5) When a resolution has been passed as mentioned in subsection (4) hereof, notice of such resolution shall be published in the *Government Gazette*.

Onus on defendant to  
prove he is licensed.

17. In any proceedings for an offence against section 12 or section 13, the onus shall be on the defendant to prove that he is a licensee.

Accused to produce  
his licence on  
prosecution.

18. In all proceedings against a licensee for an offence against this Act, the licensee shall produce his licence to the Special Magistrate or Justices hearing the case.

Cancellation of  
licence on conviction.

19. The Special Magistrate or Justices before whom a licensee is convicted of an offence against this Act may, in addition to any penalty imposed, cancel the licence by endorsing thereon a memorandum of such conviction; and in such case the licence shall be surrendered to the clerk of the Court, who shall forward or deliver it to the Chief Inspector.

Summary proceedings  
for offences.

20. (1) All proceedings in respect of offences against this Act shall be by information heard and determined in a summary way by a Special Magistrate or two Justices, and shall be regulated by the Ordinance No. 6 of 1850, and any amendments thereof, or any other Act or Acts regulating summary proceedings before Justices of the Peace.

(2) All convictions and orders made by such Magistrate or Justices may be enforced as provided by the said Ordinance or any other such Act as aforesaid.

Appeal.

21. (1) There shall be an appeal from—

- (a) any conviction by any Special Magistrate or Justices,
- (b) any order of a Special Magistrate or Justices dismissing any information, or
- (c) any other order made by a Special Magistrate or Justices,

under this Act.

(2) Such appeal shall be to the Local Court of Adelaide in its Full Jurisdiction.

(3) The proceedings on such appeal shall be regulated by the Ordinance No. 6 of 1850, and any amendments thereof, or any other Act regulating appeals to Local Courts: Provided that the Local Court may make such order as to costs as it thinks fit, and the costs so ordered may exceed Ten Pounds.

Special case.

22. (1) The Local Court, upon the hearing of any such appeal, may state a special case or cases for the opinion of the Supreme Court.

(2) The

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*Hide, Skin, and Wool Dealers Act.—1915.*

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(2) The Supreme Court shall hear and decide any such special case according to the practice of the Supreme Court on special cases, and may make such order therein, including any order as to costs, as to the said Court appears just.

(3) The Supreme Court may send any such special case back for amendment, or may itself amend the same.

(4) The Magistrate or Justices, or the Local Court, shall make an order in respect to the matters referred to the Supreme Court in conformity with the certificate of the Supreme Court, or of any Judge thereof.

(5) Such order of the Magistrate or Justices, or Local Court, may be enforced in manner provided by section 20 or otherwise by law.

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

H. L. GALWAY, Governor.