

# WOOL, HIDE AND SKIN DEALERS ACT.

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Act No. 40, 1935.

An Act to regulate the buying and selling of wool, hides and skins; and for purposes connected therewith. [Assented to, 11th April, 1935.] George V.  
No. 40, 1935.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** (1) This Act may be cited as the "Wool, Hide and Skin Dealers Act, 1935."

(2) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

Short title  
and com-  
mencement.

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

No. 40, 1935.

Interpreta-  
tion.cf. S. Aust.  
Act, 1915,  
No. 1,214,  
s. 2.

**2.** (1) In this Act, unless the context or subject-matter otherwise indicates or requires,—

“ Applicant ” means applicant for the issue or transfer or renewal of a license;

“ 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, ox, heifer, steer, calf, camel, ram, ewe, wether, lamb, goat, kid, fox, rabbit, hare, or marsupial, but does not include the hide or skin of any animal which is a protected animal within the meaning of the Birds and Animals Protection Act, 1918–1930, or any Act amending that Act;

“ License ” means license issued under this Act;

“ Licensee ” means the holder of a license;

“ 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—

(a) to sell, barter, or exchange;

(b) to agree to sell, barter, or exchange;

(c) to offer, expose, store, have in possession, send, consign, or deliver for or on sale;

(d) to receive for sale;

(e) to cause or suffer to be sold, bartered, or exchanged, or to be agreed to be sold, bartered, or exchanged;

(f) to cause or suffer to be offered, exposed, stored, had in possession, sent, consigned, or delivered for or on sale;

(g) to cause or suffer to be received for sale; and

(h) 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.

(2) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State, to the intent that where any enactment thereof would but for this section have been construed as being in excess of that power it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

3. (1) Any person who, not being a licensee buys any wool, hide, or skin, shall be guilty of an offence against this Act.

Every person buying or selling wool, hides, or skins to be licensed. cf. S. Aust. Act, 1915, No. 1,214, s. 12.

(2) Subsection one of this section shall not apply where the wool, hide, or skin—

- (a) is to be used by the buyer for the purposes of, or in connection with, his business (not being the business of wool, hide, and skin dealing) and is purchased at the premises where the same is carried on, or is to be used by the buyer for some domestic purpose, or as raw material for manufacturing purposes, and in any of such cases where the buyer keeps a record book in which is recorded the date, time and place at which the purchase is made and the name and address of the vendor; or
- (b) is bought for an educational institution for any purpose whatsoever; or
- (c) is bought by an overseas wool buyer at auction.

(3) Any person who—

- (a) not being a licensee, sells any wool, hide, or skin; or
  - (b) being a licensee, sells any wool, hide, or skin to any person other than a licensee,
- shall be guilty of an offence against this Act.

(4) Subsection three of this section shall not apply to the sale—

- (a) to any licensee of any wool, hide, or skin taken from an animal the property of the seller; or
- (b) by any person of any such wool, hide, or skin as mentioned in paragraph (a) of this subsection, or by any licensee of any wool, hide, or skin if, in either case, it is to be used by the buyer for the purposes of, or in connection with his business

No. 41, 1937.

business (not being the business of wool, hide, and skin dealing), or for some domestic purpose, or as raw material for manufacturing purposes; or

(c) by any person of any such wool, hide, or skin as mentioned in paragraph (a) of this subsection, or by any licensee of any wool, hide, or skin to an educational institution, for whatever purpose it is to be used; or

(d) by an auctioneer licensed under the Auctioneers' Licensing Act, 1898, as amended by subsequent Acts, in the ordinary course of his business as a licensed auctioneer, of any wool, hide, or skin to any person, whether such person is a licensee or not or where the sale is by a firm or corporation and the offer for sale by public auction is made or the sale by public auction is effected by an auctioneer so licensed in the employment of such firm or corporation.

(5) Where in any proceedings for an offence against this section the defendant alleges that the wool, hide, or skin 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 wool, hide, or skin was sold or bought to be used by the buyer for the purposes of, or in connection with, his business (not being the business of wool, hide, and skin dealing), or for some domestic purpose, or as raw material for manufacturing purposes, it shall be necessary for the defendant to prove to the satisfaction of the court that such wool, hide, or skin was taken as alleged or was to be used as alleged, and in the latter case that the provisions of paragraph (a) of subsection two of this section have been complied with.

(6) Subsections (1) and (3) of this section shall not apply to the receipt by any co-operative society registered under the Co-operation Act, 1923-1932, of any wool, hides, or skins for the purposes of carrying out classing, repacking, weight adjusting, pooling, or otherwise treating such wool, hides, or skins, for sale by an  
auctioneer

## Wool, Hide and Skin Dealers Act.

355

auctioneer licensed under the Auctioneers Licensing Act, 1898, as amended by subsequent Acts nor to or in respect of the purchase or sale of —

No. 40, 1935.

(a) wool, hides or skins sold, or which have been sold by public auction or after offer at public auction;

or

(b) fellmongered wool.

(7) Nothing in this section shall be deemed to render any contract for the sale of any wool, hide, or skin illegal or void.

4. (1) A license shall be in or to the effect of the form prescribed, shall specify the premises wherein the business is to be carried on, and, unless sooner cancelled, shall remain in force for twelve months from the date of its issue.

Licenses.  
cf. Act No.  
24, 1898,  
ss. 4, 5.

(2) A license may be renewed in the prescribed manner, and on each renewal shall have effect for a further period of twelve months.

(3) (a) A license may be transferred upon the application of the transferee, and a license may, upon the application of the licensee, be varied to authorise the carrying on of the business at any premises approved by the court.

(b) Where a license is transferred the fact and date of the transfer and the name and description of the person to whom the license is transferred and the description of the premises at which the business is to be carried on shall be endorsed upon the license, and the person named as the transferee or the premises described in such indorsement shall thereupon and thenceforth for all purposes be deemed to be the person to whom or the premises in respect of which the license was granted.

(4) A license may be issued to any person, or to any firm, company, partnership, society, association, or body of persons corporate or unincorporate: Provided that the license may in any such latter case be suspended or cancelled if such firm, company, partnership, society, association, or body of persons does not comprise or has not in its employ at each of its branch premises wherein the business is carried on at least one licensee under this

Act

No. 40, 1935.

Act. Such suspension or cancellation to be in addition to any individual penalty imposed on any person for any offence under this Act.

Procedure.  
cf. Act No.  
24, 1898,  
ss. 4, 5.

5. (1) An application for the issue, renewal, variation, or transfer of a license shall be in or to the effect of the form prescribed, and shall be lodged with the clerk of the court of the petty sessions district in which the business premises in respect of which the license is applied for are situated, or if there is more than one court of petty sessions in any such district, then with the clerk of the court within such district nearest to such business premises.

(2) Upon receipt of an application for the issue, renewal, or transfer of a license, the clerk shall forthwith notify the officer in charge of police at the nearest police station, who shall inquire into the character of the applicant and report as to whether he is a fit and proper person to be a licensee.

(3) (a) Upon the hearing of an application for a new license or for the variation or transfer of a license the applicant shall attend in person, or in the case of a company a representative authorised under the seal of the company.

(b) Upon the hearing of an application for the renewal of a license the applicant shall not be so required to attend unless notified by the clerk of the court that the grant of his application will be objected to. The notice shall set out shortly the nature of the objection proposed to be made.

(4) No application shall be heard until after the expiration of seven days after the lodging of the application.

(5) No application shall be heard except by a court of petty sessions.

(6) Every application shall be heard in open court, and the consideration of the application shall be deemed to be a judicial proceeding.

(7) It shall be the duty of the court to refuse the issue, transfer, or renewal of a license to any applicant who is not a fit and proper person to be a licensee.

(8)

(8) A fee of one pound shall be paid for a license or renewal thereof. Where a license or licenses is or are issued to members or employees of a firm, company, partnership, or similar body for the purpose of carrying on business in any branch premises of such firm, company, partnership or body already holding a license the fee for each such additional license and for each transfer or renewal thereof shall be ten shillings.

No. 40, 1935.

6. (1) If upon the hearing of a summons to show cause it is made to appear to a court of petty sessions holden before a stipendiary or police magistrate that any licensee—

Cancellation of license. cf. Act No. 24, 1898, s. 9.

(a) has been convicted of an offence against this Act or the regulations; or

(b) is not a fit and proper person to be a licensee, the court may order that the license be cancelled.

(2) Such person shall surrender his license to the clerk of the court.

(3) The procedure on such summons shall be as prescribed.

(4) Such person shall be deemed to be unlicensed as from the date of the final order or cancellation upon the summons.

7. (1) Every licensee shall in the forms prescribed, keep in a legible manner in a written record, including a store book and a cart book, full particulars of all his dealings in wool, hides, or skins.

Record to be kept. cf. Act No. 24, 1898, s. 11.

Each entry in a store book or a cart book shall be made in duplicate and shall be signed by the person selling the wool, hide, or skins referred to in such entry.

(2) The record shall be open to inspection at all reasonable times by any member of the police force.

Every licensee upon being required so to do, shall produce the record kept by him for inspection by a member of the police force.

(3) Every licensee shall keep all lots or parcels of wool, hides, or skins bought or received by him (other than lots bought from a licensed auctioneer at public auction

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

No. 40, 1925.

auction or after offer at public auction) together with the container thereof (if any) for a period of twenty-four hours or such further period not exceeding three days as may be specified in a notice given to the licensee by the local officer-in-charge of police after the same have been bought or received by him without altering or obliterating any brand, marking, or writing on the hides, skin, wool, or containers, or disposing of the same in any way:

Provided that the local officer-in-charge of Police may before the expiration of any such period issue to the licensee a permit in the prescribed form authorising him to deal with any such lot or parcel in the manner specified in the permit; and thereupon the licensee may, notwithstanding that any such period has not elapsed, deal with such lot or parcel in the manner specified in such permit.

(4) Any person who contravenes any of the provisions of this section shall be guilty of an offence against this Act.

Powers of  
members of  
police force.

S. Aust.  
Act, 1915,  
No. 1,214,  
s. 11.

**8.** 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 wool, hides, or skins, or which he has reasonable cause to believe is being used for such purpose;
- (b) search, or stop and search, any vehicle used, whether by a licensee or not, for the purpose of carrying wool, hides, or skins, or which he has reasonable cause to believe is being used for such purpose;
- (c) inspect any wool, hides, or skins found in or on such premises or vehicle;
- (d) inspect any such record book as is referred to in subsection two of section three of this Act.

Obstruction  
of police  
officers.  
*Ibid.* s. 14.

**9.** Any person who in any way obstructs, hinders, prevents, or interferes with any member of the police force in the exercise of any of the powers conferred

or



or the discharge of any of the duties imposed on him by this Act shall be guilty of an offence against this Act.

No. 40, 1935.

**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, the initials of his christian names together with his surname, and the words "Licensed Dealer in Hides, Skins, and Wool."

Name, etc., to be kept posted up. S. Aust. Act, 1915, No. 1214, s. 10.

**11.** Any person who not being a licensee—

Unlicensed person pretending to be licensed.

- (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 licensed to carry on the business of buying wool, hides, or skins,

shall be guilty of an offence against this Act.

**12.** (1) Any person who contravenes any of the provisions of this Act shall be guilty of an offence against this Act.

Offences: penalty.

(2) Every person guilty of an offence against this Act shall be liable upon summary conviction to a penalty not exceeding fifty pounds, or to imprisonment for a term not exceeding twelve months.

(3) Any penalty imposed by the Act or the regulations may be recovered in a summary manner before a stipendiary or police magistrate in petty sessions.

(4) In any proceedings for an offence against section three or section eleven of this Act the onus shall be on the defendant to prove that he is a licensee.

cf. S. Aust. Act, 1915, No. 1,214, s. 17.

(5) In any proceedings for an offence against this Act, every entry in any record or book kept or belonging to any licensee or person, or found on his premises, shall be deemed unless the contrary is shown, to have been made by or under the authority of such licensee or person.

cf. Act No. 30, 1906, s. 17.

(6) In any proceedings against a licensee for an offence against this Act, the licensee shall produce his license to the court before which the proceedings are taken.

cf. S. Aust. Act, 1915, No. 1,214, s. 18.

(7) The court before which a licensee is convicted of an offence against this Act may, in addition to any

Act No. 30, 1906, s. 19.

No. 40, 1935.

any penalty imposed, order that the license be cancelled, and may indorse thereon a memorandum of such conviction and cancellation; and in such case the license shall be retained by the clerk of the court, and the licensee shall be deemed to be unlicensed as from the date of the order.

Appeal.

**13.** (1) Any person aggrieved by a refusal to grant an application under this Act, or by an order for the cancellation of a license, may appeal from such refusal or order to a court of quarter sessions.

(2) The provisions of Division 4 of Part V of the Justices Act, 1902, as amended by subsequent Acts, shall apply *mutatis mutandis* to appeals under this section.

Regulations.

**14.** (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which are required or authorised to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular, and without limiting the generality of the foregoing power, the Governor may in such regulations—

- (a) prescribe the forms of licenses and of renewals and transfers of licenses and of applications for the same;
- (b) provide for the issue of duplicate licenses to replace licenses which have been accidentally lost or destroyed, the procedure to be adopted for obtaining duplicate licenses, and the fees payable therefor;
- (c) prescribe 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 required by section ten of this Act;
- (d) provide for the disposal by the clerk of the court of licenses retained by him or surrendered on cancellation;
- (e) impose penalties not exceeding in any case fifty pounds for any contravention or breach of a regulation.

(2) The regulations shall—

- (a) be published in the Gazette;

(b)

- (b) take effect from the date of publication or from a later date to be specified in the regulations; No. 40, 1935.
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

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