



ANNO UNDECIMO

GEORGII V REGIS.

A.D. 1920.

No. 1427.

An Act to Regulate the Manufacture and Sale of Footwear, and for other purposes.

[*Assented to, November 18th, 1920.*]

BE 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 "Footwear Regulation Act, 1920." Short title.

2. This Act shall come into operation on the first day of January, nineteen hundred and twenty-one. Commencement.

3. The Footwear Regulation Act, 1911, is hereby repealed. Repeal of Act 1046 of 1911.

4. In this Act, unless inconsistent with the context or subject-matter— Interpretation.

"Inspector" means an Inspector of Factories, and includes the Chief Inspector of Factories: Victoria, 2869, 1916, s. 3.

"Minister" means the Minister of Industry :

"Shoes" includes slippers and sandals :

"Sole" means all that part of a boot or shoe which in use is under the foot of the wearer, including both the outsole and the insole and also including the heel, except the thin slip of leather, paper, or the like material which is affixed to the upper surface of the inner sole, and also except thread, wax, rivets, pegs, nails, toe-plates, and heel-plates.

5. If

Footwear Regulation Act.—1920.

Soles to be of solid leather or stamped with name of material. Ibid., s. 4.

5. If any person manufactures for sale or sells or exposes for sale or supplies or has in his possession for sale or supply any boots or shoes the soles of which do not consist entirely of leather, he shall, unless a true statement of the materials composing the sole is conspicuously and legibly stamped upon or impressed into the outer surface of the sole of each boot or shoe on that portion of the sole known as the waist, be liable to a penalty of not less than Five Pounds nor more than Twenty Pounds: Provided that this section shall not apply—

- (a) where the outsole consists entirely of rubber; or
- (b) where the only material in the sole other than leather consists of one or more of the following:—
 - i. ordinary fillers of cork or waterproof felt;
 - ii. canvas used to reinforce the insole;
 - iii. a prescribed material used as prescribed in the manufacture of shanks;
 - iv. wood used in the heels of ladies' footwear;
 - v. stiffening of such materials and so made as prescribed.

Boots, &c., to bear name of manufacturer, etc. Ibid., s. 5.

6. If any person sells or exposes for sale, or supplies, or has in his possession for sale or supply, any boots or shoes which do not bear stamped upon or impressed into the soles thereof in legible characters his own name or registered trade mark or the name or registered trade mark of the manufacturer or maker of such boots or shoes, and if such boots or shoes are manufactured in Australia, the words "Made in Australia," he shall be liable to a penalty of not less than Five Pounds nor more than Twenty Pounds:

Provided that, where boots or shoes are manufactured or made to the order of any person for sale or supply by him, it shall be a sufficient compliance with the requirements of this section if the boots or shoes bear his name or registered trade mark stamped upon or impressed into the soles thereof in legible characters.

Soles not to contain weighting substance. Cf. *ibid.*, s. 6.

7. (1) If any person manufactures for sale, or sells or exposes for sale, or supplies or has in his possession for sale or supply, any boots or shoes the soles of which consist of leather having an admixture of any weighting substance specified in the regulations he shall be liable to a penalty of not less than Five Pounds nor more than Twenty Pounds.

Application of Act 968, 1908, ss. 57-59, as to warranty.

(2) The provisions of sections 57, 58, and 59 of the Food and Drugs Act, 1908, with respect to warranties shall, with such alterations, modifications, and substitutions as are necessary, extend and apply to a defendant in any proceedings under this Act for a breach of this section, and in the construction of the said sections for the purposes of this subsection, but without affecting the generality thereof, any reference in the said sections to any article, or any article of food or drug, shall be read and construed as if it were a reference to boots or shoes (as the case requires).

8. (1) Any

*Footwear Regulation Act.—1920.***8. (1) Any Inspector—**

- (a) may enter any place where boots or shoes are manufactured or sold or supplied, or exposed or kept for sale or supply, or any place where he has reason to believe any of such things is done ;
- (b) may inspect any articles in such place ;
- (c) shall, at the request of any person apparently in charge of such place or of any work carried on therein, produce a certificate of his appointment as Inspector ; and
- (d) may in any such way take any boots or shoes, whether manufactured or partly manufactured, paying a just price for the same.

Powers of Inspectors.
Ibid., s. 7.

(2) Any person who hinders or obstructs any Inspector in the exercise by him of the powers conferred by this Act shall be liable to a penalty of not less than Five Pounds nor more than Twenty Pounds.

Penalty for obstructing Inspector.

9. In any prosecution under this Act, unless the contrary is proved—

- (a) any person who manufactures boots or shoes shall be deemed to manufacture them for sale or supply ; and
- (b) any person who carries on business in any place where any boots or shoes are kept in stock shall be deemed to have such boots or shoes in his possession for sale or supply.

Proof of manufacture for sale, &c.
Ibid., s. 9.

10. In any prosecution under section 5 or section 7 of this Act, if the defendant proves that the boots or shoes which are the subject of the prosecution were purchased by him from any manufacturer, importer, or wholesale dealer named by the defendant, and—

Information to be dismissed in certain circumstances.
Ibid., s. 10.

- (a) in the case of a prosecution under section 5 of this Act, he further proves that he had no reason to believe that the soles of such boots or shoes (not being stamped or marked in accordance with the said section 5) contained any material making it obligatory for such soles to be so stamped or marked ; or
- (b) in the case of a prosecution under section 7 of this Act, he further proves that he had no reason to believe that such soles contained any weighting substance specified in the regulations,

the information shall be dismissed.

11. So far only as relates to the sale or supply, or exposing for sale or having in possession for sale or supply, of boots or shoes in the possession of any person before the passing of this Act, sections 5 and 6 of this Act shall not apply to any such person until after

Non-application temporarily to goods in stock before passing of Act.
Ibid., s. 11.

Footwear Regulation Act.—1920.

after the expiration of six months after the coming into operation of this Act, and so far only as relates to the manufacture or sale or supply, or having in possession for sale or supply, of boots or shoes, section 6 of this Act shall not apply to any such boots or shoes in any case where an Inspector is satisfied that such boots or shoes are intended for export from South Australia and that, save as provided in the proviso to section 5 of this Act, the soles of such boots or shoes consist entirely of leather.

Regulations.

12. The Governor may make regulations for carrying out the provisions of this Act and in particular—

- (a) prescribing the manner of marking the soles of boots and shoes in pursuance of such provisions;
- (b) prescribing the materials of which, and the manner in which, shanks and stiffening not consisting of solid leather used in the soles of boots and shoes may be manufactured and used;
- (c) specifying the weighting substances the admixture of which in leather forming part of the soles of boots and shoes is prohibited; and
- (d) imposing any penalty of not less than Two Pounds nor more than Ten Pounds for any breach of the regulations.

Summary proceedings for offences.

13. All proceedings in respect of offences against this Act shall be disposed of summarily.

Appeal.

14. There shall be an appeal in respect of proceedings in respect of offences against this Act.

Special case.

15. In the event of an appeal in respect of proceedings in respect of offences against this Act, a special case may be stated.

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

W. E. G. A. WEIGALL, Governor.