



ANNO SECUNDO

# GEORGII V REGIS.

A.D. 1911.

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## No. 1046.

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

[*Assented to, November 2nd, 1911.*]

**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 Footwear Regulation Act, 1911." Short title.

2. This Act shall come into force on a day to be fixed by the Governor by Proclamation published in the *Government Gazette*, being not earlier than the thirty-first day of December, one thousand nine hundred and twelve, nor before a similar Act has been passed by the Parliaments of the States of New South Wales, Victoria, and Queensland. Commencement.

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

"Inspector" means an inspector appointed under this Act:

"Justice" means Justice of the Peace for the State of South Australia:

"Minister" means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor:

"Shoes" includes slippers and sandals as well as shoes:

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“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 only the thin slip of leather, paper, or the like material which is affixed to the upper surface of the inner sole:

“This Act” includes regulations made under this Act.

Soles to be of solid leather or to be stamped with nature of material.

Cf. Reg. 8 under Commerce (Trade Descriptions) Act, 1906 (Com.) of 11/2/1910.

4. (1) No person shall manufacture for sale, or sell, offer, or expose for sale, or have in his possession for sale, any boots or shoes the soles of which consist wholly or partly of leather or any imitation of leather or of any material having the appearance of leather, unless—

(a) The soles thereof are of solid leather, without admixture or addition other than of canvas used to reinforce the insole, materials used for filling spaces, shanks or rubber outsoles, or, in the case of ladies' fancy or evening footwear, of heels of wood; or

(b) A statement of the material or materials composing the soles thereof is conspicuously and legibly stamped upon or impressed into the outer surface of the sole of each boot or shoe.

(2) Any person guilty of any contravention of this section shall be liable to a penalty not exceeding Twenty Pounds.

Inspectors.

5. The Governor may appoint any persons to be inspectors under this Act.

Powers of inspectors.

6. (1) Any inspector may enter any place where boots or shoes are manufactured or sold or kept for sale, or any place where he has reason to believe any of such things is done, and may inspect any articles in such place; but he shall, if requested by the person apparently in charge of such place or of any work carried on therein, produce his appointment as inspector.

(2) Any inspector may also in any such place take any boots or shoes, whether manufactured or partly manufactured, paying a just price for the same.

Obstructing inspector.

7. If any person hinders or obstructs, or attempts to hinder or obstruct, an inspector in the exercise of any power conferred by this Act he shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding Twenty Pounds.

Evidence.

8. In any prosecution under this Act—

(a) Any person who manufactures boots or shoes shall be deemed to manufacture them for sale;

(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,

unless

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unless the contrary is proved to the satisfaction of the Special Magistrate or Justices hearing the case.

9. In any prosecution under this Act, if the defendant satisfies the Special Magistrate or Justices 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 that the defendant had no reason to believe that the soles of such boots or shoes (not being stamped as provided in section 4) contained any material or materials making it obligatory for the soles to be so stamped, the information shall be dismissed.

Information to be dismissed in certain circumstances.

10. (1) The Governor may make such regulations, not inconsistent with this Act, as may be necessary or convenient for carrying out the objects and provisions of this Act, including (though without limiting the operation of this section) regulations prescribing—

Regulations.

i. The manner of stamping or impressing the soles of boots and shoes in pursuance of such provisions :

ii. The duties of inspectors :

iii. Penalties, not exceeding in any case the sum of Ten Pounds, for the breach of regulations made under this Act.

(2) Such regulations—

Publication and effect of regulations.

(a) Shall be published in the *Government Gazette* ;

(b) From the date of such publication, or from a later date fixed by the order making the same, shall (subject to subsection (3) hereof) be of the same effect as if they were contained in this Act ; and

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

(3) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time 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 by 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.

11. All proceedings in respect of offences against this Act, or any provision of this Act, shall be by information, and shall be heard

Summary proceedings.

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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 or any Act for the time being in force regulating the duties of Justices of the Peace as to summary proceedings.

**Appeal.**

**12.** (1) There shall be an appeal from—

- (a) Any conviction by any Special Magistrate or Justices under this Act;
- (b) Any order of a Special Magistrate or Justices dismissing any information under this Act; 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 of Full Jurisdiction.

(3) The proceedings on such appeal shall be regulated by the said Ordinance No. 6 of 1850 or any other Act for the time being in force regulating appeals to Local Courts: Provided that the Local Court may make such order as to costs as it thinks fit, although such costs exceed Ten Pounds.

**Special case.**

**13.** (1) The Local Court upon the hearing of any such appeal may state one or more special case or cases for the opinion of the Supreme Court.

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

(3) 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; and such order shall be enforced in manner provided for the enforcement of orders of Justices by the said Ordinance No. 6 of 1850 or any Act for the time being in force in that behalf.

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

DAY H. BOSANQUET, Governor.