

WESTERN AUSTRALIA.



ANNO SEPTIMO

GEORGI QUINTI REGIS,

XXII.

No. 2 of 1917.

AN ACT to regulate the Manufacture and Sale of Footwear; and for purposes consequent thereon or incidental thereto.

[Assented to 23rd March, 1917.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Footwear Regulation Act*, 1916. Short title.

2. This Act shall commence and take effect on and from a date to be fixed by Proclamation. Commencement.

3. In this Act—

“Inspector” means an inspector appointed under this Act. Interpretation.

“Minister” means the responsible Minister of the Crown charged for the time being with the administration of this Act.

“Prescribed” means prescribed by this Act or by the regulations.

“Regulations” means regulations made under this Act.

“Shoes” does not include slippers or 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 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 the regulations made under this Act.

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

4. If any person manufactures for sale, or sells or exposes for sale or has in his possession for sale, any boots or shoes the soles of which do not consist entirely of leather, he shall, unless a 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, be liable to a penalty not exceeding 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; and
- (v.) stiffening of such materials and so made as prescribed.

Soles not to contain weighting substance.

5. If any person manufactures for sale, or sells or exposes for sale or has in his possession for sale, 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 not exceeding twenty pounds.

Appointment and powers of inspectors.

6. The Minister may, under his hand, appoint any persons to be inspectors under this Act.

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 that boots or shoes are manufactured, sold, or kept for sale, and inspect any articles therein; but he shall, at the request of any person apparently in charge of such place or of any work carried on therein, produce his appointment as inspector.

He may also in any such place take any boots or shoes, whether manufactured or partly manufactured, paying a just price for the same.

If any person hinders or obstructs any inspector in the exercise by him of the powers hereby conferred he shall be liable to a penalty not exceeding twenty pounds.

7. In any prosecution under this Act—

Evidence.

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

unless in either case the contrary is proved.

8. If in any prosecution under this Act 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 him, and—

Complaint to be dismissed in certain circumstances.

- (a) In the case of a prosecution under section four 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 this Act) contained any admixture or addition making it obligatory for such soles to be so stamped or marked; or
- (b) In the case of a prosecution under section five, he further proves that he had no reason to believe that such soles contained any weighting material specified in the regulations,

the complaint shall be dismissed.

9. The Governor may make regulations—

Regulations.

- (a) Prescribing the manner of marking the soles of boots and shoes;
- (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 or 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;

- (d) Prohibiting the sale, supply, or keeping for sale or supply or having in one's possession for sale any boots or shoes which do not bear stamped upon the soles thereof in legible characters the name or registered trade mark of the manufacturer or maker;
- (e) Generally for carrying out the objects and provisions of this Act; and
- (f) Imposing any penalty not exceeding twenty pounds for any breach of the same.

Such regulations shall be published in the *Gazette*, and shall be laid before both Houses of Parliament within fourteen days after such publication, or, if Parliament is not in session, within fourteen days after the next meeting of Parliament.

Provided that if either House of Parliament passes a resolution disallowing any regulation, such regulation shall cease to have effect, subject, however, to such and the like savings as apply in the case of the repeal of a statute.