



Western Australia

Fair Trading Act 1987

**Fair Trading (Footwear — Product Quality
Standard) Regulations 1988**

As at 06 Feb 2004

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Fair Trading (Footwear — Product Quality Standard) Regulations 1988

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Western Australia

Reprinted under the
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at 6 February 2004

Fair Trading Act 1987

Fair Trading (Footwear — Product Quality Standard) Regulations 1988

1. Citation

These regulations may be cited as the *Fair Trading (Footwear — Product Quality Standard) Regulations 1988*¹.

2. Interpretation

In these regulations, unless the contrary intention appears —

boots includes shoes, sandals, slippers and other footwear;

label includes band or ticket;

quarter lining means that lining which is attached by stitching or cementing to the back of the boot;

sole means all that part of a boot that in use is under the foot of the wearer of the boot; but does not include the insole;

upper in relation to a boot means the part of a boot that is above the sole and welt but does not include any thread, lace or eyelet, or the quarter lining.

3. Product quality standard

The product quality standard to be used for footwear shall consist of the requirements as to the marking and composition of footwear set out in these regulations.

4. Marking as to uppers of boots

- (1) Where the uppers of boots consist entirely of leather the words “All Leather Upper” shall be conspicuously and legibly marked on each boot in accordance with regulation 11.
- (2) Where the uppers of boots consist of material resembling leather —
 - (a) if the upper is not made entirely of synthetic material the words “Non-Leather Upper”; and
 - (b) if the upper is made entirely of synthetic material the words “Non-Leather Upper” or the words “Synthetic Upper”,

shall be conspicuously and legibly marked on each boot in accordance with regulation 11.

5. Marking as to quarter lining of boots

- (1) Where the quarter lining of boots consists entirely of leather the words “All Leather Quarter Lining” shall be conspicuously and legibly marked on each boot in accordance with regulation 11.
- (2) Where the quarter lining of boots consists of material resembling leather —
 - (a) if the quarter lining is not made entirely of synthetic material the words “Non-Leather Quarter Lining”; and
 - (b) if the quarter lining is made entirely of synthetic material the words “Non-Leather Quarter Lining” or the words “Synthetic Quarter Lining”,

shall be conspicuously and legibly marked on each boot in accordance with regulation 11.

6. Marking as to soles of boots

- (1) Subject to subregulation (2), a true statement of the materials composing the sole shall be conspicuously and legibly marked on each boot in accordance with regulation 11.

- (2) The soles of boots shall be exempt from the requirements of subregulation (1) —
- (a) where the materials in the soles of boots consist only of leather and one or more of the following —
 - (i) an ordinary filler of cork or waterproof felt;
 - (ii) canvas used to reinforce the insole;
 - (iii) a shank made of plastic, leatherboard, fibreboard, metal or wood or any combination of those materials, used only for the purpose of strengthening those parts of the boots known as the waist;
 - (iv) plastic, wood or metal used in the heels of boots;
 - (v) stiffening of metal, plastic, leatherboard, fibreboard, papier mache, canvas or similar substances, glue or any combination of any of those materials used only for the purpose of supporting those parts of the boots known as the heel and toe,and the words “All Leather Sole” are conspicuously and legibly marked on each boot in accordance with regulation 11;
 - (b) where the soles of boots include materials other than those referred to in paragraph (a) and the words “Non-Leather Sole” are conspicuously and legibly marked on each boot in accordance with regulation 11; or
 - (c) where the soles of boots consist entirely of synthetic material and the words “Synthetic Sole” are conspicuously and legibly marked on each boot in accordance with regulation 11.

7. Prohibition on manufacture or sale unless boots marked

A person shall not manufacture for sale, or sell, boots unless the requirements as to the marking of boots specified in regulations 4, 5 and 6 are complied with.

Penalty: \$1 000.

8. Name of manufacturer to be marked

- (1) Subject to subsections (2) and (3), a person shall not manufacture for sale, or sell, any boots that do not bear upon each boot in conspicuous and legible characters a mark in accordance with regulation 11, specifying the name of the manufacturer.

Penalty: \$1 000.

- (2) Where —

- (a) a person carries on business as a manufacturer of boots under a business name which is registered under the *Business Names Act 1962*, or under corresponding legislation of any other State or Territory of the Commonwealth;
- (b) the business name is the sole property of the manufacturer; and
- (c) no other person has been granted the right to use that name,

boots manufactured by that person are exempt from the requirement in subregulation (1) of specifying the name of the manufacturer on them, if they bear on each boot in conspicuous and legible characters a mark in accordance with regulation 11 specifying the business name.

- (3) Where boots are manufactured elsewhere than within the Commonwealth they shall be exempted from the requirement in subregulation (1) of specifying the name of the manufacturer.

9. Name of country of manufacture to be marked

A person shall not sell any boots that have been manufactured elsewhere than within the Commonwealth unless the name of the country in which those boots were manufactured is clearly and legibly marked on each boot in accordance with regulation 11.

Penalty: \$1 000.

10. Soles not to contain weighting substance

- (1) A person shall not manufacture for sale, or sell, any boots the soles of which consist of leather having an admixture of any weighting substance.

Penalty: \$1 000.

- (2) In any prosecution for an offence under subregulation (1) in relation to the selling of boots, if the defendant proves that the boots that 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 the boots contained any weighting substance, the complaint shall be dismissed.

- (3) In this regulation, *weighting substance* means —

- (a) glucose if present to the extent of more than 3%;
- (b) sugar if present to the extent of more than 3%;
- (c) a combination of glucose and sugar if present to the extent of more than 3%; or
- (d) any other mineral substance.

11. Method of marking

For the purpose of these regulations marking shall be in the English language and shall, on each boot, be marked —

- (a) in the case of boots with heels not less than 1.5 millimetres in height, on the waist of the lower

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- surface of the sole close to the heel in clear imprinted lettering of not less than 3 millimetres in height;
- (b) on all boots of whatever kind, on the inside of the upper above the waist or on the heel seat or waist area of the upper surface of the sock lining or, where there is no sock lining, on the heel seat or waist area of the upper surface of the insole, with clearly legible letters of not less than 13 millimetres in height —
- (i) imprinted or embossed upon the material of the boot; or
- (ii) if that material is such that it is not reasonably practicable for the letters to be imprinted or embossed thereon, in indelible permanent ink;
- or
- (c) where it is not practicable owing to the properties of the material to apply a legible and permanent mark by the methods set out in paragraphs (a) and (b), the marking may be applied to the boot by stamping or impressing on a label of rubber, plastic or durable cloth which is affixed by means of vulcanisation or adhesive on the waist of the outsole of the boot or on the heel seat or waist area of the sock lining, or, where there is no sock lining, on the insole.

12. Proof of manufacture for sale

In any prosecution for an offence under these regulations, unless the contrary is proved, any person —

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

Notes

- ¹ This is a reprint as at 6 February 2004 of the *Fair Trading (Footwear — Product Quality Standard) Regulations 1988*. The following table contains information about these regulations and any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Fair Trading (Footwear — Product Quality Standard) Regulations 1988</i>	9 Sep 1988 p. 3520-2	9 Sep 1988
Reprint 1: The <i>Fair Trading (Footwear — Product Quality Standard) Regulations 1988</i> as at 6 Feb 2004		

Defined terms

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
boots.....	2
label	2
quarter lining.....	2
sole.....	2
upper	2
weighting substance.....	10(3)