



ANNO DECIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1969

No. 35 of 1969

An Act to regulate the manufacture and sale of footwear,
and for other purposes.

[Assented to 6th November, 1969.]

BE IT ENACTED by the Governor of the State of South
Australia, with the advice and consent of the Parliament
thereof, as follows :

- Short title.** 1. This Act may be cited as the "Footwear Regulation Act, 1969".
- Commencement.** 2. This Act shall come into operation on a day to be fixed by proclamation.
- Repeal and savings.** 3. (1) The Acts specified in the schedule to this Act are hereby repealed.
- (2) Except as expressly provided in this Act, such repeal shall not affect any rights accrued under the repealed Act or the effect of any decision made under the repealed Act.
- (3) Where in any other Act or in any regulation, rule or by-law or instrument or other document a reference is made to the repealed Act or any provision thereof, that reference shall, so far as it is applicable be read and construed as a reference to this Act or to the corresponding provisions, if any, of this Act.
- Interpretation.** 4. In this Act, unless the context otherwise requires—
"inspector" means any inspector appointed or deemed to be appointed under section 205 of the Industrial Code, 1967, as amended, and in office :

“shoe” includes boot, slipper or sandal and every other article of footwear :

“sock lining” means the thin slip of leather, paper or like material which is affixed to the upper surface of the insole of a shoe :

“sole” means all that part of a shoe which, when the shoe is worn by a person, is under the foot of the wearer including the heel of that shoe but does not include—

(a) the insole of that shoe ;

(b) the sock lining of that shoe ;

or

(c) thread, wax, rivets, pegs, nails, toe plates or heel plates used in the manufacture of that shoe :

“the repealed Act” means the Footwear Regulation Act, 1920-1949.

5. (1) Any person who manufactures shoes for sale shall mark such shoes in the prescribed manner with— Marking of footwear.

(a) the words “made by” or “manufactured by” immediately followed by the name of the manufacturer ;

(b) in the case of shoes the soles of which consist entirely of leather, the words “all leather sole” ;

and

(c) in the case of shoes the soles of which do not consist entirely of leather the words “non-leather sole” or a true statement of the materials comprising the sole.

(2) For the purposes of this section, where the sole of a shoe consists entirely of synthetic material the words “synthetic sole” shall be deemed to be a true statement of the materials comprising the sole of that shoe.

(3) For the purposes of this section, a sole shall be deemed to consist entirely of leather if the only material therein other than leather consists of one or more of the following :—

(a) ordinary fillers of cork or waterproof felt ;

(b) canvas used to reinforce the insole ;

(c) a prescribed material used as prescribed in the manufacture of shanks ;

- (d) in the case of the heels of ladies shoes, wood, metal or plastic material ;
 - (e) stiffening made of prescribed materials manufactured and used in the prescribed manner.
- (4) For the purposes of this section, the name of the manufacturer shall be indicated as follows :—
- (a) where the manufacturer is an individual, by his surname preceded by his Christian names or the initials of any Christian name not given in full ;
 - (b) where the manufacturer is a partnership, by the partnership name ;
 - (c) where the manufacturer is a corporation, by the name under which the manufacturer is incorporated ;
 - (d) where the manufacturer carries on business in this State under a business name registered under the Business Names Act, 1963, and the shoes are manufactured in this State, that business name ;
- or
- (e) where the manufacturer carries on business in a State or Territory of the Commonwealth under a business name registered under an enactment of that State or Territory, and the shoes are manufactured in that State or Territory, that business name.

Penalty for failure to comply with s. 5 of this Act.

6. (1) If a person manufactures, sells, offers for sale or exposes for sale or has in his possession for the purpose of sale any shoe other than a shoe which is intended for export to a place outside Australia which in any respect does not comply with section 5 of this Act he shall be guilty of an offence and liable to a penalty of not more than five hundred dollars.

(2) It shall be a defence to a prosecution for an offence that is a contravention of subsection (1) of this section if the defendant proves—

(a) that the shoes concerned were manufactured outside Australia ;

and

(b) that there is applied to those shoes a trade description showing all the particulars required by or under the *Commerce (Trade Descriptions) Act 1905* of the Commonwealth or that Act as amended or by or under any Act enacted in substitution for that Act.

(3) It shall be a defence to a prosecution for an offence that is a contravention of subsection (1) of this section which relates to the marking of a statement of the materials comprising the sole of any shoes if the defendant proves—

(a) that the shoes the subject of the prosecution were purchased by him from a manufacturer, importer or wholesale dealer named by him ;

and

(b) that he had no reason to believe that the soles of such shoes were comprised of material making it obligatory for the shoes to be marked in the manner provided for by section 5 of this Act.

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 shoes the soles of which consist of leather having an admixture of any weighting substance specified in the regulations he shall be guilty of an offence and be liable to a penalty not exceeding five hundred dollars.

Soles not to contain weighting substance.

(2) It shall be a defence to a prosecution for an offence that is a contravention of subsection (1) of this section if the defendant proves that the shoes concerned were purchased by him from any manufacturer, importer or wholesale dealer and that the defendant had no reason to believe that the soles of such shoes contained any weighting substance referred to in that subsection.

8. (1) Any inspector may—

Powers of inspectors.

(a) with such assistants as he considers necessary, enter any premises or place where shoes are manufactured, sold, supplied, exposed or kept for sale or supply or may enter any premises or place where he has reason to believe any of such things are done ;

(b) inspect any documents or articles in any such premises or place which in his opinion relate to such manufacture, selling, supplying or exposure or keeping for sale or supply of shoes ;

(c) require any person whom he finds in or about such premises or place to answer any question in relation to any shoes he finds therein whether manufactured or partly manufactured or in relation to any materials used in the manufacture of shoes in or on such premises or place ;

and

(d) subject to subsection (3) of this section, seize and detain any of the shoes or other articles referred to in this subsection which he has reasonable cause to believe may afford evidence of the commission of an offence against or a contravention of this Act.

(2) In the exercise and performance of the powers and functions vested in him by this Act an inspector may use the services of an interpreter and for the purposes of this Act any question or request put or made by and on behalf of the inspector by that interpreter shall be deemed to have been put or made by the inspector and the answer thereto shall be for those purposes deemed to have been made to the inspector.

(3) Any shoes or other articles seized and detained pursuant to paragraph (d) of subsection (1) of this section shall, if proceedings for an offence against this Act in relation to which they were so seized and detained have not been commenced within one month after they were so seized, be returned to the premises or place from which they were so seized otherwise those shoes or other articles shall be disposed of in the manner ordered by the court before which those proceedings were commenced.

Offences in
relation to
inspectors.

9. A person shall not—

(a) hinder or disturb an inspector, any person assisting an inspector or an interpreter in the exercise or performance of his powers and functions under this Act ;

or

(b) refuse or fail to answer truthfully any question which may be asked of him under this Act.

Penalty : Two hundred dollars.

Certificate of
identification.

10. (1) The Minister shall provide for each inspector a certificate of identification.

(2) An inspector who is exercising or proposes to exercise any power or function conferred on him by or under this Act shall, at the request of any person likely to be affected by the exercise of that power or function, produce to that person the certificate of identification provided for him pursuant to subsection (1) of this section.

(3) For the purposes of this Act or of any proceedings under this Act, the production by a person of a certificate purporting to be a certificate provided pursuant to subsection (1) of this section shall be *prima facie* evidence that the person who so produced the certificate was at the time of that production an inspector.

11. Any inspector or other person shall not be liable for any act done in good faith in the execution or intended execution of the powers and functions conferred on him by or under this Act.

Protection of
inspectors, etc.

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

Proof of
manufacture
for sale, etc.

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

and

(b) any person who carries on business in any place where any shoes are kept in stock shall be deemed to have such shoes in his possession for sale or supply.

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

Regulations.

(a) prescribing the manner of marking shoes and requiring and regulating the marking of 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 shoes may be manufactured and used ;

(c) specifying the weighting substances the admixture of which in leather forming part of the soles of shoes is prohibited ;

and

(d) imposing any penalty not exceeding one hundred dollars for any breach of the regulations.

14. Proceedings in respect of offences against this Act shall be disposed of summarily.

Summary
proceedings
for offences.

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

J. W. HARRISON, Governor.

THE SCHEDULE.**ACTS REPEALED.****Footwear Regulation Act, 1920.****Footwear Regulation Act Amendment Act, 1949.**