

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1917.

A BILL

To regulate the manufacture and sale of footwear; to prohibit the adulteration of leather; and for purposes consequent thereon or incidental thereto.

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

1. This Act may be cited as the "Footwear Short title. Regulation Act, 1917."

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2.

2. This Act shall commence and take effect on and from a date to be proclaimed by the Governor in the Gazette. Commencement.

3. In this Act,—

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

“Regulations” means regulations made under this Act.

“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 the outsole, the insole, and the heel, except the thin slip of leather, paper, or the like material which is affixed to the upper surface of the inner sole.

Stamping of soles of boots and shoes.

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 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 as prescribed, be liable to a penalty not exceeding *twenty* pounds: Soles to be of solid leather or stamped with name of material.

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' boots or shoes;
 - (v) toe-stiffening and counters of such materials and so made as prescribed; and
 - (vi) thread, wax, rivets, pegs or nails.

5.

5. (1) If any person sells, or exposes for sale, or has in his possession for sale any boots or shoes which do not bear the name or registered trade-mark of the manufacturer or maker stamped upon or impressed into the outer surface of the soles thereof in legible characters, he shall be liable to a penalty not exceeding *twenty* pounds :

Boots, &c., to bear name of manufacturer.

Provided that where boots or shoes are manufactured or made to the order of any person for sale 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 outer surface of the soles thereof in legible characters.

(2) This section shall not apply to any boots or shoes which an inspector is satisfied are intended for export, and as to which he certifies in writing that the soles, save as excepted in the proviso to section four of this Act, consist entirely of leather.

Saving.

6. If any person manufactures or makes for sale or sells or exposes for sale or has in his possession for sale any boots or shoes the soles of which are welted, or mock-welted or fair-stitched, he shall, unless the word "welted" or "mock-welted" or "fair-stitched," as the case may be, is conspicuously and legibly stamped upon or impressed into the outer surface of the sole of each boot or shoe as prescribed, be liable to a penalty not exceeding *twenty* pounds.

Soles which are welted, mock-welted, or fair-stitched.

Weighting substances.

7. (1) If any person manufactures or makes 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.

Soles not to contain weighting substance.

(2) If any person manufactures for sale or sells or exposes for sale, or has in his possession for sale any leather having an admixture of any weighting substance specified in the regulations, he shall be liable to a penalty not exceeding *twenty* pounds.

Leather containing weighting substance.

Inspection.

Inspection.

8. (1) The Colonial Treasurer may, under his hand, appoint any persons to be inspectors under this Act. Appointment and powers of inspectors.

(2) Any such inspector—

- (a) may enter any place where boots or shoes or leather are manufactured, made, or sold or kept for sale, or any place where he has reason to believe that boots or shoes or leather are manufactured, made, sold, or kept for sale ;
- (b) may inspect any articles in such place ;
- (c) may in such place take any boots or shoes or leather, whether manufactured or made, or partly manufactured or made, paying a just price for the same ; and
- (d) 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 ;

(3) Any person who hinders or obstructs any such inspector in the exercise by him of the powers hereby conferred shall be liable to a penalty not exceeding *twenty* pounds.

Legal procedure.

9. In any prosecution under this Act or the regulations, unless the contrary is proved,— Proof of manufacture for sale.

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

10. If in any prosecution under this Act the defendant proves that the boots or shoes or leather the subject of the prosecution were purchased by him from a manufacturer, importer, or wholesale dealer named by him, and— Information to be dismissed in certain circumstances.

- (a) in the case of a prosecution under section four he further proves that he had up to the time of such prosecution no reason to believe that the

the soles of the boots or shoes the subject of the prosecution (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 subsection one of section seven, he further proves that he had up to the time of such prosecution no reason to believe that such soles contained any weighting substance specified in the regulations ; or
- (c) in the case of a prosecution under subsection two of the same section he further proves that he had up to the time of such prosecution no reason to believe that the leather the subject of the prosecution contained any weighting substance specified in the regulations,

the information shall be dismissed.

Regulations.

11. (1) 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 ;
- (b) prescribing the materials of which and the manner in which shanks, toe-stiffening, and counters 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 is prohibited ; and
- (d) imposing any penalty not exceeding *ten* pounds for any breach of the same.

(2) Such regulations shall—

- (i) be published in the Gazette ;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations ; and

(iii)

(iii) 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. If either House of Parliament passes a resolution at any time within fifteen sittings days after such regulations have been laid before such House disallowing any regulation, such regulation shall therefrom cease to have effect.

Recovery of penalties.

12. Any penalties under this Act or the regulations may be recovered before a stipendiary or police magistrate, or any two justices in petty sessions. Recovery of penalties.

Savings.

13. The provisions of this Act, so far only as they relate to the selling, exposing for sale, or having in possession for sale of boots or shoes or leather which were at the commencement of this Act in the possession of any person in New South Wales, shall not apply until the expiration of six months after such commencement. Saving as to application of Act.
