



Western Australia

Fair Trading Act 1987

Fair Trading (Furniture — Product Quality Standard) Regulations 1988

These regulations expired on 22 Oct 2016 (see s. 3B of the Act and proclamation published in *Gazette* 21 Oct 2016 p. 4781-2).

Ceased on 22 Oct 2016

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Fair Trading (Furniture — Product Quality Standard) Regulations 1988

Contents

1.	Citation	1
2.	Product quality standard	1
3.	Stamping or labelling of furniture by manufacturer	1
4.	Stamping or labelling of furniture by importer, etc.	2
5.	Stamping or labelling of furniture by assembler	2
6.	Use of stamp or label	2
7.	Nature of stamp or label	2
8.	Parts of furniture to be stamped or labelled	3
9.	Permanency of stamp or label	3
10.	Offences and penalties	3
	Notes	
	Compilation table	5

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Fair Trading (Furniture — Product Quality Standard) Regulations 1988

1. Citation

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

2. Product quality standard

The product quality standard to be used for furniture shall consist of the requirements as to the stamping and labelling of furniture set out in these regulations.

3. Stamping or labelling of furniture by manufacturer

- (1) A person who in the State manufactures or prepares, either wholly or partly, any furniture for the purpose of sale shall cause to be affixed to the furniture a stamp or label containing the expression “MADE BY” followed by the name of the final manufacturer of the article, and the address or place where the furniture was manufactured or prepared.
- (2) A person to whom subregulation (1) applies who removes, or causes or permits or suffers to be removed, from any place in which the furniture was manufactured or prepared, any furniture that is not stamped or labelled as required by subregulation (1) commits an offence.

Penalty: \$1 000.

4. Stamping or labelling of furniture by importer, etc.

Where any furniture imported into the State for the purpose of sale —

- (a) is fully assembled when imported; or
- (b) is intended to be sold in unassembled form,

the importer, consignee or buyer for the purpose of resale shall, within 48 hours after the furniture first comes into his possession, cause to be affixed to the furniture a stamp or label containing the expression “MADE IN” followed by the name of the country of origin and the words “IMPORTED BY” followed by the name and address of the person importing the furniture.

5. Stamping or labelling of furniture by assembler

Where any furniture is imported in unassembled form for the purpose of being assembled in the State prior to sale, the person assembling the furniture shall cause to be affixed to the furniture a stamp or label containing the expression “MADE IN” followed by the name of the country of origin and the words “ASSEMBLED BY” followed by the name and address of the person assembling the furniture.

6. Use of stamp or label

- (1) Where a stamp is affixed to furniture under regulation 3, 4 or 5 the stamp shall be impressed or made by means of an indelible ink or stain.
- (2) Where a label is affixed to furniture under regulation 3, 4 or 5 it may be nailed, riveted, screwed, tacked, glued, gummed, sewn or by other suitable means attached to or let into the furniture.

7. Nature of stamp or label

A stamp or label affixed to furniture under regulation 3, 4 or 5 shall —

- (a) have any letters and figures not less than 4 millimetres in height;
- (b) be affixed in a workman-like manner so that the type or print is clearly legible;
- (c) be placed so that the stamp or label is readily visible on inspection; and
- (d) be affixed in such a manner, so far as is reasonably practicable, as to prevent the stamp or label from being rubbed off, obliterated or detached in the process of handling the furniture.

8. Parts of furniture to be stamped or labelled

Where an article of furniture consists of one or more parts that are ordinarily detachable from one another, a stamp or label shall be affixed to each detachable part of the article, in accordance with these regulations.

9. Permanency of stamp or label

The method of stamping or labelling shall, in any particular case, be the one most fitting to be used to secure permanency, having regard to the composition of the label required to be used and the nature, composition, size, shape or other characteristics of that particular article of furniture.

10. Offences and penalties

- (1) A person shall not —
 - (a) sell any new furniture unless the furniture is stamped in accordance with these regulations, with either the stamp of the maker or the stamp of the importer;
Penalty: \$1 000.
 - (b) falsely stamp any furniture with any stamp purporting to be a stamp of a manufacturer or importer that has been affixed under these regulations or under any law of the

Commonwealth or of any other State or Territory of the Commonwealth;

Penalty: \$1 000.

- (c) remove, erase, deface or otherwise interfere with any stamp on any furniture purporting to be a stamp of a manufacturer or importer that has been affixed under these regulations or under any law of the Commonwealth or of any other State or Territory of the Commonwealth;

Penalty: \$1 000.

- (d) sell any furniture that he knows to be falsely stamped with the stamp of a manufacturer or importer.

Penalty: \$1 000.

- (2) In any proceedings for an offence against subregulation (1)(a), it is a sufficient defence for the defendant to prove that —

- (a) at the time when the offence is alleged to have been committed, the furniture to which the proceedings relate bore the stamp of the maker or the importer which had been stamped on the furniture when the defendant acquired it;

- (b) the stamp appeared to comply with these regulations;

- (c) the stamp had not been altered in any way by the defendant; and

- (d) on demand made by or on behalf of an investigating officer, the defendant gave to the investigating officer all the information in his power with respect to the person from whom he acquired the furniture.

- (3) In subregulation (2)(d), *investigating officer* means an officer authorised by the Commissioner under section 23 of the *Consumer Affairs Act 1971* to carry out investigations and inquiries.

Notes

- ¹ This is a compilation of the *Fair Trading (Furniture — Product Quality Standard) Regulations 1988*. The following table contains information about these regulations and any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Fair Trading (Furniture — Product Quality Standard) Regulations 1988</i>	9 Sep 1988 p. 3522-3	9 Sep 1988
Reprint 1: The <i>Fair Trading (Furniture — Product Quality Standard) Regulations 1988</i> as at 6 Feb 2004		
These regulations expired on 22 Oct 2016 (see s. 3B of the Act and proclamation published in <i>Gazette</i> 21 Oct 2016 p. 4781-2)		

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)
investigating officer	10(3)