



Western Australia

**Fair Trading (Children's Night Clothes —  
Product Information Standard) Regulations  
1988**

Compare between:

[09 Sep 1988, 00-a0-02] and [06 May 2003, 00-b0-05]



Western Australia

FAIR TRADING ACT 1987

## Fair Trading (Children's Night Clothes — Product Information Standard) Regulations 1988

~~Made by His Excellency the Governor in Executive Council.~~

### 1. Citation

These regulations may be cited as the *Fair Trading (Children's Night Clothes — Product Information Standard) Regulations 1988*.

### 2. Interpretation

- (1) In these regulations, unless the contrary intention appears —
- “**AS 1176-1976**” means the Australian Standard Methods of Test for Combustion Characteristics of Textiles approved on behalf of the Council of the Standards Association of Australia on 25 August 1976 and published on 1 January 1977;
  - “**AS 1182-1972**” means the Australian Standard Size Coding Scheme for Infants' and Children's Clothing approved for publication on behalf of the Council of the Standards Association of Australia on 14 July 1972;
  - “**AS 1957-1976 Parts 1 and 2**” means the Australian Standard Specification for Care Labelling for Laundering and Drycleaning, published by the Standards Association of Australia on 1 October 1976, and subsequent amendment published on 1 January 1978;

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“**AS 1249-1983**” means the Australian Standard for Children’s Nightclothes Having Reduced Fire Hazard approved on behalf of the Council of the Standards Association of Australia on 1 February 1983 and published on 2 May 1983;

“**garment**” means clothing of any of the sizes 0 to 14 inclusive as defined by AS 1182-1972 which is used for nightwear and includes pyjamas, over-garments of pyjama style, nightdresses and dressing-gowns, but does not include headwear, footwear or handwear.

- (2) A reference in these regulations to a garment includes, in the case of a garment having more than one piece, a reference to each piece of the garment.

### **3. Product information standard**

The product information standard to be used for garments which are children’s night clothes shall consist of the requirements for the disclosure of information —

- (a) as to the flammability; and
- (b) as to the suitability of particular methods of cleaning,

set out in these regulations.

### **4. Classification of garments**

For the purposes of these regulations garments may be classified as —

Category 1 — garments made from domestic apparel fabrics of the low fire hazard type complying with section 2 of AS 1249-1983;

Category 2 — garments designed to reduce fire hazard complying with section 3 of the AS 1249-1983;

Category 3 — garments not complying with Category 1 or 2 but complying with section 4 of AS 1249-1983.

**5. Minimum surface burning time**

The minimum outside surface burning time prescribed for the purposes of section 59 (4) of the Act with respect to garments of Category 3 is 10 seconds when tested by the method described in AS 1176-1976, Part 3.

**6. Information as to flammability**

Garments classified in accordance with regulation 4 shall be marked in compliance with AS 1249-1983 as follows —

- (a) where the garment comes within Category 1 — with the words “LOW FIRE DANGER”;
- (b) where the garment comes within Category 2 — with the words “STYLED TO REDUCE FIRE DANGER”; and
- (c) where the garment comes within Category 3 — with the words “WARNING HIGH FIRE DANGER KEEP AWAY FROM FIRE” and with the symbol —



**7. Information as to cleaning**

Where the fabric from which a garment is made includes any fabric which has been treated by chemical means to reduce the risk of burning —

- (a) the garment shall be labelled with cleaning instructions which will ensure the preservation of the chemical treatment applied to a garment of that kind; and
- (b) the cleaning instructions shall be set out in accordance with AS 1957-1976 Parts 1 and 2.

**8. Method of marking**

The letters and symbol that are required to be marked on a garment under regulation 6 shall appear on, and be applied to, the garment in accordance with section 5 and Table 5.1 of AS 1249-1983.

**9. Prohibition on supplying garments**

- (1) A person shall not, in trade or commerce, supply any garment unless the garment is marked or labelled in conformity with these regulations.

Penalty: \$1 000.

- (2) In proceedings for an offence under subregulation (1), it shall be a defence for the defendant to prove that he had a belief based on reasonable grounds that the garment in relation to which the offence is alleged to have been committed was marked or labelled in conformity with these regulations or, as the case may be, was not required to be marked or labelled under these regulations.

**10. Evidentiary matters**

In any proceedings under these regulations —

- (a) a writing purporting to set out or describe an Australian Standard shall, in the absence of proof to the contrary, be admitted in evidence as evidence that the Australian Standard purported to be so set out or described is an Australian Standard for the time being in force;
- (b) the production of a document purporting to be a copy of an instrument or writing applied, adopted or incorporated in these regulations that bears a certificate signed by the Minister to the effect that the document is a true copy of the instrument or writing shall, in the absence of proof to the contrary, be admitted in evidence as evidence of the application, adoption or incorporation of that instrument or writing in these regulations.

### **Notes**

- <sup>1.</sup> This is a compilation of the *Fair Trading (Children's Night Clothes — Product Information Standard) Regulations 1988* and includes the amendments referred to in the following Table.

#### **Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Fair Trading (Children's Night Clothes — Product Information Standard) Regulations 1988</i>	9 Sep 1988 p. 3519-20	9 Sep 1988
<a href="#"><u>These regulations were repealed by the <i>Fair Trading (Product Safety Standard) Amendment Regulations 2003 r. 5</i> as at 6 May 2003 (see <i>Gazette 6 May 2003 p. 1560</i>)</u></a>		