



Western Australia

Health Act 1911

Health (Cloth Materials) Regulations 1985

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Health (Cloth Materials) Regulations 1985

Contents

1.	Citation	1
2.	Application	1
3.	Interpretation	1
4.	Worn clothing to be cleaned	3
5.	Notice or label to the effect that clothing is “used”	3
6.	Precautions against infections	4
7.	Used furnishings to be cleaned	4
8.	Used filling material to be cleansed	5
9.	Trading in rags	5
10.	Directions by local authority	6
11.	Cleansed materials to be kept separate	6
12.	Prohibition in relation to refuse sites, etc.	6
13.	Health surveyor may act	6
14.	Offences and penalties	7

Notes

Compilation table	8
Provisions that have not come into operation	8

Defined terms

Health (Cloth Materials) Regulations 1985

1. Citation

These regulations may be cited as the *Health (Cloth Materials) Regulations 1985*¹.

2. Application

These regulations shall have effect in every district in the State.

3. Interpretation

In these regulations, unless the contrary intention appears —
approved process of cleansing and disinfection means —

- (a) in relation to clothing, dress, wearing apparel, garments, cloth covering for a person, costumes, rags, filling material, curtains and similar material — thorough washing in hot water with soap or a suitable detergent or a process of dry cleaning;
- (b) in relation to carpets and other soft floor coverings — either shampooing using soap or a suitable detergent or a process of dry cleaning;
- (c) in relation to shoes, boots and other footwear — rendered visibly clean and sprayed or wiped with a solution that is both disinfectant and deodorant;
- (d) in relation to headcoverings, hats and headgear — rendered visibly clean and disinfected by a method

approved in writing by the Executive Director, Public Health;

- (e) in relation to bedding, mattresses, pillows, upholstery, cushions and similar articles — thorough cleaning of the casing with hot water and soap or a suitable detergent, or a process of drycleaning;
- (f) in relation to wigs — thorough immersion and washing in a shampoo solution, then immediate drying;

filling material means flock, wadding, kapok, rags, hair, cotton linters, fibre, down feathers, sponge rubber, polyurethane foam, polystyrene, polyester fibres or other material used or likely to be used for the filling of mattresses, pillows, bedding, upholstery, cushions or substances used in packaging material or the manufacture of underfelt;

headgear means headgear that is of rigid construction;

premises means premises from which worn clothing is hired or sold to the public and includes the premises on which auctions, bazaars, fetes and opportunity shops are held it also includes the premises of charitable institutions (when appropriate), but does not include premises from which the private sale by a person or his legal representative of items of clothing, that he or members of his family have worn for their private use, takes place;

rag merchant means a person who for the purposes of trade buys and sells rags, worn clothing, textile fabrics and similar materials and includes a cloth trader;

secondhand dealer means a person who deals in or carries on the business of dealing in or buying, hiring, selling (on commission or otherwise) or exchanging any used bedding, upholstery, carpets, curtains, soft floor coverings, cushions and similar articles;

worn clothing means any clothing, dress, wearing apparel, wig, costume, cloth covering for a person, garment, head covering, headgear, hat, shoes, boots and other footwear, that is sold, hired or offered for sale or hire which has previously been worn or used but does not include any new, unused, cleansed or

disinfected clothing that a purchaser or hirer has worn for a brief period to ensure correct fit.

4. Worn clothing to be cleaned

A person shall not, for the purpose of trade, sell or hire out or offer for sale or hire, or alter, remake or repair any worn clothing unless that clothing has been treated by an approved process of cleansing and disinfection since it was last used or worn and is visibly clean.

5. Notice or label to the effect that clothing is “used”

- (1) A person who sells, hires or offers for sale or hire worn clothing shall ensure that —
 - (a) a notice in accordance with subregulation (2) is placed in any premises used in connection with such sale or hire, in a position readily sighted by any person entering the premises and in close proximity to the worn clothing; or
 - (b) every article of worn clothing has attached to it a label on which there is in writing —
 - (i) a statement that the article of clothing has been treated by an approved process of cleansing and disinfection;
 - (ii) the name and address of the person or firm who or which treated the article; and
 - (iii) the date on which the treatment was carried out.
- (2) The notice referred to in subregulation (1)(a) —
 - (a) shall contain the following words —

“ Worn (insert “clothes are” or name the type of worn clothing) (insert “sold” or “hired” or “sold and hired”) from these premises. ”;
 - (b) shall contain lettering —

- (i) in such colours as to afford a distinct colour contrast to the notice background;
- (ii) with a minimum of 50 millimetres face depth measurement and a minimum of 25 millimetres face width measurement;
- (iii) which is legible,

and the notice may state the method of cleansing and disinfection used on the worn clothing after each use and the person or company who or which cleansed or disinfected the worn clothing.

- (3) A person who attaches or permits to be attached to an article of clothing that has been used or previously worn, a label referred to in subregulation (1)(b), that is false in any material particular commits an offence against these regulations.

[Regulation 5 amended in Gazette 14 Oct 1988 p. 4161-2.]

6. Precautions against infections

- (1) A person shall not try on for size or correctness of fit or hire for temporary or occasional use any new or worn clothing, headgear or footwear, if that person is not clean or is suffering from a contagious skin disease or any communicable disease.
- (2) A person shall not try on for size or correctness of fit or hire for temporary or occasional use any new or worn clothing or footwear unless that person is wearing clean undergarments or socks as the case may require.

7. Used furnishings to be cleaned

- (1) Used bedding, upholstery, carpets, curtains, soft floor coverings, cushions and similar articles shall not be sold or hired out for the purpose of trade by a secondhand dealer if they have previously been used for any purpose until they have been treated by an approved process of cleansing and disinfection and are not in a verminous condition.

- (2) This regulation does not apply to the private sale or hire by any person or his legal representative (not being a secondhand dealer) —
- (a) of any used bedding, upholstery, carpets, curtains, soft floor coverings, cushions and similar articles that have been used by the vendor or members of his family in his own home, apartment or building;
 - (b) of any used bedding, upholstery, carpets, curtains, soft floor coverings, cushions and similar articles in conjunction with and in the one transaction with the sale or hire of a house, apartment or building in which such articles have been fitted, installed or used;
 - (c) of any used car, boat, aircraft, truck or caravan.

8. Used filling material to be cleansed

A person shall not use in making, remaking, repairing, refilling or renovating of mattresses, pillows, bedding, filling and packaging material, underfelt or upholstery, any filling material that has previously been used, unless that filling material has been treated by an approved process of cleansing and disinfection since it was last used and is visibly clean.

9. Trading in rags

- (1) Every rag merchant shall cause all rags, worn clothing, textile fabrics, used bedding and other materials of similar description, acquired in the course of his trade to be stored in such a manner and in such a situation as to prevent them from becoming a nuisance, injurious to health or a harbourage for vermin.
- (2) A rag merchant shall cause all rags, worn clothing, textile fabrics, used bedding and other materials of similar description, acquired in the course of his trade, to be immediately cleansed or disinfected and rendered visibly clean, if they had not been so treated immediately before he acquired them, but this regulation does not apply in the case of materials which are to be sold or hired to another rag merchant.

- (3) A rag merchant shall cause the building in which he works —
- (a) and all equipment associated with transport, storage, handling and processing to be kept clean at all times;
 - (b) to be effectively enclosed against contamination from outside sources such as dust and dirt; and
 - (c) to be effectively ventilated to render harmless as far as practicable all gases, fumes, dust and other impurities.

10. Directions by local authority

The appropriate local authority may direct a rag merchant to dispose of discarded, soiled, contaminated or unusable materials or articles, filling material, headgear or footwear obtained from any refuse, and a rag merchant so directed shall comply with the request of the local authority.

11. Cleansed materials to be kept separate

A person shall ensure that all materials cleansed or disinfected in accordance with these regulations are kept separate from all other rags, worn clothing, textile fabrics, used bedding and other materials of similar description so as not to be contaminated, while being transported, stored or processed.

[Regulation 11 amended in Gazette 14 Oct 1988 p. 4162.]

12. Prohibition in relation to refuse sites, etc.

A person shall not collect, store, deliver, receive or offer for sale or hire any new or worn clothing, rags, textile fabrics, used bedding, upholstery, carpets, curtains, soft floor coverings, cushions and similar articles, filling material, headgear or footwear obtained from any refuse, refuse site, refuse receptacle, or any vehicle used for the collection of refuse.

13. Health surveyor may act

A health surveyor may order any item of worn clothing, rags, textile fabrics, used bedding, upholstery, carpets, curtains, soft

floor coverings, cushions or similar articles, filling material, headgear or footwear that is offered or displayed for sale or hire and which is in his opinion dirty or contaminated —

- (a) to be cleansed or disinfected; or
- (b) to be seized for destruction.

14. Offences and penalties

- (1) A person who contravenes a provision of the regulations specified in the Table to this subregulation commits an offence.

Table

Regulations 4, 5(1), 6, 7(1), 8, 9, 10, 11 and 12.

- (2) A person who commits an offence under subregulation (1) or under regulation 5(3) is liable to —
 - (a) a penalty which is not more than \$1 000 and not less than —
 - (i) in the case of a first offence, \$100;
 - (ii) in the case of a second offence, \$200; and
 - (iii) in the case of a third or subsequent offence, \$500;
 - and
 - (b) if that offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.

[Regulation 14 inserted in Gazette 14 Oct 1988 p. 4162.]

- [15. Omitted under the Reprints Act 1984 s. 7(4)(f).]*

Notes

- ¹ This is a compilation of the *Health (Cloth Materials) Regulations 1985* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Health (Cloth Materials) Regulations 1985</i>	15 Mar 1985 p. 954-6	15 Mar 1985
<i>Health (Offences and Penalties) Amendment Regulations 1988 Pt. 9</i>	14 Oct 1988 p. 4160-3	14 Oct 1988
Reprint of the <i>Health (Cloth Materials) Regulations 1985</i> as at 25 Jan 2002 (includes amendments listed above)		

- ^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Health Regulations Amendment (Public Health) Regulations 2016 Pt. 11</i> ²	10 Jan 2017 p. 237-308	24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165)

- ² On the date as at which this compilation was prepared, the *Health Regulations Amendment (Public Health) Regulations 2016 Pt. 11* had not come into operation. It reads as follows:

Part 11 — *Health (Cloth Materials) Regulations 1985* amended

39. Regulations amended

This Part amends the *Health (Cloth Materials) Regulations 1985*.

40. Regulation 3 amended

In regulation 3 in the definition of *approved process of cleansing and disinfection* paragraph (d) delete “Executive Director, Public Health;” and insert:

Chief Health Officer;

41. Regulation 13 amended

In regulation 13 delete “A health surveyor” and insert:

An authorised officer

Note: The heading to amended regulation 13 is to read:
Authorised officer may act

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)
approved process of cleansing and disinfection.....	3
filling material	3
headgear	3
premises	3
rag merchant	3
secondhand dealer.....	3
worn clothing	3