

Western Australia

**Fair Trading (Product Information Standard)
Regulations 2005**

As at 13 Mar 2007

Version 00-c0-03

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Fair Trading (Product Information Standard) Regulations 2005

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Western Australia

Fair Trading Act 1987

Fair Trading (Product Information Standard) Regulations 2005

Part 1 — Preliminary

1. Citation

These regulations are the *Fair Trading (Product Information Standard) Regulations 2005*.

2. Repeal of *Fair Trading (Product Information Standard) Regulations 2003*

The *Fair Trading (Product Information Standard) Regulations 2003* are repealed.

Part 2 — Fibre content labelling of textile products

3. Definitions

In this Part —

“**AS/NZS 2392**” means the Australian/New Zealand Standard AS/NZS 2392:1999 entitled “Textiles — Labelling of clothing, household textiles and furnishings” published jointly by Standards Australia and the Standards Council of New Zealand on 5 July 1999;

“**AS/NZS 2622**” means the Australian/New Zealand Standard AS/NZS 2622:1996 entitled “Textile products — Fibre content labelling” published jointly by Standards Australia and the Standards Council of New Zealand on 5 September 1996;

“**textile product**” has the meaning given to that term in AS/NZS 2622 clause 5.3.

4. Product information standards for fibre content labelling of textile products

- (1) AS/NZS 2622 is prescribed for the purposes of section 59 of the Act as a product information standard to be used for textile products.
- (2) AS/NZS 2392 is prescribed for the purposes of section 59 of the Act as a product information standard to be used for products made from one or more textile products, in relation to the positioning of labels containing information about fibre content.

Part 3 — Care labelling of certain goods

5. Definitions

In this Part —

“**AS/NZS 1957**” means the Australian/New Zealand Standard AS/NZS 1957:1998 entitled “Textiles — Care labelling” published jointly by Standards Australia and the Standards Council of New Zealand on 5 January 1998;

“**clothing and textile products**” means clothing, household textiles, apparel, furnishings, upholstered furniture, bedding, mattresses, bed bases, piece goods and yarns made from textiles, plastics, plastic coated fabrics, suede, skins, hides, grain leathers and furs but does not include —

- (a) second hand goods;
- (b) unsupported coats (including overcoats, jackets and the like) of PVC film, handkerchiefs, braces, garter suspenders, arm bands, belts and headwear;
- (c) footwear other than hosiery;
- (d) textile materials used in the manufacture of footwear;
- (e) floor cloths, dish cloths, dusters, cleaning cloths and pressing cloths;
- (f) ornaments, artificial flowers, sewing and embroidery threads, and all other small items of haberdashery used in the making of clothing and textile products where instructions are not needed to ensure that the clothing or textile product is not damaged during cleaning and maintenance;
- (g) oil baize, window blinds, shade blinds, sun blinds, awnings, floor coverings, light fittings, lampshades, tapestries, wall hangings, ornaments, handicraft items, draught excluders, non-upholstered furniture, cushions and cushion covers manufactured from remnants and labelled by the manufacturer with the

following disclaimer “cushion cover manufactured from remnant/s, care treatment unknown”;

- (h) jute products;
- (i) goods intended for medical or surgical use including bandages, dressings, sanitary pads or materials forming part of manufactured medical or surgical goods;
- (j) beach or garden umbrella coverings; or
- (k) cords, twines, lashings, garden hose, toys, umbrellas and parasols, shoelaces, woven labels, flex coverings, goods manufactured for sporting purposes (including sporting gloves but excluding all other apparel), articles intended for one use only, mops, basket hangers, shoe holders, remnants, industrial gloves, polypropylene webbing furniture, bags and cases (including handbags, purses, wallets, travel bags, school bags, sports bags, briefcases and wash bags).

6. Product information standard for care labelling of clothing and textile products

AS/NZS 1957, as varied by regulation 7, is prescribed for the purposes of section 59 of the Act as a product information standard to be used for clothing and textile products.

7. Variation of AS/NZS 1957

For the purposes of this Part AS/NZS 1957 is varied as follows:

- (a) by deleting clauses 1.1, 1.2, 1.3 and 1.4;
- (b) by deleting clause 2.1.3 and inserting the following clause instead —

“

2.1.3 Care instructions for articles unable to be washed or dry cleaned

Where an article is unable to be washed or dry cleaned, the permanent label shall include appropriate instructions in words —

- (a) which warn that the article is unable to be washed or dry cleaned; and
- (b) which adequately describe the care treatment.

”;

- (c) by deleting clause 2.2(b);
- (d) by deleting clause 2.2(c) and inserting the following paragraph instead —

“

- (c) The wording of the label shall be in English and be clearly legible.

”;

- (e) by deleting Note 1 to clause 2.2;
- (f) in Note 5 to clause 2.2 by inserting the following words after “and therefore a different care label should be attached to that component.” —

“

This includes individual pieces of household textile products sold as sets, e.g. napkin and tablecloth sets.

”;

- (g) after clause 2.3 by inserting the following clauses —

“

2.4 Words with similar meaning may be used

Where in this standard there is a requirement for care instructions from categories in Table 1, 2 or 3 to be provided on or with articles, words that have a similar meaning to the care instructions listed in Table 1, 2 or 3 may be used.

2.5 Care instructions in form other than permanent label

Made up goods of a kind specified below are exempt from the requirement that a permanent label shall be attached to the goods. However where a permanent label is not provided for such goods, care instructions shall be provided on a removable ticket or label attached to the goods, on a pamphlet accompanying the goods or as printed instructions on the wrapper or other matter in which the goods are packaged.

Made up goods for which care instructions may be provided in a form other than by a permanent label:

Adult's, children's and infant's wear: Collars, neckwear, bow ties, gloves, mittens, hosiery, incontinence garments, reversible garments, fur garments, bibs, washable nappies, squares of flannelette, terry towelling or muslin, baby pilchers.

Drapery: Face washers, serviettes, doilies, table cloths, tray cloths, centres, runners, duchess sets, mosquito netting and covers made therefrom, butter muslin and gauze, tea towels, place mats, pot holders, finger tips, appliance covers for teapots, toasters or the like, hot water bottle covers.

Haberdashery: Elastic, elastic threads, ribbons, zips, iron-on binding patches or trim, velcro type fasteners, curtain making kits and all other small items of haberdashery used in the making of clothing and textile products where instructions are needed to ensure that the clothing or textile product is not damaged during cleaning and maintenance.

Furnishings: Shower curtains, cushions that are an integral part of a furniture suite.

Miscellaneous: Gardening gloves.

”;

- (h) in clause 3.4 by deleting “each of” from its first sentence;

- (i) in clause 3.5 by deleting “each of” from its first sentence;
- (j) in clause 3.6 by deleting “each category” from its second sentence and inserting instead —
“ the categories ”;
- (k) in clause 3.6 by deleting its third sentence.

Part 4 — Builders plates for recreational vessels

[Heading inserted in Gazette 1 Sep 2006 p. 3591.]

8. Definitions

(1) In this Part —

“**ABP standard**” means the “National Standard for the Australian Builders Plate for Recreational Boats”, published by The National Marine Safety Committee, as it applied on 21 November 2005, as varied by subregulation (2);

“**certificate of survey**” means a certificate issued under the *W.A. Marine (Surveys and Certificates of Survey) Regulations 1983*;

“**classification society**” means the following bodies for the survey of shipping —

- (a) the American Bureau of Shipping;
- (b) the Bureau Veritas;
- (c) the Det Norske Veritas;
- (d) the Germanischer Lloyd;
- (e) the Lloyds Register of Shipping;
- (f) the Nippon Kaiji Kyokai;

“**owner builder**”, of a vessel, means an individual who builds the vessel for his or her own use;

“**personal watercraft**” has the meaning given in the *Navigable Waters Regulations* regulation 46;

“**second hand vessel**” means a vessel that has been used otherwise than as follows —

- (a) in the course of being built or tested;
- (b) by the builder;
- (c) for the purpose of transporting it for the purpose of sale;

- (d) for the purposes of demonstrating it to a purchaser;
- (e) by the owner builder;

“The National Marine Safety Committee” means The National Marine Safety Committee incorporated under the New South Wales *Associations Incorporation Act 1984*;

“vessel” has the meaning given to that term in the *Western Australian Marine Act 1982* section 3(1).

- (2) For the purposes of the definition of “ABP standard”, the standard referred to in the definition is varied as follows —
 - (a) a requirement to the effect that information on a builders plate for a vessel must include the name of the builder of the vessel is to be read as a requirement that the information must include the name of the person who approved the information, and the capacity in which the person approved the information; and
 - (b) by deleting clauses 3.1 and 3.2.

[Regulation 8 inserted in Gazette 1 Sep 2006 p. 3591-2; amended in Gazette 13 Mar 2007 p. 926.]

8A. Prescribed body

For the purposes of section 59(3)(a)(ii) of the Act, The National Marine Safety Committee is prescribed.

[Regulation 8A inserted in Gazette 13 Mar 2007 p. 926.]

9. Product information standard for builders plates for certain vessels

- (1) The ABP standard is prescribed for the purposes of section 59 of the Act as a product information standard for vessels to which this regulation applies.
- (2) This regulation applies to all vessels other than the following vessels —

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- (a) a vessel for which a certificate of survey has been issued or which is to be, or has been, submitted for survey for the purposes of obtaining a certificate of survey;
- (b) a vessel for which a permit under the *Western Australian Marine Act 1982* section 26(2) has been issued;
- (c) a second hand vessel;
- (d) a vessel that was built for export from Australia;
- (e) a vessel that was imported into Australia from New Zealand;
- (f) a vessel that was built exclusively for racing in organised events;
- (g) an amphibious vehicle;
- (h) a canoe, kayak or surf ski or similar vessel designed to be powered by paddle;
- (i) a pedal powered boat;
- (j) a personal watercraft that is designed to carry no more than 2 persons;
- (k) a personal watercraft that is designed to carry 3 or more persons if it complies with subregulation (4);
- (l) a rowing shell used for racing or training for racing;
- (m) a sailboard or sail kite or other similar vessel;
- (n) a surf row boat;
- (o) a hydrofoil or hovercraft;
- (p) a sailing vessel, being a vessel that has sail as the primary means of propulsion, with or without an auxiliary means of mechanical propulsion;
- (q) a submersible;
- (r) an aquatic toy, being an object designed primarily for play in or on water, for example —
 - (i) an object designed solely to be towed behind a recreational vessel; or

- (ii) an inflatable boat to which ISO 6185 *Inflatable boats* (as in force on the day on which this Part came into operation) does not apply;
 - (s) an inflatable boat —
 - (i) to which ISO 6185 *Inflatable boats* (as in force on the day on which this Part came into operation) applies; and
 - (ii) which complies with subregulation (5);
 - (t) a vessel that was partly constructed (as described in subregulation (6)) before this Part came into operation.
- (3) The chief executive officer (as defined in the *Western Australian Marine Act 1982* section 3(1)) may, on application, exempt a particular vessel from the application of this regulation if satisfied that —
- (a) the vessel complies with some other appropriate safety standard and, in the circumstances of the case, it would be unreasonable for this regulation to apply to the vessel; or
 - (b) the vessel is of a type for which appropriate safety standards do not exist and for which other safety standards cannot reasonably be adapted and, in the circumstances of the case, it would be unreasonable for this regulation to apply to the vessel; or
 - (c) the vessel is of a type that closely resembles a vessel of a type that is not covered by this regulation because of subregulation (2) and, in the circumstances of the case, it would be unreasonable for this regulation to apply to the vessel; or
 - (d) the vessel is to be used for only a short period of time, its use is unlikely to endanger the lives of its occupants or occupants of other vessels and, in the circumstances of the case, it would be unreasonable for this regulation to apply to the vessel.

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- (4) For the purposes of subregulation (2)(k), a personal watercraft complies with this subregulation if the following information is written on or attached to the craft in a clearly visible place —
- (a) the total weight of persons and equipment that the vessel may carry (expressed in kilograms), as recommended by the builder of the craft; and
 - (b) the maximum number of persons the craft may carry, as recommended by the builder of the craft.
- (5) For the purposes of subregulation (2)(s)(ii), an inflatable boat complies with this subregulation if the boat has a plate attached to it in accordance with —
- (a) European Directive 94/25/EC — Recreational Craft Directive (as in force on the day on which this Part came into operation) that certifies that the boat complies with the requirements of that Directive; or
 - (b) the requirements of US National Marine Manufacturers Association set out in the NMMA Certification Handbook (as in force on the day on which this Part came into operation) that certifies that the boat complies with the requirements of that Handbook.
- (6) For the purposes of subregulation (2)(t), a vessel is partly constructed if it has reached which ever of the following stages of construction is relevant, or the earlier if both are relevant —
- (a) the keel has been laid;
 - (b) the vessel is identifiable as a vessel of a particular type and a part of the vessel has been fabricated and assembled that has a mass of at least one percent of the mass of all structural material of the proposed completed vessel.

[Regulation 9 inserted in Gazette 1 Sep 2006 p. 3592-5.]

Notes

- ¹ This is a compilation of the *Fair Trading (Product Information Standard) Regulations 2005* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Fair Trading (Product Information Standard) Regulations 2005</i>	29 Jun 2005 p. 2971-81	29 Jun 2005
<i>Fair Trading (Product Information Standard) Amendment Regulations 2006</i>	1 Sep 2006 p. 3591-5	2 Sep 2006 (see r. 2)
<i>Fair Trading (Product Information Standard) Amendment Regulations 2007</i>	13 Mar 2007 p. 926	13 Mar 2007