

CLOTHES AND FABRICS (LABELLING).

No. 106 of 1973.

AN ACT relating to the labelling of clothing, textiles and other fabric and for incidental and other purposes.

[Assented to 4th January, 1973.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Clothes and Fabrics (Labelling) Act, 1973.* Short title.

2. This Act shall come into operation on a day to be fixed by proclamation. Commence-
ment.

Interpreta-
tion.

3. (1) In this Act, unless the contrary intention appears—

“Australian Standard” means a Standard issued by the Standards Association of Australia;

“inspector” means an inspector appointed or deemed to have been appointed under the Factories and Shops Act, 1963, and includes the Chief Inspector of Factories;

“scheduled article” means an article of clothing or a textile or other fabric for the time being included in the Schedule to this Act;

“sell” includes offer to sell, expose for sale or deliver on sale, or expose or have in possession for any purpose of advertisement or trade and its derivatives and correlatives have a corresponding meaning;

“the appointed day” in relation to a scheduled article means the day, for the time being, fixed by proclamation under subsection (2) of this section as the appointed day in respect of that scheduled article.

(2) The Governor may, from time to time, by proclamation fix a day, which shall not be earlier than six months after the day on which the article was scheduled, to be the appointed day in relation to any scheduled article and may by subsequent proclamation amend or revoke any such proclamation.

Scheduled
articles.

4. (1) Regulations made under this Act may provide that any article of clothing, textile or other fabric that is a scheduled article to which this Act applies shall be marked or labelled—

(a) according to its flammability or for other safety or protective purposes;

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- (b) according to the suitability of particular methods of washing, cleaning, ironing or otherwise caring for it; and
- (c) in the case of articles of clothing, according to its size.

(2) Regulations made under this Act may—

- (a) make different provision in relation to different classes of scheduled articles;
- (b) provide for and prescribe the manner and form in which any scheduled article shall be marked or labelled under this Act;
- (c) provide for and prescribe the information that shall be included in any mark or on any label under this Act;
- (d) adopt either wholly or in part and either specifically or by reference any Australian Standard or any of the standard rules, codes or specifications of the body known as the Standards Association of Australia;
- (e) apply, adopt or incorporate with or without modification matter contained in an instrument or writing as in force or existing at the time when the regulations are made; and
- (f) provide for and prescribe penalties not exceeding in any case two hundred dollars for a breach of any provision of the regulations.

(3) Where an Australian Standard is wholly or in part relevant to the objects of this Act in relation to a scheduled article, any regulations made under this Act with respect to that article shall include such part of that Standard as is so relevant but may make further provision in respect to those matters.

Prohibition
on selling
certain
articles.

5. (1) On and after the appointed day, a person shall not sell any scheduled article in relation to which that appointed day has been fixed unless that scheduled article is marked or labelled in conformity with the regulations.

Penalty: Five hundred dollars.

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

Powers of
inspectors.

6. (1) Any inspector may—

- (a) with such assistants as he considers necessary, enter any premises or place where any scheduled article is manufactured or sold or may enter any premises or place where he has reason to believe any of such things are done;
- (b) inspect any completed scheduled article or any related document setting out the fibre content and or flammable properties of such scheduled article in such premises or place related to the manufacture or selling of such scheduled article;
- (c) require any person in charge or apparently in charge whom he finds in or about such premises or place to answer any question in relation to any scheduled article he finds therein; and
- (d) subject to subsection (3) of this section, seize and detain any scheduled article which he has reasonable cause to believe may afford evidence of the commission of an offence against or a contravention of this Act.

(2) In the exercise and performance of the powers and functions vested in him by this Act an inspector may use the services of an interpreter and for the purposes of this Act any question or request put or made on behalf of the inspector by that interpreter shall be deemed to have been put or made by the inspector and the answer thereto shall for those purposes be deemed to have been made to the inspector.

(3) Any scheduled article seized and detained pursuant to paragraph (d) of subsection (1) of this section shall, if proceedings for an offence against this Act in relation to which they were so seized and detained have not been commenced within one month after they were so seized, be returned to the premises or place from which they were so seized, otherwise that scheduled article shall be disposed of in the manner ordered by the court before which those proceedings were commenced.

7. (1) A person shall not—

Offences in
relation to
inspectors.

- (a) hinder or disturb an inspector, any person assisting an inspector or an interpreter in the exercise or performance of his powers and functions under this Act; or
- (b) subject to subsection (2) of this section refuse or fail to answer truthfully any question which may be asked of him under this Act.

Penalty: Two hundred dollars.

(2) A person shall not be obliged to answer any question that may be asked of him under this Act, if the answer to that question may tend to incriminate him.

Protection
of
inspectors,
etc.

8. Any inspector or other person shall not be liable for any act done in good faith in the execution or intended execution of the powers and functions conferred on him by or under this Act.

Secrecy.

9. A person who discloses or makes use of any information that has been furnished to him or obtained by him under this Act, or in connection with the execution of this Act, commits an offence unless that information is disclosed or used—

- (a) with the consent of the person carrying on or operating any business to which that information relates; or
- (b) for the purpose of giving effect to the objects of this Act and in the performance of a duty under this Act.

Penalty: Two thousand dollars, or imprisonment for twelve months, or both such fine and imprisonment.

Summary
proceedings.

10. Proceedings in respect of offences against this Act shall be disposed of summarily.

Evidentiary.

11. In any proceedings under this Act,—

- (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 regulations made under this Act that bears a

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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 the regulations.

12. (1) The Governor may make such regulations as are necessary or expedient for the purposes of giving effect to the provisions and objects of this Act. Regulations.

(2) Regulations may be made pursuant to this section—

- (a) so as to require a matter or thing affected by the regulations to be in accordance with a specified requirement or as approved by, or to the satisfaction of, the Chief Inspector of Factories and so as to confer upon the Chief Inspector of Factories a discretionary authority; and
- (b) so as to provide that persons or things may, whether on specified conditions or unconditionally, be exempted either wholly or to such extent as is specified.

SCHEDULE.

Children's night clothes for children 12 months to 14 years covered by body sizes 0-14 of Australian Standard 1182-1972.
