

1990 - No. 201

FAIR TRADING ACT 1987 - REGULATION

NEW SOUTH WALES



[Published in Gazette No. 46 of 6 April 1990]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Fair Trading Act 1987, has been pleased to make the Regulation set forth hereunder.

G. B. PEACOCKE

Minister for Business and Consumer Affairs.

Citation

1. This Regulation may be cited as the Fair Trading (Product Information Standard - Care Labelling) Regulation 1990.

Commencement

2. This Regulation takes effect on 6 April 1990.

Definition

3. In this Regulation:

"AS 1957-1987" means the Australian Standard:

- (a) published by the Standards Association of Australia; and
- (b) numbered AS 1957-1987; and
- (c) entitled "Care Labelling of Clothing, Household Textiles, Furnishings, Upholstered Furniture, Bedding, Piece Goods and Yarns",

as in force on 2 November 1987, but amended by inserting in clause 1 after the word "bedding," the words "mattresses, bed bases,".

Repeal

4. The Consumer Protection (Instructions for Care of Goods) Regulation 1979 is repealed.

Exceptions

5. This Regulation does not apply to goods of a kind described in Schedule 1 or to goods:

- (a) that are supplied by a person who, at the time of supply, reasonably believes that the goods will not be used in New South Wales; or
- (b) that are supplied under a credit-sale agreement (within the meaning of the Credit Act 1984) or under a hire-purchase agreement, if the supplier did not have possession of the goods before they were supplied and did not become owner of the goods before the agreement took effect; or
- (c) that are supplied as what is commonly known as scrap, that is, for the value of the materials of which they are composed and not for use as finished goods; or
- (d) that have been damaged and are supplied to a person who carries on a business of buying damaged goods or to a person by whom the goods were insured against damage; or
- (e) that are supplied in connection with the sale or lease of premises; or
- (f) that are supplied under a lease, hiring arrangement or hire-purchase agreement and in respect of which any law relating to instructions for their care is complied with at the time the lease or agreement takes effect.

Applications of Regulation

6. Except as provided by clause 5, this Regulation applies to goods comprising:

- (a) clothing; or
- (b) household textiles; or
- (c) furnishings or upholstered furniture; or
- (d) bedding, mattresses or bed bases; or
- (e) piece goods or yarns,

made from textiles, plastics, plastic coated fabrics, suede, skins, hides, grain leathers and furs.

Product information standard

7. (1) The product information standard for goods specified in clause 6 is that the goods must, to the extent provided by this Regulation, comply with AS 1957-1987.

(2) Despite clause 5.2.3 of AS 1957-1987, the care instructions for goods specified in Schedule 2 may be given:

- (a) on a removable ticket or label attached to the goods; or
- (b) on a pamphlet accompanying the goods; or
- (c) as printed instructions on the wrapper or other matter in which the goods are packaged.

(3) For the purposes of this Regulation, compliance with a provision of AS 1957-1987 is optional, not mandatory, if it is a provision:

- (a) that is expressed as a recommendation; or
- (b) in relation to which the word "should" or "preferably" is used to indicate that the provision is of an advisory nature only.

SCHEDULE 1 - EXEMPT GOODS

Men's, Women's, Children's and Infants' Wear: Handkerchiefs, braces, garter suspenders, arm bands, belts, headwear, unsupported coats (including overcoats, jackets and the like) of PVC film.

Footwear: All footwear other than all types of hosiery, textile materials used in the manufacture of footwear.

Drapery: Floor cloths, dish cloths, dusters, cleaning cloths, pressing cloths.

Haberdashery: Ornaments, artificial flowers, sewing and embroidery threads, maternity inset panels, bust improvers and bra pads, replacement bra parts, replacement pockets.

Furnishings: 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, cushion and cushion covers manufactured from remnants and labelled by the manufacturer with the following disclaimer "cushion cover manufactured from remnant/s, care treatment unknown".

Jute Products: All Jute products.

Medical and Surgical Goods: All goods intended for medical or surgical use such as bandages, dressings, sanitary pads or materials forming part of manufactured medical and surgical goods.

Canvas goods: Beach and garden umbrella coverings.

Miscellaneous goods: Cords, twines, lashings, garden hose, toys, umbrellas and parasols, shoe laces, woven labels, flex coverings, sporting goods (other than apparel) used only for the purposes of sport, articles intended for one-time use only, mops, basket hangers, shoe holders, remnants, industrial gloves, regalia, polypropylene webbing for furniture, all bags and cases (including handbags, purses, wallets, travelbags, school bags, sports bags, briefcases and wash bags).

**SCHEDULE 2 - MADE UP GOODS FOR WHICH CARE
INSTRUCTIONS MAY BE PROVIDED IN A FORM
OTHER THAN A PERMANENT LABEL**

Men's and Boys' Wear: Collars, gloves, mittens, all types of hosiery, incontinence garments, reversible jackets, fur garments.

Women's and Children's Wear: Collars, neckwear, gloves, mittens, all types of hosiery, incontinence garments, reversible jackets, fur garments, shawls.

Baby Wear: Gloves, mittens, bibs, washable nappies, squares of flannelette, terry towelling or muslin, baby pilchers, fur garments.

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

1990 - No. 201

Haberdashery: Elastic and elastic threads, ribbons, zips, iron-on binding patches or trim, velcro type fasteners, curtain making kits.

Furnishings: Shower curtains.

Miscellaneous Goods: Gardening gloves.

Piece Goods: Trim.
