

TEXTILE PRODUCTS LABELLING ACT.

Act No. 26, 1954.

Elizabeth II, No. 26, 1954. An Act to make provisions relating to the application of trade descriptions to textile products; to repeal the Textile Products Labelling Act, 1945; and for purposes connected therewith. [Assented to, 29th April, 1954.]

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

Short title
and
commence-
ment.

1. (1) This Act may be cited as the "Textile Products Labelling Act, 1954."

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Repeal of
Act No. 13,
1945.

2. The Textile Products Labelling Act, 1945, is hereby repealed.

Interpre-
tation.

3. In this Act, unless the context or subject matter otherwise indicates or requires,—

"Fibre" means wool, hair, silk, cotton, linen and any other fibrous material, whether natural or artificial.

"Inspector" means inspector within the meaning of the Factories and Shops Act, 1912, as amended by subsequent Acts.

"Prescribed" means prescribed by regulations made under this Act.

"Sell" includes exhibit, expose or have in possession for sale, or for any purpose of advertisement or trade, and "sold" has a corresponding meaning.

"Textile products" means—

(a) woven, knitted or felted materials manufactured from fibre;

(b)

(b) tops, yarns, threads and lace;

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(c) articles of wearing apparel manufactured in whole or in part of any materials referred to in paragraph (a) or paragraph (b) of this definition, but not including linings, interlinings or trimmings forming part of such articles;

(d) any goods declared by the regulations to be textile products for the purposes of this Act;—

but excludes any goods which by the regulations are declared not to be textile products for the purposes of this Act.

“Wool” means the natural fibre from the fleece of any variety of domestic sheep or lamb.

4. (1) No person shall sell or offer for sale any textile products unless there is in the manner prescribed applied by printing or stamping on or weaving into or securely attaching to such textile products, or where so required or permitted by the regulations to the several prescribed portions thereof or to some covering label reel or thing used in connection therewith, a trade description in the English language in legible characters conspicuously placed so as to be clearly visible and containing particulars as to quality purity weight and other matters as prescribed by this section and the regulations.

Textile products not to be sold unless labelled with particulars of composition, etc.

(2) Such trade description—

(a) for textile products which contain ninety-five per centum or more by weight of wool—shall include the words “pure wool”;

(b) for textile products which contain less than ninety-five per centum by weight of wool—shall not include the words “pure wool”;

(c)

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(c) for textile products which contain less than ninety-five per centum but not less than five per centum by weight of wool—shall include a statement specifying—

(i) the percentage by weight of wool which is contained in the products; and

(ii) the other fibres contained in the products in order of dominance by weight;

(d) for textile products which contain less than five per centum by weight of wool—shall state the fibres other than wool in order of dominance by weight followed by the words “less than five per centum wool”;

(e) for textile products which contain no wool—shall include a statement specifying the fibre contained in the products or if the products contain more than one fibre the fibres in order of dominance by weight.

(3) Where a textile product contains less than five per centum by weight of any fibre other than wool, the trade description under this section need not mention that fibre, unless the regulations otherwise require.

Powers of inspectors.

5. (1) An inspector may, at any reasonable time—

(a) enter any place where textile products are manufactured or sold or any place where he has reason to believe that textile products are manufactured or sold;

(b) inspect any textile product in such place;

(c) in such place take any textile product whether manufactured or partly manufactured, paying a just price for the same, or take samples of materials used in the manufacture of textile products.

(2) An inspector, on exercising any power conferred on him by this section, shall, if so requested by any person apparently in charge of such place or of any work carried on therein, produce the certificate of his appointment as an inspector.

(3)

(3) A person who hinders or obstructs, or attempts to hinder or obstruct, any inspector in the exercise by him of the powers conferred by this section shall be liable to a penalty not exceeding fifty pounds.

No. 26, 1945.

6. The Governor may appoint persons to be analysts for the purposes of this Act.

Appoint-
ment of
analysts.

7. (1) Any person who contravenes or fails to comply with any of the provisions of this Act shall be guilty of an offence against this Act.

Offences.

(2) Any person who is guilty of an offence against this Act shall, where no other penalty is expressly provided, be liable in the case of a first offence to a penalty not exceeding fifty pounds and in the case of a second or subsequent offence to a penalty not exceeding two hundred pounds or imprisonment for a term not exceeding six months.

(3) Where a person convicted of an offence against this Act is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate shall be deemed to have committed the like offence and be liable to the pecuniary penalty or imprisonment provided by this Act for such offence accordingly, unless he proves that the offence was committed without his knowledge or that he used all due diligence to prevent the commission of the offence.

8. (1) Proceedings for an offence against this Act may be taken by any person acting with the authority of the Minister.

Proceedings
for
offences.

(2) All proceedings for offences against this Act may be disposed of summarily before a stipendiary magistrate or before an industrial magistrate appointed under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

(3) The provisions of the Industrial Arbitration Act, 1940, as amended by subsequent Acts, and the regulations thereunder, relating to proceedings before an industrial magistrate and to appeals from an industrial magistrate to the Industrial Commission of New South

South

No. 28, 1954. South Wales shall apply, mutatis mutandis, to proceedings before a stipendiary magistrate or an industrial magistrate for offences against this Act.

Defence to
prosecution
and
evidentiary
provisions.

9. In any prosecution for an offence against this Act—

- (a) it shall be a defence if the defendant proves that the textile product with respect to which the offence is alleged to have been committed was manufactured in or imported into New South Wales before the commencement of this Act and that the textile product was held by him bona fide and without any fraudulent intention; but the defendant shall be liable to pay the costs incurred on behalf of the prosecution unless he has given reasonable notice to the informant that he will rely on such defence;
- (b) an authority to prosecute purporting to have been signed by the Minister shall be evidence of such authority without proof of the Minister's signature;
- (c) the production of a certificate of the result of an analysis of any material, where such certificate purports to have been signed by an analyst appointed under this Act, shall unless the defendant requires the analyst to be called as a witness be evidence of the facts stated in the certificate without proof of the signature or official character of the person appearing to have signed the same. Where the material referred to in the certificate is part of a textile product, a statement in the certificate that the material contains a stated proportion of any fibre or other substance shall be evidence that all parts of the textile product contain that fibre or other substance in that proportion.

Regulations. **10.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

The

The Governor may—

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- (a) with respect to the trade description required by this Act to be applied to any textile products, make regulations—
 - (i) as to the form or arrangement of such trade description or the order of the words used therein;
 - (ii) as to the size and character of the letters and figures used in such trade description;
 - (iii) prohibiting or restricting the inclusion on any label or brand used for the purposes of such trade description of any matter additional to that required by this Act to be included in the trade description;
- (b) make regulations declaring any goods to be textile products for the purposes of this Act or declaring any goods not to be textile products for the purposes of this Act.

(2) Any provision inserted in any regulation made under this Act may apply to textile products generally, to specified classes of textile products or to all classes of textile products other than those specified.

(3) Such regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in such regulations;
and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and, if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any such regulation or part thereof, such regulation or part shall thereupon cease to have effect.

SUPPLY