

TASMANIA.



1945.

ANNO OCTAVO ET NONO
GEORGII VI. REGIS.

No. 59.

ANALYSIS.

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AN ACT to provide that certain Textile Products shall bear Descriptions showing their Fibre Content, and for purposes incidental thereto.

A.D.
1945.

[8 June, 1945.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Textile Products (Description) Act 1945*. Short title.

6d.]

Textile Products (Description).

A.D. 1945. **2** This Act shall commence on a date to be fixed by proclamation.

Commencement.

Repeal.

3 The *Woollen Goods Branding Act 1934** and the *Woollen Goods Branding Act 1939†* are repealed.

Interpretation.

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

“Chief Inspector” means the Chief Inspector of Factories under the *Factories Act 1910‡*;

“fibre” means wool, hair, silk, cotton, fibre of flax, or any other fibre, natural or artificial;

“inspector” includes the Chief Inspector and any inspector under this Act;

“re-processed wool” means wool recovered from woven, knitted, or felted material which has not been used;

“re-used wool” means wool recovered from woven, knitted, or felted material which has been used;

“textile product” means—

(a) any product (including garments, piece goods, and rolls) manufactured from fibre by weaving, knitting, felting, or other process; and

(b) tops and yarns,

but does not include any textile product which is exempted from this Act by proclamation;

“virgin wool” means wool other than re-processed wool or re-used wool;

“wool” means fibre of the fleece of any variety of the domestic sheep or lamb (*ovis aries*);

“wrapping” means any box, paper, carton, band, or other wrapping in which textile products are packed or bound, but does not include any such wrapping in which the products are packed or bound by a retailer for delivery to a retail buyer.

(2) The Governor may, by proclamation, declare that any textile product shall be exempted from this Act.

Duty to label textile products.

5 No person shall sell, offer to sell, expose for sale, or deliver on sale any textile product unless a description complying with section six is applied, in accordance with that section, to that product, and to any wrapping in which that product is packed or bound.

Penalty: One hundred pounds.

Requirements as to descriptions.

6 A description applied to textile products pursuant to section five shall comply with the following requirements:—

(a) it shall be written in English in clearly legible characters;

* 25 Geo. V. No. 64. (See Reprint of Statutes, Vol. VI., page 991.)

† 3 & 4 Geo. VI. No. 55.

‡ 1 Geo. V. No. 57. (See Reprint of Statutes, Vol. IV., page 36.)

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- (b) it shall be printed on or woven into the product or wrapping, or a tag, label, or ticket affixed or attached to the product or wrapping; A.D. 1945.
- (c) it shall be conspicuously placed so as to be clearly visible;
- (d) it shall show separately the percentage by weight of each of the following ingredients of the textile product:—
- (i) virgin wool;
 - (ii) re-processed or re-used wool;
 - (iii) each fibre other than wool if the percentage by weight of all such fibres is five per centum or more;
 - (iv) any non-fibrous loading, filling, or adulterating material;
- (e) the word "wool" or any word derived from the word "wool" shall not be used in the description to describe or to form part of the description of any fibre which is not wool;
- (f) if a textile product contains at least ninety-five per centum by weight of virgin wool, it shall be sufficient if the product is described as "wool goods," "wool products," or "all wool," or "pure wool";
- (g) the description of an article of wearing apparel shall state that the description does not refer to linings, interlinings, or trimmings;
- (h) it shall comply with any requirements, restrictions, or prohibitions which are prescribed.

7 In any proceedings for an offence against section five in respect of any textile products, the onus of proof that the particulars required by section six to be applied to the textile products are not false shall be on the defendant. Onus of proof.

8 In any proceedings for an offence against section five in respect of any textile products it shall be a defence— Defence.

- (a) in a case where the defendant is the manufacturer of the products, that the percentages of the fibre contents of the products did not differ from those stated in the description by more than three per cent in the aggregate;
- (b) in a case where the products are imported goods, that the products were sold having applied thereto a description showing all particulars required by or pursuant to the *Commerce (Trade Descriptions) Act 1905-1933* of the Commonwealth, and the regulations thereunder;
- (c) in any case, that at the time when the offence occurred the products bore the same description as had been applied to them when the defendant acquired them and that that description appeared to comply with this Act and had not been altered in any way by the defendant.

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Inspectors,
&c.

9 All inspectors under the *Factories Act 1910*, all persons employed as inspectors in the Department of Labour and Industry, and all police officers, shall be inspectors under this Act.

Power to
inspect, &c.

10—(1) An inspector may—

- (a) enter at all reasonable times any premises where any textile product is sold, or offered or exposed for sale, and examine and inspect any textile products therein;
- (b) require the occupier of any such premises to answer any question, or supply any information, which may be reasonably required for the purpose of ascertaining whether the provisions of this Act have been complied with in respect of any textile products found therein.

(2) No person shall fail to answer any question lawfully put to him, or to supply any information required, by an inspector under this section.

Penalty: Twenty pounds.

(2) No person shall in answer to any question asked in pursuance of this section make any statement, or supply any information required by an inspector, which he knows, or has reasonable cause to believe to be false in a material particular.

Penalty: Twenty pounds.

Regulations.

11 The Governor may make regulations under this Act prescribing all matters which are required or permitted to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act and any regulation so made may prescribe penalties not exceeding fifty pounds for any breach of the regulations.