



ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

No. 54 of 1973

An Act relating to flammable clothing and for other purposes.

[Assented to 22nd November, 1973]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Flammable Clothing Act, 1973". Short title.

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

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

"Australian Standard" means a Standard issued by the Standards Association of Australia:

"Inspector" means an Inspector as defined for the purposes of the Industrial Conciliation and Arbitration Act, 1972:

"prescribed article of clothing" means an article of clothing or an article of clothing of a class or kind for the time being prescribed as an article of clothing to which this Act applies:

"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 prescribed article of clothing means the day, for the time being, fixed by proclamation under subsection (2) of this section as the appointed day in respect of that prescribed article of clothing.

(2) The Governor may, from time to time, by proclamation fix a day to be the appointed day in relation to any prescribed article of clothing and may by subsequent proclamation amend or revoke any such proclamation.

Prohibition on
selling certain
clothing.

4. (1) On and after the appointed day, a person shall not sell any prescribed article of clothing in relation to which that appointed day has been fixed unless that prescribed article of clothing 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 prescribed article of clothing 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.

5. (1) Any Inspector may—

- (a) with such assistants as he considers necessary, enter any premises or place where any prescribed article of clothing 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 documents or things in any such premises or place which in his opinion relate to such manufacture or selling;
- (c) require any person whom he finds in or about such premises or place to answer any question in relation to any prescribed article of clothing he finds therein whether manufactured or partly manufactured or in relation to any materials used in the manufacture of the prescribed article of clothing in or on such premises or place;

and

- (d) subject to subsection (3) of this section, seize and detain any prescribed article of clothing or other document or thing 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 prescribed article of clothing, document or thing 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 prescribed article of clothing, document or other thing shall be disposed of in the manner ordered by the court before which those proceedings were commenced.

(4) An Inspector who intends to exercise any of the powers conferred on him by this section shall not refuse or fail, at the request of a person in relation to whom he intends to exercise those powers, to produce to that person the certificate of appointment furnished him under subsection (2) of section 49 of the Industrial Consolidation and Arbitration Act, 1972.

Penalty: Fifty dollars.

6. (1) A person shall not—

(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.

7. 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.

Offences in
relation to
Inspectors.

Protection of
Inspectors, etc.

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

Summary
proceedings.

Evidentiary.

9. In any proceedings under this Act, 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.

Regulations.

10. (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.

(2) Without limiting the generality of the provisions of subsection (1) of this section, such regulations may—

- (a) prescribe all matters required or authorized to be prescribed under this Act;
- (b) provide for and prescribe the manner and form in which any prescribed article of clothing shall be marked or labelled;
- (c) provide for and prescribe the information that shall be included in any mark or on any label under this Act;

and

- (d) provide for and prescribe penalties not exceeding in any case two hundred dollars for a breach of any provision of such regulations.

(3) The power to make regulations under this section may be exercised to make different provision in relation to different descriptions of prescribed articles of clothing.

(4) Regulations under this Act may incorporate by reference any Australian Standard for the time being in force.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor