



ANNO DECIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1969

No. 38 of 1969

An Act to amend the Textile Products Description Act, 1953-1968.

[Assented to 6th November, 1969.]

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

1. (1) This Act may be cited as the "Textile Products Description Act Amendment Act, 1969". Short titles.

(2) The Textile Products Description Act, 1953-1968, as amended by this Act, may be cited as the "Textile Products Description Act, 1953-1969".

(3) The Textile Products Description Act, 1953-1968, is hereinafter referred to as "the principal Act".

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

3. Section 4 of the principal Act is amended by inserting immediately after the definition of "fibre" the following definitions :— Amendment of principal Act, s. 4— Interpretation.

"filling substance" includes any loading substance, weighting substance or dressing substance or any combination of any two or more filling, loading, weighting or dressing substances :

"inspector" means an inspector appointed or deemed to be appointed under section 205 of the Industrial Code, 1967, as amended, and in office : .

Amendment of
principal Act,
s. 6—
Requirements
as to
description.

4. Section 6 of the principal Act is amended—

(a) by striking out paragraph (i) of subsection (1) and inserting in lieu thereof the following paragraph :—

(i) If the product contains any filling substance and the weight of that filling substance is removable from the product by ordinary cleaning processes and exceeds five per centum by weight of the product, it shall include the expression “Loose Filling Exceeds 5%” ; ;

(b) by inserting after subsection (3) the following subsection :—

(3a) Where pursuant to this Act a trade description is to be applied to a textile product which contains an artificial fibre and for that purpose an artificial fibre is required to be described, it shall be sufficient compliance with that requirement for the artificial fibre to be described as being of such of the descriptions of the composition of artificial fibre prescribed for the purposes of this Act as truthfully describes the composition of the artificial fibre and, if none of those descriptions truthfully describes the composition of the fibre, it shall be sufficient compliance with that requirement if the artificial fibre is described as being “man-made fibre” or “artificial fibre” . ;

and

(c) by striking out subsection (4).

Enactment of
ss. 7a, 7b and
7c of principal
Act—
Powers of
inspectors.

5. The following sections are enacted and inserted in the principal Act immediately after section 7 thereof :—

7a. (1) Any inspector may—

(a) with such assistants as he considers necessary, enter any premises or place where textile products are manufactured, sold, supplied, exposed or kept for sale or supply or may enter any premises or place where he has reason to believe any of such things are done ;

(b) inspect any documents or articles in any such premises or place which in his opinion relate to such manufacture, selling, supplying or exposure or keeping for sale or supply of textile products ;

(c) require any person whom he finds in or about such premises or place to answer any question in relation to any textile products he finds therein whether manufactured or partly manufactured or in relation to any materials used in the manufacture of textile products in or on such premises or place ;

and

(d) subject to subsection (3) of this section, seize and detain any textile products or other articles referred to in this subsection 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 by and 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 be for those purposes deemed to have been made to the inspector.

(3) Any textile products or articles 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 those textile products or articles shall be disposed of in the manner ordered by the court before which those proceedings were commenced.

7b. 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) refuse or fail to answer truthfully any question which may be asked of him under this Act.

Penalty : Two hundred dollars.

7c. 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.

Amendment of
principal Act,
s. 8—
Offences and
penalty.

6. Section 8 of the principal Act is amended—

- (a) by inserting after the passage “of an offence and” the passage “, where no other penalty is provided,”;
 - (b) by striking out the passage “fifty pounds” and inserting in lieu thereof the passage “one hundred dollars”;
- and
- (c) by striking out the passage “two hundred pounds” and inserting in lieu thereof the passage “five hundred dollars”.

Amendment of
principal Act,
s. 9—
Regulations.

7. Section 9 of the principal Act is amended by striking out from subsection (3) the passage “fifty pounds” and inserting in lieu thereof the passage “one hundred dollars”.

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

J. W. HARRISON, Governor.