

South Australia

Trade Standards Regulations 2000

under the *Trade Standards Act 1979*

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Legislative history

1—Short title

These regulations may be cited as the *Trade Standards Regulations 2000*.

4—Interpretation

(1) In these regulations—

Act means the *Trade Standards Act 1979*;

Commissioner means the Commissioner for Consumer Affairs;

Trade Practices Act means the *Trade Practices Act 1974* of the Commonwealth, as amended and in force for the time being.

(2) For the purposes of section 45(3)(b) of the Act, the Commissioner is a prescribed officer.

(3) For the purposes of section 45(3)(c) of the Act, each of the following is a prescribed body:

- (a) Standards Association of New Zealand;
- (b) Snell Memorial Foundation of the United States of America.

5—Safety standards

For the purposes of Part 3 of the Act, the following are safety standards:

- (a) the standard set out in Schedule 1 for the goods to which that Schedule is expressed to apply;
- (b) the standards set out in the Commonwealth regulations and consumer protection notices made under the Trade Practices Act specified in Schedule 2 (subject to the modifications, if any, set out in that Schedule) for the goods to which those regulations or notices are respectively expressed to apply.

6—Information standards

For the purposes of Part 5 of the Act, the following are information standards:

- (a) the standards set out in Schedule 3 for the goods to which the Parts of that Schedule are respectively expressed to apply;
- (b) the standards set out in the Commonwealth regulations, and consumer protection notices, made under the Trade Practices Act specified in Schedule 4 (subject to the modifications, if any, set out in that Schedule) for the goods to which those regulations or notices are respectively expressed to apply.

7—Inspectors

The certificate of identification to be provided to each standards officer in accordance with section 14(2) of the Act will be in the form of Schedule 5.

Schedule 1—Safety standards

Part 1—Children's folding chairs

1—Interpretation

In this Schedule—

children's folding chair means a chair—

- (a) with hinged or pivoting sections permitting the chair to be folded; and
- (b) designed or apparently designed for use by a child,

but does not include a children's high chair;

fold includes collapse;

framework of a children's folding chair means all the components making up the chair except arm rests, seat fabric, washers, bolts, rivets or other fixing devices;

trapping space of a children's folding chair means a space, formed during the operation of folding or unfolding the chair, between any components of the chair in which it would be possible for a finger of a child to become trapped, pinched or squeezed.

2—Safety

- (1) A children's folding chair must be so constructed that the minimum distance between components forming a trapping space is 5 millimetres.
- (2) The components of the framework of a children's folding chair that, during the operation of folding or unfolding the chair, rotate around another part of the framework, or that move past another part of the framework must be of circular cross-section having a minimum radius of 5 millimetres (except at points where hinges, bolts, rivets or other fixing devices are placed).
- (3) If a children's folding chair has arm rests, each component, ribbing, supporting member or protruding part of the underside of the arm rests must be rounded with a minimum radius of 5 millimetres.
- (4) If a children's folding chair incorporates springs, the springs must not facilitate the operation of folding or unfolding the chair.

3—Exemptions

- (1) If the Commissioner is satisfied that it is appropriate to do so, the Commissioner may, by notice in the Gazette, exempt a children's folding chair of a specified class from this Schedule or specified provisions of this Schedule.
- (2) The notice may specify—
 - (a) conditions of exemption; and
 - (b) a period for which the exemption is to have effect.

- (3) The Commissioner may vary or revoke a notice under this clause by further notice in the Gazette.

Part 2—Candle accessories

4—Interpretation

In this Schedule—

candle accessory means an object intended to hold or decorate a candle.

5—Safety

A candle accessory must be so constructed that, when subjected to flame or heat emanating from a candle being held or decorated by the accessory, the accessory does not ignite and continue to flame for a period of 5 seconds or more after ignition.

Schedule 2—Adoption of Commonwealth consumer product safety standards

Goods (description included for information purposes only)	Commonwealth regulation or consumer protection notice
babies' dummies	Consumer Protection Notice No. 4 of 2006
baby bath aids	<i>Trade Practices (Consumer Product Safety Standard) (Baby Bath Aids) Regulations 2005</i>
baby walkers	<i>Trade Practices (Consumer Product Safety Standard) (Baby Walkers) Regulations 2002</i>
balloon-blowing kits	Regulations 5 and 10 of the <i>Trade Practices (Consumer Product Safety Standards) Regulations 1979</i>
basketball rings and blackboards	<i>Trade Practices (Consumer Product Safety Standard) (Basketball Rings and Backboards) Regulations 2005</i>
bean bags	Regulations 5 and 11 of the <i>Trade Practices (Consumer Product Safety Standards) Regulations 1979</i>
bicycle helmets	<i>Trade Practices (Consumer Product Safety Standard) (Bicycle Helmets) Regulations 2001</i>
bunk beds	Consumer Protection Notice No 1 of 2003
children's flotation toys and swimming aids	Consumer Protection Notice No 4 of 1992
children's household cots	Consumer Protection Notice No 6 of 2005
children's nightwear and paper patterns for children's nightwear	<i>Trade Practices (Consumer Product Safety Standards) (Children's Nightwear and Paper Patterns for Children's Nightwear) Regulations 2007</i>
children's portable folding cots	Consumer Protection Notice No 4 of 2008
child restraint systems for use in motor vehicles	Consumer Protection Notice No 12 of 2007
disposable cigarette lighters	<i>Trade Practices (Consumer Product Safety Standard) (Disposable Cigarette Lighters) Regulations 1997</i>
elastic luggage straps	Regulations 5, 11A, 11B and 11C of the <i>Trade Practices (Consumer Product Safety Standards) Regulations 1979</i>

Goods (description included for information purposes only)	Commonwealth regulation or consumer protection notice
exercise cycles	Consumer Protection Notice No 9 of 1997
hot water bottles	<i>Trade Practices (Consumer Product Safety Standard) (Hot Water Bottles) Regulations 2008</i>
pedal bicycles	Consumer Protection Notice No 6 of 2004
portable fire extinguishers—aerosol type	Consumer Protection Notice No 9 of 2004
portable fire extinguishers—non-aerosol type	Consumer Protection Notice No 3 of 2004
portable ramps for vehicles	Consumer Protection Notice No 6 of 1997
prams and strollers	Consumer Protection Notice No 8 of 2007
protective helmets for motor cyclists	Consumer Protection Notice No 9 of 1990
sunglasses and fashion spectacles	Consumer Protection Notice No 13 of 2003
toys for children up to and including 36 months of age	Consumer Protection Notice No 14 of 2003
trolley jacks	Consumer Protection Notice No 4 of 1997
vehicle jacks	Consumer Protection Notice No 15 of 2003
vehicle support stands	Consumer Protection Notice No 7 of 1997

Schedule 3—Information standards—footwear, opals, textile products and furniture

Part 1—Footwear

1—Interpretation

In this Part—

quarter lining, in relation to a shoe, means the material used to line the inside of the upper from the waist on one side of the shoe around the heel of the shoe to the waist on the other side of the shoe;

shoe includes boot, slipper or sandal and every other article of footwear;

sock lining, in relation to a shoe, means the thin slip of leather, paper or like material which is affixed to the upper surface of the insole of a shoe;

sole, in relation to a shoe, means the part of the shoe that is under the foot of a person wearing the shoe and includes the heel of the shoe but does not include—

- (a) the insole of the shoe; or
- (b) the sock lining of the shoe; or
- (c) thread, wax, rivets, pegs, nails, heel tips, heel caps, toe plates or heel plates used in the manufacture of the shoe;

upper, in relation to a shoe, means the outer covering of the part of the shoe that is above the sole, but does not include any thread, lace, eyelet, buckle, button or other adornment.

2—Information

- (1) Shoes must be marked with the following information:
 - (a) the name of the manufacturer; and
 - (b) in the case of shoes with soles consisting—
 - (i) entirely of leather—the words "all leather sole"; or
 - (ii) entirely or partly of materials other than leather—
 - (A) a true statement of the materials comprising the sole; or
 - (B) the words "non-leather sole"; or
 - (C) if the sole consists entirely of synthetic materials—the words "synthetic sole"; and
 - (c) in the case of shoes with uppers consisting—
 - (i) entirely of leather—the words "all leather upper"; or
 - (ii) entirely or partly of material that resembles, but is not, leather—
 - (A) a true statement of the materials comprising the uppers; or
 - (B) the words "non-leather upper"; or
 - (C) if the uppers consist entirely of synthetic material—the words "synthetic upper"; and
 - (d) in the case of shoes with quarter linings consisting—
 - (i) entirely of leather—the words "all leather quarter lining"; or
 - (ii) entirely or partly of a material that resembles, but is not, leather—
 - (A) a true statement of the materials comprising the quarter lining; or
 - (B) the words "non-leather quarter lining"; or
 - (C) if the quarter linings consist entirely of synthetic material—the words "synthetic quarter lining".
- (2) For the purposes of this clause, a sole will be taken to consist entirely of leather if the only material in the sole, other than leather, consists of one or more of the following:
 - (a) ordinary fillers of cork or waterproof felt;
 - (b) canvas used to reinforce the insole;
 - (c) shanks made of leatherboard, fibreboard, wood, or any combination of these materials, for the purpose of strengthening the sole of the shoe at the waist (whether or not such shanks are also strengthened with steel or other metal);
 - (d) wood, plastic or metal used in the heel of the shoe including heel tips or caps;
 - (e) stiffening made of leatherboard, fibreboard, canvas or other similar material, glue or other preparations similar to glue or any combination of these materials when used only for the purpose of supporting the upper of the shoe at the heel or toe.

- (3) The marking applied to a shoe in accordance with this clause must—
- (a) be written in readily legible letters of not less than 2.5 millimetres in height; and
 - (b) be stamped, imprinted or embossed on the materials of the shoe in one of the following positions:
 - (i) the waist of the outsole of the shoe; or
 - (ii) the inside of the upper, above the inside waist of the shoe; or
 - (iii) the heel seat or waist area of the sock lining or, where there is no sock lining, on the heel seat or the waist area of the insole.
- (4) If, due to the nature of the materials of a shoe, it is not reasonably practicable for the marking required under this clause to be stamped, imprinted or embossed on those materials, the marking must be stamped or impressed on a label (made of rubber, plastic or durable cloth) that is affixed to the shoe by means of vulcanisation or adhesion.
- (5) Paragraphs (b), (c) and (d) of subclause (1) do not apply in relation to ski-boots.

Part 2—Opals

3—Interpretation

In this Part—

opal means solid opal, laminated opal, matrix opal, treated opal, synthetic opal or imitation opal (see clause 4).

4—Classification of opals

For the purposes of this Part, opals are classified in accordance with the following table:

Classification	Description
Solid Opal (Class A)	Opal that has been mined and is presented in one piece either in its naturally occurring state or after being cut and polished. It has not been chemically treated and has no other materials cemented to it other than by nature.
Laminated Opal (Class B)	A thin layer of solid opal that is fixed to a base of opaque material (a doublet), or a doublet with a fixed clear top (a triplet).
Matrix Opal (Class C1)	A host rock is impregnated with natural opal which cannot be readily separated from the host rock. This classification includes doublets and triplets containing matrix opal but does not include any item of or containing treated opal.
Treated Opal (Class C2)	Solid opal or matrix opal that has been treated chemically or by other means to enhance its appearance. This classification includes doublets and triplets containing treated opal.
Synthetic Opal	Material that has the same chemical and physical structure and the same appearance as naturally occurring opal, but which has been manufactured. This classification includes doublets and triplets containing synthetic opal.

Classification	Description
Imitation Opal	Artificial material resembling naturally occurring opal but which does not have its physical and chemical structure. This classification includes doublets and triplets containing imitation opal.

5—Information

- (1) An opal or item containing opal supplied to a person must be accompanied by a readily legible written receipt containing the following information:
 - (a) the business name and address of the person who supplied the opal or item; and
 - (b) the date of supply; and
 - (c) the price paid for the opal or item by the person to whom it is supplied; and
 - (d) the classification of the opal in accordance with clause 4.
- (2) A person who offers, exposes or displays opal or items containing opal for supply to persons (other than persons who carry on a trade or business of supplying opals or items containing opals) must conspicuously display, adjacent to the opal or items containing opal, a notice complying with the following requirements:
 - (a) the notice must be on white paper of size 210 millimetres wide and 297 millimetres deep;
 - (b) the notice must contain a copy of the table set out in clause 4 and a statement (printed in letters of not less than 5 millimetres in height) advising that a receipt given on supply of an opal or item containing opal must specify the classification of the opal in accordance with that table.
- (3) An item of or containing synthetic, imitation or treated opal (as classified under clause 4) must not be supplied to a person unless there is attached to the item a sign, card, tag or other label that has the words "synthetic opal", "imitation opal" or "treated opal" (as the case requires) printed conspicuously on it in letters of not less than 2.5 millimetres in height.

6—Exemption

This Part does not apply in relation to opal, or an item containing opal, if the opal or item has a retail price of \$40 or less.

Part 3—Textile products

7—Interpretation

In this Part—

AS 2622 means Australian Standard 2622:1996 "Textile Products—Fibre Content Labelling", published by Standards Australia on 5 September 1996;

designated made up goods means goods of the following kinds:

- (a) the following men's and boys' wear: gloves, all types of hosiery, mittens, reversible jackets and washable incontinence garments;

- (b) the following women's and girls' wear: gloves, all types of hosiery, mittens, neckwear, reversible jackets, shawls and washable incontinence garments;
- (c) the following baby wear: bibs, gloves, mittens, washable fitted nappies, pilchers and squares of cotton, flannelette, muslin or terry towelling;
- (d) the following household drapery: appliance covers for teapots, toasters or the like, bath mats, face washers, finger tips, oven cloths, place mats, pot holders, shower curtains, tablecloths, towels and towelling;
- (e) the following haberdashery: curtain making kits, elastic and elastic threads, iron-on binding patches or trim, ribbons, sewing thread, velcro type fastenings and zippers;

textile fibre means a unit of matter characterised by its flexibility, fineness and high ratio of length to thickness, which together render it suitable for textile applications, including wool, hair, silk, cotton, flax and any other fibrous material whether natural or artificial and including glass fibre where this is used in household textiles or apparel;

textile product means a manufactured, or semi-manufactured product made from textile fibre by spinning, weaving, knitting, felting, bonding, tufting or other process.

8—Information

Textile products must be labelled in accordance with the requirements of AS 2622, as modified by this Part.

9—Modification of Standard

For the purposes of paragraph (a) of clause 8.2.1 of AS 2622 it will be taken to be impracticable to attach a permanent label to designated made up goods.

10—Exemptions

This Part does not apply in relation to—

- (a) the following items of men's, women's, children's and baby wear: arm bands, belts, braces, brassieres, collars, corsets, garter suspenders, handkerchiefs and hats;
- (b) the following items of household drapery: butter muslin, centres, cleaning cloth, cleaning cloths, dish cloths, doilies, duchess sets, dusters, floor cloths, gauze, mattress cases, mattress covers, mattress protectors, mosquito netting and covers made from such netting, pressing cloths, runners, serviettes, ticking and tray cloths;
- (c) the following items of furnishings: all types of backing materials for carpets, awnings, coir mats, draught excluders, lampshades, matting, oil baize, paper felt (for underlinings), tapestries, underfelt, wall hangings and window blinds;
- (d) items of haberdashery other than designated made up goods;
- (e) jute products;
- (f) goods intended for medical and surgical use (including bandages, dressings, sanitary pads or materials forming part of manufactured medical and surgical goods);

- (g) the following canvas goods: beach umbrella coverings, canvas, deckchair covers, duck, garden umbrella coverings and sail cloth;
- (h) the following goods of industrial usage: bookbinding cloth, filter cloth, mop cloth, printers' and signwriters' cloth, sweat rags, ticket buckram and undertakers' cloth;
- (i) the following miscellaneous goods: artificial flowers, all bags and cases (including briefcases, handbags, purses, school bags, sports bags, travel bags, wallets and wash bags), basket hangers, cords, firemen's hoses, flags, flex coverings, footwear (including boots, sandals, shoes and slippers), garden gloves, garden hoses, goods intended for one-time use only, lashings, mops, ornaments, parasols, polypropylene webbing and covers for furniture, ribbons forming part of manufactured articles, shoe holders, shoelaces, sporting goods (other than apparel) used for the purposes of sport, toys, twine, umbrellas and woven labels.

Part 4—Furniture

11—Interpretation

In this Part—

furniture includes an article of furniture whether or not it is polished, painted or finished or is assembled or requires assembly but does not include—

- (a) bedding, curtains or light fittings; or
- (b) floor, wall or window treatments; or
- (c) built in items; or
- (d) second-hand furniture; or
- (e) any article of furniture produced or made on the specific order of the person to whom it is supplied;

imported means brought into Australia from another country;

second-hand furniture means furniture that has been used for a purpose not connected with its manufacture, production, importation or supply.

12—Information

- (1) An article of furniture made or produced in Australia, and any package in which it is contained when it is supplied, must have securely affixed to, or stamped on, it a label or notice containing—
 - (a) the name and address of the maker or producer in letters of not less than 2.5 millimetres in height; and
 - (b) the word "Australia", or words to the effect that the article was made or produced in Australia, in letters of not less than 5 millimetres in height.
- (2) An imported article of furniture and any package in which it is contained when it is supplied, must have securely affixed to, or stamped on, it a label or notice containing—
 - (a) the name and address of the importer in letters of not less than 2.5 millimetres in height; and

- (b) the word "Imported", or the name of the country in which the article was made or produced, in letters of not less than 5 millimetres in height.
- (3) A notice required under this clause must—
 - (a) be readily legible; and
 - (b) where it is to be affixed to—
 - (i) an article of furniture—be permanently affixed to a readily accessible part on the article;
 - (ii) a package—be affixed in a prominent position on the package.

Schedule 4—Adoption of Commonwealth consumer product information standards

<u>Goods (description included for information purposes only)</u>	<u>Commonwealth regulation or consumer protection notice</u>
clothing and textile products—care labelling	Consumer Protection Notice No. 16 of 2003
cosmetic and toiletries products—ingredient labelling	<i>Trade Practices (Consumer Product Information Standards) (Cosmetics) Regulations 1991</i> modified as follows: <ul style="list-style-type: none">(a) regulation 2—delete "on or after 31 October 1993"(b) regulation 7—after its present contents (now to be designated as subregulation (1)) insert:<ul style="list-style-type: none">(2) In this regulation— <i>Minister</i> means the Minister to whom the administration of the <i>Trade Standards Act 1979</i> is committed.(c) regulation 8—delete the regulation

Schedule 5—Certificate of identification of standards officer

Certificate of Identification of Standards Officer

In accordance with section 14 of the *Trade Standards Act 1979*, I certify that,
....., an officer of [insert administrative unit of Public Service] whose signature appears below, is a Standards Officer under that Act.

.....
Signature of Standards Officer

.....
Date

.....
Minister for Consumer Affairs

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

These regulations became obsolete on the repeal of the *Trade Standards Act 1979* on 1.1.2011.

Legislation revoked by principal regulations

The *Trade Standards Regulations 2000* revoked the following:

Trade Standards Regulations 1985

Principal regulations and variations

Year	No	Reference	Commencement
2000	38	<i>Gazette 11.5.2000 p2531</i>	11.6.2000: r 2
2008	213	<i>Gazette 24.7.2008 p3477</i>	24.7.2008: r 2

Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>rr 2 & 3</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>24.7.2008</i>
Sch 1	heading substituted by 213/2008 r 4(1)	24.7.2008
Pt 1	heading inserted by 213/2008 r 4(2)	24.7.2008
Pt 2	inserted by 213/2008 r 4(3)	24.7.2008
Sch 2	substituted by 213/2008 r 5	24.7.2008
Sch 4	substituted by 213/2008 r 6	24.7.2008