

# SAFEGUARDS

SGS CONSUMER TESTING SERVICES

SOFTLINES

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## AUSTRALIA ENACTS NEW CONSUMER LEGISLATION

Australia has recently enacted new legislation which became effective on the 1 January 2011. It is titled *Trade Practice (Australian Consumer Law) Amendment Regulations 2010 (No 2)*, which is also known as the Australian Consumer Law (ACL).<sup>1,2</sup> This legislation repealed and replaced 17 different federal, state and territory regulations and provides a unified and harmonised mechanism to protect consumer safety. The new legislation regulates a wide range of consumer products, telecommunication and financial services. Australia Competition & Consumer Commission (ACCC) is responsible for the enforcement and the administration of the parts of the ACL relating to consumers products such as textile, toys and furniture.

The newly introduced law includes the following:

- a new national unfair contract terms law covering standard form contracts;
- a new national law guaranteeing consumer rights when buying goods and services, which replaces existing laws on conditions and warranties;
- a new, national product safety law and enforcement system;
- a new, national law for unsolicited consumer agreements, which replaces existing State and Territory laws on door-to-door sales and other direct marketing;
- simple national rules for lay-by agreements;
- new penalties, enforcement powers and consumer redress options, which currently apply nationally

Although this legislation is now in force, there are no additional new requirements under ACL needing to be fulfilled other than the existing safety regulations. This edition of Safeguards highlights the mandatory requirements for textile and apparel products.

### AN OVERVIEW OF ACL APPLICABLE TO TEXTILE PRODUCTS AND CLOTHING

#### Mandatory Care Label Requirements for Textile Products

The mandatory care label requirements were first introduced in Australia in 1980. The latest revision of the mandatory requirements became effective on 1 September 2010. These requirements are primarily based on AS/NZS 1957:1998, *Textile – Care Labelling*, with minor modifications made. Under this standard, a permanent label shall be placed on the garment which must include appropriate instructions written in English.<sup>3,4</sup>

This standard applies to manufacturers, importers, distributors, retailers and hirers of clothing and textile products including but not limited to clothing, household textiles, apparel, furnishings, upholstered furniture, bedding, mattresses, pieces goods and yarns. Detailed explanation can be found in our next edition of Safeguard, *Mandatory Care Label Requirement for Textile Products in Australia*.

## AN OVERVIEW OF ACL APPLICABLE TO TEXTILE PRODUCTS AND CLOTHING

### Mandatory Requirement for Children's Sleepwear and Paper Patterns for Children's Sleepwear

In addition to the mandatory care label requirements, if a manufacturer wishes to sell children's sleepwear or paper patterns for children's sleepwear they must comply with [Trade Practices \(Consumer Product Safety Standards\) \(Children's Nightwear and Paper Patterns for Children's Nightwear\) Regulations 2007](#).<sup>5-8</sup>

This regulation has been in effect since 1 March 2007, and is based mainly on AUS/NZ 1294:2003, *Children's Nightwear and Limited Daywear Having Reduced Fire Hazard*, with minor modifications. This mandatory regulation stipulates that all children's nightwear that fall within the scope (Table 1) are required to meet the flammability requirements, design requirements and display a fire hazard information label. With respect to paper patterns for children's nightwear,



**Table 1:** Scope of Children's Nightwear<sup>6,7</sup>

Products categorised as children's nightwear	Products that are not classed as children nightwear
Pyjamas Pyjama-style over-garments Nightdresses Nightshirts Dressing gowns Bath robes Infant sleeping bags Other items styled and recognised as nightwear. Knitted all-in-one, sized 00-2 of any style made from fabric less than 280 g/m <sup>2</sup> . Knitted all-in-one, sized 2 or above of which style identifies them as nightwear Woven all-in-one, of style which identifies them as nightwear Loose boxer shorts	Leggings T-shirts Close-fitting boxer shorts (underwear) Headwear (beanies, hats, headbands) Footwear (slippers, bed socks) Handwear (gloves, mittens) Swimwear.

### Voluntary Requirement for Formaldehyde in Textile and Garment Products

Although formaldehyde is not restricted under the ACL, the ACCC has issued non-regulatory reference limits for textile and garment products sold in Australia (Table 2)<sup>9</sup>. These reference limits were recommended in light of an investigation conducted by the ACCC on formaldehyde in textile products sold in Australia. Even though the ACCC found non-detectable amounts of formaldehyde in the sampled products, they have issued an industrial guideline to help protect consumers' safety.

**Table 2:** Summary of non-regulatory reference limits issued by the ACCC.

Product Categories	Maximum Reference Limits
Infant clothes	30 ppm
Clothes specifically marketed as suitable for people with sensitive skins	30 ppm
Garments with skin contact	100 ppm
Other garments or fabric	300 ppm



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## References:

- <sup>1</sup> [Trade Practices Amendment \(Australian Consumer Law\) Act \(No.2\) 2010](#),
- <sup>2</sup> [The Australian Consumer Law](#), , access date 6 December 2010
- <sup>3</sup> [Product Safety Australia, Mandatory Standard - Care Labelling for Clothing and Textile](#), access date 26 January 2011
- <sup>4</sup> Australian Governments ComLaw, Trade Practices Act 1974 - [Consumer Protection Notice No. 25 of 2010 - Consumer Product Information Standard: Care Labelling for Clothing and Textile Products](#)
- <sup>5</sup> [Product Safety Australia, Children's Nightwear Safety Alert](#),
- <sup>6</sup> Products Safety Australia, [Mandatory Standard - Nightwear for Children](#), access date 26 January 2011
- <sup>7</sup> Products Safety Australia, [Paper Patterns for Children Nightwear](#), access date 26 January 2011
- <sup>8</sup> Australian Government ComLaw, [Trade Practices \(Consumer Product Safety Standards\) \(Children's Nightwear and Paper Patterns for Children's Nightwear\) Regulations 2007](#), access date 26 January 2011
- <sup>9</sup> Australian Competition and Consumer Commission, [Formaldehyde in Consumer Products](#), access date 24 January 2011

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