

TRADING STAMP.

No. 46 of 1981.

AN ACT to prohibit third-party trading stamps, to repeal the Trading Stamp Act 1948, and for connected purposes.

[Assented to 16 September 1981.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Trading Stamp Act 1981*. Short title.

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

Interpreta-
tion.

3. In this Act, unless the contrary intention appears—

“redeem”, in relation to a trading stamp, means to give any form of prize, gift, or other benefit in return for, on production of, or otherwise in respect of, a trading stamp; and “redeemable” has a corresponding meaning;

“sale”, in relation to services, means the making of a contract under which one party (in this Act referred to as “the vendor” of the services) agrees to provide services for another party (in this Act referred to as “the purchaser” of the services);

“third-party trading stamp” means a trading stamp that is redeemable by a person other than—

(a) the manufacturer or a vendor of the goods; or

(b) the vendor of the services, in connection with the sale of which, or for the purpose of promoting the sale of which, the trading stamp is, or is intended to be, supplied;

“trading stamp” means a stamp, coupon, token, voucher, ticket, or other thing—

(a) that is, or is intended to be, supplied—

(i) in connection with the sale of goods or services; or

(ii) for the purpose of promoting the sale of goods or services;

and

(b) by virtue of which the purchaser of the goods or services, or any other person, may become entitled to, or may qualify for, a prize, gift, or other benefit (whether the trading stamp constitutes an absolute or conditional entitlement or qualification).

4. (1) A person shall not supply or offer to supply a third-party trading stamp in connection with the sale of goods or services or for the purpose of promoting the sale of goods or services. Offences.

Penalty: \$500.

(2) A person shall not redeem a third-party trading stamp.

Penalty: \$500.

(3) A person shall not publish or cause to be published an advertisement relating to a third-party trading stamp.

Penalty: \$500.

(4) It is a defence to a charge of an offence against subsection (3) of this section for the defendant to prove that he did not know, and could not reasonably be expected to have known, that the trading stamps to which the advertisement related were third-party trading stamps.

5. Where a person by whom an offence against this Act is committed is a body corporate, every director or other officer concerned in any capacity in the management of the body corporate is guilty of the like offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such due diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Liability
where offence
committed
by body
corporate.

6. (1) No prosecution for an offence against this Act shall be instituted without the consent in writing of the Attorney General.

Consent of
Attorney
General to
prosecutions.

(2) A document purporting to be the consent of the Attorney General to the institution of a prosecution for an offence against this Act shall, for the purposes of this section, be taken to be such consent unless the contrary is proved.

Repeal.

7. The Trading Stamp Act 1948 is repealed.
