



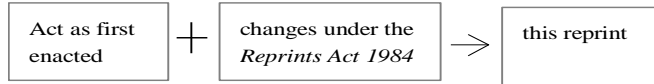
Western Australia

Trading Stamp Act 1981

Reprint 1: The Act as at 9 May 2003

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

Editorial notes show if something has been omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything omitted can be found in an earlier reprint (if there is one) or the Act as passed.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 9 May 2003

Western Australia

Trading Stamp Act 1981

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Western Australia

Reprinted under the
Reprints Act 1984 as
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Trading Stamp Act 1981

An Act to prohibit third-party trading stamps, to repeal the *Trading Stamp Act 1948*², and for connected purposes.

1. Short title

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

2. Commencement

This Act shall come into operation on a day to be fixed by proclamation¹.

3. Interpretation

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. Offences

- (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.
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) 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. Liability where offence committed by body corporate

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.

6. Consent of Attorney General to prosecutions

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

[7. *Omitted under the Reprints Act 1984 s. 7(4)(f).*]

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Notes

- ¹ This is a reprint as at 9 May 2003 of the *Trading Stamp Act 1981*. The following table contains information about that Act and any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Trading Stamp Act 1981</i>	46 of 1981	16 Sep 1981	1 Nov 1981 (see s. 2 and <i>Gazette</i> 23 Oct 1981 p. 4360)

Reprint 1: The *Trading Stamp Act 1981* as at 9 May 2003

- ² The provision in this Act repealing that Act has been omitted under s. 7(4)(f) of the *Reprints Act 1984* from this reprint.