

Western Australia

Trading Stamp Act 1981

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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,

s. 4

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 accused 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.

[Section 4 amended by No. 84 of 2004 s. 82.]

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).]

Notes

- ¹ This is a compilation of the *Trading Stamp Act 1981* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about 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 <i>Trading Stamp Act 1981</i> as at 9 May 2003			
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> s. 82	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))

- ^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and are not included in this compilation. For the text of the provisions see the endnote referred to after the short title.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Consumer Protection Legislation Amendment and Repeal Act 2006</i> Pt. 12 ³	69 of 2006	13 Dec 2006	To be proclaimed (see s. 2)

- ² The provision in this Act repealing that Act has been omitted under s. 7(4)(f) of the *Reprints Act 1984* from this compilation.
- ³ On the date as at which this compilation was prepared, the *Consumer Protection Legislation Amendment and Repeal Act 2006* Pt. 12 had not come into operation. It reads as follows:

“

Part 12 — *Trading Stamp Act 1981* repealed

37. *Trading Stamp Act 1981* repealed

The *Trading Stamp Act 1981* is repealed.

”
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