

# TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS.

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No. 23 of 1979.

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## AN ACT to amend the Trade Descriptions and False Advertisements Act, 1936-1973.

[Assented to 11th September, 1979.]

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. (1) This Act may be cited as the *Trade Descriptions and False Advertisements Act Amendment Act, 1979*. Short title and citation.

(2) In this Act the Trade Descriptions and False Advertisements Act, 1936-1973 is referred to as the principal Act. Approved for reprint 1st April, 1974.

(3) The principal Act as amended by this Act may be cited as the Trade Descriptions and False Advertisements Act, 1936-1979.

Section 8  
amended.

2. Section 8 of the principal Act is amended—

(a) as to paragraph (a) of subsection (1)—

- (i) by deleting the words “A person shall not publish or cause to be published any” in lines one and two, and inserting in lieu thereof the word “Any”;
- (ii) by deleting the words “to his knowledge” in line one of subparagraph (i) and again in line one of subparagraph (ii); and
- (iii) by deleting the passage “way.” at the end of the paragraph, and inserting in lieu thereof the passage—

way,

contravenes this section, and a person who publishes or causes to be published any statement which to his knowledge contravenes this section commits an offence. ;

(b) by repealing subsection (3), and re-enacting it as follows—

(3) In any proceedings for an offence against this section where it is proved that the statement as published contravened this section, the person who published the statement or caused it to be published shall be deemed to have had knowledge that the statement contravened this section at the time of publication unless he proves—

- (a) that at that time he had reasonable grounds to believe and did believe that the statement did not contravene this section; or

(b) that—

- (i) he did not know; and
  - (ii) there were no grounds on which a reasonable person might have suspected; and
  - (iii) the exercise by him of reasonable diligence would not have ascertained,
- that the statement contravened this section. ;

(c) as to subsection (4), by deleting the word “in” in—

- (i) line four of subparagraph (i) of paragraph (a);
  - (ii) line three of subparagraph (i) of paragraph (b); and
  - (iii) line four of subparagraph (i) of paragraph (c),
- and in each case inserting in lieu thereof the words “constituted by”; and

(d) by repealing subsection (6), and re-enacting it as follows—

(6) A person convicted of an offence against this section is liable to a penalty of five thousand dollars. .

3. Subsection (2) of section 10 of the principal Act is amended by deleting the word “and” where first appearing in line two. Section 10  
amended.

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