



ANNO VICESIMO NONO

ELIZABETHAE II REGINAE

A.D. 1980

No. 100 of 1980

An Act to prohibit third party trading stamps; to repeal the Trading Stamp Act, 1924-1935; and for other purposes.

[Assented to 18 December 1980]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. This Act may be cited as the "Trading Stamp Act, 1980".

Commence-
ment.

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

Repeal of
Trading Stamp
Act, 1924-1935.

3. The Trading Stamp Act, 1924-1935, is repealed.

Interpretation.

4. (1) 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:

"sale", in relation to services, means the making of a contract under which one party (the vendor) agrees to provide services for another party (the purchaser):

"third-party trading stamp" means a trading stamp that is redeemable by a person who is not the manufacturer or a vendor of the goods or services to which the trading stamp relates:

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

(a) that is supplied 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 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).

(2) A trading stamp that—

(a) is supplied with or as part of a newspaper, magazine or other publication;

and

(b) is not redeemable by a person other than the manufacturer or a vendor of the goods or services to which it relates,

is not a third party trading stamp.

5. (1) A person who supplies or offers to supply a third-party trading stamp in connection with the sale of goods or services shall be guilty of an offence. Offences.

Penalty: Five hundred dollars.

(2) A person who redeems a third-party trading stamp shall be guilty of an offence.

Penalty: Five hundred dollars.

(3) A person who publishes, or causes to be published, an advertisement relating to third-party trading stamps shall be guilty of an offence.

Penalty: Five hundred dollars.

(4) It shall be 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.

6. Where a body corporate is guilty, or has been convicted, of an offence against this Act, each director of the body corporate shall also be guilty of an offence against this Act, and liable to the same penalty as is prescribed for the principal offence unless he proves that he could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the body corporate. Offences by directors of companies.

7. Proceedings for offences under this Act shall be disposed of summarily. Proceedings.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor