



ANNO VICESIMO SEXTO

GEORGII V REGIS.

A.D. 1935.

No. 2255.

An Act to amend the Trading Stamp Act, 1924.

[*Assented to, 21st December, 1935.*]

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

1. (1) This Act may be cited as the "Trading Stamp Act Amendment Act, 1935". Short titles.
- (2) The Trading Stamp Act, 1924, and this Act may be cited together as the "Trading Stamp Acts, 1924 and 1935".
- (3) The Trading Stamp Act, 1924, is hereinafter called "the principal Act". 1624, 1924.
2. This Act is incorporated with the Trading Stamp Act, 1924, and this Act and that Act shall be read as one Act. Incorporation.
3. Section 4 of the principal Act is amended by inserting after the word "includes" in the first line of the definition of "goods" the words "goods, wares, and merchandise of all kinds and also includes". Amendment of principal Act, s. 4—
Definition of goods.
4. Section 5 of the principal Act is amended by inserting after the word "about" in the first line of paragraph (a) and in the first line of paragraph (b) in each case the words "or concerning, relating to, or in connection with". Amendment of principal Act, s. 5—
Use of Trading Stamps.

Trading Stamp Act Amendment Act.—1935.

Enactment of
section 5A—
Prohibition of
certain
transactions
in connection
with the sale
and advertising
of goods.

5. The following section is hereby enacted and inserted in the principal Act after section 5 thereof :—

5A. (1) No person shall, in South Australia, directly or indirectly—

(a) give or deliver ; or

(b) either in writing or otherwise howsoever promise, offer, represent, or advertise or purport to promise, offer, represent, or advertise that he will give or deliver (whether the actual giving or delivering is to be done or made in South Australia or elsewhere),

any money, goods, reward, benefit, valuable consideration, or advantage whatsoever in exchange for, or in redemption of, any article or thing described in subsection (4) of this section or any number or combination of any of such articles or things.

(2) No person shall, directly or indirectly, either in writing or otherwise howsoever invite or encourage any other person to, or suggest that any other person should—

(a) do any act or thing forbidden by subsection (1) of this section ; or

(b) tender, or despatch, or offer to tender, or despatch in or from South Australia any article or thing described in subsection (4) of this section or any number or combination of any of such articles or things in exchange for any money, goods, reward, benefit, valuable consideration, or advantage whatsoever, whether the actual exchange shall be effected, or become effective, in South Australia or elsewhere.

(3) No person shall in or from South Australia tender, or despatch or offer to tender or despatch any article or thing described in subsection (4) hereof or any number or combination of any such articles or things in exchange for any money, goods, reward, benefit, or valuable consideration whatsoever, whether the actual exchange shall be effected, or is to become effective in South Australia or elsewhere.

(4) The articles or things referred to in subsections (1), (2), and (3), hereof are any of the following, or any portion or portions respectively, of any of the following, namely any stamp, coupon, ticket, cover, wrapper, package, paper, photograph, document, means or device, which has been, is, or is intended to be, issued or delivered with, about,

Trading Stamp Act Amendment Act.—1935.

concerning, relating to, or in connection with any goods which have been, are being, or are intended to be, sold or distributed in South Australia whether by the person—

- (a) giving or delivering as mentioned in subparagraph (a) of subsection (1) hereof ; or
 - (b) promising, offering, representing, or advertising or purporting to promise, offer, represent or advertise as mentioned in subparagraph (b) of subsection (1) hereof ; or
 - (c) inviting, encouraging, or suggesting as mentioned in subsection (2) hereof ; or
 - (d) any other person whomsoever.
- (5) No trader shall sell or distribute any goods—
- (a) if there is issued or delivered with, about, concerning or relating to such goods any of the articles or things mentioned in subsection (4) hereof ; and
 - (b) if, in respect of any such article or thing, or any number or combination thereof, any of the offences mentioned in subsections (1), (2), or (3) hereof is, or are being, or will, or may be, committed :

Provided that it will be a defence to any charge under this subsection if the defendant proves that he did not know, and that by the exercise of reasonable diligence he could not have become aware of, the facts constituting any offence under subsections (1), (2), or (3) hereof.

(6) No person shall, directly or indirectly, print, exhibit, or publish (whether in writing or orally, or by means of radio-broadcast or otherwise howsoever) any advertisement concerning, relating to, or connected with anything which is made unlawful by any of the preceding subsections : Provided that it shall be a defence to any charge under this subsection if the defendant proves that he did not know and that by the exercise of reasonable diligence he could not have become aware that the advertisement concerned or related to anything so made unlawful.

(7) No prosecution for an offence against this section shall be instituted except with the consent of the Attorney-General for the time being, signified by a written document under his hand.

Every court shall take judicial notice of the signature of the person holding the office of Attorney-General for the time being ; and a document purporting to be a consent of such Attorney-General to a prosecution under this section shall be deemed to be a genuine document giving such consent unless the contrary is proved.

Trading Stamp Act Amendment Act.—1935.

(8) On the hearing of any charge under this section any advertisement, letter, circular, memorandum, or other writing which appears to the court to be relevant to the charge, and to have been issued or delivered by the person whose name appears thereon or by any other person, may be given in evidence without formal proof of the issue or delivery thereof, or of the authentication by the person whose name it bears; and the same shall be *prima facie* evidence that any promise, offer, representation, notification, invitation, encouragement, or suggestion (or what purports so to be) therein contained—

(a) was actually made;

(b) was in force at the date on which the alleged offence was committed; and

(c) that the same was made by the person whose name (if any) appears thereon as making or authenticating the document.

(9) Where an offence under this section has been committed by a company, the company may be charged in addition to any of the officers of the company responsible for the commission of such offence; and where an offence under this section has been committed by a firm or partnership, the members of the firm or partners may be jointly charged.

(10) Any person who contravenes this section shall be liable to a penalty not exceeding fifty pounds for each offence.

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

W. DUGAN, Governor.