



Australian Capital Territory

Trading Stamps Act 1972 (repealed)

A1972-2

Republification No 3

Effective: 2 September 2005

Republification date: 2 September 2005

As repealed by A2005-43 s 4

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Trading Stamps Act 1972 (repealed)* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 2 September 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

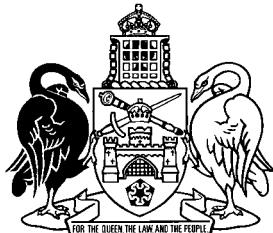
Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Trading Stamps Act 1972 (repealed)

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Effective: 02/09/05

R3
02/09/05



Australian Capital Territory

Trading Stamps Act 1972 (repealed)

An Act relating to trading stamps

R3
02/09/05

Trading Stamps Act 1972 (repealed)
Effective: 02/09/05

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Section 1

1 Name of Act

This Act is the *Trading Stamps Act 1972*.

2 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

coupon includes a stamp, label, cover, ticket, token or device.

customer means a person to whom a retailer sells in the Territory goods by retail or for whom a retailer provides in the Territory services.

retailer means a person who, in the course of a business carried on by him in the Territory—

- (a) sells goods by retail; or
- (b) provides services; or
- (c) sells goods by retail and provides services.

the Territory includes the Jervis Bay Territory.

trading stamp means a coupon used or intended to be used in carrying out a prohibited scheme.

3 Prohibited schemes

- (1) In this Act, a reference to a **prohibited scheme** is, subject to subsection (2), a reference to a scheme or arrangements, whether to be carried out wholly within the Territory or partly within and partly outside the Territory, under which—
 - (a) retailers supply or may supply, whether or not for consideration, to customers coupons sold or otherwise supplied to the retailer by another persons; and

- (b) at the time when the coupons are, or are to be supplied to a customer, the customer is or is to be—
- (i) promised, either expressly or by implication; or
 - (ii) led to understand;
- that, if the customer surrenders or produces to a particular person a number of the kind of coupons to which the scheme or arrangements relate, the customer will be able to obtain, whether with or without payment of money or other consideration, goods or services.
- (2) A scheme or arrangements shall not be taken to be, for this Act, a ***prohibited scheme*** if—
- (a) each coupon used or intended to be used in carrying out the scheme or arrangements is a coupon attached to goods, or forms part of the package in which goods are packed, when they are purchased by retailers; and
 - (b) no person other than the manufacturer or a wholesaler of the goods, a person who has packed the goods, a retailer of the goods or a customer who has purchased the goods is, or is represented to be, a party to the scheme or arrangements.

4 Promoters of prohibited schemes to commit offence

- (1) Subject to subsection (2), a person shall not do any act or thing for the purpose of promoting in the Territory a prohibited scheme.
- Maximum penalty: 10 penalty units.
- (2) A retailer who does anything that is an offence against section 8 does not commit an offence against subsection (1).

5 Supplying trading stamps to retailers

A person shall not, whether within or outside the Territory, supply trading stamps to a retailer.

Maximum penalty: 10 penalty units.

Section 6

6 Offence of supply or providing goods or services under prohibited scheme

A person shall not, within the Territory—

- (a) supply or provide; or
- (b) undertake to supply or provide; or
- (c) hold himself or herself out as being prepared to supply or provide,

goods or services under a prohibited scheme.

Maximum penalty: 10 penalty units.

7 Offences by persons who sell goods to retailers

A person shall not, whether within or outside the Territory—

- (a) require, as a condition subject to which he or she sells or will sell goods to a retailer, that the retailer purchase or issue trading stamps; or
- (b) in connection with the sale or proposed sale of goods to a retailer, induce or endeavour to induce the retailer to purchase or issue trading stamps.

Maximum penalty: 10 penalty units.

8 Offences by retailers

A retailer shall not—

- (a) in the course of carrying on his or her business, supply trading stamps to a customer; or
- (b) hold himself or herself out as a person who is prepared, in the course of carrying on his or her business, to supply trading stamps to his or her customers.

Maximum penalty: 10 penalty units.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Trading Stamps Ordinance 1972 No 2* (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Legislation before becoming Territory enactment

Trading Stamps Act 1972 No 2

notified 3 February 1972 (Cwlth Gaz 1972 No 9)
commenced 3 February 1972

as amended by

Legislation after becoming Territory enactment

Statute Law Revision (Penalties) Act 1994 No 81 sch

notified 29 November 1994 (Gaz 1994 No S253)
s 1, s 2 commenced 29 November 1994 (s 2 (1))
sch commenced 29 November 1994 (s 2 (2) and see Gaz 1994 No S269)

as repealed by

Justice and Community Safety Legislation Amendment Act 2005 (No 3) A2005-43 s 4

notified LR 30 August 2005
s 1, s 2 commenced 30 August 2005 (LA s 75 (1))
s 4 (so far as it repeals A1972-2) commenced on 1 September 2005
(s 2 (3) and CN2005-18)

4 Amendment history

Promoters of prohibited schemes to commit offence
s 4 am 1994 No 81 sch
Supplying trading stamps to retailers
s 5 am 1994 No 81 sch
Offence of supply or providing goods or services under prohibited scheme
s 6 am 1994 No 81 sch
Offences by persons who sell goods to retailers
s 7 am 1994 No 81 sch
Offences by retailers
s 8 am 1994 No 81 sch

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	31 July 1991
2	A1994-81	29 July 2002

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