

No. 2 of 1972

## AN ORDINANCE

### Relating to Trading Stamps.

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1970*.

Dated this twenty-fourth day of January, 1972.

PAUL HASLUCK  
Governor-General.

By His Excellency's Command,

RALPH J. HUNT  
Minister of State for the Interior.

### TRADING STAMPS ORDINANCE 1972

1. This Ordinance may be cited as the *Trading Stamps Ordinance 1972*.\* Short title.

2. In this Ordinance, unless the contrary intention appears— Definitions.

“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;

(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.

\* Notified in the *Commonwealth Gazette* on 3 February 1972.

Prohibited schemes.

3.—(1.) In this Ordinance, a reference to a prohibited scheme shall, subject to the next succeeding sub-section, be read as 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 the purposes of this Ordinance, 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.

Promoters of prohibited schemes to be guilty of an offence.

4.—(1.) Subject to the next succeeding sub-section, a person shall not do any act or thing for the purpose of promoting in the Territory a prohibited scheme.

Penalty: One thousand dollars.

(2.) A retailer who does an act or thing that is an offence against section 8 of this Ordinance is not guilty of an offence against the last preceding sub-section.

Supplying trading stamps to retailers.

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

Penalty: One thousand dollars.

Offence of supply or providing goods or services in pursuance of a prohibited scheme.

6. A person shall not, within the Territory—

- (a) supply or provide;
  - (b) undertake to supply or provide; or
  - (c) hold himself out as being prepared to supply or provide,
- goods or services in pursuance of a prohibited scheme.

Penalty: One thousand dollars.

- 7. A person shall not, whether within or outside the Territory—**
- (a) require, as a condition subject to which he sells or will sell goods to a retailer, that the retailer purchase or issue trading stamps; or
  - (b) in connexion with the sale or proposed sale of goods to a retailer, induce or endeavour to induce the retailer to purchase or issue trading stamps.

Offences by persons who sell goods to retailers.

Penalty: One thousand dollars.

**8. A retailer shall not—**

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

Offences by retailers.

Penalty: Five hundred dollars.