

TRADE PRACTICES ACT 1975

No. 63 of 1975

An Act to amend the *Trade Practices Act 1974* to provide for certain Matters to be disregarded in determining whether certain Contracts are unenforceable and in relation to Product Safety and Information Standards and the Sending of unsolicited Credit Cards.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

Short title and citation.

1. (1) This Act may be cited as the *Trade Practices Act 1975*.¹

(2) The *Trade Practices Act 1974*² is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Trade Practices Act 1974-1975*.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹

Exceptions.

3. Section 51 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(4) This section applies in determining whether a contract is unenforceable by virtue of sub-section 45 (1) in like manner as it applies in determining whether a contravention of a provision of this Part has been committed.”.

Product safety standards.

4. Section 62 of the Principal Act is amended by inserting after sub-section (2) the following sub-sections:—

“(2A) Regulations made for the purposes of this section may exclude from their operation goods of a kind specified in the regulations that are intended to be used outside Australia and to which is applied a statement indicating that the goods are intended to be so used.

“(2B) For the purposes of sub-section (2A), a statement shall be deemed to be applied to goods if—

- (a) the statement is woven in, impressed on, worked into or annexed or affixed to the goods; or
- (b) the statement is applied to a covering, label, reel or thing in or with which the goods are supplied.

“(2C) A reference in sub-section (2B) to a covering includes a reference to a stopper, glass, bottle, vessel, box, capsule, case, frame or

wrapper and a reference in that sub-section to a label includes a reference to a band or ticket.”

5. Section 63 of the Principal Act is amended by inserting after sub-section (2) the following sub-sections:—

Product
information
standards.

“(2A) Regulations made for the purposes of this section may exclude from their operation goods of a kind specified in the regulations that are intended to be used outside Australia and to which is applied a statement indicating that the goods are intended to be so used.

“(2B) For the purposes of sub-section (2A), a statement shall be deemed to be applied to goods if—

- (a) the statement is woven in, impressed on, worked into or annexed or affixed to the goods; or
- (b) the statement is applied to a covering, label, reel or thing in or with which the goods are supplied.

“(2C) A reference in sub-section (2B) to a covering includes a reference to a stopper, glass, bottle, vessel, box, capsule, case, frame or wrapper and a reference in that sub-section to a label includes a reference to a band or ticket.”

6. After section 63 of the Principal Act the following section is inserted:—

“63A. (1) A corporation shall not send a credit card to a person except—

Unsolicited
credit cards.

- (a) in pursuance of a request in writing by the person who will be under a liability to the person who issued the card in respect of the use of the card; or
- (b) in renewal or replacement of, or in substitution for—
 - (i) a credit card previously sent to the first-mentioned person in pursuance of a request in writing by the person who was under a liability to the person who issued the card previously so sent in respect of the use of that card; or
 - (ii) a credit card previously sent to the first-mentioned person and used for a purpose for which it was intended to be used.

“(2) Sub-section (1) applies only in relation to the sending of a credit card by or on behalf of the person who issued the card.

“(3) In this section—

‘article’ includes a token, card or document;

‘credit card’ means any article of a kind commonly known as a credit card or any similar article intended for use in obtaining cash, services or goods or other property on credit, and includes any

article of a kind commonly issued by persons carrying on business to customers or prospective customers of those persons for use in obtaining services or goods or other property from those persons on credit.”

NOTES

1. Act No. 63, 1975; assented to 19 June 1975.
2. Act No. 51, 1974.