

South Australia

Fair Trading (Gift Cards) Regulations 2018

under the *Fair Trading Act 1987*

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1—Short title

These regulations may be cited as the *Fair Trading (Gift Cards) Regulations 2018*.

2—Commencement

These regulations will come into operation on the day on which the *Fair Trading (Gift Cards) Amendment Act 2018* comes into operation.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Fair Trading Act 1987*;

prepaid card means a prepaid card that is redeemable for goods or services through an electronic payment system under a scheme such as EFTPOS Prepaid, Visa Prepaid or MasterCard Prepaid.

4—Prohibition on sale of gift cards with expiry date of less than 3 years—exceptions

Section 45D of the Act does not apply in relation to—

- (a) an ATM card, charge card, credit card or debit card; or
- (b) a reloadable prepaid card; or
- (c) a card or voucher redeemable only for phone credit, internet access or any other utility; or
- (d) a card or voucher supplied in substitution for goods returned to the supplier of the goods; or
- (e) a card or voucher supplied as part of a customer loyalty or employee rewards program; or
- (f) a card or voucher supplied as part of a temporary marketing promotion to the purchaser of goods or services in connection with the purchase of the goods or services; or
- (g) a card or voucher the use of which is subject to the following conditions:

- (i) the card or voucher is redeemable only for a particular good or service available for a limited period (such as entry to an exhibition or a live performance);
 - (ii) the card or voucher expires at the end of that period; or
- (h) a card or voucher that—
 - (i) is redeemable only for a particular good or service; and
 - (ii) is sold at a discount on the market value of the good or service that a reasonable person would consider to be a genuine discount on the market value of the good or service.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 29 November 2018

No 235 of 2018

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