

South Australia

## Fair Trading (Gift Cards) Regulations 2018

under the *Fair Trading Act 1987*

---

### Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Prohibition on sale of gift cards with expiry date of less than 3 years—exceptions

### Legislative history

---

#### 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.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Revocation of regulations

The *Fair Trading (Gift Cards) Regulations 2018* were revoked by r 3 of the *Fair Trading (Gift Cards) Revocation Regulations 2020* on 17.9.2020.

### Principal regulations

Year	No	Reference	Commencement
2018	235	<i>Gazette 29.11.2018 p4113</i>	10.12.2018: r 2