

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

No            of 2018

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