



New South Wales

# Fair Trading Amendment (Ticket Scalping and Gift Cards) Regulation 2018

under the

Fair Trading Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fair Trading Act 1987*.

MATTHEW KEAN, MP  
Minister for Innovation and Better Regulation

## Explanatory note

The object of this Regulation is to prescribe the following matters consequent on the enactment of the *Fair Trading Amendment (Ticket Scalping and Gift Cards) Act 2017*:

- (a) exceptions to offences relating to the sale of gift cards,
- (b) offences relating to ticket scalping for which penalty notices may be issued.

This Regulation is made under the *Fair Trading Act 1987*, including sections 58M (3) (a), 67 (2) and (4) and 92 (the general regulation-making power).

## **Fair Trading Amendment (Ticket Scalping and Gift Cards) Regulation 2018**

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### **1 Name of Regulation**

This Regulation is the *Fair Trading Amendment (Ticket Scalping and Gift Cards) Regulation 2018*.

### **2 Commencement**

This Regulation commences on 31 March 2018 and is required to be published on the NSW legislation website.

## Schedule 1 Amendment of Fair Trading Regulation 2012

### [1] Clause 23A (as inserted by the Fair Trading Amendment (Ticket Scalping and Gift Cards) Act 2017)

Omit the clause. Insert instead:

#### 23A Exceptions to gift card expiry date requirements

- (1) For the purposes of section 58M (3) (a) of the Act, Part 4B of the Act does not apply to any of the following classes of gift cards:
- (a) an ATM card, charge card, credit card or debit card,
  - (b) a reloadable prepaid card,
  - (c) a non-reloadable prepaid card that is sold during the period commencing on 31 March 2018 and ending at the end of 30 September 2018,
  - (d) a card or voucher redeemable only for phone credit, internet access or any other utility,
  - (e) a card or voucher supplied in substitution for goods returned to the supplier of the goods,
  - (f) a card or voucher supplied as part of a customer loyalty or employee rewards program,
  - (g) 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,
  - (h) a card or voucher sold for use in a fundraising appeal within the meaning of the *Charitable Fundraising Act 1991*,
  - (i) 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,
  - (j) a card or voucher that is:
    - (i) redeemable only for a particular good or service, and
    - (ii) 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.

- (2) In this clause:

**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.

### [2] Clause 24 Penalty notice offences

Omit the clause.

### [3] Schedule 1 Penalty notice offences

Omit "(Clause 24)". Insert instead:

For the purposes of section 67 of the Act:

- (a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and

- (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

**[4] Schedule 1**

Insert in appropriate order in the matter relating to **Offences under the *Fair Trading Act 1987* (other than the ACL)**:

Section 58G (1)	\$550
Section 58H (1)	\$550
Section 58I (1)	\$550
Section 58K (1)	\$550
Section 58L (7)	\$550