

# Media Release

**Gabrielle Williams MP**

Minister for Government Services

Minister for Consumer Affairs

Minister for Public and Active Transport



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## KNOW YOUR ~~SANTA~~ PROTECTION CLAUSES FOR POST-XMAS SALES

Victorian shoppers are being reminded of their consumer rights before the time-honoured hunt for post-Christmas bargains begins in the Boxing Day sales.

Minister for Consumer Affairs Gabrielle Williams today said strong protections remained for shoppers, regardless of the season or type of sale.

People returning Christmas presents should keep a receipt or gift receipt handy because stores can request a proof of purchase before giving a refund or providing an exchange. Traders also need to be aware of their refund obligations because penalties apply where a business misrepresents what consumers are entitled to.

Key facts for shoppers to know include:

- Refund rights remain in place regardless of whether an item is on sale
- People who receive a gift also have the same rights as if they bought the product themselves
- Consumers don't need to use gift cards straight away.

Some consumers may not be aware they have the same refund rights even when a product is on sale. Stores that claim there are no refunds on sale items or for gifts may be engaging in misleading and deceptive conduct under the Australian Consumer Law. It is also misleading for a business to insist that a refund be issued as store credit.

Keep in mind, however, that if a product is on sale because of a flaw that is pointed out when purchasing, a consumer cannot later claim a refund for that flaw.

If you receive a gift card for Christmas, you may want to use it straight away at the Boxing Day sales but if you don't, there is no rush. Gift cards must be valid for at least three years under the Australian Consumer Law and businesses can't charge post-purchase or administration fees that reduce the value of the card.

Thousands of Victorians reach out to Consumer Affairs Victoria each month to ask for advice on shopping and product issues. There were more than 42,000 contacts in the 2022-23 financial year, including more than 6,400 relating to refunds and returns and 500-plus relating to gift cards.

Alfred contacted Consumer Affairs Victoria after he was told by a restaurant that he couldn't use his gift card as the card was only valid for one year. After speaking with Consumer Affairs Victoria, Alfred pointed out to the restaurant its legal obligations and the restaurant agreed to honour the gift card and extend its validity to three years.

Penalties for breaching the Australian Consumer Law are serious, with maximum penalties for offences ranging from \$2.5 million for a person to \$50 million for businesses.

For more information, go to [consumer.vic.gov.au/consumers-and-businesses/products-and-services](https://consumer.vic.gov.au/consumers-and-businesses/products-and-services).

### Quote attributable to Minister for Consumer Affairs Gabrielle Williams

*"The holidays are for relaxation, not rip-offs. While there is no excuse for a retailer not to know their obligations, we're urging consumers to know their rights and speak up if something doesn't ring true."*

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