

1998  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Justice and Community Safety)

**Consumer Credit (Administration)  
(Amendment) Bill 1998**

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**A BILL**

FOR

**An Act to amend the *Consumer Credit  
(Administration) Act 1996***

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1. Short title**

This Act may be cited as the *Consumer Credit (Administration)  
(Amendment) Act 1998*.

**2. Commencement**

This Act commences on the day on which it is notified in the *Gazette*.

**3. Principal Act**

In this Act, "Principal Act" means the *Consumer Credit  
(Administration) Act 1996*.<sup>1</sup>

**4. Insertion**

Before section 25 of the Principal Act the following section is inserted in Division 5 of Part II:

**“24A. Civil penalty**

5 “(1) Where—

(a) whether before or after the commencement of this section, the registration of a credit provider was or is suspended or cancelled under this Part; and

10 (b) after that commencement, the credit provider provides consumer credit to a debtor while the registration is suspended or cancelled;

the debtor is not liable to pay any amount under the credit contract.

15 “(2) Where, by virtue of subsection (1), a debtor is not liable to pay any amount under a credit contract but the debtor has paid such an amount, the amount is recoverable by the debtor as a debt due and payable by the credit provider.

“(3) This section does not affect any liability of a person to be convicted of an offence.”.

**5. Insertion**

20 Before section 56 of the Principal Act the following section is inserted in Division 5 of Part III:

**“55A. Civil penalty**

“(1) Where—

25 (a) whether before or after the commencement of this section, the registration of a finance broker was or is suspended or cancelled under this Part; and

(b) after that commencement, the finance broker is involved in finance broking and for that purpose enters into a contract with a debtor while the registration is suspended or cancelled;

the debtor is not liable to pay any amount under the contract.

30 “(2) Where, by virtue of subsection (1), a debtor is not liable to pay any amount under a contract but the debtor has paid such an amount, the amount is recoverable by the debtor as a debt due and payable by the finance broker.

“(3) This section does not affect any liability of a person to be convicted of an offence.”.

35 **6. Power to obtain information or documents**

Section 121 of the Principal Act is amended by omitting from subsection (5) “civil or”.

*Consumer Credit (Administration) (Amendment) No. , 1998*

**NOTE**

**Principal Act**

1 Act No 41, 1996. See also Act No. 96, 1997.

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