

1994  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

**Consumer Credit Bill 1994**

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**A BILL  
FOR**

**An Act to make provision for a uniform legislative  
scheme to regulate the provision of consumer credit,  
and for other purposes**

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

**PART I—PRELIMINARY**

**Short title**

- 5       1. This Act may be cited as the *Consumer Credit Act 1994*.

**Commencement**

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.
- 10       (2) The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.
- (3) If the provisions referred to in subsection (2) have not commenced before the end of the period of 12 months commencing on the day on which this Act is notified in the *Gazette*, those provisions, by force of this subsection, commence on the first day after the end of that period.

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**Interpretation**

3. In this Act, unless the contrary intention appears—

“Consumer Credit (Australian Capital Territory) Code” means the provisions applying because of section 5;

5 “Consumer Credit (Australian Capital Territory) Regulations” means the provisions applying because of section 6;

“Consumer Credit (Queensland) Act” means the *Consumer Credit (Queensland) Act 1994* of Queensland;

10 “Ministerial Council” means the Ministerial Council established under the Uniform Consumer Credit Laws Agreement 1993.

**PART II—CONSUMER CREDIT (AUSTRALIAN CAPITAL TERRITORY) CODE AND CONSUMER CREDIT (AUSTRALIAN CAPITAL TERRITORY) REGULATIONS**

**Application in the Territory of the Consumer Credit Code**

15 4. The Consumer Credit Code set out in the Appendix to the Consumer Credit (Queensland) Act, as in force for the time being—

(a) applies as a law of the Territory; and

(b) as so applying may be referred to as the Consumer Credit (Australian Capital Territory) Code.

20 **Application of regulations**

5. (1) The regulations in force for the time being under Part 4 of the Consumer Credit (Queensland) Act—

(a) apply as regulations in force for the purposes of the Consumer Credit (Australian Capital Territory) Code; and

25 (b) as so applying may be referred to as the Consumer Credit (Australian Capital Territory) Regulations.

30 (2) Subject to subsection (3) of this section, where regulations under Part 4 of the Consumer Credit (Queensland) Act take effect from a specified day that is earlier than the day on which they are notified in the Queensland Government Gazette under section 28A of the *Acts Interpretation Act 1954* of Queensland, subsection (1) of this section has effect, and is to be taken always to have had effect, as if those regulations had taken effect under the Consumer Credit (Queensland) Act from the specified day.

35 (3) To the extent that a provision of the Consumer Credit (Australian Capital Territory) Regulations is to be taken because of a particular application of subsection (2) to have effect, or to have had effect, before the

day of notification of the regulations referred to in that subsection, the provision does not operate so as to—

- 5           (a) affect, in a manner prejudicial to any person (other than the Territory or an authority of the Territory) the rights of that person existing before its date of publication; or
- (b) impose liabilities on any person (other than the Territory or an authority of the Territory) in respect of anything done or omitted before the date of its publication.

### Interpretation of some expressions in the Code and Regulations

- 10       6. (1) In the Consumer Credit (Australian Capital Territory) Code and the Consumer Credit (Australian Capital Territory) Regulations—

             “Legislature of this jurisdiction” means the legislature of the Territory;

             “the Code” or “this Code” means the Consumer Credit (Australian Capital Territory) Code;

- 15       “the jurisdiction” or “this jurisdiction” means the Australian Capital Territory.

             (2) The *Acts Interpretation Act 1954*, and other Acts, of Queensland do not apply to—

- 20           (a) the Consumer Credit Code set out in the Appendix to the Consumer Credit (Queensland) Act in its application as a law of the Territory; or
- (b) the regulations in force for the time being under Part 4 of the Consumer Credit (Queensland) Act in their application as regulations in force for the purposes of the Consumer Credit
- 25           (Australian Capital Territory) Code.

## PART III—CONFERMENT OF JUDICIAL AND ADMINISTRATIVE FUNCTIONS

### Conferment of judicial functions on courts and Credit Tribunal

- 30       7. The jurisdiction of the Court under the Consumer Credit (Australian Capital Territory) Code and the Consumer Credit (Australian Capital Territory) Regulations is exercisable—

- 35           (a) in the case of subsections 34 (5), 36 (6) and (7), 44 (4), 47 (3) and 77 (1), section 79, paragraph 82 (b), subsection 83 (1), section 89, paragraph 91 (1) (a), sections 92, 93 and 98 and subsection 162 (2) of the Code and any jurisdiction prescribed by the regulations—only by the Australian Capital Territory Credit Tribunal; or

- 5 (b) in the case of sections 68 and 69, subsections 70 (1) and 72 (1), paragraphs 80 (4) (c) and 85 (2) (c), section 88, subsections 89 (1) and 94 (2), Part 6, section 128, paragraph 156 (2) (e), subsections 157 (1) and 171 (1) and section 174 of the Code—either by the Australian Capital Territory Credit Tribunal or a court of competent jurisdiction.

#### Conferment of administrative functions

- 10 8. The Director of Consumer Affairs for the Australian Capital Territory has the functions of the Government Consumer Agency under the Consumer Credit (Australian Capital Territory) Code and the Consumer Credit (Australian Capital Territory) Regulations.

### PART IV—GENERAL

#### Application to the Crown

- 15 9. This Act binds the Crown in right of the Territory and, so far as the legislative power of the Territory permits, the Crown in all its other capacities.

#### Special provision concerning offences

- 20 10. If an offence against the Consumer Credit (Australian Capital Territory) Code may be dealt with summarily, the offence may be dealt with, in a summary manner, by a Magistrate sitting alone, according to the provisions of the *Magistrates Court Act 1930*.

#### Maximum annual percentage rate

- 25 11. (1) The Executive may make regulations prescribing a maximum annual percentage rate for a credit contract or class of credit contracts, within the meaning of the Consumer Credit (Australian Capital Territory) Code.

(2) Division 2 of Part 2 of the Code (which limits the debtor's monetary obligations) applies in relation to a prescribed maximum annual percentage rate as if that rate had been prescribed by the Code.