

2001

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Mr Rugendyke)

## Fair Trading Amendment Bill 2001

### Contents

---

	Page
1 Name of Act	2
2 Commencement	2
3 Act amended	2
4 Interpretation	
Section 5 (1), new definition of <i>credit card</i>	2
5 Unsolicited debit and credit cards	
Section 28 (4), definition of <i>credit card</i>	2
6 Cash card use disclosure	
Section 28A	2
7 New section 28A	2

---



2001

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Mr Rugendyke)

## Fair Trading Amendment Bill 2001

---

### A Bill for

An Act to amend the *Fair Trading Act 1992*

---

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

---

2001 028

**1 Name of Act**

This Act is the *Fair Trading Amendment Act 2001*.

**2 Commencement**

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

**3 Act amended**

This Act amends the *Fair Trading Act 1992*.

**4 Interpretation**

**Section 5 (1), new definition of *credit card***

*insert*

*credit card* means any article commonly known as a credit card, and includes any article by the use of which—

- (a) money may be borrowed under an agreement between the lender and the borrower; and
- (b) a person may obtain, on credit, goods or services, whether from the issuer of the credit card or someone else.

**5 Unsolicited debit and credit cards**

**Section 28 (4), definition of *credit card***

*omit*

**6 Cash card use disclosure**

**Section 28A**

*renumber as section 28B*

**7 New section 28A**

*insert*

---

**28A Unsolicited credit contracts and increases in credit limits**

(1) A credit provider must not enter into a credit contract with a debtor unless—

(a) the debtor has requested the contract in writing, or the credit provider has offered the debtor the contract and the debtor has accepted the offer in writing; and

(b) the credit provider has carried out a satisfactory assessment process.

(2) A credit provider must not increase the amount of credit available under a credit contract unless—

(a) the debtor has requested the increase in writing, or the credit provider has offered the debtor the increase and the debtor has accepted the offer in writing; and

(b) the credit provider has carried out a satisfactory assessment process.

(3) In this section:

***credit contract*** means a contract under which credit may be obtained using a credit card.

***credit provider***, in relation to a credit contract, means a person who provides credit under the credit contract in the course of a business of providing credit or as part of or incidentally to any other business of the credit provider, and includes a prospective credit provider.

***debtor*** means a person (other than a guarantor) who is liable to pay for (or to repay) credit, and includes a prospective debtor.

***satisfactory assessment process*** means an assessment of the debtor's financial situation, because of which the credit provider is satisfied that the debtor has a reasonable ability to repay the amount of credit provided or to be provided.

---

## **Endnote**

### **Act amended**

Republished as in force on 31 July 2000 (Republication No 4).

Printed by Authority of the ACT Government Printer  
© Australian Capital Territory 2001