

AUSTRALIAN CAPITAL TERRITORY

Credit (Amendment) Ordinance (No. 4) 1986

No. 72 of 1986

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 22 October 1986.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

G. SCHOLES
Minister of State for Territories

An Ordinance to amend the *Credit Ordinance 1985*

Short title

1. This Ordinance may be cited as the *Credit (Amendment) Ordinance (No. 4) 1986*.¹

Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for Territories by notice in the *Gazette*.

Signature of documents

3. Section 250 of the *Credit Ordinance 1985*² is amended by adding at the end the following sub-sections:

“(2) Where a debtor personally signs a document—

- (a) containing an offer to a credit provider to enter into a credit sale contract, or a loan contract, with the credit provider; or
- (b) containing an acceptance of an offer by a credit provider to enter into a credit sale contract, or a loan contract, with the debtor, the signature of the debtor shall be witnessed by a person, other than the credit provider, who shall sign the document and indicate on the document that he or she is so signing as a witness to the signature of the debtor.

“(3) Where a person other than the debtor writes the signature of the debtor, by or under the authority of the debtor, on a document—

- (a) containing an offer by the debtor to a credit provider to enter into a credit sale contract, or a loan contract, with the credit provider; or
- (b) containing an acceptance by the debtor of an offer by a credit provider to enter into a credit sale contract, or a loan contract, with the debtor,

the person writing the signature of the debtor on the document shall, on the presence of a witness, other than the debtor or the credit provider, sign the document and indicate on the document that the signature of the debtor was written on the document by him or her by or under the authority of the debtor.

“(4) A witness referred to in sub-section (3) shall—

- (a) sign the document referred to in that sub-section; and
- (b) indicate on that document that he or she is signing the document as a witness to the signature of the person who wrote the signature of the debtor on the document.

“(5) Where a witness referred to in sub-section (2) or (3) is the credit provider or a person acting on behalf of, or associated with, the credit provider, a credit sale contract or loan contract formed by an acceptance of the offer contained in the document signed by the witness, or formed by the acceptance contained in that document, as the case requires, is void.

“(6) A credit provider or a person acting on behalf of, or associated with, a credit provider who signs as a witness a document referred to in sub-section (2) or (3) containing an offer to, or an acceptance of an offer by, the credit provider is guilty of an offence punishable, on conviction, by a fine not exceeding—

- (a) if the offender is a body corporate—\$10,000; or
- (b) if the offender is a natural person—\$2,000.

“(7) Where the signature of a debtor on a document referred in sub-section (2), or the signature of a person who writes the signature of a debtor on a document referred to in sub-section (3), is not witnessed in accordance with this section or where—

- (a) a witness referred to in sub-section (2) or (3); or
- (b) the person first referred to in sub-section (3),

fails to comply with a provision of sub-section (2), (3) or (4) in relation to the relevant document, a credit sale or loan contract formed by an acceptance of the offer contained in the document, or formed by the acceptance contained in that document, as the case requires, is void.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 30 October 1986.
2. No. 5, 1985 as amended to date. For previous amendments *see* Note 2 to No. 29, 1986 and *see also* Nos. 29, 30 and 56, 1986.