



AUSTRALIAN CAPITAL TERRITORY

## **Consumer Credit (Administration) (Amendment) Act 1998**

No. 47 of 1998

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

*[Notified in ACT Gazette S205: 16 November 1998]*

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**

**“(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
- (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, at any time, any amount under the credit contract that would, but for this subsection, have been payable during the period of suspension or cancellation.

**“(2) Where, by virtue of subsection (1), a debtor is not liable to pay an 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**

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

**“55A. Civil penalty**

**“(1) Where—**

- (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.

**“(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.”.**

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

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

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**NOTE**

**Principal Act**

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

*[Presentation speech made in Assembly on 24 September 1998]*