



Australian Capital Territory

Consumer Credit Act 1995

A1995-18

Republication No 6

Effective: 22 December 2009 – 6 October 2010

Republication date: 22 December 2009

Last amendment made by A2009-44

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Consumer Credit Act 1995* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 22 December 2009. It also includes any amendment, repeal or expiry affecting the republished law to 22 December 2009.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

Consumer Credit Act 1995

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Consumer Credit Act 1995
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Australian Capital Territory

Consumer Credit Act 1995

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

Part 1 Preliminary

1 Name of Act

This Act is the *Consumer Credit Act 1995*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act.

Note 2 A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

3 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

Part 2

Consumer Credit (Australian Capital Territory) Code and Consumer Credit (Australian Capital Territory) Regulations

4 Application in ACT of Consumer Credit Code

The Consumer Credit Code set out in the Consumer Credit (Queensland) Act, appendix as in force for the time being—

- (a) applies as a Territory law; and
- (b) as so applying may be referred to as the Consumer Credit (Australian Capital Territory) Code.

5 Application of regulations under Consumer Credit Code

- (1) The regulations in force for the time being under the Consumer Credit (Queensland) Act, part 4—
 - (a) apply as regulations in force for the Consumer Credit (Australian Capital Territory) Code; and
 - (b) as so applying may be referred to as the Consumer Credit (Australian Capital Territory) Regulations.
- (2) The Consumer Credit (Australian Capital Territory) Code, schedule 2 applies in relation to those regulations.
- (3) To the extent that a provision of those regulations takes effect from a day earlier than the day of notification of the provision in the Government Gazette of Queensland, the provision does not operate in the ACT so as to—
 - (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 the day of notification; or

- (b) impose liabilities on any person (other than the Territory or an authority of the Territory) in respect of anything done or omitted to be done before the day of notification.

6 Interpretation of some expressions in code and regulations

- (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.
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—
 - (a) the Consumer Credit Code set out in the Consumer Credit (Queensland) Act, appendix in its application as a Territory law; or
 - (b) the regulations in force for the time being under the Consumer Credit (Queensland) Act, part 4 in their application as regulations in force for the Consumer Credit (Australian Capital Territory) Code.

Part 3

Conferment of judicial and administrative functions

7 Conferment of judicial functions on courts and ACAT

- (1) The jurisdiction that is expressed to be exercisable by the court under the Consumer Credit (Australian Capital Territory) Code and the Consumer Credit (Australian Capital Territory) Regulations is exercisable—
 - (a) for the code, sections 34 (5), 36 (6) and (7), 44 (4), 47 (3), 77 (1), 79, 82 (b), 83 (1), 88, 89, 91 (1) (a), 92, 93, 98 and 162 (2) and any jurisdiction prescribed by regulation—only by the ACAT; or
 - (b) in any other case—either by the ACAT or any court.
- (2) The jurisdiction given to a court by this section (other than the ACAT) is subject to the court's general jurisdictional limits (so far as they relate to the amounts, or the value of property, with which the court may deal), but is not subject to the court's other jurisdictional limits.
- (3) The regulations may make provision in relation to the transfer of proceedings between the ACAT and other courts or between other courts.

8 Conferment of administrative functions

The commissioner for fair trading 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 4 Miscellaneous

13 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- Executive
- territory law
- the Territory.

Consumer Credit (Australian Capital Territory) Code means the provisions applying because of section 4.

Consumer Credit (Australian Capital Territory) Regulations means the provisions applying because of section 5.

Consumer Credit (Queensland) Act means the *Consumer Credit (Queensland) Act 1994* (Qld).

scheme legislation of the Australian Capital Territory means—

- (a) this Act; and
- (b) the Consumer Credit (Australian Capital Territory) Code; and
- (c) the Consumer Credit (Australian Capital Territory) Regulations.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Consumer Credit Act 1995 No 18

notified 5 September 1995 (Gaz 1995 No S212)
s 1, s 2 commenced 5 September 1995 (s 2 (1))
remainder commenced 1 November 1996 (s 2 (2) and Gaz 1996
No S273)

as amended by

**Consumer Credit (Administration) (Consequential Provisions) Act
1996 No 42 pt 2 div 1**

notified 2 September 1996 (Gaz 1996 No S223)
s 1, s 2 and pt 2 div 1 commenced 2 September 1996 (s 2 (1))

Law Reform (Miscellaneous Provisions) Act 1999 No 66 sch 3

notified 10 November 1999 (Gaz 1999 No 45)
commenced 10 November 1999 (s 2)

**Justice and Community Safety Legislation Amendment Act 2000
(No 3) No 17 sch 1**

notified 1 June 2000 (Gaz 2000 No 22)
commenced 1 June 2000 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 75

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 75 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

**Justice and Community Safety Legislation Amendment Act 2004
A2004-18 pt 3**

notified LR 6 April 2004
s 1, s 2 commenced 6 April 2004 (LA s 75 (1))
pt 3 commenced 20 April 2004 (s 2)

**Justice and Community Safety Legislation Amendment Act 2005
(No 4) A2005-60 sch 1 pt 1.7**

notified LR 1 December 2005
s 1, s 2 taken to have commenced 23 November 2005 (LA s 75 (2))
sch 1 pt 1.7 commenced 22 December 2005 (s 2 (4))

Endnotes

4 Amendment history

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 A2008-36 sch 1 pt 1.12

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.12 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

Justice and Community Safety Legislation Amendment Act 2009 (No 3) A2009-44 sch 1 pt 1.4

notified LR 24 November 2009

s 1, s 2 commenced 24 November 2009 (LA s 75 (1))

sch 1 pt 1.4 commenced 22 December 2009 (s 2 (3))

4 Amendment history

Name of Act

s 1 sub A2005-60 amdt 1.16

Dictionary

s 2 am 1996 No 42 pt 2 div 1
om R1 LRA
ins A2005-60 amdt 1.19
am A2009-44 amdt 1.16

Notes

s 3 am 2001 No 44 amdt 1.800, amdt 1.801
defs reloc to dict A2005-60 amdt 1.18
sub A2005-60 amdt 1.19
def **short-term credit contract** ins A2004-18 s 9
om A2005-60 amdt 1.17

Conferment of judicial functions on courts and ACAT

s 7 hdg sub A2008-36 amdt 1.150

s 7 am A2008-36 amdt 1.151, amdt 1.152

Conferment of administrative functions

s 8 am 1999 No 66 sch 3; 2000 No 17 sch 1

Maximum annual percentage rate and disclosure

pt 3A hdg ins A2004-18 s 10

om A2009-44 amdt 1.17

Definitions for pt 3A

s 8A ins A2004-18 s 10

om A2009-44 amdt 1.17

def **annual percentage rate** ins A2004-18 s 10

om A2009-44 amdt 1.17

def **code** ins A2004-18 s 10
om A2009-44 amdt 1.17
def **contract document** ins A2004-18 s 10
om A2009-44 amdt 1.17
def **credit** ins A2004-18 s 10
om A2009-44 amdt 1.17
def **credit contract** ins A2004-18 s 10
om A2009-44 amdt 1.17
def **credit fees and charges** ins A2004-18 s 10
om A2009-44 amdt 1.17
def **short-term credit contract** ins A2004-18 s 10
om A2005-60 amdt 1.20

Maximum annual percentage rate

s 8B ins A2004 s 10
sub A2005-60 amdt 1.21
om A2009-44 amdt 1.17

Disclosure of cost of credit

s 8C ins A2004 s 10
am A2005-60 amdts 1.22-1.24
om A2009-44 amdt 1.17

Application to the Crown

s 9 om A2005-60 amdt 1.25

Maximum annual percentage rate

s 10 om A2004-18 s 11

Proceedings for offences against code or regulations

s 11 om A2005-60 amdt 1.25

Savings and transitional regulations

s 12 om 2001 No 44 amdt 1.803

Regulation-making power

s 13 am 2001 No 44 amdt 1.804

Dictionary

dict ins A2005-60 amdt 1.26
am A2008-36 amdt 1.153
def **annual percentage rate** ins A2004-18 s 9
reloc from s 3 A2005-60 amdt 1.18
om A2009-44 amdt 1.18
def **code** ins A2004-18 s 9
reloc from s 3 A2005-60 amdt 1.18
om A2009-44 amdt 1.18

Endnotes

4 Amendment history

- def **Consumer Credit (Australian Capital Territory) Code**
reloc from s 3 A2005-60 amdt 1.18
- def **Consumer Credit (Australian Capital Territory) Regulations** reloc from s 3 A2005-60 amdt 1.18
- def **Consumer Credit (Queensland) Act** reloc from s 3 A2005-60 amdt 1.18
- def **contract document** ins A2004-18 s 9
reloc from s 3 A2005-60 amdt 1.18
om A2009-44 amdt 1.18
- def **credit** ins A2004-18 s 9
reloc from s 3 A2005-60 amdt 1.18
om A2009-44 amdt 1.18
- def **credit contract** ins A2004-18 s 9
reloc from s 3 A2005-60 amdt 1.18
om A2009-44 amdt 1.18
- def **credit fees and charges** ins A2004-18 s 9
reloc from s 3 A2005-60 amdt 1.18
om A2009-44 amdt 1.18
- def **credit tribunal** am 1996 No 42 pt 2 div 1
reloc from s 3 A2005-60 amdt 1.18
om A2008-36 amdt 1.154
- def **scheme legislation of the Australian Capital Territory**
am 2001 No 44 amdt 1.802
reloc from s 3 A2005-60 amdt 1.18

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 2000 No 17	24 July 2000
2	A2001-44	21 February 2002
3	A2004-18	20 April 2004
4	A2005-60	22 December 2005
5	A2008-36	2 February 2009

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