

Western Australia

Consumer Credit (Western Australia) Amendment Bill 2001

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Western Australia

LEGISLATIVE COUNCIL

**Consumer Credit (Western Australia)
Amendment Bill 2001**

A Bill for

**An Act to amend the *Consumer Credit (Western Australia) Act 1996*
and for related purposes.**

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Consumer Credit (Western Australia) Amendment Act 2001*.

s. 2

2. Commencement

This Act comes into operation on a day fixed by proclamation.

3. Act Amended

This Act amends the *Consumer Credit (Western Australia) Act 1996**.

[* *Act No. 30 of 1996.*

For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 89-90 and Act No. 10 of 2001.]

4. Section 12 amended

(1) After section 12(1) the following subsection is inserted —

“

(1a) In the case of a short term credit contract, the regulations may require interest charges and all credit fees and charges under the contract to be included for the purpose of calculating the maximum annual percentage rate under the contract for the purposes of subsection (1).

”.

(2) At the end of section 12 the following subsection is inserted —

“

(4) In this section —

“**short term credit contract**” means —

- (a) a contract for the provision of credit limited to a total period that does not exceed 62 days that is not exempted from the Code under section 7(1) of the Code; or
- (b) a contract of a kind prescribed by the regulations.

”.

5. **Section 7 of the *Consumer Credit (Western Australia) Code* amended**

(1) The amendments in this section are to section 7 of the
Consumer Credit (Western Australia) Code set out in the
 Appendix to the *Consumer Credit (Western Australia) Act 1996*.

(2) Section 7(1) is repealed and the following subsection is inserted
 instead —

“

(1) **Short term credit.** This Code does not apply to the
 provision of credit if, under the contract —

- (a) the provision of credit is limited to a total
 period that does not exceed 62 days; and
- (b) the maximum amount of credit fees and charges
 that may be imposed or provided for does not
 exceed 5% of the amount of credit; and
- (c) the maximum amount of interest charges that
 may be imposed or provided for does not
 exceed an amount (calculated as if the Code
 applied to the contract) equal to the amount
 payable if the annual percentage were 24% per
 annum.

”.

(3) The heading to section 7(2) is amended by inserting after
 “Credit without” —

“ **express** ”.

(4) Section 7(2) is amended as follows:

- (a) by deleting “without prior agreement between the credit
 provider and the debtor” and inserting instead —

“

if, before the credit was provided, there was no express
 agreement between the credit provider and the debtor
 for the provision of credit

”;

s. 6

- (b) by inserting after “there is no” —
“ expressly ”.

6. **Part 12 inserted in the *Consumer Credit (Western Australia) Code***

5 The *Consumer Credit (Western Australia) Code* set out in the
Appendix to the *Consumer Credit (Western Australia) Act 1996*
is amended by inserting the following Part after Part 11 —

“

10 **Part 12 — Transitional provision for *Consumer Credit (Western Australia) Amendment Act 2001***

**185. Provision for particular contracts ending after
commencement of amendment**

- (1) This Code does not apply to the provision of short term
credit if —
15 (a) the contract is entered into before the
commencement day; and
(b) the term of the contract ends after the
commencement day.
(2) In this section —
20 “**commencement day**” means the day on which the
*Consumer Credit (Western Australia) Amendment
Act 2001* comes into operation;
“**short term credit**” means the provision of credit
mentioned in section 7(1) as in force immediately
25 before the commencement day.

”.
