

CLAUSE NOTES
CREDIT (COMMONWEALTH POWERS) BILL 2009

Clause 1	<p>Short Title</p> <p>The Act is referred to as the <i>Credit (Commonwealth Powers) Bill 2009</i></p>
Clause 2	<p>Commencement</p> <p>The Act commences on a day to be proclaimed.</p>
Clause 3	<p>Section 3 (Interpretation)</p> <p>Defines a number of terms used in the Bill. Of particular note are:</p> <p>“initial reference” means the ‘National Credit legislation’.</p> <p>“amendment reference” means the reference in s4(1)(b).</p> <p>“National Credit legislation” (NCL) means the two Commonwealth Acts enacted in the terms, or substantially in the terms, of the tabled text set out as:</p> <p>(a) the <i>National Consumer Credit Protection Bill 2009</i>, and</p> <p>(b) the <i>National Consumer Credit Protection (Transitional and Consequential Provisions) Bill 2009</i></p> <p>The “tabled text” means the text of these Bills as tabled in the Commonwealth Parliament (House of Assembly).</p>
Clause 4	<p>Reference of matters</p> <p>Clause 4(1) refers the following matters to the Commonwealth:</p> <p>(a) the ‘initial reference’ – this is largely the NCL.</p> <p>(b) a ‘referred credit matter’. This allows amendments of a minor or consequential nature to be made to the NCL without recourse back to the State parliaments.</p> <p>While some jurisdictions are concerned at the scope of this referral, the referral is limited by the definition of ‘express amendment’ in Clause 3 and statement of intent in the Intergovernmental Agreement underpinning the legislation.</p>
Clause 5	<p>Termination of references</p> <p>The Governor of Tasmania may terminate by proclamation the above referrals, including the amendment capacity under s4(1)(b) to amend the NCL.</p>

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Clause 6	Effect of Termination of amendment reference before initial reference If the ‘amendment reference’ terminates before the termination of the initial reference – this termination will not affect any laws made under that amendment reference. nor the continued operation of the National Credit Legislation.
Clause 7	Evidence A certificate of the Clerk of the House of Assembly certifying that a document is an accurate copy of the tabled text, or of a part or provision, is admissible as evidence in any proceeding.
Clause 8	Administration of the Act With respect to administration of the Act, administration is assigned to the Minister for Corrections and Consumer Affairs and the Department of Justice, until provision is made under section 4 of the <i>Administrative Arrangements Act 1990</i> .