

TASMANIA

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**CONSUMER CREDIT (TASMANIA)  
AMENDMENT BILL 2003**

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# **CONSUMER CREDIT (TASMANIA) AMENDMENT BILL 2003**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*  
15 April 2003

*(Brought in by the Minister for Justice and Industrial  
Relations, the Honourable Judith Louise Jackson)*

## **A BILL FOR**

**An Act to amend the *Consumer Credit (Tasmania) Act 1996* with respect to the sale of goods by instalment and charging of valuation fees**

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

### **Short title**

**1.** This Act may be cited as the *Consumer Credit (Tasmania) Amendment Act 2003*.

### **Commencement**

**2.** This Act commences on the day on which this Act receives the Royal Assent.

**Principal Act**

**3.** In this Act, the *Consumer Credit (Tasmania) Act 1996\** is referred to as the Principal Act.

**Section 5 amended (Application in Tasmania of the Consumer Credit Code)**

**4.** Section 5 of the Principal Act is amended by inserting after subsection (5) the following subsections:

**(6)** Notwithstanding subsection (1), the Consumer Credit (Tasmania) Code applies as if that Code were amended as specified in Schedule 1.

**(7)** Subsection (6) and Schedule 1 expire on a date to be fixed by proclamation.

**Section 6 amended (Application of regulations under Consumer Credit Code)**

**5.** Section 6 of the Principal Act is amended by inserting after subsection (6) the following subsections:

**(7)** Notwithstanding subsection (1), the Consumer Credit (Tasmania) Regulations apply as if those regulations were amended as specified in Schedule 2.

**(8)** Subsection (7) and Schedule 2 expire on a date to be fixed by proclamation.

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\*No. 25 of 1996

**Schedules 1 and 2 inserted**

**6.** After section 13 of the Principal Act, the following Schedules are inserted before the Annexure:

**SCHEDULE 1 – PROVISIONS HAVING  
EFFECT BY VIRTUE OF SECTION 5(6)**

Section 5

The Consumer Credit (Tasmania) Code is amended by inserting at the end of section 6 the following subsections:

**(6)** For the purposes of this Code, a debt is taken to have been incurred and credit to have been provided where a contract is entered into for the sale of goods by instalments.

**(7)** For the purposes of subsection (1)(c), a charge is or may be made where the charges that are or may be made (including an amount to purchase the goods) under a contract for the purchase of goods by instalments exceed the cash price of the goods.

**(8)** Subsections (6) and (7) apply despite the other provisions of this section and a reference in this Act to the Consumer Credit (Tasmania) Code is taken to include a reference to that Code as modified by those subsections.

**(9)** Subsections (6), (7) and (8) do not apply to the provision of credit under a contract entered into before the commencement of the *Consumer Credit (Tasmania) Amendment Act 2003*.

**SCHEDULE 2 – PROVISIONS HAVING  
EFFECT BY VIRTUE OF SECTION 6(7)**

## Section 6

The Consumer Credit (Tasmania) Regulations are amended by inserting after regulation 18 the following regulation:

**Valuation fees for household goods prohibited**

**18A. (1)** A credit contract may not provide for any fee or charge for the purpose of determining the value of household goods.

**(2)** If a person pays a fee or charge levied in contravention of the Code, he or she may recover the fee or charge in any court of competent jurisdiction from the person to whom it was paid.

**(3)** Subregulations (1) and (2) apply despite the other provisions of these regulations and a reference in any Act to the Consumer Credit (Tasmania) Regulations is taken to include a reference to these regulations as modified by this regulation.

**(4)** This regulation does not apply to the provision of credit under a contract entered into before the commencement of the *Consumer Credit (Tasmania) Amendment Act 2003*.