

NORTHERN TERRITORY OF AUSTRALIA

CONSUMER CREDIT (NATIONAL UNIFORM LEGISLATION)
IMPLEMENTATION ACT 2010

As in force at 1 April 2010

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 April 2010

CONSUMER CREDIT (NATIONAL UNIFORM LEGISLATION) IMPLEMENTATION ACT 2010

**An Act to provide for the implementation of national consumer credit
legislation**

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Consumer Credit (National Uniform Legislation) Implementation Act 2010*.

2 Commencement

This Act commences on the day the *National Consumer Credit Protection Act 2009* (Cth) commences.

Part 2 Amendment of Consumer Affairs and Fair Trading Act 1990

3 Act amended

This Part amends the *Consumer Affairs and Fair Trading Act 1990*.

4 Repeal of sections 83 to 86 and Part 12

Sections 83 to 86 and Part 12

repeal

Part 3 Repeal of Consumer Credit (Northern Territory) Act 1995

5 Repeal of *Consumer Credit (Northern Territory) Act*

The *Consumer Credit (Northern Territory) Act 1995* (Act No. 38 of 1995) is repealed.

Part 4 Amendment of Instruments Act 1935**6 Act amended**

This Part amends the *Instruments Act 1935*.

7 Amendment of section 3A (Application of Act)**(1) Section 3A(2)**

omit

Consumer Credit (Northern Territory) Code

substitute

Consumer Credit Code

(2) After section 3A(2)

insert

(3) In this section:

Consumer Credit Code means Schedule 1 to the *National Consumer Credit Protection Act 2009* (Cth).

Part 5 Amendment of Traffic Act 1987**8 Act amended**

This Part amends the *Traffic Act 1987*.

9 Amendment of section 29AB (Definitions)

Section 29AB, definition **Consumer Credit (Northern Territory) Code**

omit, substitute

Consumer Credit Code means Schedule 1 to the *National Consumer Credit Protection Act 2009* (Cth).

10 Amendment of section 29AO (Rights of credit provider)

Section 29AO

omit

Consumer Credit (Northern Territory) Code

substitute

Consumer Credit Code

Part 6 Transitional provisions for National Credit legislation

11 Definitions

In this Part:

Commissioner means the Commissioner of Consumer Affairs appointed under section 6 of the *Consumer Affairs and Fair Trading Act 1990*.

former consumer credit legislation means the *Consumer Credit (Northern Territory) Act* as in force immediately before its repeal by this Act.

National Credit legislation means:

- (a) the *National Consumer Credit Protection Act 2009* (Cth); and
- (b) the *National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009* (Cth).

proceedings has the same meaning as in the *National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009* (Cth).

12 Court proceedings

Proceedings in a court that constitute old proceedings under item 4(1) of Schedule 1 to the *National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009* (Cth) cease to be proceedings under a law of the Territory immediately after the commencement of that item.

13 Construction of references to former consumer credit legislation

In an Act (other than this Act) or other document:

- (a) a reference to the former consumer credit protection legislation is taken to be a reference to the National Credit legislation; and

- (b) a reference to a provision of the former consumer credit protection legislation is taken to be a reference to the corresponding provision (if any) of the National Credit legislation.

14 Provision of information and assistance to ASIC

- (1) The Commissioner may, on his or her own initiative or at the request of ASIC:
 - (a) provide ASIC with any document, or other information, in the possession or control of the Commissioner that is reasonably required by ASIC in connection with the performance of its functions or exercise of its powers under the National Credit legislation; and
 - (b) provide ASIC with any other assistance that is reasonably required by ASIC in connection with the performance of its functions or exercise of its powers under the National Credit legislation.
- (2) Subsection (1) has effect despite any other Act or law.

15 ASIC has certain functions and powers

- (1) The Minister, or a person authorised in writing by the Minister, may enter into an agreement or arrangement with ASIC for the performance of functions or the exercise of powers by ASIC as an agent of the Territory, even if those functions or powers are or may be conferred on another person or body under a law of the Territory.
- (2) An agreement or arrangement of a kind mentioned in subsection (1) has effect despite any provision of a law of the Territory in respect of a function or power that is the subject of the agreement or arrangement.

16 Regulations

- (1) The Administrator may make regulations containing provisions of a savings or transitional nature consequent on:
 - (a) the enactment of this Act; or
 - (b) the transition from the application of the provisions of the former consumer credit legislation to the application of provisions of the National Credit legislation.
- (2) Without limiting subsection (1), a regulation made under this section may continue the operation of a repealed provision.

- (3) A regulation made under this section may have retrospective operation to a day not earlier than the commencement of this section.
- (4) However, to the extent to which a provision has retrospective operation, the provision does not operate to the disadvantage of a person (other than the Territory or a Territory authority) by:
 - (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.
- (5) This section, and a regulation made under this section, expire 2 years after this section commences.

ENDNOTES

1

KEY

Key to abbreviations

amd = amended

app = appendix

bl = by-law

ch = Chapter

cl = clause

div = Division

exp = expires/expired

f = forms

Gaz = Gazette

hdg = heading

ins = inserted

lt = long title

nc = not commenced

od = order

om = omitted

pt = Part

r = regulation/rule

rem = remainder

renum = renumbered

rep = repealed

s = section

sch = Schedule

sdiv = Subdivision

SL = Subordinate Legislation

sub = substituted

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LIST OF LEGISLATION

Consumer Credit (National Uniform Legislation) Implementation Act 2010 (Act No. 14, 2010)

Assent date	20 May 2010
Commenced	1 April 2010 (s 2 and s 2 <i>National Consumer Credit Protection Act 2009</i> (Cth Act No. 134, 2009))

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GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: ss 3, 6, 8 and 11.