



Queensland

# Consumer Credit Amendment Regulation (No. 1) 2006

## Subordinate Legislation 2006 No. 196

made under the

*Consumer Credit (Queensland) Act 1994*

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**1 Short title**

This regulation may be cited as the *Consumer Credit Amendment Regulation (No. 1) 2006*.

**2 Commencement**

This regulation commences on the day the *Consumer Credit and Trade Measurement Amendment Act 2006*, section 8 commences.

**3 Regulation amended**

This regulation amends the *Consumer Credit Regulation 1995*.

**4 Amendment of s10 (Declaration of purposes for which credit provided)**

Section 10(2), after ‘above words’—

*insert—*

‘or, if the declaration is to be made by electronic communication, prominently displayed when (but not after) the person signs’.

**5 Amendment of s 13 (Pre-contractual statement)**

Section 13(5)—

*omit, insert—*

- ‘(5) The financial table is to be set out at the beginning of the precontractual statement. If the precontractual statement consists of more than one document, the financial table need not be repeated. If the precontractual statement is not a separate document, the financial table is to be set out at the beginning of the proposed contract document. The financial table may be preceded by information necessary to identify the loan.’.

**6 Amendment of s 15 (Additional disclosures about credit contracts to be signed by debtor)**

Section 15(3)(b) and (c)—

*omit, insert—*

‘(b) they are to be set out immediately above (and on the same page as) each place where the debtor (or at least 1 of the debtors) is to sign the contract document or, if a contract is made by electronic communication, the information and warnings must be prominently displayed when (but not after) the debtor (or if 2 or more debtors, each debtor) signs.’.

**7 Amendment of s 34 (Declaration about purpose of leases)**

Section 34(2), after ‘above words’—

*insert—*

‘or, if a consumer lease is made by electronic communication, prominently displayed when (but not after) the person signs’.

**8 Amendment of s 39 (Requirements for print or type)**

Section 39—

*insert—*

‘(2) For the purposes of section 162(1A)(b) of the Code, if a credit contract, mortgage or guarantee or a notice given by a credit provider under the Code is transmitted by electronic communication—

(a) the electronic communication must not incorporate any image, message, advertisement or other feature that distracts, or is reasonably likely to distract, the recipient or otherwise reduces or interferes, or is reasonably likely to reduce or interfere, with the recipient’s ability to understand the credit contract, mortgage or guarantee or notice; and

(b) if an image, message, advertisement or other feature accompanies or is associated with the electronic communication, it must be readily distinguishable from the credit contract, mortgage or guarantee or notice; and

- (c) the recipient must be readily able to scroll through the whole of the credit contract, mortgage or guarantee or notice; and
- (d) the full address (not being a post office box) and telephone number at which the credit provider may be contacted must be included in the credit contract, mortgage or guarantee or notice.’

## **9 Insertion of new section 39A**

After section 39—

*insert—*

### **‘39A Exemptions in relation to electronic communications**

‘For the purposes of section 164A(3) of the Code, the following transactions, documents or information, or classes of transactions, documents or information, must not be made, given or provided by electronic communication—

- (a) a guarantee to which the Code applies under section 9 of the Code;
- (b) a copy of a guarantee given under section 52(1)(a) of the Code;
- (c) a copy of a credit contract given under section 52(1)(b) of the Code;
- (d) a copy of a contract document given under section 54(2)(a) of the Code;
- (e) a notice setting out particulars of the change in the terms of the credit contract under section 56(1)(a) of the Code;
- (f) a default notice under section 80(1) of the Code;
- (g) a default notice under section 80(2) of the Code;
- (h) information concerning the provisions of section 91 of the Code provided to the occupier of premises under section 91(1)(b) of the Code;
- (i) a request for entry to premises under section 24(a) of this regulation;
- (j) a consent to enter premises under section 24(c) of this regulation;

- (k) a notice under section 94(1) of the Code;
- (l) a demand made on the supplier under section 120(5)(a) of the Code;
- (m) a demand made on the supplier under section 120(6)(a) of the Code;
- (n) a notice of intention to repossess under section 156(1) of the Code;
- (o) a transaction on which duty is only charged under the laws of this jurisdiction if the transaction is effected or evidenced by an instrument or document in hard copy form;
- (p) an instrument on which duty is only charged under the laws of this jurisdiction if the instrument is in hard copy form.’.

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#### ENDNOTES

- 1 Made by the Governor in Council on 3 August 2006.
- 2 Notified in the gazette on 4 August 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Tourism, Fair Trading and Wine Industry Development.