



Queensland

Consumer Credit Amendment Regulation (No. 2) 2004

Subordinate Legislation 2004 No. 312

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. 2) 2004*.

2 Regulation amended

This regulation amends the *Consumer Credit Regulation 1995*.

3 Replacement of s 33C (Warnings about comparison rate)

Section 33C—

omit, insert—

‘33C Warnings about comparison rate

‘(1) For the purposes of section 146H(1) of the Code, the warning about the accuracy of a comparison rate in a credit advertisement must—

(a) include the short statement or long statement; and

(b) be given in the same form as the comparison rate is given unless the credit advertisement is on television, the Internet or other electronic display medium.¹

‘(2) For the purposes of section 146O(1) of the Code, the warning about the accuracy of a comparison rate in a comparison rate schedule must include the long statement.

‘(3) A warning may also contain a statement that the credit provider does not provide credit for an amount, or a term, or both, specified in a credit advertisement or comparison rate schedule.

‘(4) In this section—

long statement means the following statement—

‘WARNING: This comparison rate applies only to the example or examples given. Different amounts and terms will result in different comparison rates. Costs such as redraw fees or early repayment fees, and cost savings such as fee waivers,

1 For a credit advertisement on an electronic display medium, see the Consumer Credit Code, section 146I(3) for the form in which the warning must be given.

are not included in the comparison rate but may influence the cost of the loan.’.

short statement means the following statement—

‘WARNING: This comparison rate is true only for the examples given and may not include all fees and charges. Different terms, fees or other loan amounts might result in a different comparison rate.’.

4 **Amendment of s 33D (Relevant comparison rate schedules)**

Section 33D—

insert—

- ‘(2) For the purposes of section 146M(2) of the Code, if a credit provider generally provides credit for an amount listed in subsection (1)(m) to (u) for a term of less than 25 years for purposes other than for a housing loan, the term prescribed for the amount is the term for which credit of that amount is provided by the credit provider.
- ‘(3) If the annual percentage rate applicable to an amount of credit provided by a credit provider is determined by a credit provider according to the risk profile of the debtor, a comparison rate schedule in which the amount is included must contain 5 comparison rates for that amount.
- ‘(4) The comparison rates for an amount of credit mentioned in subsection (3) are to be calculated on the basis of repayments with an annual percentage rate that is the average annual percentage rate charged by the credit provider for the amount rounded to the nearest whole number and the 2 whole number rates above and below that rate.’.

5 **Amendment of s 33E (Information about whether comparison rate relates to secured loan)**

Section 33E—

insert—

- ‘(2) A comparison rate schedule may, but is not required to, contain statements as to whether a comparison rate in a

comparison rate schedule is for a secured loan or unsecured loan for amounts other than the amounts for which such a statement is required to be made by subsection (1).'

6 Amendment of s 33G (Exemption of certain premises)

Section 33G—

insert—

- '(2) A credit provider is exempt from section 146K(5) of the Code in relation to applications for credit sent or given by the credit provider from or at premises referred to in subsection (1).'

7 Insertion of new s 33HA

After section 33H—

insert—

'33HA Matters that may be included in comparison rate schedules

'A comparison rate schedule may include a statement as to the frequency of repayments used to calculate a comparison rate contained in the schedule.'

ENDNOTES

- 1 Made by the Governor in Council on 16 December 2004.
- 2 Notified in the gazette on 17 December 2004.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Office of Fair Trading.