

ACTS AMENDMENT
AND REPEAL
(CREDIT).

No. 102 of 1984.

AN ACT to amend the Bills of Sale Act 1899, the Control of Vehicles (Off-road areas) Act 1978, the Door to Door (Sales) Act 1964, the Hire-Purchase Act 1959, the Road Traffic Act 1974, the Supreme Court Act 1935 and the Transport Act 1966 and to repeal the Money Lenders Act 1912 and for incidental and other purposes.

[Assented to 19 December 1984.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Acts Amendment and Repeal (Credit) Act 1984*. Short title.

Commence-
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are, respectively, fixed by proclamation.

PART II.—BILLS OF SALE ACT 1899.

Section 17S
amended.
Reprinted
as approved
7 April 1971
and amended
by Acts
Nos. 32 of
1971, 94 of
1972
(as amended
by 19 of 1973),
74 of 1981,
10 of 1982,
49 of 1983 and
11 of 1984.

3. Section 17S of the Bills of Sale Act 1899 is amended—

(a) by inserting at the commencement the subsection designation “(1)”; and

(b) by adding the subsection following—

“ (2) Subsection (1) and the Eleventh and Twelfth Schedules shall be read and construed subject to the provisions of the Credit Act 1984 in relation to any bill of sale that is a regulated mortgage within the meaning of that Act. ”.

PART III.—CONTROL OF VEHICLES (OFF-ROAD
AREAS) ACT 1978.

Section 3
amended.
Act No. 117
of 1978
amended by
Act No. 106
of 1981.

4. Section 3 of the Control of Vehicles (Off-road areas) Act 1978 is amended in subsection (1) by inserting after paragraph (b) in the definition of “owner” the following paragraph—

“ (ba) a person who is the purchaser or hirer of the vehicle under a contract that for the purposes of the Credit Act 1984 is a credit sale contract or who is the debtor under an agreement that pursuant to that Act is deemed to be a credit sale contract; ”.

PART IV.—DOOR TO DOOR (SALES) ACT 1964.

5. Section 2 of the Door to Door (Sales) Act 1964 is amended in subsection (1)—

Section 2
amended.
Reprinted as
approved
13 March 1981
and amended
by Act No. 55
of 1983.

(a) in the definition of “credit purchase agreement” by inserting after “applies” the following—

“ and includes any agreement that is a credit sale contract under the Credit Act 1984 or is deemed to be a credit sale contract pursuant to that Act ”; and

(b) in the definition of “hiring agreement” by deleting “or rental agreement within the meaning of Part IVC of the Stamp Act 1921” and substituting the following—

“ or any agreement for the hiring of goods which pursuant to the Credit Act 1984 is deemed to be a credit sale contract ”.

PART V.—HIRE-PURCHASE ACT 1959.

6. In this Part the Hire-Purchase Act 1959 is referred to as the principal Act.

Principal Act.
Reprinted as
approved
27 October
1981.

7. Section 1 of the principal Act is amended by repealing subsection (3).

Section 1
amended.

8. Section 2 of the principal Act is amended—

Section 2
amended.

(a) in subsection (1)—

(i) in the definition of “hire purchase agreement”—

(A) by deleting “or” after paragraph (e); and

(B) by deleting the semi-colon after paragraph (f) and substituting the following—

“ ; or

(g) any agreement that is a credit sale contract under the Credit Act 1984 or any agreement that is deemed to be a credit sale contract by that Act; ”;

(ii) by deleting the definition of “licence”;

(iii) by deleting the definition of “Registrar”; and

(iv) by deleting the definition of “Tribunal”; and

(b) in subsection (3), by inserting after “bailee,” the following—

“ then, except where the agreements are credit sale contracts under the Credit Act 1984 or are deemed to be credit sale contracts pursuant to that Act, ”.

Section 3
amended.

9. Section 3 of the principal Act is amended in subsection (2) by inserting after “the Stamp Act 1921” in paragraph (e) (viiia) the following—

“ or the Financial Institutions Duty Act 1983 ”.

Part VA
repealed.

10. Part VA of the principal Act is repealed.

Section 36A
amended.

11. Section 36A of the principal Act is amended by deleting “or unemployment” and substituting the following—

“ , unemployment or other reasonable cause ”.

12. Section 36B of the principal Act is repealed. Section 36B repealed.

13. Section 36C of the principal Act is amended by deleting "nineteen to twenty-five, both inclusive," and substituting the following— Section 36C amended.

“ 19, 20, 21, 22, 23, 23A, 24 and 25 ”.

14. Section 40A of the principal Act is amended— Section 40A amended.

(a) in subsection (2)—

(i) by repealing paragraphs (a) to (g);
and

(ii) by deleting "and" after paragraph
(g); and

(b) by repealing subsection (3).

PART VI.—MONEY LENDERS ACT 1912.

15. The Money Lenders Act 1912 is repealed. Repeal of Money Lenders Act 1912.

PART VII.—ROAD TRAFFIC ACT 1974.

16. Section 5 of the Road Traffic Act 1974 is amended in subsection (1) by inserting after paragraph (b) in the definition of "owner" the following paragraph— Section 5 amended. Reprinted as approved 19 July 1983.

“ (ba) a person who is the purchaser or hirer of the vehicle under a contract that for the purposes of the Credit Act 1984 is a credit sale contract or who is the debtor under an agreement that pursuant to that Act is deemed to be a credit sale contract; ”.

PART VIII.—SUPREME COURT ACT 1935.

Section 31
amended.
Reprinted as
approved
12 May 1980
and amended
by Acts
Nos. 52 of
1981 and 3,
7, 10, and 47
of 1982, 47 of
1983 and 9
of 1984.

17. Section 31 of the Supreme Court Act 1935 is amended in subsection (1) by deleting “Money Lenders Act, 1912” and substituting the following—

“ Credit Act 1984 ”.

PART IX.—TRANSPORT ACT 1966.

Section 4
amended.
Reprinted as
approved
19 July 1983.

18. Section 4 of the principal Act is amended in subsection (1) in the definition of “owner”—

(a) by deleting “or” after paragraph (a); and

(b) by inserting the following paragraph—

“ (aa) is the purchaser or hirer of the vehicle under a contract that for the purposes of the Credit Act 1984 is a credit sale contract or who is the debtor under an agreement that pursuant to that Act is deemed to be a credit sale contract; ”.

PART X.—SAVINGS AND TRANSITIONAL.

Money
Lenders
Act 1912 to
continue
in relation
to existing
contracts.

19. Notwithstanding the repeal of the Money Lenders Act 1912 by this Act, that Act continues to have the same operation and effect in relation to transactions or contracts for or with respect to loans within the meaning of that Act entered into before the commencement of this section to which that Act applied immediately before that commencement as it would have had if that Act had not been repealed.

(2) A provision of a regulation made under subsection (1) may take effect on and from a day that is earlier than the day on which it is published in the *Government Gazette*, or from a later day.

(3) To the extent to which a provision of a regulation made under subsection (1) takes effect on and from a day that is earlier than the day on which it is published in the *Government Gazette*, the provision does not operate—

- (a) to affect, in a manner prejudicial to any person (other than the State or a public authority), the rights of that person existing before that day of publication; or
- (b) to impose a liability on any person (other than the State or a public authority) in respect of anything done or omitted to be done before that day of publication.

(4) In this section—

“cognate Act” means the Credit Act 1984, the Credit (Administration) Act 1984 or the Commercial Tribunal Act 1984;

“repealed Act” means the Money Lenders Act 1912.
