

HIRE-PURCHASE.

No. 5 of 1974.

AN ACT to repeal and re-enact section 2 of the Hire-Purchase Act Amendment Act, 1973 and to amend sections 23E, 23K, 23N, and 40A of the Hire-Purchase Act, 1959-1973.

[Assented to 19th September, 1974.]

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:—

1. (1) This Act may be cited as the *Hire-Purchase Act Amendment Act, 1974.*

Short title
and citation.

(2) In this Act—

(a) the Hire-Purchase Act, 1959-1973 is referred to as the principal Act; and

Act No. 58
of 1959
as amended
by Act No.
107 of 1973.

Act No. 107
of 1973.

(b) the Hire-Purchase Act Amendment Act, 1973 is referred to as the 1973 amending Act.

(3) The principal Act as amended by this Act may be cited as the Hire-Purchase Act, 1959-1974.

Commence-
ment.

2. (1) Subject to subsections (2) and (3) of this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Sections 4, 5, and 6 of this Act shall come into operation on the day on which section 19 of the 1973 amending Act comes into operation.

(3) Section 7 of this Act shall come into operation on the day on which section 28 of the 1973 amending Act comes into operation.

Section 2 of
1973
amending
Act
repealed
and
re-enacted.
Commence-
ment.

3. Section 2 of the 1973 amending Act is repealed and re-enacted as follows—

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

Section 23E
of principal
Act
amended.

4. Section 23E of the principal Act is amended by adding at the end a subsection as follows—

(3) The power conferred on the Tribunal by subsection (2) of this section is in addition to and not in derogation of the powers conferred on the Tribunal by section twenty-three S of this Act. .

Section 23K
of principal
Act
amended.

5. Section 23K of the principal Act is amended—

(a) by deleting the word “A” in line one and substituting the words “On and after the appointed day a” ; and

(b) by adding at the end a subsection as follows—

(4) In this section “appointed day” means such day as is fixed by the Minister by notice published in the *Government Gazette* to be the appointed day for the purposes of this section. .

6. Subsection (1) of section 23N of the principal Act is amended by adding after the word “June”, being the last word in the subsection, the passage “, but where, in respect of a new licence, the next ensuing thirtieth day of June is less than six months after the grant of the licence, the Tribunal may, if it thinks fit, grant the licence for a period expiring twelve months later than that day”.

Section 23N
of principal
Act
amended.

7. Section 40A of the principal Act is amended by adding at the end a subsection as follows—

Section 40A
of the
principal
Act
amended.

(3) In respect of the grant or renewal of a licence, the regulations—

(a) may fix maximum and minimum fees;

(b) subject to any such maximum and minimum fees, may provide that—

(i) the fee shall be fixed by reference to the total of the amounts financed by the applicant under hire-purchase agreements, or the total number of hire-purchase agreements under which the applicant financed amounts, in a period prior to the grant or renewal; or

(ii) where the applicant was not a credit provider during that period or part of it, or does not produce information or produces insufficient information on his hire-purchase agreements in that period, the Tribunal

shall fix the fee in such amount as it thinks proper and reasonable in the circumstances, and the amount so fixed shall be final and conclusive; and

- (c) may fix fees, additional to those referred to in paragraphs (a) and (b), for authorised addresses of the credit provider other than the registered address. .
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