

CE302*

Consumer Credit (Western Australia) Act 1996

Consumer Credit (Western Australia) Code Regulations Amendment Order (No. 2) 2006

Made by the Governor in Executive Council under section 6 of the Act.

1. Citation

This order is the *Consumer Credit (Western Australia) Code Regulations Amendment Order (No. 2) 2006*.

2. The regulations amended

The amendments in this order are to the *Consumer Credit (Western Australia) Code Regulations**.

[* *The regulations in force under Part 4 of the Consumer Credit (Queensland) Act 1994 as applied, and amended under, section 6 of the Consumer Credit (Western Australia) Act 1996. For amendments to 11 May 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 66.*]

3. Section 5A inserted

Before section 5 the following section is inserted in Part 2 —

“

5A. Continued application of Part 11 of the Code and interpretation

(1) This section applies despite a statement in a provision of this part that —

- (a) the Code does not apply to a particular matter;
- or

- (b) the Code, other than a particular provision or provisions (**“prescribed provision or provisions”**), does not apply to a particular matter.
- (2) The Code applies in relation to the particular matter and the prescribed provision or provisions to the extent necessary for the interpretation of the particular matter and the prescribed provision or provisions.
- (3) Part 11 of the Code applies in relation to the particular matter and the prescribed provision or provisions to the extent the context permits.

”.

4. Section 6C amended

Section 6C(1) is amended by deleting “, part 7, part 11 and schedules 1 and 2” and inserting instead —

“ and part 7 ”.

5. Section 6I inserted

After section 6H the following section is inserted —

“

6I. Firefighter’s Benefit Fund of WA Incorporated

The Code, other than part 2, division 3, part 4, division 3 and part 5, divisions 1 and 2, does not apply to the provision of credit to a person by the Firefighter’s Benefit Fund of Western Australia Incorporated (the **“fund”**) if —

- (a) the person is a member of the fund;
- (b) the application form by which the person applies for that credit states an annual percentage rate for the credit; and
- (c) the credit contract under which the credit is provided —
 - (i) fixes, for the whole term of the contract, an annual percentage rate that is the same as the rate stated in the application form; and
 - (ii) does not provide for varying the rate.

”.

Note: A draft of this order (as the Consumer Credit (Western Australia) Code Regulations Amendment Order (No. 2) 2005) was approved by the Legislative Assembly on 12 October 2005 (see Hansard p. 6204-5) and by the Legislative Council on 4 May 2006 (see Hansard p. 2164-6).

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
