

# Attachment to CP 303: Draft instrument



**ASIC**

Australian Securities & Investments Commission

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## **ASIC Credit (Unsuitability—Credit Cards) Instrument 2018/XX**

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I, <insert name>, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date            2018

[DRAFT ONLY – NOT FOR SIGNATURE]

<signature>

<insert name>

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## Part 1—Preliminary

### 1 Name of legislative instrument

This is the *ASIC Credit (Unsuitability—Credit Cards) Instrument 2018/XX*.

### 2 Commencement

This instrument commences on the later of:

- (a) 1 January 2019; and
- (b) the day after it is registered on the Federal Register of Legislation.

Note: The register may be accessed at [www.legislation.gov.au](http://www.legislation.gov.au).

### 3 Authority

This instrument is made under subsection 160F(1) of the *National Consumer Credit Protection Act 2009*.

### 4 Definitions

In this instrument:

*Act* means the *National Consumer Credit Protection Act 2009*.

## Part 2—Determination

### 5 Period for determining unsuitability in respect of credit card contracts

A period of three years is determined for the purposes of the following provisions of the Act:

- (a) paragraph 118(3AA)(b);
- (b) paragraph 119(3A)(b);
- (c) paragraph 123(3AA)(b);
- (d) paragraph 124(3A)(b);
- (e) paragraph 131(3AA)(b);
- (f) paragraph 133(3AA)(b).

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## Part 3—Transitional

### 6 Application

The determination in section 5 applies:

- (a) so far as the provision to which it relates applies in relation to entering a credit card contract—to credit card contracts entered into on or after 1 January 2019; and
- (b) so far as the provision to which it relates applies in relation to remaining in a credit card contract, or increasing the credit limit of a credit card contract:
  - (i) to credit card contracts entered into on or after 1 January 2019; and
  - (ii) to credit card contracts entered into before 1 January 2019.

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