

Australian Securities and Investments Commission**National Consumer Credit Protection Act 2009 – Paragraph 163(1)(a) – Exemption****Enabling legislation**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under paragraph 163(1)(a) of the *National Consumer Credit Protection Act 2009* (the *Act*).

Title

2. This instrument is ASIC Instrument 18-0689.

Commencement

3. This instrument commences on 1 January 2019.

Exemption

4. Latitude Finance Australia ACN 008 583 588 (*LFA*) does not have to comply with section 133BS of the Act.

Where the exemption applies

5. The exemption in paragraph 4 applies in respect of credit card contracts which are identified as the following products:
 - (a) 28 Degrees Platinum MasterCard;
 - (b) GO MasterCard;
 - (c) GO Platinum MasterCard;
 - (d) GO Business MasterCard;
 - (e) Latitude MasterCard;
 - (f) Latitude Financial Services Account (formerly known as ‘Myer Black’);
 - (g) Low Rate MasterCard; and
 - (h) Eco MasterCard.

Conditions

6. LFA must:

- (a) credit an affected customer's account in the following statement period the difference between the interest applied to their account and the interest that would have been applied to their account had LFA complied with section 133BS of the Act;
- (b) publish a notice in a newspaper circulating throughout each State and Territory a notice substantially in the form of the following:

“Due to IT system constraints the implementation of simplified interest charging on your credit card account has been delayed until 1 April 2019. To ensure that you have not been adversely affected, we may refund some interest charged between 1 January 2019 to 31 March 2019. This refund is to ensure that you are charged the same amount of interest as if the simplified interest charging had been implemented from 1 January 2019.

For more information please see the relevant website for your credit card [insert website address] or call [insert number] and speak to one of our customer service representatives.”;

- (c) include the notice in subparagraph 7(b) in an affected customer's statement of account for any statement periods between 1 January 2019 to 31 March 2019; and
- (d) provide the notice in subparagraph 7(b) to a debtor when entering into a credit card contract of the kinds listed at paragraph 5.

Cessation

- 7. This exemption ceases to apply on 31 March 2019.

Interpretation

- 8. In this instrument:

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

affected customer means a debtor under a credit card contract who has had interest applied to their account in a way prohibited by section 133BS of the Act.

credit card contract has the meaning given by section 133BA of the Act.

Dated this 6th day of August 2018



Signed by Akanksha Choudhary
as a delegate of the Australian Securities and Investments Commission