



Federal Court of Australia

District Registry: Queensland Registry

Division: General

No: QUD190/2022

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Applicant

**SUNSHINELOANS PTY LTD (ACN 092 821 960)**

Respondent

**ORDER**

**JUDGE:** Justice Derrington

**DATE OF ORDER:** 5 July 2024

**WHERE MADE:** Brisbane

**THE COURT DECLARES THAT:**

1. Pursuant to s 21 of the *Federal Court of Australia Act 1976* (Cth) for the period between 1 July 2016 and 2 November 2020, and pursuant to s 166(2) of the *National Consumer Credit Protection Act 2009* (NCCPA) for the period between 13 March 2019 and 2 November 2020, SunshineLoans Pty Ltd:
  - (a) by entering into 670,609 Small Amount Credit Contracts (SACCs) which each provided for it to charge a fee of \$35.00 for agreeing to amend the terms of the SACC (or part thereof) (Amendment Fee), contravened s 24(1A)(a) of the *National Credit Code* (being Sch 1 to the NCCPA) on 670,609 occasions by entering into SACCs on terms which imposed a monetary liability (being the Amendment Fee) prohibited by ss 23A(1)(b) and 31A(1) of the *National Credit Code*;
  - (b) by charging the Amendment Fee to consumers on 12,693 occasions, contravened s 24(1A)(b) of the *National Credit Code* on 12,693 occasions in that it required payment of an amount in respect of a monetary liability (being the Amendment Fee) that could not be imposed consistently with the *National Credit Code* because it was prohibited by ss 23A(1)(b) and 31A(1) of the *National Credit Code*;
  - (c) by accepting payment of the Amendment Fee from consumers on 8,376 occasions, contravened s 24(1A)(b) of the *National Credit Code* on 8,376 occasions in that it accepted payment of an amount in respect of a monetary liability (being the Amendment Fee) that could not be imposed consistently with the *National Credit Code* because it was prohibited by ss 23A(1)(b) and 31A(1) of the *National Credit Code*;



- (d) by reason of the conduct identified in declarations (a), (b) and (c) above, SunshineLoans Pty Ltd also contravened s 47(1)(d) of the NCCPA.

Date orders authenticated: 5 July 2024

*Sia Lagos*  
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.