

National Consumer Credit Protection Act 2009 – Paragraph 109(1)(a) – Exemption**National Credit Code – Section 203A – Exemption****Enabling power**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under:
 - (a) paragraph 109(1)(a) of the National Consumer Credit Protection Act 2009 (the *Credit Act*); and
 - (b) section 203A of the National Credit Code (the *Code*).

Note: The Code is Schedule 1 to the Credit Act

Title

2. This instrument is ASIC Instrument [22-0602].

Exemption

3. A person (the *credit provider*) specified in paragraph 5 does not have to comply with:
 - (a) subsections 29(1) and (2) of the Credit Act; and
 - (b) the provisions of the Code (other than Part 1, Part 4, Division 3 of Part 5, Divisions 4 and 5 of Part 7 and Parts 12, 13 and 14).

Note: Subsection 29(4) of the Credit Act may provide a defence to a person who engages in a credit activity on behalf of another person that is exempt from 29(1) and (2) of the Credit Act in relation to the credit activity under paragraph 109(1)(a) of the Credit Act.

Where exemption applies

4. The exemptions in paragraph 3 apply to credit activities engaged in by the credit provider in relation to the provision of credit to clergy, or to joint debtors where one of the debtors is clergy, and:
 - (a) subject to paragraph 4(b), the interest rate charged under the credit contract does not exceed:
 - (i) for a credit contract with a fixed interest rate—the maximum rate that applies at the time of entering into the credit contract; or
 - (ii) for a credit contract with a variable interest rate—the maximum rate that applies from time to time; and
 - (b) the credit contract does not impose:
 - (i) credit fees and charges; or
 - (ii) a default rate of interest.

Interpretation

5. In this instrument:

clergy means person(s) who are ordained clergy, ordination candidates and lay ministers in the Anglican Diocese of Perth.

credit activity has the meaning given by section 6 of the Credit Act.

credit provider means Anglican Community Fund (Inc) ABN 62 280 551 612 and The Perth Diocesan Trustees ABN 59 962 540 635.

credit fees and charges has the meaning given by subsection 204(1) of the Code.

default rate has the meaning given by section 27 of the Code.

maximum rate means the rate that is calculated as the sum of:

- (a) the Australian Bank Bill Swap Reference Rate (Bid) (3 Month) (expressed as a percentage per annum) administered by ASX Benchmarks Pty Limited as at the first working day of the calendar quarter in which the credit contract is entered into (or if it ceases to be published, the cash rate as published by the Reserve Bank of Australia from time to time); and
- (b) a margin of 4 per cent per annum.

Dated this 24th day of June 2022



Signed by Alexandra Hall

As a delegate of the Australian Securities and Investments Commission