

ASIC Credit (Unsuitability—Credit Cards) Instrument 2018/753

I, Grant Moodie, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 28 August 2018

Grant Moodie

**Contents**

[Part 1—Preliminary 3](#_Toc523228675)

[1 Name of legislative instrument 3](#_Toc523228676)

[2 Commencement 3](#_Toc523228677)

[3 Authority 3](#_Toc523228678)

[4 Definitions 3](#_Toc523228679)

[Part 2—Determination 4](#_Toc523228680)

[5 Period for determining unsuitability in respect of credit card contracts 4](#_Toc523228681)

[Part 3—Transitional 5](#_Toc523228682)

[6 Application 5](#_Toc523228683)

Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC Credit (Unsuitability—Credit Cards) Instrument 2018/753*.

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).

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.