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Phil Khoury and Debra Russell
Cameron Ralph Khoury
Review of the BCCC

Dear Mr Khoury and Ms Russell

Review of the BCCC: response to Interim Report

Thank you for the opportunity to respond to the Interim Report (**Interim Report**) of the Review of the Banking Code Compliance Committee (**BCCC**). This is a joint submission from Consumer Action Law Centre, Financial Rights Legal Centre, Financial Counselling Australia, Care ACT, Consumer Credit Legal Service (WA) Inc and COTA. Details about our organisations is provided at **Appendix B**.

As you are aware, we have also responded to the review of the Australian Banking Association (**ABA**) Banking Code of Practice (the **Code**),[1] and to the Interim Report of that review.[2] This response builds upon our comments in those submissions.

Consumer representatives value the work of the BCCC and consider it to perform an important function in terms of regulatory oversight of the banks. Bank reporting to the BCCC helps to mandate internal organisational focus on compliance with the Code, and is vital to transparency on Code compliance. In terms of its public reporting function, the BCCC's reports provide unique data and insights into broader bank performance on its commitments to customers. We find particular value in the aspects of BCCC reports that analyse specific data in detail, such as those on the BCCC's own motion inquiries.

However, we see some clear shortcomings in the output and effectiveness of the role of the BCCC. The most obvious and easily fixable are the limits on the ability of the BCCC to identify banks in its Own Motion Inquiry and Compliance Statement reports. This greatly dilutes the transparency and effectiveness of the purpose of the BCCC.

[1] Available at: https://consumeraction.org.au/review-of-the-2021-australian-banking-association-code-of-practice/
[2] Available at: https://consumeraction.org.au/review-of-the-aba-banking-code-of-practice-response-to-interim-report/

The sanction powers of the BCCC should also be expanded, to be in line with ASIC Regulatory Guide 183 and other equivalent codes. Another more complex but just as important issue is the glaring inconsistencies in the data it receives from the banks. If the ABA wants the BCCC to be capable of most effectively improving Code compliance and the way banks treat customers, these issues should be addressed as a priority.

We have not responded to all the questions posed in the Interim Report, as some are outside our expertise, particularly where they relate to internal BCCC or bank matters. A summary of our recommendations is available at **Appendix A**.

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Question 1 – The Role and purpose of the BCCC

a) Would the BCCC's role and purpose be clearer if the Code and the Charter were amended to describe this as "monitoring Code compliance and promoting best practice Code implementation"?

Yes, it would make sense to have a consistent purpose expressed in both the Code and the Charter of the BCCC. This description adequately addresses the key functions and purpose of the BCCC at a high level.

b) What more should the BCCC do to build a shared understanding of its role and how it fits into the regulatory and quasi-regulatory landscape?

Consumer representatives have generally positive sentiments towards the BCCC and the way it performs its role. That said, there is some uncertainty about the boundaries of its functions, such as in relation to:

- The shared boundaries of oversight with the Australian Financial Complaints Authority (**AFCA**) and the Australian Securities and Investments Commission (**ASIC**)
- How it monitors and engages with the banks behind the scenes in relation to reports and other best practice work.

Interaction with ASIC

As new aspects of regulation come into play, the efficiency, effectiveness and understanding of the regulatory landscape for banking would be improved if the BCCC is able to create more certainty and share greater detail about how its role interacts with ASIC. There is obvious potential for unnecessary and confusing overlap between the role of the two entities, particularly as ASIC may have power to enforce certain Code provisions.

Industry, consumers and all other stakeholders would benefit if the BCCC and ASIC could work to establish both information sharing agreements, and a MOU or similar that sets out their respective roles, and divides areas of focus, to the extent that their powers are adequate and will allow. Ideally this would include a commitment to share information relating to data obtained from industry and complaints. Separate to reducing overlap for the banks in reporting, a significant benefit of information sharing would also come from allowing ASIC and the BCCC to share complaint information. It is currently common for consumer representatives to encourage and assist clients to lodge complaints at AFCA, ASIC and the BCCC, all for the same issue. Establishing processes to ensure that complaints and data go to wherever they are needed, regardless of who initially received the complaint, would make a significant difference in the experience of consumers in providing information to the BCCC and other regulators. It would also reduce double handling across the board. The potential of information sharing with ASIC is explored further in the submission in relation to specific types of data.

Interaction with AFCA

Increased clarity around how complaints made to AFCA feed into the work of the BCCC would also help other parties better understand where the BCCC receives (or does not receive) intelligence from. It is generally apparent at the point where a final determination is made by AFCA whether and what aspects of a dispute have been referred to the BCCC. However, this is less clear in the majority of cases which settle. In these circumstances, AFCA should still clarify with the complainant when they settle a dispute whether AFCA has or will alert the BCCC of the complaint. Any preliminary analysis by AFCA of potential Code breaches should be provided to the BCCC as standard practice. If AFCA is not going to, it should be made common practice for AFCA to inform the complainant that they may submit a complaint to the BCCC. This is explored further in response to Question 6 below.

Increasing transparency around best practice work

We understand that the publication of reports—from both Compliance Statement reports and own motion inquiries—is the final (or close to final) step in the BCCC's use of information and data it receives from the banks, and follows or coincides with direct feedback and engagement with the banks about the analysis. We understand

the banks report that they find this feedback to be valuable, however it is an aspect of BCCC work where there are limits on what is currently being published. The BCCC reports detail the recommendations made to banks. However, more detail about the specifics of BCCC engagement with the banks at this point would be helpful to better understand the impact of the BCCC. It would be particularly valuable if the BCCC began publishing what banks commit to do in relation to recommendations and feedback. Ideally this would be in an identified format, but even as de-identified information it would be useful to better understand how banks work with the BCCC, and what comes of these reviews.

c) Would there be benefit in the BCCC consulting more transparently about its proposed priority areas each year?

Some consumer representatives have been part of BCCC yearly consultation processes to determine their priority areas in the past, while others have not. For those involved, these processes have been useful and informative. The BCCC should continue to seek feedback from a range of consumer representatives each year, and adopt a formal and transparent process under which the attending organisations rotate, to ensure all interested and appropriate consumer representatives get a chance to provide input over time. We also anticipate that BCCC work plans would change across the year as new data and evidence is gathered of how banks are performing. To this end, consumer representatives would value being provided brief periodic updates (such as a brief email) from the BCCC on what issues they are working on are and most interested in, whenever there are meaningful updates. This would help us better identify what issues may be most worthwhile reporting to the BCCC. If the priority areas and current opinions of the BCCC did not reflect what recent casework is indicating to us, it would also provide a prompt to discuss this.

Question 2 – The BCCC and small business matters

It is our understanding that it is a small proportion of breaches of the Code that relate to small business customers, and that only a small proportion of BCCC Committee's work is therefore specifically focused on small business matters. Considering this, it is our view that adding a small business focused member to the Committee for all matters would be inappropriate. If there have been teething issues with optimising the role and impact of the Small Business Panel, we would recommend that a better interim step would be to set up clearer guidelines and processes for when and how the Small Business Panel is to be consulted, rather than appointing a specialist Committee Member, when small business expertise would not be relevant to a majority of issues considered.

We also recommend expanding the Small Business Panel to include a small business caseworker with experience from the specialist telephone financial counselling service for small business, the Small Business Debt Helpline (www.sbdh.org.au). As COVID-19 and lockdowns have pushed many small businesses – particularly in major cities – into financial situations they may have never faced before, this kind of additional expertise would be a valuable to the panel. The current members with financial counsellor expertise are predominantly focused on rural business.

RECOMMENDATION 1. Retain the Small Business Panel and provide further guidance about when Committee Members should seek guidance from the Panel, as well as what the guidance should involve.

Question 3 – The Charter's governance framework

While acknowledging that this review is treating the appropriate inclusion or exclusion of the BCCC Charter within the Code as a matter for the broader Code review, it is our view that the most logical place for the Charter would be for it to sit as an annexure to the Code.

a) Views are sought as to whether: An alternate member should only be able to be appointed where a BCCC member is absent or unable to participate for a prolonged period – and that in this case the appointing body should appoint the alternate rather than the BCCC member?

We support retaining the ability for a Committee Member to be replaced by an alternate to take part in a meeting, even if it is for a short-term absence. We do not see the harm in allowing alternates to play a role where there are unforeseen circumstances or legitimate reasons that a Committee Member cannot make a meeting. It is preferable for the appointed members to attend as many meetings as possible, but if a meeting needs to occur, this should not be prevented by one member being unavailable in the short-term. Personal circumstances are unpredictable, and flexibility in Committee operations should allow for this.

However, we agree that the ability to appoint alternates (whether short or long-term) generally should sit with the appointing body of that Committee Member, rather than the member themselves. We suggest the simplest way to manage this would be for the appointing body to designate a standard alternate at the same time as when the Member is appointed.

RECOMMENDATION 2. Retain the ability to appoint alternates for any period of a Committee Member's absence, but the alternate should be selected by the body that appoints the Committee Member.

b) Views are sought as to whether: There should be tighter provisions to deal with conflicts in the interests of maintaining the confidence of stakeholders?

Yes. The current approach taken in clause 12.4 of the Charter appears to permit Committee Members to make decisions on matters with potential perceived conflicts of interest, particularly for industry members. On our reading of the current clause 12.4, we would expect that a consumer or banking representative Committee Member would be considered to have a material personal interest in a matter that came before the BCCC if they had been directly involved in it in some way at their employer. However, it seems unlikely that the threshold would be met if the matter related to that current or a previous employer, but the member had no specific knowledge of it.

In our view, there is a perceived conflict of interest if a Committee Member is presiding over a matter directly related to the business interests of a current employer. If in future a banking representative member is a current employee of a subscribing bank and a matter relates to potential findings against that subscriber, they should be conflicted out of any discussion and decisions on the matter. It directly impacts the financial and reputational interests of their employer.

While the more likely situation may be that the current employer of the consumer member may lodge a complaint, the consumer member's situation is not the same. Consumer representatives act on behalf of their clients. Their organisation does not have any direct financial interest in the outcome of the complaint. The current limits on the powers of the BCCC regarding compensation and redress mean the client a complaint is made on behalf of would not have a financial interest, either. We certainly agree that if the consumer representative had been directly involved in the matter, they should be conflicted out. However, if the complaint simply comes from the employer of the consumer representative, we consider the conflict to be manageable. That said, if an appropriately qualified alternate was appointed and available where a complaint did come from the employer of a consumer representative, it would seemingly also solve any perceived problem of this type.

RECOMMENDATION 3. Amend clause 12.4 of the Charter to clarify that a Committee Member has a conflict of interest that requires them to conflict out if they are required to assess a matter that directly relates to the business interests of their current employer.

Question 4 - BCCC compliance statements

Question 4 Views are sought about the cost/ benefits of BCCC Compliance Statements and what changes should be made in light of the enhanced breach and complaints reporting to ASIC that will begin in October 2021.

a) Please comment on: The purposes served by the Compliance Statement process and BCCC reporting as to the data it collates from these

Increase bank focus on Code compliance

The Interim Report identifies one of the more valuable benefits of the Compliance Statement process at paragraph 107.a – that it requires banks to consider their Code obligations in detail and assess their level of compliance. The Code's value is directly tied to the extent that banks and their staff know and comply with their obligations. Most customers are not aware of the Code at all, let alone the specific commitments it contains. In most situations, whether the Code has any impact at all relies upon the bank having processes in place to ensure compliance, and their employees acting in accordance with those processes (and the Code more generally).

Accordingly, requiring banks to provide an assessment of their compliance with the Code plays an important part in making Code compliance a greater priority. Completing a Compliance Statement requires all bank staff to understand the Code obligations relevant to their work. If a bank hopes to accurately and properly complete a Compliance Statement, all their customer facing staff must undertake a level of self-assessment of their performance, and consider the experience of their customers. Proper identification of Code breaches could never hope to be achieved without this. If the review does recommend a materiality threshold or otherwise reducing the self-reporting obligations of banks in some way, one way to ensure this benefit is not lost could be to introduce a requirement for customer facing bank staff to complete self-assessments bi-annual or annually, to keep the Code at forefront of mind.

Ideally, Code compliance should feed into the design of banking systems, so that compliance is demonstrable and ensured by design. That said, in practice the vast discrepancy in Code breaches being reported suggests that few banks have got close to this point, and we have doubts about the accuracy of the self-reported data obtained in this process more generally.

The elements of Compliance Statements that go beyond merely identifying breaches also encourage important reflection within banks. Banks should absolutely know, or be committed to working out, why there has been any considerable variation in Code breaches. Breaches of the categories described in paragraph 83 of the Interim Report should be examined. If a customer has been significantly financially impacted, the bank should be able to explain to the customer what happened, so why not explain to the BCCC as well? The same goes for where the same breaches occur repeatedly – if the bank is serious about Code compliance, it should be investigating these issues already. In our view, Section B also only requires information that banks are highly likely already recording – if they weren't it would be concerning.

When listed as it is in paragraphs 82-87 of the Interim Report, the requirements of a Compliance Statement do read to be very detailed and lengthy. However, much of the information required in Compliance Statements should already be obtained by a bank committed to Code compliance. The required analysis of that information also should already be undertaken if the bank is seeking to improve compliance.

Transparency

Compliance Statements are also the main mechanism by which banks are held to account to their claim to comply with the Code. 99% of bank/customer interactions and consumer outcomes will never be scrutinised or assessed by any external source. Accordingly, these reports are almost always the final point at which there is any required assessment of whether a bank has complied with its own agreed upon rule book.

In the wake of the Royal Commission, all parties should place considerable value upon means by which the conduct of financial institutions can be measured. Banks should see it as an opportunity to demonstrate their claimed improved conduct, while regulators and the general public surely have the right to expect evidence for these claims. While Compliance Statements may rely on self-reporting, they are the best available broad indicator of whether the Code is generally being met.

Although genuine transparency is obviously stymied by the de-identification of published results, these Statements at least require the banks to account to the BCCC for their breaches. As the Interim Report mentions at paragraph 107.b-d, this disclosure provides for a key point at which the BCCC can analyse detailed information about Code compliance, which can lead to identifying trends and performance. This is an important function that can help identify potentially harmful trends across industry which may not otherwise be identifiable, as well as areas where individual banks are not measuring up. Based on the public commitments of the banks, we would expect this information to be useful in improving consumer outcomes.

The value of the transparency provided in these Compliance Statements is also reduced by the obvious vast discrepancy in the way breaches are identified and recorded. There is just no way that the banks are on the same page in how they treat this reporting, which does reduce the value of the Compliance Statement public reports, and probably the confidential feedback received by the banks.

This point of transparency, and the current existing shortcomings described above, cause consumer representatives to be sceptical of the proposal of the banks to introduce a materiality threshold. Based on recent reports, unless one major bank is incorrectly identifying many reported breaches or breaking them down incorrectly, there is no doubt that many other banks are already underreporting Code breaches. Rather than make a genuine attempt to get banks on the same page in terms of reporting, the ABA is first advocating for a materiality threshold that would reduce the obligation across the board.

There has been no compelling evidence from the ABA or any other source to indicate that a materiality threshold will get the banks to start measuring breaches in the same way. Based on current practice, it seems more likely that banks would interpret the materiality threshold differently as well, leading to additional unknown variables making comparison of performance more difficult. This and other concerns with a materiality threshold are discussed further below.

b) What data and insights in the BCCC's Compliance Statement reports are most useful? Least useful? Please point to specific examples in recent reports.

For the amount of data collected to produce them, the published Compliance Statement reports currently do not provide a wealth of valuable insights. If banks do not develop consistency in reporting and systems that can guarantee greater accuracy in reporting, they probably will never be, particularly while the information is de-identified. However, it is the main form of reporting we have on Code compliance, and it does perform the important functions described above.

If the majority of BCCC resources are going into assessing Compliance Statement data, reducing the way this function is prioritised may be worthwhile, provided it can free up more resources to undertake more deep dive own motion investigations. This also needs to be balanced however with the risk that it may leave no real means of ensuring a bank is complying with a Code provision across the board.

<u>Useful sections</u>

Consumer representatives have found particular value in parts of the Compliance Statement reports that speak in detail to a specific issue.

The sections in the July-December 2020 report which provide some detail on the proportion and impact of breaches related to the COVID-19 pandemic was useful information. We are currently in unchartered waters with

many unknown variables. We anticipate this information would help banks understand where increased risks exist, and how their experience may compare to others. This sort of information can also help put consumer representatives on notice identify where extra care or services may be needed for their client base.

The same can be said for the sections in the same report, and the report on the first half of 2020, regarding scams and fraud. This information can help put banks on notice about what better industry players are doing in regard to red flags, and it helps disseminate information about common scams to banks, and to other readers.

We also place significant value on the statistics relating to requests for financial difficulty made to the banks, and the outcomes of those requests. It appears this information is not published in all Compliance Statement reports, but when it is, it has proved useful and offers valuable insights into an area where trends can be difficult to identify. Including this information in the future would therefore be a welcome enhancement.

Data that should be useful, but currently isn't

Compliance Statement reports contain several important data points that are collected in Compliance Statements. However, current trends and the approach of banks to reporting particular factors greatly dilute their value.

One example of this comes with the overall number of reported breaches across the Code as a whole, as well as within specific chapters. These figures should ideally provide useful data points on trends and indicate where banks are improving, and where they need to place greater focus. However, for a long time now these reports have simply recorded a general trend for breaches to increase and banks have consistently reported that this increase only reflects an improvement in their ability to identify breaches. No doubt there were major changes to the way these breaches were reported in the years following the Royal Commission. However, at this point it is hard to make much of this data. Banks continue to report that despite the increase in breaches they are improving and that the bad culture of the past has gone.

Banks cannot continue to have it both ways. It is difficult to understand how banks can be so certain that things are improving, while they are still uncovering higher rates of breaches. We obviously do not want to discourage improved reporting, but there must be a tipping point where an increase in breaches is treated as cause for concern, rather than celebration. We encourage this review to consider whether requiring banks to provide more specific (perhaps quantified) detail on breach identification improvements may help improve accountability in this regard.

A similar issue also arises with the reporting of the causes of breaches. As set out in our submission to the broader Code Review, we consider the rate at which banks report human error to solely be responsible for breaches to be a concerning indicator that systemic issues are not being properly addressed. This should be an extremely valuable point of analysis for the BCCC and banks, that could help undertake a root cause analysis and improve customer outcomes, but instead seemingly indicates an inability to properly analyse problems, or an insistence that the Code simply sets such a high bar that it is not possible to train staff to consistently meet it. We do not accept this and would welcome any recommendations or insight into how the BCCC can get better data out of the banks in this regard.

c) Do you support any of the options put forward in paragraphs 110 and 111 of this Interim Report to streamline Compliance Statement reporting? Are there better options?

Materiality threshold

Consumer representatives are not wholly opposed to the concept of a materiality threshold. However, we cannot support this proposal at present and think that it should only be considered in detail if it is preceded by a genuine effort to improve the consistency in the way banks are reporting breaches at present. Current discrepancies give us no confidence whatsoever that the data issues would be fixed by the threshold, or that the threshold would even be implemented in the same way by all banks. Developing established rules around how breaches are to be reported must take precedence.

Should this issue be resolved, it is still our primary position that the most direct way for the banks to reduce the amount of resources that go into breach reporting to the BCCC is for them to put greater efforts into reducing the number of breaches. There are still Code breaches that should be wholly or predominantly avoidable but which are obviously not being treated with sufficient priority. An obvious example of this comes with the snail-like pace the banks are setting on improving their performance on cancelling direct debits. The recent BCCC report indicated improvement but by no means a good outcome, with a 71% pass rate.[3] While better than the 44% rate the last review found, it is not a good mark for something that should be one of the simpler fixes in terms of Code compliance. Consumer representatives have been raising this issue for years, but in spite of ample time and complaints, it still is not fixed!

Direct debits also provide another pertinent example of another problem with the materiality threshold – being the difficulty in how it is set. If the threshold was at the same level where the BCCC currently requires more detailed information (set out at paragraph 83 of the Interim Report), there is a good chance that failing to cancel most single direct debits would not meet the threshold. However, for some customers the failure to cancel a direct debit could have significant consequences. A bank telling a customer in financial hardship that they cannot cancel a direct debit for them may force them into prioritising an unfair or unaffordable and unnecessary expense, leaving them short and unable to afford essentials.

Any materiality threshold would need to have an effective mechanism that required banks to consider the subjective impact of the breach and the particular circumstances of the customer, when assessing if the threshold is met. Real care and consideration would need to be taken to ensure that breaches of this kind did not just fall off the ledger, particularly if the goal of the threshold is for banks is to spend less time identifying and reporting on breaches. In this regard, we would not support an approach that classified particular provisions as conclusively never meeting the materiality threshold. There are few, if any, Code provisions that we think breaches of are always immaterial. Further, to treat any as this would be to effectively remove them from the Code. Why would banks pay them any mind?

Similarly, there would need to be extra work taken to improve banks tendency to write breaches off as human error. If this continues, it may mean that a materiality threshold would hide significant ongoing systemic problems.

If a materiality threshold were adopted, it should also be developed with the primary goal of reducing the amount of BCCC capacity that is taken up by work related to Compliance Statement data and reports, rather than primarily focusing on the reduced reporting benefit to banks. We expect that in most instances reducing the types or number of breaches that are reportable would likely reduce the burden of this process for both the BCCC and the banks. However, an increase in available BCCC capacity is far more likely to lead to work that delivers a consumer benefit, compared with reducing the compliance burden for banks, where savings in time spent reporting could be directed anywhere.

RECOMMENDATION 4. The number one priority in improving the operation of Compliance Statements should be to establish transparent processes that improve the consistency in how breaches (and their causes) are identified and reported across banks. This must take precedence over the development of a materiality threshold.

Proposals in paragraphs 110.c-e

Streamlining reporting so that identical reports to those provided to ASIC could be provided to the BCCC to cover the same conduct and breaches as far as possible would make sense and could create significant efficiencies. However, the BCCC should retain a power to require additional supplementary aspects of information – both as a rule, to address gaps in ASIC's reporting data that can be pre-empted, and by means of follow up, if issues are

[3] https://bankingcode.org.au/app/uploads/2021/09/BCCC-compliance-update-cancellation-of-direct-debits-September-2021.pdf

identified based on the data received. Such arrangements also need to take heed of some of the exemptions that ASIC has, or is planning to, provide to industry from particular breach reporting obligations.

We would like to see this opportunity be used to develop a broader data sharing arrangement between ASIC and the BCCC. Progressing an arrangement beyond just the sharing of breach reporting data could have added benefits. For example, the BCCC and ASIC could also coordinate their strategic focuses of their specific inquiries to make them more purposeful and reduce overlap. As detailed above, developing a complaint sharing framework between ASIC and the BCCC would also make it possible for customers to lodge complaints once, but ensure that they are received by the appropriate bodies for any kind of investigation.

If the BCCC moved toward restricting reporting obligations to specific subsets of the Code, it would make sense to prioritise those which are higher risk. However, reporting should not be dropped permanently for any particular Code obligations, as this would risk that any focus on them within the banks would be lost, and Code compliance would be disregarded. While breaches of some provisions may predominantly be of lower risk, this can change depending on particular circumstances, and these provisions are still in the Code for a reason. If this is model considered, at a minimum some obligations deemed to be low risk should still be reported on in each period, but the low-risk provisions required should vary or rotate, so all provisions are reported on at some point. This would help ensure that banks retain the systems in place to monitor compliance and retain high standards in these areas. If this move was adopted, we would also like to see it come with a deeper analysis of a specific area in each compliance period, to allow the BCCC to produce more valuable insights within the Compliance Statement report.

At present due to the disparate changes in circumstances that are happening in society caused by the COVID-19 pandemic and associated lockdowns, we would not support moving to annual reporting. At present there is just too much changing at a fast pace that we think annual data would be extremely difficult to interpret. Should the broader economic and societal situation stabilise in future, annual reporting may be viable – particularly if the reports could be released after a similar time following receipt of the information as the six-monthly reports currently are. Any later, and the data would be too old. It would also mean only three reports would be released during each Code update.

Proposals in paragraphs 111 (Section B of the Compliance Statement)

The BCCC should still receive the information it currently obtains via section B of the Compliance Statement on complaints by some means. If banks are already reporting this information to ASIC, the information just needs to be passed on to the BCCC as well. This would reduce double handling for everyone involved.

We oppose the proposal in paragraph 111.b to dispense with the need to collect compliance monitoring information – at least until the banks stop telling the BCCC that any increase in complaint numbers is due to enhanced identification, rather than an increase in breaches. At the very least, there should be an ongoing requirement that any bank claiming to have improved breach identification in a reporting period explain what those efforts involve.

We strongly oppose a watering down of the level of information provided about financial difficulty assistance requests and outcomes. This is important information and there is little transparency around these issues via other sources. Unless this information is going to be collected and published by ASIC, we strongly recommend that it continues to be provided to the BCCC. There is also some valuable information obtained in Section B relating to lending, such as figures on co-borrower loans, consumer credit insurance, how many guarantees on loans have been enforced, figures on basic bank accounts[4], and statistics on direct debit cancellations. While many of these areas may benefit more from a 'deep dive' inquiry, monitoring statistics on this information still provides valuable insights, and surely helps inform the BCCC how to prioritise inquiries.

[4] This may be dispensed with if the data provided to the ACCC under the terms of their Code authorisation adequately addresses the issue in full https://www.accc.gov.au/public-registers/authorisations-and-notifications-registers/authorisations-register/the-australian-banking-association

While there may be some other aspects of the Section B information that may not be consistently essential, the provision of the information would impose a low imposition upon the banks. For example, how hard is it for a bank to track how much training and what type of training their employees are receiving in relation to the Code? The same goes for basic information around bank branches, customers, accounts and otherwise –surely these are not great burdens for banks to bear. We agree with the comment in paragraph 112 of the Interim Report that codification of the reporting system would surely reduce the burden for all involved.

d) Should the BCCC have the power to report on Compliance Statement data on an identified-bank basis?

Yes. The de-identification of data drastically reduces the value and transparency around the levels of Code compliance by the banks. This is an outdated practice that creates a massive hole in the efficacy and impact of Compliance Statement reports that needs to be addressed. It sits in contrast to the data reported on complaints by AFCA as well. The banks should agree to allow publication of the data they provide as a matter of course.

Publishing names in these reports is also likely to create more public interest and may result in media coverage of the BCCC's reports. The only BCCC publications which have been picked up in any detail by media in the past are the two that named banks. This would increase the reputational incentives for banks to improve their performance and provide transparent data, with answers to explain any trends that arise.

Any concern that naming banks would raise the stakes in a way that may incentivise reduced reporting of breaches (similar to the comments at paragraph 197 of the Interim Report) should also carry little weight. Honest reporting is essential to the idea of self-regulation. If banks respond to expanded powers of the BCCC by becoming more hesitant to properly report to the body, then we have to question the point of self-regulation and the Code. If the banks are committed to improving consumer outcomes and standing by the Code, they should be prepared to speak to their record on Code compliance, and individual banks could see it as an opportunity to distinguish themselves as a provider of a superior service. Any concerns about how size may impact reporting figures could be easily dealt with by scaling the data, or reporting breaches relative to proportion of market share.

RECOMMENDATION 5. Amend the BCCC Charter so that the information provided in Compliance Statements and own motion inquiries is not confidential, and can be reported on an identified basis by the BCCC.

Question 5 -What ASIC reportable situation reports should the BCCC ask banks to provide to it contemporaneously with ASIC lodgement?

There is likely to be a significant overlap between reportable situations under the ASIC breach reporting regime and Code breaches which currently require more detailed information to be provided under Section A of the Compliance Statement. Most of the information required to be provided to the BCCC in these circumstances is also covered by the ASIC reporting obligations.

If banks are preparing a report for ASIC on the breach and will eventually have to report substantially the same information to the BCCC, it makes sense for it all to be provided at the same time for any ASIC reportable situation (assuming it also involves a Code breach). If the reports to ASIC were also prepared to include the minimal additional requirements for the BCCC (this appears to us to only include what Code chapter was breached and the relevant product and business unit), the reporting could be completed in one go. The subsequent reporting in the Compliance Statement could then just list the number of breaches already notified by this manner in the reporting period, or list them by reference number or other identifier.

These are the kind of breaches that would even be reported on if a materiality threshold was in effect. It may also be that the BCCC would have different criteria for what kinds of breaches warrant further investigation than ASIC, being focused on the higher standard the Code prescribes in some circumstances. Any inefficiencies could be minimised if the BCCC worked to accept the reports in the same format as is required by ASIC.

There are benefits in the BCCC knowing what ASIC is receiving and may be investigating. It would help avoid duplication, and receiving the information sooner may help the BCCC launch relevant own motion inquiries sooner, when they are more relevant. There are also many reasons that ASIC may not investigate breaches that would be of interest to the BCCC, so just because ASIC didn't investigate a reported matter doesn't mean the BCCC would not wish to investigate a matter. Reporting these breaches contemporaneously should be preferred, particularly if it can be done through the one process (or two very similar ones).

RECOMMENDATION 6. Banks should be required to contemporaneously report any ASIC reportable situations to the BCCC, if they involve a likely breach of the Code.

Question 6 - What issues need to be navigated in a documented information sharing agreement as between AFCA and the BCCC?

Considering their closely related functions, having a clear document sharing policy between the BCCC and AFCA should be a priority that would help improve the effectiveness of both services. Any information sharing agreement between AFCA and the BCCC should:

- Empower AFCA to share information even where a matter resolves before a final determination is made. It is not clear whether AFCA shares information with the BCCC from the vast majority of cases which are settled before final determination. Even if AFCA has not have made a final determination, preliminary analysis on potential Code breaches should be provided to the BCCC. These cases would also be useful to examine whether banks were coming to the same conclusions on Code compliance as the BCCC would in contentious situations. This ability to share information should also not be impacted by any settlement agreement containing a confidentiality clause.
- Be developed with complainant informed consent and confidentiality in mind, when relating to specific matters. Where it would not impact the value of the information to the BCCC at all, AFCA should share details of complaints without providing the personal information of the complainant. Where personal information is necessary to share the details of the matter (or the BCCC may need to investigate further), AFCA should seek the prior informed consent of the complainant.
- Ensure that there are well established arrangements for AFCA to notify the BCCC of any trends it identifies in complaints, either about a particular bank, or the industry as a whole.
- Establish a process for the BCCC to refer matters that may warrant remediation to AFCA's Systemic Issues Team, as contemplated at paragraph 202 of the Interim Report.

Question 7 – BCCC Inquiries

a) How could the BCCC have sharpened the focus of its past Inquiries?

Consumer representatives consider the own motion inquiries of the BCCC to have resulted in its most valuable publications to date. The subject matter of past inquiries has been relevant, which suggests the process for deciding priority of inquiries is currently appropriate. That said, we would be happy to provide input into this process if appropriate or required in future.

Publishing greater detail in the initial stages about the process an inquiry will follow and steps involved would also beneficial. Consumer representatives report being uncertain about the status and progress of BCCC inquiries, particularly when information is sought early, then nothing is heard for a while. Setting out a clearer process would allow interested parties to better understand how information requested is being used at different times, and understand the likely outputs of the inquiry.

Just as with the Compliance Statement reports, the most significant restriction on the impact of the BCCC's own motion inquiries is the inability of the BCCC to name banks. In our view, these inquiries generally appear to be based on the most accurate and detailed information and data. The prospect of being reported on as an industry leader (or as a poor performer) in these reports would be a significant driver for banks to improve their compliance across the board, and in particular on issues where problems with Code compliance are known. There is no good reason that these reports should be de-identified.

As the Interim Report notes, the impact of some of the reports is also reduced where their publication takes a long time. That said, we hope that the BCCC is engaging with the banks in the interim to push them to address problems identified. In terms of how this can be addressed, it may be that the inquiries could focus more directly on Code breaches and conduct that is more likely to cause significant harm. That said, as we noted above, there should always be some recognition that some breaches that may appear to be lower risk may have a significant impact upon some individuals, depending on their circumstances.

b) How could the BCCC make more use of bank resources to gather and report data for a BCCC Inquiry?

This question is largely outside our area of expertise, as more useful responses will require an understanding of internal bank data, and how it is shared with the BCCC. However, we understand that one of the main reasons that BCCC reports can take a while to compile is because there are difficulties in collating, cleansing and developing consistencies across the data provided by the banks. While it is difficult for external stakeholders to know if this would assist, it may be worth exploring whether the BCCC can set more strict parameters about how they want data to be provided for own motion inquiries, so that it reduces the variability between what banks report and reduces the margin for misunderstanding.

d) Are there opportunities for the BCCC to work more in partnership with Customer Advocate Offices in relation to Inquiries?

In our submission to the broader Code review, we adopted the 2017 Code review recommendation that bank Customer Advocates report to the BCCC on the progress of the banks toward addressing non-compliance relating to direct debits. Whether such a responsibility rests with the Customer Advocate or the bank more broadly is not of great concern to us – just that there is an increased level of accountability in areas where longstanding poor compliance records exist.

It may be that for some banks, the Customer Advocate role is the best placed employee to liaise with the BCCC on particular issues. However this may not always be the case. In our experience, Customer Advocates at banks do play important and valuable roles in the organisations, but due to their role, sometimes sit independently from the bank's formal decision-making structure. While this may allow for a more independent and frank assessment and disclosure to the BCCC, this can sometimes mean that the Customer Advocate does not hold a sufficiently authoritative position in the bank to consistently directly influence priorities. Considering this, it may be that the relevant senior manager of the team within the bank responsible for direct debits (for example) is the best person to report to the BCCC on progress, and receive feedback where needed.

Question 7 f) - How could the BCCC help to reduce the workload for banks in reporting, without diminishing the intelligence gathered or reducing the confidence of stakeholders?

If the BCCC identifies priorities for future inquiry, providing greater notice to banks about the specific data required for the investigation (including specifically how it needs to be reported) may allow banks to collect data in a reportable manner from the outset. This approach would need to be balanced against the impact it may have on getting data that is actually representative of business as usual, and not reflective of banks temporarily putting extra resources into an area it knows will be the subject of a future report.

Question 8 - Investigations powers

a) Does the Charter unduly restrict the BCCC's discretion to investigate an allegation of a Code breach?

Yes. See below.

b) Should the BCCC be able to investigate an allegation that is made to the BCCC more than 2 years after the person making the allegation became aware of the event (subject to the application of the Guiding Principles in clause 3.1 of the Charter)?

We agree with the BCCC's position regarding the two-year limit imposed on their ability to investigate allegations, and support the comments in paragraphs 170-171 of the Interim Report. The BCCC's decision on whether to investigate an allegation should be considered on a case-by-case basis. The time passed from when the alleged conduct occurred should always be a relevant consideration, but any bright line time limit on the ability to investigate an allegation is inappropriate.

We strongly agree with the comments in the Interim Report that this strict time limit does not reflect the lifespan of some banking arrangements. For example, consumer representatives regularly assist customers who have been struggling for many years to keep up with the repayments on longstanding debt arrangements. In some situations, the customers may have been put on a hardship plan that was always going to keep them financial hardship years previous, but only realise that they should have been offered other options when seeking assistance from a financial counsellor. The Interim Report rightly points out that a dispute, via IDR and AFCA alone, could push out the two-year timeframe. In the 2020-21 financial year, 4% of banking and finance complaints before AFCA took over a year to close.[5]

The ABA is obviously correct that BCCC investigations should aim to be relevant to current practice, and this is something that the BCCC should take into account in particular when assessing complaints relating to older conduct. However, while some practices and processes in banking change, other things do not. In fact, some aspects of change in banking move at a frustratingly slow pace, and it is a reality that some lessons relevant to today could be learned from a review of conduct and processes many years before. The BCCC must ensure that it uses its limited investigative resources on matters that are relevant to current practices, but any hard restriction based on the time of an allegation is not appropriate.

RECOMMENDATION 7. Amend clauses 5.1c) and 5.3b) of the BCCC Charter to allow the BCCC to investigate an allegation regardless of when the relevant conduct occurred, if the BCCC considers it relevant to current banking practices, and otherwise consistent with its guiding principles.

c) Would there be problems if clause 5.3d) is reworded to clarify that the BCCC can investigate a Code breach allegation if another forum has considered the allegation but not made a finding as to whether or not the Code has been breached?

The biggest issue with the current clause 5.3d) is the way it interacts with disputes before AFCA. The role of the BCCC explicitly excludes determining redress and compensation for customers. In contrast, this is the fundamental role AFCA plays in overseeing dispute resolution, yet the BCCC is prevented by clause 5.3d) from considering a matter while it is before AFCA. The functions of the two do not overlap. For this reason we disagree with this exclusion applying to AFCA on principle, and recommend that it should be amended.

Separately, there is definitely scope to clarify clause 5.3d) to make its operation clearer and more reasonable without unreasonably impacting other forums. We understand the amendment proposed by this question would amend the last sentence, to help clarify that another forum does not explicitly need to decline to make a finding

[5] AFCA 2020-21 Annual Review, https://www.afca.org.au/about-afca/annual-review/2020-21/banking-and-finance-complaints

on a Code breach for the BCCC to investigate. Silence on the question of a Code breach by the other forum should be enough to allow the BCCC to investigate if it considers necessary and appropriate.

Additionally, as the lead body for enforcing the Code, any restrictions the findings of other bodies have on the BCCC's power to investigate should be limited to individual Parts of the Code. For example, say an ASIC investigation reached conclusions including that there was a breach of Part 4 of the Code, but does not speak to any other Part of the Code. If the BCCC also considers there to be reason to investigate whether a breach of Part 9 occurred in relation to debt collection regarding the same banking process, the BCCC should be able to investigate this, despite the finding on Part 4.

We also encourage the Review to consider further amending this section to allow the BCCC to undertake concurrent investigations as well, where parameters can be agreed with by another regulator (particularly ASIC). We would like to see ASIC and the BCCC to be able to come to an agreement where information is provided to the BCCC for Code compliance investigative purposes concurrently. This would require clause 5.3d) of the Charter to be amended so the BCCC could investigate before another forum completes their investigation, if agreements are made to avoid overlap.

RECOMMENDATION 8. Amend clause 5.3d) of the Charter to allow the BCCC to investigate Code breach allegations:

- at the same time that AFCA is considering a dispute relating to the same conduct
- if another forum has not made a finding as to whether or not the Code has been breached
- in relation to a specific Part of the Code even if another forum has made a finding about whether another Part of the Code has been breached, but not that Part
- concurrently while another forum is considering the allegation, if reasonable arrangements can be set up to ensure the BCCC's investigation will not impact the other forum and will not create unnecessarily overlap.

d) Does clause 5.4 of the Charter narrow in any respect the power of the BCCC to investigate alleged breaches of the Code, noting that the Code is clear that the law takes precedence? Is clause 5.4 unnecessary?

We consider clause 5.4 to have a minimal impact, considering other provisions of the Charter and the way the Code operates. It seems obvious that investigations would need to have regard to the Code and the law. Clause 5.4 may be unnecessary, but we think it does not cause any harm either.

Question 9 – Information from the BCCC about the outcomes of allegations to complainants

In the experience of consumer representatives, the information provided from the BCCC in response to a breach allegation is not consistent.

In one instance where the BCCC did investigate a complaint, Consumer Action received a detailed response letter. By comparison, where an allegation made on behalf of a client did not lead to an investigation, Consumer Action was simply told as much six months later.

Informing complainants about the outcome of any consideration or investigation of their complaint may increase the likelihood that consumers would engage in the complaint process with the BCCC. Consumer representatives do encourage and assist their clients to make complaints to the BCCC, but this can be a difficult sell when the complaint will not lead to any form of personal remedy, and there is no guarantee they will hear about the outcome of the complaint.

While there may be legitimate restrictions on the ability of the BCCC to disclose information about its decisions or processes in some circumstances, people should generally have a right to know about the outcome of their complaint insofar as the conduct impacted them. However, we appreciate provided a detailed explanation for why a complaint was not worthy of investigation may not be the top priority for an organisation with few staff, and it does reflect the processes of other regulators.

For consumer representatives, what would be useful to receive from the BCCC – be it in direct response to complaints or by another means – is feedback on what kind of information the BCCC is interested in, to help assess whether we should take the time of complaining to the BCCC, as contemplated in our response to Question 1.c).

Question 10 – Sanctions powers

Suspension and expulsion power

We reiterate our recommendation in the broader Code review that a power to suspend or expel banks be provided to the BCCC, though it is not a main priority as we recognise it is an extreme response and there is some complexity in whether this would benefit customers. However, we still consider there to be a fundamental flaw if a bank can make public claims to be a Code signatory while not making any effort to comply with the Code. The right to claim to be a Code signatory should not be unconditional – it should not be a club without obligations. It seems the BCCC would be the appropriate body to adjudicate this as well, though we hope that if a bank did display wilful disregard for the Code, the ABA would take action at a higher level.

Power to order a compliance review (Code clause 215.b)

The Interim Report correctly interprets our recommendation to the broader Code review regarding clause 215.b). The BCCC should be able to require a bank to undertake a compliance review of any direction made by any regulator (provided it relates in some way to a Code provision). There is no reason to restrict this power. We also recommend that this power should explicitly provide the BCCC the option of requiring that the review be undertaken by an independent auditor if necessary.

Power to report non-compliance to ASIC

As is clear from our comments above, we would like to see arrangements made to allow for coordinated and open sharing of information between ASIC and the BCCC more broadly. At the very least, this should permit the BCCC to alert ASIC to potential serious or systemic non-compliance. As noted above, opposition to broadening this power due to any claim it may create a reluctance for banks to be open with the BCCC is essentially opposing the whole underlying justification for self-regulation. The broader financial services industry regularly complains about the red tape imposed by regulation, and claim it is not necessary. If they cannot be trusted to self-report to a quasi-regulator, then it is hard to see how the industry can be trusted to regulate itself in any way whatsoever.

Naming banks

As is also clear from our comments above, we think that restrictions on the BCCC's ability to name banks in reports should be significantly amended. This includes broadening this power. There have been many significant instances of non-compliance with the Code in the last few years, yet only two banks have been named by the BCCC, and these arguably do not represent the most significant breaches of the Code. Where this does occur in relation to specific non-compliance, we support requiring the banks to publish information on their website to notify customers. If there were doubts about the ability to provide a sufficient message within a banking app, the bank could at least be required to provide a link to the article on their website.

RECOMMENDATION 9. The power of the BCCC to sanction banks by naming them for non-compliance should be interpreted more broadly.

Role in remediation

We support the preliminary thinking set out in the Interim Report that the BCCC should refer matters that may warrant remediation to AFCA's Systemic Issues Team, but also recommend that the BCCC should have the power to refer these matters to ASIC, where AFCA was of the view remediation was warranted, but terms could not be agreed with the bank. We also note that we are not aware of any major remediation programs that have been overseen by the AFCA Systemic Issues Team to date, so we encourage the reviewers to ensure this group has the capabilities necessary to perform this role as part of the review.

Community benefit payments

We see no good reason why the BCCC should not be provided with a power to issue sanctions requiring community benefit payments to be made. The power of the Insurance Council of Australia's Code Governance Committee has not caused any significant problems for that industry, and it can be an appropriate form of sanction in some circumstances, such as where remediation is not possible or the conduct of the bank is likely to have negatively impacted a particular community group in some way. Any concerns about whether a $100,000 payment will look 'derisory' should not stand in the way of implementing this sanction. $100,000 still looks far better than $0, and would likely make a major difference to the recipient organisation. Another way to avoid the size of this payment being considered tokenistic would be to increase the maximum amount payable under the sanction, particularly for the major banks. As noted in our submission to the broader Code review, we emphasise that the power should require the payments be directed to an entity that assists, as close as possible, those harmed by the conduct.

RECOMMENDATION 10. Introduce a sanction power that allows the BCCC to require community benefit payments be made where a significant breach warrants it. Payments should be required to be made to an organisation that as closely represents or benefits the class or individuals most likely to have been impacted by the conduct.

Question 11 - Secretariat support

c) Whether extended delivery times would be improved by a modest increase in appropriately skilled resourcing?

By and large, the resourcing of the BCCC is outside our area of expertise. However, we do emphasise that reducing delivery times on BCCC publications would help improve the overall impact of the Committee. We encourage the review to consider whether resourcing could be approached in different ways – such as whether increased funding could be alternatively used to develop programs to make reporting to the BCCC by banks easier and in a format that would greatly reduce the need for significant data cleansing to be undertaken. Alternatively, it may be that additional BCCC staff could run training programs for banks based upon the outcomes of investigations.

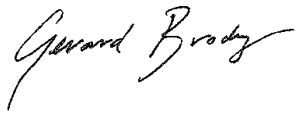
Additionally, we encourage the reviewers to consider whether the resourcing of the BCCC has expanded at a sufficient rate as the remit of the Code has expanded (and will hopefully continue to expand, with this review).

Conclusion

This review is an opportunity to significantly improve the effectiveness of the BCCC in terms of the impact it has on the experiences and outcomes of subscribing bank customers. While reducing the regulatory burden reporting to the BCCC imposes upon banks is also an important goal of the review, it must not take precedence over helping the BCCC most effectively deliver on its mandate, or this calls into question why the Code should exist at all.

Please contact Policy Officer **Tom Abourizk** at **Consumer Action Law Centre** on 03 9670 5088 or at tom.a@consumeraction.org.au if you have any questions about this submission.

Yours Sincerely,



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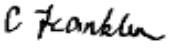

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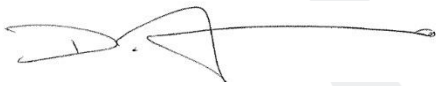

David Ferraro | Managing Solicitor
UNITING COMMUNITIES CONSUMER CREDIT LAW CENTRE SA

APPENDIX A - SUMMARY OF RECOMMENDATIONS

RECOMMENDATION 1. Retain the Small Business Panel and provide further guidance about when Committee Members should seek guidance from the Panel, as well as what the guidance should involve.

RECOMMENDATION 2. Retain the ability to appoint alternates for any period of a Committee Member's absence, but the alternate should be selected by the body that appoints the Committee Member.

RECOMMENDATION 3. Amend clause 12.4 of the Charter to clarify that a Committee Member has a conflict of interest that requires them to conflict out if they are required to assess a matter that directly relates to the business interests of their current employer.

RECOMMENDATION 4. The number one priority in improving the operation of Compliance Statements should be to establish transparent processes that improve the consistency in how breaches (and their causes) are identified and reported across banks. This must take precedence over the development of a materiality threshold.

RECOMMENDATION 5. Amend the BCCC Charter so that the information provided in Compliance Statements and own motion inquiries is not confidential, and can be reported on an identified basis by the BCCC.

RECOMMENDATION 6. Banks should be required to contemporaneously report any ASIC reportable situations to the BCCC, if they involve a likely breach of the Code.

RECOMMENDATION 7. Amend clauses 5.1c) and 5.3b) of the BCCC Charter to allow the BCCC to investigate an allegation regardless of when the relevant conduct occurred, if the BCCC considers it relevant to current banking practices, and otherwise consistent with its guiding principles.

RECOMMENDATION 8. Amend clause 5.3d) of the Charter to allow the BCCC to investigate Code breach allegations:

- at the same time that AFCA is considering a dispute relating to the same conduct
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- concurrently while another forum is considering the allegation, if reasonable arrangements can be set up to ensure the BCCC's investigation will not impact the other forum and will not create unnecessarily overlap.

RECOMMENDATION 9. The power of the BCCC to sanction banks by naming them for non-compliance should be interpreted more broadly.

RECOMMENDATION 10. Introduce a sanction power that allows the BCCC to require community benefit payments be made where a significant breach warrants it. Payments should be required to be made to an organisation that as closely represents or benefits the class or individuals most likely to have been impacted by the conduct.

APPENDIX B – ABOUT OUR ORGANISATIONS

Consumer Action Law Centre

Consumer Action is an independent, not-for profit consumer organisation with deep expertise in consumer and consumer credit laws, policy and direct knowledge of people's experience of modern markets. We work for a just marketplace, where people have power and business plays fair. We make life easier for people experiencing vulnerability and disadvantage in Australia, through financial counselling, legal advice, legal representation, policy work and campaigns. Based in Melbourne, our direct services assist Victorians and our advocacy supports a just marketplace for all Australians.

Financial Rights Legal Centre

Financial Rights is a community legal centre that specialises in helping consumers understand and enforce their financial rights, especially low income and otherwise marginalised or vulnerable consumers. We provide free and independent financial counselling, legal advice and representation to individuals about a broad range of financial issues. Financial Rights operates the National Debt Helpline, which helps NSW consumers experiencing financial difficulties. We also operate the Mob Strong Debt Help services which assist Aboriginal and Torres Strait Islander Peoples with credit, debt and insurance matters. Finally we operate the Insurance Law Service which provides advice nationally to consumers about insurance claims and debts to insurance companies.

Financial Counselling Australia

FCA is the peak body for financial counsellors in Australia. We are the voice for the financial counselling profession and provide support to financial counsellors including by sharing information and providing training and resources. We also advocate on behalf of the clients of financial counsellors for a fairer marketplace.

Care ACT

Care Financial Counselling Service (Care) has been the main provider of financial counselling for low to moderate income consumers in the ACT since 1983. Care's core service activities include the provision of information, advice, advocacy and support for people in financial difficulty. Care also provides a Community Education program, makes policy comment on issues of importance to its client group and operates a No Interest Loan Program.

Care runs the Consumer Law Centre (CLC), a community legal centre, which provides consumer credit and debt advice to vulnerable clients in the ACT. The CLC has operated for over 20 years and is the only specialist consumer law centre in the ACT. The CLC has experience in Australian Consumer Law, credit and debt issues, insurance, telecommunications issues, fair trading, bankruptcy, and financial abuse.

Consumer Credit Legal Service (WA) Inc

Consumer Credit Legal Service (WA) Inc. (CCLSWA) is a not-for-profit specialist community legal centre based in Perth and servicing the State of Western Australian. CCLSWA specialises in the areas of credit, banking and finance, and consumer law. CCLSWA operates a free telephone advice line service which allows consumers across Western Australia to obtain information and legal advice in the areas of banking and finance, and consumer law. CCLSWA also provides ongoing legal assistance and representation to consumers by opening case files when the legal issues are complex. CCLSWA also takes an active role in community legal education, law reform and policy issues affecting consumers.

CCLSWA's mission is to strengthen the consumer voice in Western Australia by advocating for, and educating people about, consumer and financial, rights and responsibilities.

Uniting Communities Consumer Credit Law Centre SA

The Consumer Credit Law Centre South Australia (CCLCSA) was established in 2014 to provide free legal advice and financial counselling to consumers in South Australia in the areas of credit, banking and finance. The Centre also provides legal education and advocacy in the areas of credit, banking and financial services. The CCLCSA is managed by Uniting Communities who also provide an extensive range of financial counselling and community legal services as well as a large number of services to low income and disadvantaged people including mental health, drug and alcohol and disability services.

COTA Australia

COTA Australia is the peak national organisation representing the rights, needs and interests of older Australians. COTA Australia is the national policy and advocacy arm of the COTA Federation which comprises COTAs in each State and Territory. COTA Australia focuses on policy issues from the perspective of older people as citizens and consumers.