



Australian Government



Australian
**Small Business and
Family Enterprise**
Ombudsman

28 October 2021

Phil Khoury
Banking Code Compliance Committee Reviewer
PO Box 307
East Melbourne Vic 8002
Australia

via email: bcccreview@crkhoury.com

Dear Mr Khoury

Independent Review of the Banking Code Compliance Committee (BCCC)

We welcome the review of the Banking Code Compliance Committee (the Committee) and its role in driving and monitoring best practice banking code compliance. We appreciate the opportunity to engage in this process and have provided feedback on the Terms of Reference for the review, both informally in May and through formal submission in August this year.

We recommend the review considers the benefits the inclusion of a small business representative on the BCCC could drive in terms of balanced representation and meeting community expectations. To avoid potential deadlock of a 4-person committee, we suggest that the Independent Chair holds a deciding vote when required.

Improving small business access to the Small Business and Agribusiness Advisory Panel (the Panel) will also encourage small businesses to communicate issues they are experiencing with banking services. Contact details for the members of the Panel could be displayed on the website to provide small business owners with the opportunity to contact the Panel regarding issues.

Furthermore, the Panel is critical to the Committee's purpose to monitor and drive best practice Code compliance. Small business customers often experience different challenges from personal banking customers and in-depth consultation is necessary to ensure Code subscribers are complying with their obligations to small businesses. The Panel could be further enhanced by including members that represent different types of small businesses, such as a member with a sole-trader background. Additionally, to improve the BCCC's engagement with the Panel we suggest the following:

- 1. BCCC members' attending Panel meetings to hear directly from Panel members.** We understand that the BCCC members have met with panel members, but the ordinary process for Panel meetings is for the Secretariat alone to attend. Attendance by BCCC members would allow the Committee to engage directly with the Panel and facilitate real-time discussions on key issues affecting the small and agribusiness community.
- 2. Proactive engagement with the Panel on annual priority areas.** We encourage consideration of working with the Panel on establishing annual priority areas to ensure small and agribusiness concerns are considered in forward planning.
- 3. More frequent and earlier communication with the Panel.** The Committee could improve community outcomes by ensuring ongoing engagement with the Panel on reviews and pieces

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of work. We understand that currently there is limited engagement with the Panel in designing and undertaking inquiries, and while opportunities are available to provide feedback on draft reports, this is often at short notice and close to the release date, leaving little opportunity for change.

Finally, we encourage compliance data to be disaggregated between consumer types for all chapters. This disaggregation will assist to specifically identify where the Code may not be meeting the standards of specific communities, including the small business community.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Mr Cameron Dyson-Smith on 02 5114 6105 or at Cameron.Dyson-Smith@asbfeo.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bruce Billson', written in a cursive style.

The Hon. Bruce Billson

Australian Small Business and Family Enterprise Ombudsman