


fido

 Australian Securities & Investments Commission
 financial tips and safety checks


[Publications & resources](#) > [Other resources](#) > Code of Banking Practice

Code of Banking Practice

[Three Codes of Banking Practice currently operate](#)

[Which Code does my bank subscribe to?](#)

[Who 'owns' the Code?](#)

[Who is protected by the Code?](#)

[What rights does the Code give?](#)

[Who should I contact if I think my bank has breached the Code?](#)

Three Codes of Banking Practice currently operate

The original Code of Banking Practice was released in 1993 and has been extensively revised. In August 2003, a revised Code was released, followed in May 2004, after some further finetuning, by a modified Code. The 2003 and 2004 versions of the Code were developed in consultation with consumer advocates, businesses groups, ASIC and other stakeholders following a major independent review during 2000-2001.

Nearly all banks providing services to retail customers subscribe to the 1993 Code, the 2003 Code or the 2004 Code. The 2004 Code does not make the 2003 or 1993 versions of the Code completely redundant. The 1993 and 2003 Codes will continue to apply to some aspects of existing banking services that came into existence before the 2004 Code commenced.

Which Code does my bank subscribe to?

A bank is not bound by the 2004 Code until it announces publicly that it has adopted the Code. The majority of retail banks are expected to adopt the 2004 Code as their systems and other arrangements become compliant. For up-to-date information on whether your bank has adopted the 2004 Code, visit the [Australian Bankers' Association website](#).

Who 'owns' the Code?

The Code of Banking Practice is an initiative of the Australian Bankers' Association (ABA). However, any retail bank can subscribe to the Code irrespective of whether it is an ABA Member.

Who is protected by the Code?

The 2004 Code applies to both individuals and small business customers of subscribing banks. It also applies to people from whom the bank obtains, or proposes to obtain, a guarantee. The 1993 Code does not apply to small business customers or to guarantors of some business loans.

What rights does the Code give?

The 2004 Code gives customers of subscribing banks important legal rights, and confirms their existing rights, in a number of areas. These include:

- disclosure of fees and charges and other terms and conditions
- changes to terms and conditions and fees and charges
- disclosure of general information about banking services
- privacy and confidentiality
- statements of account
- copies of documents
- direct debits
- chargebacks on credit cards
- debt collection
- complaints handling.

The 2004 Code also gives loan guarantors important disclosure and other rights. In addition, there is a general commitment to act fairly and reasonably towards customers and guarantors in a consistent and ethical manner. You can obtain more information about the 2003 Code, and get a copy of the Code, from the [ABA's website](#).

The 1993 Code

Rights in a number of areas are also conferred by the 1993 Code; however, the 2004 Code significantly extends and improves on the customer's legal position. The 1993 Code is also available

from the [ABA's website](#).

Who should I contact if I think my bank has breached the Code?

If you have a complaint that your bank has breached the Code you should first discuss the matter with your bank. They will have an internal complaint handling service. If your complaint is not immediately resolved by the internal complaint handling service, the Banking and Financial Services Ombudsman (BFSO) may be able to help. Contact the BFSO by ringing 1300 780 808 or visit their website at www.bfso.org.au.

Generally the BFSO can only deal with complaints where the customer has suffered a financial loss as a result of a bank's breach of its obligations.

Code Compliance Monitoring Committee

A Code Compliance Monitoring Committee (CCMC) has been set up to investigate possible breaches of the Code. Anyone can refer a possible breach of the Code to this committee. The CCMC monitors subscribing banks' compliance with the Code. You can complain to the CCMC if you think a bank has breached the Code. You don't have to show you have suffered a loss to complain.

The CCMC is an independent panel comprising three people: one from a consumer background; another from a retail banking background; and the chair of the panel has a broad industry or public administration background. Contact them on 1300 780 808 or visit their website at www.bankcodecompliance.org

Complaining to ASIC

If you believe the breach of the Code is serious and/or may involve many bank customers apart from yourself, you may wish to make a complaint to ASIC. [How to complain](#)

More about

[Industry codes of practice](#)

[Deposit accounts](#)

FIDO Website: Printed 30/10/2007