

BCCC Small Business and Agribusiness Advisory Panel

TERMS OF REFERENCE

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Background and context

The Banking Code Compliance Committee

The Banking Code Compliance Committee (BCCC) is an independent monitoring body established under clause 207 of the 2019 Banking Code of Practice (the [Code](#)).

The purpose of the BCCC is to monitor and drive best practice Code compliance. To do this the BCCC will:

- examine banks' practices
- identify current and emerging industry wide problems
- recommend improvements to bank practices, and
- consult and keep stakeholders and the public informed

The BCCC's [Charter](#) sets out its powers and functions, which include to:

- monitor and oversee compliance with the Code
- investigate any allegation of a Code breach
- investigate serious or systemic breaches, as appropriate
- request information from subscribing banks and other stakeholders
- make findings and recommendations on Code breaches
- apply sanctions
- provide guidance and reports, and
- undertake other functions and responsibilities as reasonably determined from time to time.

In addition, the BCCC will endeavour to:

- drive improvements in banks' compliance with the Code, to achieve best practice through a collaborative approach with the banking sector and other key stakeholders, and
- promote awareness of the Code and the role of the BCCC through engagement with key stakeholders.

The 2019 Banking Code of Practice

Following a review of the 2013 Code, the ABA redrafted the Code and ASIC approved the new Code on 25 June 2019.

The 2019 Code came into effect on 1 July 2019 and introduces enhanced protections, particularly for small business and agribusiness customers. These protections include:

- greater transparency and assistance for customers when applying for credit
- limitations on the use of non-monetary defaults, and
- fairness and transparency when appointing property valuers, investigative accountants and insolvency practitioners.

Other protections include:

- a requirement that banks help small business and agribusiness customers who are experiencing financial difficulty
- an obligation on banks to take extra care for customers who may be experiencing vulnerability, and
- an obligation on banks to make information about banking services accessible to customers who live in remote areas.

Nineteen banks and banking groups subscribe to the Code. A list of subscribers is available on the BCCC [website](#).

Appointment of a Small Business and Agribusiness Advisory Panel

To assist the BCCC in its role of monitoring the Code, particularly as it relates to small business and agribusiness banking matters, the BCCC can exercise its power, pursuant to clause 10.1(b) of its Charter, to:

appoint a person or panel of persons with expertise in small business and/or agribusiness matters to act as a consultant on small business and agribusiness matters.

The BCCC has considered its requirements and has resolved to appoint a panel of consultants with expertise in small business and agribusiness matters to act as advisers to the BCCC.

The role of the Small Business and Agribusiness Advisory Panel and Panel members

The purpose of the Small Business and Agribusiness Advisory Panel (Panel) is to provide the BCCC with insights and advice on small business and/or agribusiness matters, specifically matters related to:

- the experiences and needs of small business and/or agribusiness customers when engaging with banks
- the effect of banks' policies, procedures and processes on small business and/or agribusiness customers, and
- the impact of regulatory, legislative and any other changes on:
 - the small business and/or agribusiness community, or
 - banks' policies, procedures and processes as they relate to small business and/or agribusiness banking.

The Panel will also be asked to provide advice and assistance on the BCCC's work as it relates to Small Business and Agribusiness customers and their banking. This work may include:

- compliance inquiries
- compliance investigations
- strategic planning
- stakeholder engagement, and
- any other needs that arise from time to time.

Engagement with the BCCC

Meeting frequency

The BCCC will meet in person with the Panel up to two times per year.

The BCCC will otherwise engage individually with a Panel member as needed. This engagement may require the Panel member to:

- review and provide advice on BCCC compliance investigations and monitoring activities
- support with/at stakeholder meetings, and
- share insights and intelligence on Small Business and/or Agribusiness matters.

Meeting location

The BCCC traditionally meets in Melbourne, however meetings are held in other major Australian cities from time to time.

Meeting formalities

The BCCC is supported by a secretariat function provided by the Australian Financial Complaints Authority.

The BCCC's secretariat will co-ordinate all meetings, agendas, documents and summaries, with relevant papers provided to BCCC and Panel members (electronically) at least one week prior to meetings.

Remuneration and reimbursement of expenses

Panel members will be paid an hourly rate of \$120 plus GST for work conducted for or on behalf of the BCCC.

In the event Panel members are required to travel to attend a BCCC meeting or any other events, Panel members will be paid the hourly rate for the duration of their travel, for example, flight and transfer times. Upon provision of relevant receipts to the BCCC, Panel members will also be reimbursed for their reasonable expenses incurred from attending meetings, for example, flights, accommodation, and meals.

Expectations of Panel members

Panel members are expected to share their insights and knowledge with the BCCC during attendance at scheduled meetings, and at other times if they consider it appropriate.

Panel members are encouraged to prepare for BCCC meetings by proactively seeking feedback from their networks to identify issues to be tabled for discussion.

Preparation for BCCC meetings may include sourcing case studies, contributing relevant suggestions and providing comment on material circulated before a meeting, or at any time throughout the year.