

Table C.2: Overview of Consumer Protection Regulation in Australia

	Deposit Taking Institutions	General Insurance, Life Insurance and Superannuation	Collective Investments/Securities
Economy-wide Laws and Regulators	<p>Part IVA & V of the <i>Trade Practices Act 1974</i> — administered by the ACCC. Prohibits unconscionable and misleading and deceptive conduct.</p> <p>State/Territory Fair Trading Acts — administered by State/Territory Consumer Affairs Agencies. Essentially mirror Part V of TPA.</p> <p><i>Prices Surveillance Act 1983</i> — administered by the ACCC. Includes power to monitor prices.</p> <p><i>Corporations Law</i> — administered by the ASC. Directors duties and takeover provisions apply, but not financial reporting provisions or fundraising provisions for bank or non-bank short term deposits.</p> <p>At least one State has legislation to provide relief from unfair contracts — <i>Contracts Review Act 1980 (NSW)</i>.</p> <p>Common Law.</p>	<p>Part IVA & V of the <i>Trade Practices Act 1974</i> — administered by the ACCC. Prohibits unconscionable and misleading and deceptive conduct.</p> <p>State/Territory Fair Trading Acts — administered by State/Territory Consumer Affairs Agencies. Essentially mirror Part V of TPA.</p> <p><i>Prices Surveillance Act 1983</i> — administered by the ACCC. Includes power to monitor prices.</p> <p><i>Corporations Law</i> — administered by the ASC. Directors duties and takeovers provisions apply but not financial reporting provisions.</p> <p>At least one State has legislation to provide relief from unfair contracts — <i>Contracts Review Act 1980 (NSW)</i>.</p> <p>Common Law.</p> <p>Courts — including Commercial and Small Claims Courts/Tribunals in some jurisdictions.</p>	<p>Part IVA & V of the <i>Trade Practices Act 1974</i> — administered by the ACCC. Prohibits unconscionable and misleading and deceptive conduct.</p> <p>State/Territory Fair Trading Acts — administered by State/Territory Consumer Affairs Agencies. Essentially mirror Part V of TPA.</p> <p><i>Prices Surveillance Act 1983</i> — administered by the ACCC. Includes power to monitor prices.</p> <p><i>Corporations Law</i> — administered by the ASC. Directors duties, takeovers, securities and futures dealing, fundraising, and financial reporting provisions apply.</p> <p>At least one State has legislation to provide relief from unfair contracts — <i>Contracts Review Act 1980 (NSW)</i>.</p> <p>Common Law.</p> <p>Courts — including Commercial and Small Claims Courts/Tribunals in some jurisdictions.</p>
Economy-wide Dispute Resolution Bodies	<p>Courts — including Commercial and Small Claims Courts/Tribunals in some jurisdictions.</p>	<p>Courts — including Commercial and Small Claims Courts/Tribunals in some jurisdictions.</p>	<p>Courts — including Commercial and Small Claims Courts/Tribunals in some jurisdictions.</p>

Table C.2: Overview of Consumer Protection Regulation in Australia (Cont.)

	Deposit Taking Institutions	General Insurance, Life Insurance and Superannuation	Collective Investments/Securities
Financial Sector Specific State Laws and Regulators	<p>Uniform Consumer Credit Code. Administered by State/Territory Consumer Affairs Agencies. Includes coverage of disclosure, documentation and dispute resolution.</p> <p>At least one State has specific consumer protection legislation dealing with credit to farmers — <i>Farm Debt Mediation Act 1994 (NSW)</i>.</p>		
Financial Sector Specific State Dispute Resolution Bodies	<p>State/Territory Commercial/Credit Tribunals/Courts. Hear complaints under the UCCC. If no such specialist forum — UCCC complaints heard by regular courts.</p>		
Financial Sector Specific Commonwealth Laws and Regulators	<p>Credit Reporting provisions of the <i>Privacy Act 1988</i> — administered by the Privacy Commissioner. Includes coverage of collection, and access to, credit data.</p> <p><i>Banking Act 1959</i> — administered by the RBA. Includes prohibition on use of term 'bank' unless licensed as a bank or exempted.</p>	<p><i>Insurance Contracts Act 1984</i> — administered by the ISC. Includes the requirement to act with utmost good faith.</p> <p><i>Life Insurance Act 1995</i> — administered by the ISC. Amendments have been proposed to add a new consumer protection Part to the Act.</p>	<p><i>Corporations Law</i> — administered by the ASC. Covers licensing of securities dealers and investment advisers, disclosure of commission, advice giving and other conduct rules including misleading conduct and insider trading.</p>

Table C.2: Overview of Consumer Protection Regulation in Australia (Cont.)

	Deposit Taking Institutions	General Insurance, Life Insurance and Superannuation	Collective Investments/Securities
Financial Sector Specific Commonwealth Laws and Regulators (cont.)		<p><i>Insurance (Agents and Brokers) Act 1984</i> — administered by the ISC. Provides for ISC registration of insurance brokers (not agents). Brokers must hold professional indemnity insurance.</p> <p>ISC Life Insurance Circular No. G.I.1 covers product disclosure rules. Does not have the force of law.</p> <p><i>Superannuation Industry (Supervision) Act 1993</i> — administered by the ISC. Includes disclosure rules and internal complaints handling.</p>	
Financial Sector Specific Commonwealth Dispute Resolution Bodies		<p>Superannuation Complaints Tribunal. Considers complaints from individuals about certain decisions made by superannuation fund trustees and about life company superannuation products. No limit on awards.</p>	

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	Deposit Taking Institutions	General Insurance, Life Insurance and Superannuation	Collective Investments/Securities
Industry-wide Self-Regulatory Codes Of Conduct	Code of Banking Practice — monitored by the Australian Payments System Council (APSC). Covers such matters as disclosure, privacy, guarantees and dispute resolutions.	General Insurance Code of Conduct — monitored by Insurance Enquiries and Complaints Ltd.. Covers agents' and employee competency, policy documentation, claims handling and dispute resolution.	ASX Business Rules. Includes coverage of ethics; priorities of client's orders; disclosure and conduct.
	Credit Union Code of Practice — monitored by the APSC. Similar to the Banking Code.	Life Insurance Code of Practice. Covers needs analysis, quality of advice, status disclosure, competencies, dispute resolution etc. ISC circular. Does not have the force of law.	ASX Listing Rules. Covers the obligations of companies whose shares are listed on the ASX and includes requirements to keep the market informed.
	Building Society Code of Practice — monitored by the APSC. Similar to the Banking Code.	General Insurance Brokers' Code of Practice. Coverage includes standards of practice, disclosure and dispute resolution.	SFE Business Rules. Covers obligations of SFE members (brokers). Includes coverage of ethics, priorities of client's orders, disclosure and conduct.
	Electronic Funds Transfers (EFT) Code of Conduct — monitored by the APSC. Sets out rules to cover disputes involving EFT transactions.		Financial Planning Association Code of Ethics and Membership rules (includes requirement for professional indemnity insurance).
	Banking Industry Ombudsman Scheme. Binding decisions up to \$150,000. Deals with complaints about banking services provided to individuals and unincorporated entities.	Life Insurance Complaints Service. Deals with complaints arising from a life insurance contract. Binding decisions up to \$250,000.	Fidelity Funds for Futures Brokers. Covers fraud or defalcation (doesn't cover negligence or incompetence) \$500,000 limit.
Industry-wide Self-regulatory Dispute Resolution Bodies			

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Industry-wide Self-regulatory Dispute Resolution Bodies (cont.)	<p>Credit Union Dispute Reference Centre. Can make binding determinations of up to \$100,000 and recommendations above that amount. Deals with complaints from members about the Credit Union Code and the EFT Code.</p> <p>AAPBS has prepared a model external disputes scheme for building society customers and recommended it to member societies. It recommends binding decisions up to \$50,000. The model covers disputes involving breaches of the Building Society Code.</p> <p>The Mortgage Industry Association of Australia (MIAA), whose membership includes mortgage originators, has developed non-binding procedures to help resolve disputes between members and customers.</p>	<p>General Insurance Enquiries and Complaints Scheme. Can make binding awards up to \$105,000 and recommendations up to \$260,000. Covers complaints about claims on personal lines of insurance from individuals and certain small businesses.</p> <p>National Institute of Insurance Brokers' Dispute Facility. Limit of \$10,000, or \$50,000 if claim involves a life policy or broker waves limit.</p>	<p>ASC Securities Dealers or Investment Advisers Bonds (\$20,000) — may be applied to compensate for failure of licensee to carry on business adequately. (Good Advice Report recommends replacing this with requirement for professional indemnity insurance.)</p> <p>Fidelity Funds for Non ASX Brokers. Covers defalcation or fraud (no cover for negligence or incompetence). \$500,000 limit.</p> <p>National Guarantee Fund for ASX Brokers. Covers failure of securities contracts for any reason, including insolvency or defalcation. (Does not otherwise cover negligence or incompetence). Limit of \$500,000.</p> <p>Financial Planning Association's Complaints Resolution Scheme. Limit of \$50,000, or \$100,000 with principal member and insurer consent.</p>

