

CREDIT CARD

22nd Annual Credit Law Conference

The great debate: Canvassing the success of the credit reforms

19-21 September 2012

Hilton Surfers Paradise

Program highlights

- Be prepared to comply with the new privacy principles and comprehensive credit reporting regime
- Receive guidance on how to conform to ASIC's new advertising guidelines
- Listen to compelling discussions on the NCCP reforms with balanced perspectives from regulators, consumer advocates and industry
- Be enlightened by an economic and lending outlook for the next decade, and find out what the market needs to do to grow
- Be updated on the legislative landscape of credit law including the enhancement reforms and what aspects to focus on for Phase two
- Uncover how responsible lending is working in practice
- Hear how the NCCP reforms are playing out at the enforcement stage

Claim up to 17 CPD/MCLE points!

**Advanced price discount expires
3 August 2012 – SAVE up to \$450**

Speakers

- **Christian Mikula**, Manager – Consumer Credit Unit, Retail Investor Division, **Australian Treasury**
- **Greg Kirk**, Senior Executive Leader – Deposit Takers, Credit Insurers, **ASIC**
- **Savanth Sebastian**, Equities Economist, **CommSec**
- **Damian Paull**, CEO, **Australasian Retail Credit Association**
- **Andrea Beatty**, Partner, **HWL Ebsworth**
- **Peter White**, CEO & National President, Chairman of the Board of Directors, **Finance Brokers Association of Australia**
- **Philip Field**, Ombudsman – Banking & Finance, **Financial Ombudsman Service**
- **Raj Venga**, CEO & Ombudsman, **Credit Ombudsman Service**
- **Paul Holmes**, Senior Solicitor/Consumer Advocate, Consumer Protection Unit, **Legal Aid Queensland**
- **Suanne Russell**, Counsel, Product & Distribution, **Westpac**
- **Bradley Lynch**, Special Counsel – Banking, **Suncorp**
- **Calvert Duffy**, Executive Director - Governance & Compliance, **Mortgage & Finance Association of Australia**
- **Olga Ganopolsky**, General Manager, Legal, Compliance and Regulatory, **Veda Advantage**
- **Shannon Adams**, Partner, **Langes+**
- **Peter Ryan**, Partner, **DibbsBarker**

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Register Today!

Visit: www.lexisnexis.com.au/creditlaw



22nd Annual Credit Law Conference

Dear Delegate,

Given the tremendous overhaul of the consumer credit industry, this year's Credit Law Conference raises the germane question of whether the proposed objective of consumer protection has been actualised through the new reforms. Attend this essential conference to hear forthright perspectives from various standpoints on how successful the NCCP has been. This feverish debate has long been anticipated and been playing on the minds of all stakeholders involved and simply cannot be missed.

Now in its 22nd year, the LexisNexis Credit Law conference is the flagship event of the industry, and will provide definitive discussion and review of the core issues affecting the consumer credit space. Key themes include the new privacy principles, credit reporting provisions and code of conduct, directives on ASIC's new advertising guidelines, EDR schemes, the enhancements bill, main areas to focus on for Phase two, mortgage enforcement and responsible lending in practice. We have also invited the esteemed Equities Economist, Savanth Sebastian, to illuminate the highlights of the global and Australian economies and the impending repercussions on the consumer credit industry.

This year we have incorporated more interactive formats in various sessions to encourage increased participation from the audience. This will enhance participant face time and involvement, maximising your presence and networking opportunities at the conference. Be there for the Champagne open forum, which is the perfect lead-in for the pre-dinner drinks and conference dinner! Revel in the company of influential industry stakeholders, regulators, consumer representatives and peers, whilst being in the luxurious confines of the Hilton Surfers Paradise. Redefine your getaway experience and bring your partner and family along to soak up the lavish surrounds of the Hilton and its proximity to the Esplanade, theme parks and restaurant precincts.

Places are quickly being filled, so register your interest NOW to be part of this premier industry forum! We look forward to welcoming you to the 22nd Annual Credit Law Conference at the Hilton Surfers Paradise, Gold Coast, Queensland.

Kind regards,

The LexisNexis Professional Development Team

You will be in good company

Last years delegates included senior representatives from:

- ANZ
- Australian Securities & Investments Commission
- Australian Treasury
- Aussie Home Loans
- Bank of Western Australia
- Blake Dawson
- Citigroup
- Commonwealth Bank
- Corrs Chambers Westgarth
- Defence Force Credit Union Limited
- DibbsBarker Lawyers
- Federal Magistrates Court
- Financial Ombudsman Service Limited
- Flexigroup Ltd
- GE Capital
- HSBC Bank Australia Limited
- HWL Ebsworth Lawyers
- ING Bank Australia Limited
- King & Wood Mallesons
- La Trobe Financial Services
- Langes+ Lawyers
- Mallesons Stephens Jaques
- Mortgage & Finance Association of Australia
- National Australia Bank
- Retailease Pty Ltd
- RHG Homeloans
- University of Newcastle
- Westpac Group
- Yamaha Motor Finance

Who should attend?

- Lawyers specialising in financial services, banking and consumer credit
- Corporate lawyers and legal counsel from the banking and finance industry
- Consumer advocates
- Compliance managers and executives
- Loan managers
- Finance companies
- Credit unions
- Friendly societies
- Mortgage originators
- Finance brokers and other consumer credit providers

Program at a glance

Pre-conference workshops: 19 September 2012

Building an efficient and effective credit reporting system
Advertising with ASIC

Conference – day one: 19 September 2012

Keynote: Regulatory update for credit – what's next and the year in review ASIC update
Current focus and update from the Australian Treasury
Regulatory Q&A session

Conference – day two: 20 September 2012

Will the highly prophesied change of government alter the industry or will it be business as usual?
The National Consumer Credit Protection Reform – a success story?
Industry Ombudsman Services and External Dispute Resolution (EDR) schemes
Panel: Applying ASIC's advertising guidelines
Economic and lending outlook with Savanth Sebastian
Champagne open forum: outlook for next decade – what the market needs to do to grow

Conference – day three: 21 September 2012

Responsible lending and how it's working in practice
Privacy reform
Mortgage enforcement update
Enhancements to the Consumer Credit Law – the next stage

Social program – 19-21 September 2012

Welcome drinks on Wednesday 19 September
Pre-dinner drinks on Thursday 20 September
Official conference dinner on Thursday 20 September

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IFS
Institute of
Financial
Services Inc.


FBAA

22nd Annual Credit Law Conference

“Excellent! The one conference
I attend every year!”

Day one: Wednesday, 19 September 2012

8:30 Workshop registration

9:00 **Building an efficient and effective credit reporting system**

- Transforming credit reporting in Australia
- The Privacy Amendment Bill, the Explanatory Memorandum and the Credit Reporting Code of Conduct – what are the impacts?
- Is doing nothing an option? – what credit reporting compliance obligations will impact consumers and industry

Damian Paull, CEO, **Australasian Retail Credit Association**
Matt Gijselman, Chief Industry Advisor, **Australasian Retail Credit Association**

■ 1.5 CPD/MCLE points in Substantive Law/Professional Skills

10:30 Morning tea

11:00 **Advertising with ASIC**

- New regulatory guidance on advertising of credit products and services
- Is the aim compliance or best practice?
- Recent examples of advertisements that attracted a regulatory response, and why
- Current priorities and areas of concern

Tim Gough & Michael Saadat, Senior Managers – Deposit Takers, Credit and Insurers, **ASIC**

■ 1.5 CPD/MCLE points in Substantive Law/Professional Skills

12:30 Networking lunch for workshop speakers and delegates

1:00 Conference registration

1:30 Opening remarks from the Chair

Ian Gilbert, Policy Director, **Australia's Bankers Association**

KEYNOTE

1:45 **Regulatory update for credit – what's next and the year in review**

- The past and the present - the year in review and what's new for credit
- Reviewing the impact of PPS and credit card changes
- Annual compliance certificates and ongoing licensee obligations
- Responding to possible breaches in the new environment
- Assessing AML changes to customer identification
- The impact of payment system reforms – card surcharging
- Looking forward to March 2013 – credit law enhancements and the ePayments Code
- Preparing for credit reporting and privacy changes in late 2013
- The Phase two credit agenda – what's next?
- Practical credit survival guide – achieving customer and business needs and credit compliance
- Resourcing credit compliance – the business case

Andrea Beatty, Partner, **HWL Ebsworth**
James Moore, Partner, **HWL Ebsworth**

■ 1.5 CPD/MCLE points in Substantive Law/Professional Skills

3:15 Afternoon tea

3:45 **ASIC update**

- Ongoing implementation of the national credit reforms including update on licensing
- Compliance, Surveillance and Deterrence work in credit, banking and credit related insurance
- Key findings and recommendations of thematic reviews
- Focus on advertising
- Issues arising from Phase two of the credit reforms
- Priorities for the year ahead

Greg Kirk, Senior Executive Leader – Deposit Takers, Credit and Insurance Providers, **ASIC**

■ 1 CPD/MCLE point in Substantive Law/Professional Skills

4:30 **Current focus and update from the Australian Treasury**

- What is currently on agenda for reform
- What tools has Treasury provided to industry to assist with compliance
- NCCP – small business & investment lending – progress update from Treasury clarifying exactly what is being captured in this space
- Limited recourse borrowing to remain a credit facility and not a financial product – an update from Treasury
- Discussion around how treasury will support new products in the market to support new energy efficient goods and services such as solar panels etc

Christian Mikula, Manager – Consumer Credit Unit, Retail Investor Division, **Australian Treasury**

■ 0.5 CPD/MCLE point in Substantive Law/Professional Skills

5:00 **Regulatory Q&A session**

5:30 **Close of day one and welcome drinks**

LexisNexis staff will be collecting delegate questions for the Regulatory Q&A session and the Champagne open forum. Questions will be open to the floor during these sessions. However, LexisNexis understands that some delegates may feel inclined to pose their questions anonymously, so don't forget to drop any burning questions you wish to ask into the collection bowl at the registration desk, or tweet your questions on Twitter to #CreditLaw.



Day two: Thursday, 20 September 2012

8:30 **Conference registration**

Collection of discussion topics for end-of-day Champagne open forum

9:00 **Welcome from the Chair**

Andrea Beatty, Partner, **HWL Ebsworth**

9:10 **Will the highly prophesied change of government alter the industry or will it be business as usual?**

- Impact to broker businesses
- Impact to small businesses
- LMI changes that are needed
- Over regulation

Peter White, CEO & National President, Chairman of the Board of Directors, **Finance Brokers Association of Australia**

■ 1 CPD/MCLE point in Substantive Law/Professional Skills

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Claim CPD/MCLE points with all LexisNexis Professional Development events

The great debate: Canvassing the success of the credit reforms

10:10 **The National Consumer Credit Protection Reform – a success story?**

Listen to an open and frank discussion from the Australian Treasury around whether they think the new *NCCP Act* has been a success, based on actual figures and results. Are consumers really more protected or has there been no real improvement across the board? Considering the resources and costs financiers have had to invest in order to comply, was it all worth it? This session will delve candidly into what Treasury got right and what requires further attention. Comprising of notable representatives for a well-rounded debate, this panel will deliberate the veritable question of whether the much vaunted ‘consumer protection’ cited as the benefit of the *NCCP*, is actually visible or a myth.

- What do we mean when we ask whether the *NCCP Act* has been a success? Is it still too early to measure success or failure?
- Has the *NCCP Act* been good for business?
- Legislative process issues – i.e. consultation periods, consultation process, timing, etc
- Lesson to be learnt if future reform of *NCCP* is contemplated
- Is there actual consumer benefit or just more documentation for the customer to receive?

Christian Mikula, *Manager – Consumer Credit Unit, Retail Investor Division, Australian Treasury*

Tom Wilcox, *Solicitor, Consumer Action Law Centre*

Philip Field, *Ombudsman – Banking & Finance, Financial Ombudsman Service*

Raj Venga, *Ombudsman, Credit Ombudsman Service*

Ian Gilbert, *Policy Director, Australia’s Bankers Association*

Bradley Lynch, *Special Counsel – Banking, Suncorp*

■ 1.5 CPD/MCLE points in Substantive Law/Professional Skills

11:40 Morning tea

12:10 **Industry Ombudsman Services and External Dispute Resolution (EDR) schemes**

- Is there a higher incidence of complaints now, post *NCCP*?
- Are there any patterns emerging? – geographic, demographic, systemic?
- Could LMI providers be a useful source of information?
- Q&A on standards and timeliness – getting the balance right between the two

Tom Wilcox, *Solicitor, Consumer Action Law Centre*

Paul Holmes, *Senior Solicitor/Consumer Advocate, Consumer Protection Unit, Legal Aid Queensland*

Philip Field, *Ombudsman – Banking & Finance, Financial Ombudsman Service*

Raj Venga, *CEO & Ombudsman, Credit Ombudsman Service*

Calvert Duffy, *Executive Director – Governance & Compliance, Mortgage & Finance Association of Australia*

■ 1 CPD/MCLE point in Substantive Law/Professional Skills

1:10 **Networking lunch for speakers and delegates**

PANEL

2:10 **Applying ASIC’s advertising guidelines**

Following ASIC’s guidance on advertising credit, this panel session intends to provide a discussion ground for In-house Counsel of banks to demonstrate and share the strategies and methods they have undertaken to comply to these new regulations. Hear from their various perspectives on how they are tackling compliance with legal obligations, whilst still establishing effective promotion of the banks’ products and services.

Bradley Lynch, *Special Counsel – Banking, Suncorp*

Suanne Russell, *Counsel, Product & Distribution,*

The Westpac Group

Bridget Powell, *General Counsel, HSBC Bank Australia*

Daniel Richmond, *Legal Counsel – Cards, Citigroup*

■ 1 CPD/MCLE point in Substantive Law/Professional Skills

3:10 **Afternoon tea**

3:40 **Economic and lending outlook with Savanth Sebastian**

Renowned Equities Economist Savanth Sebastian will lend his expertise, providing an economic and lending outlook highlighting the impacts on the consumer credit industry. This session will include a closer look at the global economy, an examination of the European Debt crisis, slowdown in China, and the repercussions for Australia. The multi-speed nature of the Australian economy will be analysed, and then delving deeper to look at consumer spending patterns, house prices and interest rates, the Australian dollar and share markets.

Savanth Sebastian, *Equities Economist, CommSec*

■ 0.75 CPD/MCLE point in Substantive Law/Professional Skills

4:25 **Champagne open forum: Outlook for the next decade – what the market needs to do to grow**

This session will be moderated by knowledge experts in the consumer credit industry, whilst still leaving the opportunity to pitch opinions and share ideas open to the floor. This open forum is a participatory event which allows for everyone to join the conversation. Five chairs will be set up at the front facing the moderators, where four chairs will be filled by members of the audience. As the discussion goes along, any member of the wider audience can occupy the empty chair and join the discussion. When this happens, an existing participant must free a chair. The discussion will continue with participants frequently entering and leaving the forum. We will also dedicate the last fifteen minutes of the session to selecting questions submitted by collection bowl or Twitter.

Andrea Beatty, *Partner, HWL Ebsworth*

Christian Mikula, *Manager – Consumer Credit Unit, Retail Investor Division, Australian Treasury*

Calvert Duffy, *Executive Director – Governance &*

Compliance, Mortgage & Finance Association of Australia

Peter White, *CEO & National President, Chairman of*

the Board of Directors, Finance Brokers Association of

Australia Ltd

Ian Gilbert, *Policy Director, Australia’s Bankers Association*

■ 1 CPD/MCLE point in Substantive Law/Professional Skills

5:25 **Close of day two**

6:30 **Pre-dinner drinks**

7:00

Join your fellow delegates and speakers for the Official conference dinner at the multi award-winning Salt Grill, by internationally-acclaimed celebrity Chef, Luke Mangan. Sit back and savour sumptuous Modern Australian cuisine heralded by Luke’s signature flair with your colleagues in this spectacular setting.

22nd Annual Credit Law Conference 19-21 September 2012, Hilton Surfers Paradise

Day three: Friday, 21 September 2012

- 8:30 **Conference registration**
- 9:00 **Welcome from the Chair**
Helen Gordon, *Regional Director and Corporate Lawyer, Australian Finance Conference*
- 9:10 **Responsible lending and how it's working in practice**
- What part does the cost of credit play in determining the consumer's requirements and objectives?
 - Has the "capacity to pay" test helped or harmed consumers?
 - Variations and responsible lending obligations – do they apply?
- Christian Mikula**, *Manager – Consumer Credit Unit, Retail Investor Division, Australian Treasury*
Stephen Cavanagh, *Partner, HWL Ebsworth*
Philip Field, *Ombudsman – Banking & Finance, Financial Ombudsman Service*
Raj Venga, *Ombudsman, Credit Ombudsman Service*
■ 1 CPD/MCLE point in Substantive Law/Professional Skills
- 10:10 **Morning tea**
- 10:40 **Privacy reform**
- APPs
 - Impact of the Australian privacy principles on credit businesses
 - Issues relating to direct marketing, cross border data flow and customer disclosures
 - Critical legal issues for credit providers and credit reporting agencies
 - Permitted uses and disclosures of credit information
 - Sanctions, complaints and dispute resolution structures
 - Credit reporting Code of conduct
 - Redrafting the Credit Reporting Code of Conduct – the requirements of the *Privacy Amendment (Enabling Privacy) Bill 2012*
 - Maximising data accuracy and participation: Data standards and principles of exchange
 - Discussion: Increased regulator powers and other changes in the risk environment
- Damian Paull**, *CEO, Australasian Retail Credit Association*
Matt Gijselman, *Chief Industry Advisor, Australasian Retail Credit Association*
Olga Ganopolsky, *General Manager of Legal, Compliance & Regulatory, Veda*
Cameron Ball, *Counsel, Product & Distribution, The Westpac Group*
■ 2 CPD/MCLE points in Substantive Law/Professional Skills
- 12:40 **Networking lunch for speakers and delegates**
- 1:40 **Mortgage enforcement update**
- What has changed under the *NCCP Act*?
 - Default notices – issues and cases
 - Enforcement – is it just about process?
 - The impact of EDR on mortgagees
- Shannon Adams**, *Partner, Langes+*
■ 1 CPD/MCLE point in Substantive Law/Professional Skills



“Very comprehensive and great coverage on issues and requirements.”

- 2:40 **Afternoon tea**
- 3:10 **Enhancements to the Consumer Credit Law – the next stage**
- A discussion and review of the *'Consumer Credit and Corporations Legislation Amendment (Enhancements) Bill 2011'* focusing on:
- Small amount credit contracts
 - Caps on costs for credit contracts
 - Reverse mortgages
 - Consumer leases
 - Hardship
 - Other changes
- David Carter**, *Partner, DibbsBarker*
Peter Ryan, *Partner, DibbsBarker*
■ 1 CPD/MCLE point in Substantive Law/Professional Skills
- 4:10 **Closing remarks from the Chair**
- 4:25 **Close of conference**

All work, and now a little play with our fabulous lucky door prize draw at the close of each conference day

Day 1
Hilton Cooler Bag with Beach Towel and bottle of wine

Day 2
Dinner/Drinks for 2 at either Hilton Surfers Paradise, Hilton Melbourne South Wharf or Hilton Sydney

Day 3
Hilton Picnic Hamper

To register now visit:
www.lexisnexis.com.au/creditlaw
or ph: 1800 772 772 or fax: 02 9422 2338



Hilton

SURFERS PARADISE

22nd Annual Credit Law Conference

“ A conference that has been added to my MUST ATTEND list. ”



Hilton Surfers Paradise offers specially discounted rates for conference delegates of:

- Twin Hilton Guest Room: From \$220.00 per night
- King Hilton Guest Room: From \$220.00 per night
- Deluxe Room: From \$250.00 per night
- Executive Suite: From \$300.00 per night
- Relaxation Room: From \$400.00 per night
- Relaxation Suite: From \$460.00 per night



Priority registration form

5 easy ways to register

22nd Annual Credit Law Conference

19-21 September 2012
Hilton Surfers Paradise
6 Orchid Avenue
Surfers Paradise QLD 4217

Online: www.lexisnexis.com.au/creditlew
Email: registration@lexisnexis.com.au
Phone: 1800 772 772
Fax: (02) 9422 2338

Mail: Conference Co-ordinator, LexisNexis
Locked Bag 2222, Chatswood Delivery
Centre, Chatswood NSW 2067
or: DX 29590 Chatswood

Please complete sections A, B, C, D, E, F

TAX INVOICE

Conference code: PD4112 ABN: 70 001 002 357

A Delegate 1 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Organisation: _____

Postal address: _____

Suburb Postcode State

Telephone: _____

Fax: _____

Email (required*): _____

** to send conference confirmation

B DELEGATE SOCIAL PROGRAM

- I will be attending the Wednesday night welcome drinks
- I will be attending the Thursday night pre-dinner drinks
- I will be attending the Thursday conference dinner

GROUP BOOKING

Register 3 or more people from the same organisation at the same time and book at the group booking price per person.

ACCOMMODATION BOOKING

Please note: LexisNexis will not be taking accommodation bookings directly for the conference. To book accommodation please contact the hotel directly and mention LexisNexis Credit Law Conference for special rates.
Hilton Surfers Paradise – (07) 5680 8000

GOLD COAST AIRPORT – SHUTTLE

The closest airport to the resort is the Gold Coast Airport, Pacific Highway, Coolangatta QLD.
The hotel is approximately 25kms north from the resort. LexisNexis will not be providing a shuttle bus from the airport to the resort. However, the Hilton offers alternate transport arrangements.
Visit www.hiltonsurfersparadise.com.au/location-map-getting-there for further information.

Guest details:

Tickets will need to be purchased for guests for the Official conference dinner, see pricing box.

Full name: _____

- I will be attending the conference dinner

Earn CPD/MCLE points:

Lawyers can earn up to 17 CPD/MCLE points in Substantive Law/Professional Skills.
Where did you hear about this event? _____

- Please add me to the LexisNexis Monthly Professional Development email list.

E Event pricing (please tick your selection)

WEB

EXAMPLE

One day conference	1	\$2639.09 + GST = \$2903.00	\$2903.00
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Advance price (register and pay before 3 August 2012)

Please Select	Options	Qty	Price	Subtotal
	2.5 day conference + workshop		\$2639.09 + GST = \$2903.00	
	2.5 day conference only		\$2184.50 + GST = \$2402.95	

Standard price (register and pay after 3 August 2012)

Please Select	Options	Qty	Price	Subtotal
	2.5 day conference + workshop		\$3048.18 + GST = \$3353.00	
	2.5 day conference only		\$2502.73 + GST = \$2753.00	
	1 day conference only*		\$1380.00 + GST = \$1518.00	

Social program (for guests)

Please Select	Options	Qty	Price	Subtotal
	Official conference dinner		\$145.45 + GST = \$160.00	



Conference resources

- I am unable to attend but please send me the 22nd Annual Credit Law Conference papers

Qty	Price	Subtotal
	\$500 + GST = \$550.00	

* I would like to attend:

- Day 1 Day 2 Day 3 Workshop

- I am a member of Abacus/IFS/Finance Brokers Association of Australia/Australasian Retail Credit Association/Australian Finance Conference please apply my 10% discount

TOTAL

F Payment details

Payment is due upon registration. This document will be a Tax Invoice/Receipt for GST upon completion of payment.

- Enclosed is my cheque for: \$ _____ made payable to LexisNexis

- Pay by credit card: Please charge \$ _____ to

- Mastercard Visa American Express

Card number: _____

Expiry: ____/____

Name of cardholder: _____

Signature of cardholder: _____



PROGRAM CHANGES

Details regarding this conference were confirmed and correct at the time of printing. LexisNexis reserves the right to cancel or amend the conference details at any time if required.

CANCELLATION

Your registration will be confirmed in writing when full payment has been received. LexisNexis' cancellation policy applies as follows. If cancellation is notified in writing:

- One calendar month or more prior to the first day of event: LexisNexis will refund your registration fee less \$165.00 administration cost.
- Between one calendar month plus one day and 14 days prior to the first day of event: LexisNexis will refund 50% of the fee paid by you and provide you with a copy of event papers.
- 13 days or less prior to the first day of the event: LexisNexis will not refund any part of your fee. However, you may nominate a replacement delegate to attend in your place.

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Please note, delegate information will be provided to sponsors.

- Please tick here if you do not want sponsors to receive your information
- Tick here if you DO NOT wish to receive information about upcoming events