

**HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON ECONOMICS**

**REVIEW OF THE FOUR MAJOR BANKS**

**Australia and New Zealand Banking Group**

**ANZ10QW: MODEL LITIGANT STANDARDS**

**Question: A copy of the bank's model litigant standards applied to legal proceedings**

Answer: A copy of ANZ's Dispute Resolution Principles and Model Litigant Guidelines is attached.

## ANZ's Dispute Resolution Principles & Model Litigant Guidelines

These principles apply to ANZ, its employees and its representatives, when managing individual retail and small business customer complaints, disputes and litigation in Australia.

### *General principles*

1.	<b>Listen intently</b>	Listen to the customer. Give the customer the opportunity to tell their story and be heard.
2.	<b>Don't defend the indefensible</b>	If it is clear that we have done the wrong thing, don't look for excuses or try to justify our error.
3.	<b>Apologise</b>	Acknowledge what we have done wrong and apologise.
4.	<b>Follow through</b>	Is there an underlying issue which may need to be addressed? Follow through by escalating the issue to identify if it has impacted other customers.

### *Managing complaints and disputes*

5.	<b>Work toward a solution</b>	What is the customer seeking as a solution? Ask them, and seek to resolve the situation to their satisfaction where possible. If we can't agree on a solution, clearly explain our position and, where appropriate, provide escalation avenues.
6.	<b>Take quick action</b>	How quickly can the issue be resolved? If it can't be done immediately, tell the customer what further steps are required and give them a time frame for those steps to be carried out.
7.	<b>Communicate directly</b>	Engage with the customer, or their representative, using plain English and, where possible, maintaining a single point of contact. Only engage ANZ's external lawyers to communicate with the customer in appropriate circumstances.
8.	<b>Be responsive</b>	Provide documents we have previously provided to a customer on request, in a timely manner, and consider reasonable requests for other documents.
9.	<b>Take extra care</b>	For sensitive matters, consider meeting with the customer. If the customer is vulnerable because of his or her circumstances, or the situation warrants it, consider providing financial assistance to the customer to obtain independent legal or financial advice or refer the customer to appropriate support services.
10.	<b>Be even handed</b>	Treat all matters consistently regardless of which area, within the bank, received the complaint. Where compensation is appropriate, strive for consistent outcomes based on objective criteria. For non-financial loss, consider making a direct payment to the customer rather than reducing existing debts.
11.	<b>Rectify our errors</b>	Rectify an error where ANZ is clearly responsible for a customer's direct financial loss, even if the customer does not accept that the rectification resolves the matter.
12.	<b>Cooperate with EDR bodies</b>	If the customer chooses to refer the matter to AFCA, or another external dispute resolution body, co-operate in good faith with any requirements of that body. If a complaint or dispute falls outside the jurisdiction of the dispute resolution body, consider providing consent for it to consider the matter.

### *Managing legal proceedings*

13.	<b>Assess ANZ's position early</b>	Assess ANZ's prospects of success in legal proceedings and ANZ's potential liability as early as practicable. Ensure that legitimate claims have been paid where it is clear that ANZ is liable and that ANZ has apologised for any clearly wrong or inappropriate conduct.
14.	<b>Only litigate where there is no reasonable alternative</b>	Only start legal proceedings where there is no reasonable alternative and only petition for bankruptcy where there is a real prospect of recovery or where there has been fraudulent or dishonest conduct by the individual concerned.
15.	<b>Keep costs down</b>	If litigation cannot be avoided, minimise the impact to the customer and ANZ by: <ul style="list-style-type: none"> <li>a) Taking steps to clarify and narrow the issues in dispute</li> <li>b) Not requiring the other party to prove a matter that ANZ knows to be true</li> <li>c) Not contesting liability if ANZ knows that the dispute is really about quantum</li> <li>d) Avoiding unnecessary delays</li> <li>e) Monitoring the progress of litigation and using appropriate methods to settle or resolve the matter</li> <li>f) Ensuring that any person negotiating a settlement on behalf of ANZ has authority to reach agreement</li> <li>g) Not undertaking or pursuing an appeal unless there are reasonable prospects of success</li> </ul>
16.	<b>Act fairly</b>	Act fairly toward all claimants including those who lack the resources to litigate a legitimate claim and those who act as unrepresented litigants.

These principles do not cover class actions or other actions brought on behalf of retail and small business customers. For ANZ's approach to remediating errors which impact a group of customers, see ANZ's Remediation Principles.