

SUBMISSION ON POLICY ISSUES IDENTIFIED IN THE INTERIM REPORT

Submitted By: Irfan Cakan

Email: [REDACTED]

Phone Number: [REDACTED]

Submission for: Another Person

Name of other person, business or organisation: Melis Developments P?L

Do you agree to your submission being published: Yes

Do you agree to your full name being published: Yes

Your submission:

I am making this public submission in relation to Policy issues that relate to :

1- Approach of banks to enforcement, management and monitoring of loans to businesses with the following case studies [REDACTED]

I respectfully ask the Commission to include [REDACTED] as another case study.

2- Extension of unfair contract terms legislation to small business contracts with [REDACTED] study

May I respectfully ask for the Commission to consider making a recommendation to the Federal Government for all the Banks to adopt standard mortgage documents prepared by the Federal Parliament that complies fully with the Code of Banking Practices in Plain English so that big business like Banks do not take advantage of the consumer or small business.

In my opinion, it is a better approach that will prevent the banks from taking advantage of consumers who may have limited legal and financial knowledge, its preventative and there should be serious penalties for banks not complying or adopting the standard mortgage documents that comply with the Code.

The concept is similar to the States adopting the Retail Leases Act to prevent big business landlords like Westfields taking advantage of the small businesses. Essentially, if the landlord lease does NOT comply with the Retail Leases Act, the Act will override the existing lease. At the same time, for example in NSW the Government set up a low cost service for tenants to make urgent applications to secure their legal rights under the Retail Leases Act.

The Second extremely important matter which I believe in the past and including in this Royal Commission assessed the serious nature of bank valuations for office, industrial and retail property valuations for first mortgage purposes.

I have attached a copy of the email I sent to [REDACTED] which has failed to reply to my numerous emails concerned about the lack of independent nature of the bank valuers.

This is a very expertise area, and subject to confirmation the valuers fail to comply with their MANDATORY obligation to comply with IVSC standards from London because the standards used by [REDACTED] do not comply with IVSC standards.

I strongly believe , and it is well known within the industry that there is a serious systemic problem with all of the bank valuations in SA.

I will be sending a copy of this email to NSW Premier, SA Premier and the PM of Australia Scott Morrison to consider and I believe it will benefit the consumer and small businesses.

It is better to have preventative policy rather than the more stressful and costly exercise to sue the Banks , in the context of most of the leading legal firms having a conflict of interest with the Banks makes matters more complicated and stressful to the public and consumer.

There is one very important issue that needs to be resolved legally in relation to bank valuers, please correct me if I am wrong but I suspect that all valuers including the banks must have the interests of the public or the investor as the priority.

I am not sure but that principle is consistent with our mortgage documents that do not comply with the Code but makes reference to bank appointed receivers are the AGENT of the owners .

Unfortunately, the receivers appointed by [REDACTED] did not even comply with their legal obligations as an agent of the owner (first interest of the property)

I will be sending by email an application for leave too appear at the Royal Commission .

Thank you.

Kind Regards

Irfan Cakan and Elif Kuroz (Melis Developments p/L)