

**To:** [REDACTED] [AFCA Review](#)  
**Subject:** Submission to AFCA Review  
**Date:** Friday, 26 March 2021 2:52:16 PM  
**Attachments:** [20210303\\_LTR\\_TO\\_AFCA.docx.pdf](#)

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Dear Sir/Madam,

Below is my public submission to the AFCA Review together with the attachment.  
Please do not hesitate to contact me if you have any questions.

Kind regards,

[REDACTED]

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## Public Submission to AFCA Review

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### **Background**

I lodged a complaint to AFCA in mid 2020.

The reference number for that complaint is **734900**, and is against ANZ.

The basis of the complaint is that ANZ incorrectly deleted over \$210,000 of my redraw funds from a loan when I refinanced the loan from joint names with my former partner to my own name.

ANZ has no authority to delete the funds, refuses to explain where the funds have gone and refuses to provide call recordings from its staff regarding this matter. ANZ promised to reinstate the funds through a new loan which it did not.

### **Delivering against statutory objectives**

1. Is AFCA meeting its statutory objective of resolving complaints in a way that is fair, efficient, timely and independent?

#### **1.1. Is AFCA's dispute resolution approach and capability**

**producing consistent, predictable and quality outcomes?**

AFCA requested an unreasonably high amounts of material from me to be provided to them in a short period of time only to then decide not to pursue the major part of my complaint as it would be 'inconvenient' for ANZ.

**1.2. Are AFCA's processes for the identification and appropriate response to systemic issues arising from complaints effective?**

Not at all.

AFCA refused to address fraudulent activity from ANZ staff even when provided with documentary evidence of their actions leading to the unauthorised deletion of my more that \$210,000 funds in redraw. AFCA gladly turns a blind eye on false information provided to it by ANZ despite being provided with documentary evidence of ANZ's false, misleading and fraudulent information.

**1.3. Do AFCA's funding and fee structures impact competition? Are there enhancements to the funding model that should be considered by AFCA to alleviate any impacts on competition while balancing the need for a sustainable fee-for-service model?**

Yes.

AFCA's decision in case 734900 appears to have been influenced by AFCA's desire to please ANZ. AFCA does not want to inconvenience ANZ to return my \$210,000 it deleted without authority or explanation as AFCA is reliant on the funding from ANZ.

AFCA did not take any action regarding ANZ's misleading statements made to me in writing regarding the timeframe to lodge a complaint. AFCA is deliberately misinterpreting the law to exclude my complaint and refuses to have its interpretation of the law reviewed by the Ombudsperson despite several complaints lodged against AFCA and its bias favouring ANZ.

AFCA's funding should be amended to come from the Federal Government.

**Monetary jurisdiction in relation to primary production businesses**

2. Do the monetary limits on claims that may be made to, and remedies that may be determined by, AFCA in relation to disputes about credit facilities provided to primary production businesses, including agriculture, fisheries and forestry businesses remain adequate?

No. AFCA has attempted to frame a response to me not to handle my complaint because of the limit.

**Internal review mechanism**

3. AFCA's Independent Assessor has the ability to review complaints about the standard of service provided by AFCA in resolving complaints. The Independent Assessor does not have the power to review the merits or substance of an AFCA decision.

Is the scope, remit and operation of AFCA's Independent Assessor function appropriate and effective?

Not at all. The independent Assessor's role should be extended to review the merits and substance of an AFCA decision. In my case, I have repeatedly asked AFCA to review its decision. AFCA has declined to do so and refuse to respond on whether or not its interpretation of the law has been reviewed by an Ombudsperson. A series of complaints lodged to AFCA have resulted in no action from AFCA.

4. Is there a need for AFCA to have an internal mechanism where the substance of its decision can be reviewed? How should any such mechanism operate to ensure that consumers and small businesses have access to timely decisions by AFCA?

Most definitely.

In my case, AFCA is deliberately misinterpreting its own rules and the law in an attempt to close my case and pressurise me into accepting an unlawful decision from their end.

AFCA continues to incorrectly and deliberately misinterpret the law. In particular the National Credit Consumer Act. I have detailed my response to AFCA in the attached letter. AFCA still refuses to correctly handle my complaint or have it reviewed by its Legal Ombudsman.