

WASSFY WASSEF (MICHAEL)

15th March 2021

Dear The Hon. Minister,

By email only: [AFCAreview@treasury.gov.au](mailto:AFCAreview@treasury.gov.au)

Re: Case number 635946

I could not use the AFCA process for my complaint with ANZ Bank Lending fraud.

My claim is about the improper and unfair way the Bank dealt with me in forcing my properties to be sold when I had not qualified for a loan I forced to; for no purpose, my inability to serve the loan, unemployed, have no job or business and my tax return for the two previous years to the loan were in total of \$13,802.

The only reason was keeping my home Title in hold by ANZ and bonus for the lending manager.

The whole process was crystal clear to AFCA, falsified, wrong details, dates, figures in Statement Of Financial Position which absolutely bear no resemblance to my actual financial position, without my signature, and application made up filled with untrue details & dates bearing a present signature !!

In my view the loan was definitely illegal and should be void, as legal maxims dictate that fraud vitiates all contracts deeds and court orders.

As there were no purpose for the loan it stayed untouched for over two years till Nov. 2008 and in 2013, I called ANZ lending manager for help, as I couldn't manage loan's repayments, which I originally didn't ask for, but unfortunately ANZ declined the request.

Is it the ANZ Bank Code of Conduct & Ethics Policy or its duty of Customer Care and considering my affordability?

AFCA honoured all ANZ bank made up lies and fraud documents then stated;

- They are not a court of law and do not have the power to take or test evidence on oath, very unfair and devastation
- They are unable to help because my complaint falls outside their Rules.  
But There is no statute of limitations applying to fraud so it is not lost yet !!

So due to ANZ & AFCA misconduct, I had to sell our family home and paid the bank 35% of the sale price.

### **The consequences**

The loss I suffered because of that Entrapped Loan, were \$750,000 to \$1 mil., half of my life earning.

ANZ threatened, unless payments made, after they discounted the loan 10%, they asked to handle the keys for the residential home with unconditional contract for sale to ANZ.

I selected to sell my home by myself at the time instead of being homeless with my family, if ANZ sells it.

1) Under sever anxiety, stress, pressure and hurriedness, I climbed the home roof on 6 June 2016 to do some cleaning to prepare the home for sale, I fell 4 meters on to concrete ground, ended with large full thickness tear in my left shoulder.

2) I had over two years suffering; sharp and painful shoulder, unable to sleep on left side, stray and dizzy cause of heavy painkiller prescript, finally on 21 August 2017 I had procedure to repair Rotator Cuff, Biceps Tenotomy / Tenodesis and Joint repair.

3) After the surgery I had to start intensive physio in order to regain shoulder function, wearing sling, shoulder kept for over 6 month stiff and painful.

4) Hurriedly and sadly sold our house to the first purchaser introduced by the agent, under its worth, the purchaser sold it 5 months later with little touch for extra \$375,000.

5) The money we ended up with wouldn't buy us a unit at Cheltenham or nearby

6) In a rush, we enforced to buy a basic and smaller property as far as Pakenham, 45 km. far away from Cheltenham, and later on we discovered that we had paid over its market price approx. \$50,000.

5) Totally isolated from our family and friends we had for over 28 years, an intense of pain to have Christmas alone, searching for new GP, Kindergarten and vital amenities plus changing all contacts.

As a result of the above plus my age, 63 yrs. old at the time, my medical & health issues, get worse and all impacting my ability to undertake any activity including work or study.

It is still hurting me very much to bear in mind what ANZ lending manager used me for and causing me tort for his own bonus and gaining financial benefits, and every door I knock for help I get only sympathy without real action.

6) I question the integrity of the parliament in limiting the amounts for claims and limiting the time period for complaints to be looked at.

7) I question why AFCA is merely a dispute resolution process which only treats disputes as matters of opinions.

8) I question why AFCA does not have an avenue for disputes to go to court to settle the more difficult matters.

9) My demand for an upgrade of the AFCA process is

- Have no limits to the claim amounts - let the truth and the facts be the limiting terms.
- Have no limit to the time the complaint occurred. Once again Truth and justice should be the standard to deal with cases - not time limits.
- Extend the teeth of the Complaints Authority to being able to run court cases or have another funded arm of the system so those Bank victims complaints with solid evidence of Bank wrong doing can get something close to justice.
- I understand Michael Sanderson has been consistently lobbying parliament for a process of "Equality of Arms" for bank victims, which I fully support.

- I believe the AFCA needs to be accountable in all its dealings, therefore I believe it needs to answer to senate estimates with its own full day of questioning- so senators can question every aspect of the process.
- I believe that if Treasury does not improve the AFCA process along these ideas, it will be failing the Country in being fair and just to its citizens - especially those like myself who cannot afford justice through being outsmarted, deceived and corruptly bankrupted by their Banks.

Your Sincerely

Wassfy WASSEF (Michael)