

Submission to the Review of the Australian Financial Complaints Authority

Re: Complaints about the standard of service provided by AFCA in resolving complaints

Name: Peter and Janet Casaceli

Lodged 30 June 2020

This submission addresses the Australian Financial Complaints Authority (AFCA) and its ability to deliver against statutory objectives. Please refer to both our complaint on 30 June 2020 and the subsequent correspondence between ourselves and [REDACTED]

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

In our personal experience submitting complaints to AFCA, we have felt the body has failed to act in a fair and independent manner. Our complaint, as referenced above, highlights maladministration on behalf of Westpac and the company's unconscionable actions in placing our credit facilities into loan management, as well as exercising illegitimate pressure on us to enter into the 2016 Deed of Settlement.

We argue that AFCA does not meet its statutory objective of resolving complaints such as ours, particularly due to a lack of fair and independent consideration of the power dynamics and deeply damaging personal circumstances that interplay in creating a situation of duress. AFCA's inability to recognise that the series of events outlined in our complaint forced us into entering into the 2016 Deed highlights that the body is unable to fairly resolve these kinds of issues. AFCA clearly lacks regard and care for small business owners and vulnerable customers, as amounting legal costs, loss of property, complete economic distress, familial deaths and relationship breakdown are all issues which rendered us unable to consider, within the allowed timeframe, any alternative options other than entering into the 2016 Deed as aforementioned.

1.1 Is AFCA's dispute resolution approach and capability producing consistent, predictable and quality outcomes?

AFCA has consistently failed to produce quality outcomes when dealing with our complaints. The body has also failed to provide consistent communication and advice. The primary issue involved in communication with AFCA pertains to the time allowed to formulate a response. Their ability to provide high quality outcomes in resolving disputes is greatly impacted by the short time periods of notice provided. How can AFCA thoroughly resolve complaints with quality and consistency when we were only permitted four weeks to engage expert witnesses and legal consultants in disputing AFCA's unfair decision with evidence?

This short notice greatly hindered our ability to gather all the relevant evidence required to ask for a reconsideration of AFCA's rejection of our complaint. This is an example of poor service

that left us, once again, in a situation characterised by unfair pressure and at the mercy of unequal power dynamics.

Points 1.2, 1.3, 2, 3 and 4 are to be addressed upon acquisition of information requiring acquisition from Third Parties.

We have requested an extension for this submission until the 31st of March.

Yours Faithfully,

Peter Casaceli,
Casaceli Group