

Request for feedback and comments

Closing date for submissions: 26 March 2021

Email AFCAreview@treasury.gov.au

The scope of the review is set out in the terms of reference, which I have read and commented on below from my experience.

Targeted questions have been included as part of the terms of reference.

All interested parties are invited to lodge submissions by 26 March 2021, and I have made my submission on the 25 March 2021 after it was drawn to my attention by a person on a Product Review of AFCA site for independent feedback and shared experience.

My submission

Introduction

Thank you for the opportunity to provide feedback and comment on the AFCA review and I have done so in good faith below by introducing myself and sharing my experience that has led me to make this submission in the hope of change at AFCA.

I am Felicity Heffernan who is a Bank of Queensland Customer with a Bank of Queensland credit card that was stolen in 2019 while I was at the Venice Biennale my handbag was taken. I have tried multiple times in 2 years to pay this card and was told to go to AFCA by Citibank who are involved with the BoQ credit card but not someone I bank with.

- I have found complaining as directed by Citibank who then suddenly became Citigroup [BoQ and Citibank] at the AFCA - an extremely negative experience.
- I also found a product review site of AFCA and on that site I found that multiple people who I don't know have shared negative experiences of dealing with the AFCA.
- In my submission I have outlined the questions you asked in bold black to be answered in the review & some examples from my experience to support the submission I have made.
- I also put forth in good faith what the issues are from my experience with AFCA and how problems can be addressed, given Treasury looks to submissions for ideas to make recommendations.

The Review -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?

There is no possibility that the Independent Assessor's function is appropriate or effective given that person has no power to review the merits or substance of an AFCA decision.

A key place to find out the public views of why the Assessors function needs the ability to review the merits and substance of an AFCA decision is the constant bias people who I have no knowledge of who all took the time to make submissions about AFCA BIAS towards complainants recorded on **the Product Review site - Australian Financial Complaints Authority (AFCA) | ProductReview.com.au** where the AFCA scores

- 1.7 out of 51 complaints.

A total of one and half stars is awarded to AFCA from independent people's dreadful experiences with AFCA showing how important this review is to get the AFCA operating effectively for complainants which is who they are supposed to be there to help, which they are clearly not is documented over and over from this Product Review site.

- Repeatedly the same statements are made about the AFCA bias.
- I found numerous people who took the time and complained to AFCA experiencing the same as I have of low-level AFCA understanding of systemic issues with Banking (apart from one person talking about Superannuation issue naming an AFCA staff member who helped them).

On the Product Review site - Australian Financial Complaints Authority (AFCA) | ProductReview.com.au - a person said this two months ago and it articulates what it feels like - *published 2 months ago*

Hi, Afca will just waste your time on purpose and then try and rule against you even with proof of law being broken.

Afca will favour the banks allowing false and incorrect information by banks to be provided.

"be careful as afca dont even read your provided documents, unless or until you complain about it.

They just wait and listen for all the fake and misleading info the banks provide them.. & the banks know this process well...

- My experience is summarised by this person who articulated well how you provide material that is repeatedly disregarded.

I complained as directed to do so and the reason was to be able to pay a Credit Card (that had been stolen) and even today 25.3.2021 I cannot do a bank transfer to achieve the same after commencing in Sept 2019 raising the same issue with the Bank of Queensland. [REDACTED]

- AFCA expect me to use BPAY as that is what Citibank says and or to provide details to a foreign voice on a telephone when the Bank of Queensland own banking policy states not to?

It appears irrelevant to AFCA systemic failure exists when you cannot use your own bank account and want to pay by bank transfer your own credit card. [REDACTED]

The Review – Question 4 Is there a need for AFCA to have an internal mechanism where the substance of its decision can be reviewed?

- Yes there is a need for AFCA to have an independent internal mechanism for the same reasons as articulated above and documented with systemic failure and dissatisfaction on the [On the Product Review site - Australian Financial Complaints Authority \(AFCA\) | ProductReview.com.au](#)
- I believe independent review is crucial to the future success of the AFCA body.

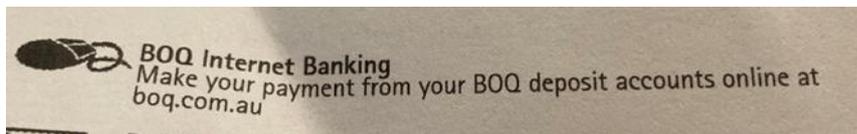
One example of My experience is an AFCA decision about one phone call involving a foreign voice wanting immediate payment by telephone where I ended the call completely consistent with what the bank tells me to do – the AFCA finds against me.

- The facts are I do not and have never ever had telephone banking set up as alleged by AFCA.
- The AFCA finding I am supposed to be able to pay by telephone is inconsistent with the Bank of Queensland [Internet Banking Jump Page | BOQ](#)

states the following “Never give your personal, credit card or online account details over the phone unless you made the call and the phone number came from a trusted source.”

- I heard from an unknown number, outside of Australian & the person on the phone was speaking in a foreign accent claiming I could pay immediately and wanted bank information the Banks own website tells you don't give out!.

*what the AFCA inaccurate finding allegation of immediate payment does not explain along with other factors I have already sent AFCA is HOW or why this would ever be necessary that I should be forced into this situation inconsistent with the Bank of Queensland own internet policy and their own credit card paperwork I had used for years stating I can use a bank transfer.



- I want to pay using my Bank of Queensland Bank Account by Bank Transfer to a Bank of Queensland Credit card which is what I have always used.
- Instead, apparently AFCA can make it up as they please - I must and can only pay by BPAY as that is what someone at Citibank is saying? Inconsistent with all of the above.
- I have never heard from Citibank being a Bank of Queensland Customer until they wanted to direct me to the AFCA and that person Jeremy refused to provide their managers details, so I was simply stuck having to go to AFCA and what a disappointment and waste of time that has been like so many people on the Product Review site state over and over.

Review Question 4. How should any such mechanism operate to ensure that consumers and small businesses have access to timely decisions by AFCA?

- The Resolution Institute and Mediation Institute in Australia have multiple people who could perform this function with independence or provide such independent advice on a mechanism and how it might work.

- The Review should not be by AFCA employees. I say this as my own experience was I was allocated an ex-Bank staff member as I can see their qualifications on LinkedIn and further I was sent a facebook comment link that leads me to believe the independence was not there in the AFCA for my complaint. It is possible that inherent bias already exists if the AFCA only recruits ex bank staff for banking complaints is also a problem in decision making that people are documenting over and over concerns with AFCA employees findings on the [On the Product Review site - Australian Financial Complaints Authority \(AFCA\) | ProductReview.com.au](https://www.ontheproductreview.com.au)
- The Review Mechanism for the AFCA needs to be conducted independently by a qualified independent body capable of producing what customers are seeking which is resolutions.
- From my own experience I wanted an outcome consistent with my ongoing banking practices not out of left field to use systems customers never use because someone at Citibank volunteers that with no reference to how I actually did my credit card payments.
- The Treasury review of the AFCA needs to be mindful there are no mediation provisions in banking that are independent of the entity and or capable of producing results.

It is my experience the AFCA became the dumping ground from my Banks to avoid dealing with my concerns and complaints and I was told by Citibank to write to the AFCA- while Citibank and BoQ claiming they have completed all their possible internal dispute resolution but there is no resolution for the Customer to use their own bank account to perform a function they could before their credit card was stolen as shown it no longer can be used in [REDACTED]

- My experience is Banking internal resolution at both Citibank and Bank of Queensland is non- existent. I found multiple examples of window dressing. This means AFCA can be used as a dumping ground.
- **Why is Treasury not considering – sending the complaints back to the Banks to do their job?**
- In my experience when you ask for a Manager above the resolution person – my email is not answered by staff claiming to be resolution staff providing no resolution.
- Or if you ask for the Privacy Officers details of their name to speak to them or find them– last week I sent such a request to [REDACTED] at Citibank so I could receive what Citibank is providing the AFCA.
- [REDACTED] Citibank did not give the details of the name of the person and while you're trying to resolve matters after years of trying - the AFCA don't care they just want to move forward with their position that is not accurate or respectful

to spending hours providing information that is ignored -this sort of AFCA decision making is seriously flawed. My submission to Treasury of such behaviour and the complainants time involved who is not sitting getting paid like the Banks is articulated by Multiple people on the product review site **the Product Review site - Australian Financial Complaints Authority (AFCA) | ProductReview.com.au** stated this was their experience. This site gave me relief to my own situation to see so many people repeating the same concerns with the flawed AFCA process.

- All my experiences in my matter are showing the window dressing of claims of having people doing roles in resolution - I was unable to find at the Bank of Queensland or Citibank. Yet apparently I was offered a mediation the AFCA claim in a decision, but the person is not named or identified in any form of who was going to do this? However, the AFCA record this as if it was fact rather than my experience of being unable to ever find the actual human being that existed to perform such a function. It is just like my experience of finding the name to a Privacy Officer – its constantly time wasting to genuine complainants and like looking for a needle in a haystack.

In closing the information above is why I feel the AFCA needs an independent external mechanism to do any **AFCA substance of its decision review to Question 4. It is my submission that Treasury believing the AFCA internally could perform this review themselves is flawed– I couldn't even get the case person of AFCA manager name or email for such a function.**

I asked for the AFCA's claims person own manager – that took her over 6 months to even give that information, forcing me to be locked in with a defective Case Manager unable to understand my complaint.

I still cannot pay by bank transfer as of the date of this submission see [REDACTED] that AFCA has received multiple times but doesn't care and ruled in favour of a Citibank person who wrote me an apology.

AFCA don't place that apology anywhere in their decision making demonstrating a very poor system of case manager work and a complete inability to deal with a banking systemic issue – that page 7 shows has never been resolved.

My experience documented above is the AFCA do not Delivering against statutory objectives in question 1 of your review terms.

The Review -Internal review mechanism 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?

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

Thank you Treasury staff for reading my submission.

Felicity Heffernan

Bank of Queensland customer

Email [REDACTED]

Date 25.3.2021