

Section F – Legacy complaints

On 19 February 2019, the responsible Minister changed the authorisation conditions, effective 30 June 2019, for AFCA Limited to operate the AFCA scheme. The new conditions require AFCA to deal with complaints about conduct by Financial Firms (who are compulsory members of AFCA) dating back to 1 January 2008, which AFCA, its Predecessor Schemes, courts, or tribunals have not dealt with.

Section F modifies the operation of the AFCA Rules solely in respect of legacy complaints to give effect to the change in authorisation conditions. No other class of complaints are affected by this Section.

Section F will only apply to complaints received during the period 1 July 2019 to 30 June 2020 (inclusive), after which time it will automatically be removed from the AFCA Rules.

F.1 Application of this section

- F.1.1 Legacy complaints will be dealt with under this section of the Rules effective as at 30 June 2019. All other complaints will be dealt with under the other sections of the Rules that apply as at the date the complaint was lodged.
- F.1.2 Legacy complaints will not be subject to the time limits set out in B.4.
- F.1.3 In all other respects, Sections A to E of the 30 June 2019 Rules will apply to legacy complaints unless modified by Section F. In the event of inconsistency with the other sections of the Rules, Section F prevails as it relates to legacy complaints.

F.2 Requirements for legacy complaints

- F.2.1 AFCA will not consider a legacy complaint:
- unless it is submitted to AFCA between 1 July 2019 and 30 June 2020
 - about conduct that occurred and ended before 1 January 2008
 - in relation to which a decision or determination has been made by a court or tribunal
 - in relation to which a decision or determination about the merits of the complaint has been made by a Predecessor Scheme or AFCA
 - that has previously been finally settled by the Complainant and the Financial Firm to whom the complaint relates (other than a complaint which can still be made under the Rules)
 - in relation to a superannuation death benefit
 - that solely relates to a right or obligation arising under the Privacy Act.
- F.2.2 The following defined terms apply only to Section F:

Compulsory Member	means a Financial Firm that is required or obligated to hold membership of AFCA, rather than having joined the AFCA scheme voluntarily.
Legacy Complaint	means an expression of dissatisfaction, against a Compulsory Member of AFCA, about loss arising from conduct by a Financial Firm that occurred on or after 1 January 2008 which would but for rule F.1 be excluded under the time limits set out in B.4.