

## September 2018

The Australian Financial Complaints Authority, or AFCA is an independent external dispute resolution scheme authorised by the responsible Minister.

AFCA members need to ensure their customers are aware that they can bring a complaint to AFCA in accordance with ASIC [Regulatory Guide 165](#), which also sets out transitional arrangements for disclosure of AFCA contact details in final response letters.

	Type of document		
	<ul style="list-style-type: none"> <li>IDR Final Response letters</li> <li>RG 165.92 'delay letters'</li> </ul>	<ul style="list-style-type: none"> <li>Website information</li> <li>General complaints brochures</li> </ul>	<ul style="list-style-type: none"> <li>Mandatory disclosure documents</li> <li>Periodic statements</li> </ul>
From 21 September 2018 to 31 October 2018	Give contact details of both the relevant predecessor scheme and AFCA	Give contact details of the relevant predecessor scheme	
From 1 November 2018 to 31 January 2019	<p>May continue to include references to both the predecessor EDR scheme and AFCA, provided it is clear that only AFCA can receive complaints after 1 November 2018</p> <p>Members should use this time to remove predecessor scheme details and instead refer complaints to AFCA</p>	<p>As a condition of the transitional disclosure relief provided in ASIC Corporations (AFCA transition) Instrument 2018/447 and ASIC Credit (AFCA transition) Instrument 2018/448, broader communications about how to complain must be updated with AFCA's details by 1 November 2018.</p>	Members should use this time to remove predecessor scheme details and instead refer complaints to AFCA
From 1 February 2019	Give contact details of AFCA only		
From 1 July 2019	Give contact details of AFCA only		

These requirements have been determined by ASIC under RG 165. For any queries, contact ASIC on 1300 300 630.

## More information

ASIC has recently registered *ASIC Credit (Amendment) Instrument 2018/665*, granting financial firms disclosure relief, until 1 July 2019, from the requirement to update the following National Credit Code (NCC) forms with the contact details of AFCA:

- Form 5: Information Statement: Things you should know about your proposed credit contract;
- Form 9: Information Statement: Things you should know about guarantees; and
- Form 17: Information Statement: Things you should know about your consumer lease.

Consistent with the transitional disclosure relief granted in *ASIC Credit (AFCA transition) Instrument 2018/448*, relief is conditional upon firms' broader consumer communications about how to complain being updated with AFCA's details by 1 November 2018. ASIC also expects firms to comply with the recent amendments to *RG 165 Licensing: Internal and external dispute resolution* (at RG 165.88) which require information about predecessor schemes and AFCA to be provided in Internal Dispute Resolution (IDR) final response letters from 21 September 2018.

All other NCC forms and notices that are required by the AFCA Act to be updated with AFCA's details by AFCA's commencement must be amended by 1 November 2018.

## Other disclosure requirements

From **21 September 2018**, AFCA members must ensure that IDR final response letters and 'delay letters' (see RG 165.92) issued on or after 21 September 2018 and before 1 November 2018 include references to *both* the relevant predecessor external dispute resolution (EDR) scheme (which will be able to receive complaints only up until 31 October 2018) and AFCA (which will be able to receive complaints on and after 1 November 2018). We have set out example text below for IDR final response letters to be used by members of the Financial Ombudsman Service Australia (FOS). Members of the Credit and Investments Ombudsman and the Superannuation Complaints Tribunal should replace the FOS details with their relevant predecessor EDR scheme.

Between **1 November 2018** and 1 February 2019, such letters may continue to include references to both the predecessor EDR scheme and AFCA, provided it is clear that only AFCA can receive complaints after 1 November 2018.

On or after **1 February 2019**, such letters must include references to AFCA but not the predecessor EDR schemes. Further guidance on what constitutes an IDR final response letter is set out in the AFCA Rules and Operational Guidelines.

By **1 July 2019**, members must also include AFCA's contact details in their Financial Services Guide or Credit Guide and in other relevant disclosure documentation. Information about the disclosure relief provided by ASIC is available [here](#).

Members must not use the AFCA name or logo in any way that implies endorsement of any financial firm, their products or financial and other services in general communications, including business cards, letterheads, emails, websites and other promotional material.

## Key points

- Members may use the AFCA name, contact details, and logo (logo available from 1 November 2018) solely for the purposes of advising customers of their right to contact AFCA.
- Members are requested to refer to us as Australian Financial Complaints Authority in the first instance. Subsequently, referring to us as AFCA is sufficient.
- Members should ensure communications advising customers about AFCA include our new free call number: 1800 931 678.

## Recommended referring copy

Generally, we recommend including this message (or similar) for customers on your **website** and **disclosure documents**:

If an issue has not been resolved to your satisfaction, you can lodge a complaint with the Australian Financial Complaints Authority, or AFCA. AFCA provides fair and independent financial services complaint resolution that is free to consumers.

Website: [www.afca.org.au](http://www.afca.org.au)  
Email: [info@afca.org.au](mailto:info@afca.org.au)  
Telephone: 1800 931 678 (free call)<sup>1</sup>  
In writing to: Australian Financial Complaints Authority  
GPO Box 3, Melbourne VIC 3001

Between **21 September 2018** and **31 October 2018**, FOS members must include this message (or similar content) in their **IDR final response** letters.

If you are not satisfied with our final response, you may lodge a complaint:

- with the Financial Ombudsman Service Australia **if lodged before 1 November 2018**:  
Online: [www.fos.org.au](http://www.fos.org.au)  
Email: [info@fos.org.au](mailto:info@fos.org.au)  
Phone: 1800 367 287 (free call)  
Mail: Financial Ombudsman Service Australia  
GPO Box 3, Melbourne VIC 3001
- with the Australian Financial Complaints Authority **if lodged on or after 1 November 2018**:  
Online: [www.afca.org.au](http://www.afca.org.au)  
Email: [info@afca.org.au](mailto:info@afca.org.au)  
Phone: 1800 931 678 (free call)<sup>1</sup>  
Mail: Australian Financial Complaints Authority  
GPO Box 3, Melbourne VIC 3001

Time limits may apply to complain to FOS or AFCA and so you should act promptly or otherwise consult the FOS and AFCA websites to find out if or when the time limit relevant to your circumstances expires.

<sup>1</sup> Your customers can lodge complaints with AFCA on this number from 1 November 2018  
Letting your customers know about AFCA

From **1 February 2019**, AFCA members must include this message (or similar content) in their **IDR final response** letters:

Our internal dispute resolution process has finished. If you are not satisfied with our final response, you may lodge a complaint with the Australian Financial Complaints Authority (AFCA):

Website: [www.afca.org.au](http://www.afca.org.au)

Email: [info@afca.org.au](mailto:info@afca.org.au)

Phone: 1800 931 678 (free call)

In writing to: Australian Financial Complaints Authority  
GPO Box 3, Melbourne VIC 3001

Time limits may apply to complain to AFCA and so you should act promptly or otherwise consult the AFCA website to find out if or when the time limit relevant to your circumstances expires.