

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra, ACT, 2600  
[Legcon.sen@aph.gov.au](mailto:Legcon.sen@aph.gov.au)

## **Re: Resolution of Disputes with financial service providers within the justice system**

### The Abomination known as **AFCA**

This is a summary list of the reasons why **AFCA** is an affront to **The Rule of Law** and must be shut down as a national priority:

Designed to subvert the protections of the ***Australian Constitution***;

Denial of ***Natural Justice***:

- No right to an unbiased decision maker
- No right to a fair hearing

No right of review of the decision-making process afforded by the ***Administrative Decisions (Judicial Review) Act 1977*** (Cth);

No right of a merits review by the **Administrative Appeals Tribunal**;

Designed to avoid Parliamentary oversight;

A private company and not a Government Agency;

Funded by the ***Big Banks*** instead of being publicly funded;

Politically compromised by have a former Liberal Party Minister as Chairman;

No criminal penalties for concealing, destroying or tampering with evidence;

No requirement to report suspicion of criminal misconduct to **ASIC**;

Designed to limit access of complainants to the independent Court system established under **Chapter III** of the **Australian Constitution** if the **AFCA** determination is in the Bank's favour;

Deliberately conceals from superannuation complainants the right of "free" access to the independent Court system in the case of the most serious complaints related to the COMPULSORY superannuation system.



---

This submission has been lodged by Phillip Charles Sweeney in support of the **Australian Constitution, The Rule of Law** and the right of Australian citizens to be treated lawfully and fairly by financial service providers, many of which operate under a social license.