

Mapping of AFCA Rules to relevant provisions of the Superannuation (Resolution of Complaints) Act 1993 (Cth)¹

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
	Tribunal objective to resolve complaints in a way that is fair economical informal and quick	A.2.1 (c)	1051(4)(b)	<p>The AFCA Act requires AFCA to resolve complaints in a way that is fair, efficient, timely and independent.</p> <p>The AFCA Rules require AFCA to handle complaints in a way that is independent, impartial, fair, efficient, effective, timely and cooperative, with a minimum of formality.</p>
12(1)	Tribunal function to conciliate and review complaints	A.8.1, A.8.2, A.9.4	Implied by 1054B (power to require attendance at conciliation conference) and 1055	The AFCA Act implicitly provides for conciliation and determination of superannuation complaints but is silent otherwise. The AFCA Rules refer to the conciliation function across all complaints and the determination of a complaint if

¹ Preliminary provisions dealing with definitions and interpretational matters, provisions relating to the establishment of the SCT and administrative provisions relating to the Chair, Deputy Chair and Tribunal members have not been mapped.

² This document does not list provisions of the AFCA rules which merely 'signpost' provisions of the Corporations Act except where necessary for understanding. References to the AFCA Rules focus on the provisions containing content previously in the SRC Act and not fully covered by the proposed changes to the *Corporations Act*.

³ Based on Treasury Laws Amendment (Putting Consumers First – Establishment of the Australian Financial Complaints Authority) Bill 2017 (Cth), as passed by both Houses

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
			(making a determination)	resolution by informal methods does not (or is unlikely to) resolve a complaint. A.9.4 also references the powers under the Act to obtain information and require attendance at a conciliation conference for a superannuation complaint.
12(2)	Power to perform functions in relation to exempt public sector schemes		761A – definition of regulated superannuation fund	Under the AFCA Act, an exempt public sector scheme that elects to join the AFCA scheme is deemed to be a regulated superannuation fund. ⁴
13	Tribunal to issue Memorandum explaining how complaints are handled	AFCA Rules as a whole		AFCA may also issue operational guidelines on certain topics.
14AA(1)-(2)	Complaints may be about discretionary or non-discretionary decisions. Non-discretionary decisions taken to be unfair or unreasonable if contrary to law	A.14.1 (b)	1053(5) 1055(7)	The AFCA Act deems a decision to be made whether or not it involved the exercise of discretion. No deeming provision for non-discretionary decisions however. Section 1055(7) requires AFCA to determine superannuation complaints in accordance with law and the fund's

⁴ The AFCA Constitution allows participants in the superannuation industry to become members.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
				governing rules; by implication this sets the standard for assessing non-discretionary decisions.
14(1)–(2)	Complaints may be made in relation to decisions of trustees about a particular member or beneficiary that the decision was unfair or unreasonable	A.4.3 (a), B.1.1 (a), (c) and (d)	1053(1)(a) and (j)	
14(3)–(4)	Complaints about trustee decisions in relation to a death benefit objection to be made within 28 days of receiving notice of the decision setting out the prescribed period to complain	B.4.1.3 (b)	1056(2)(b)	
14(5)	No complaints about excluded subject matter	N/A		The SRC Regulations do not currently prescribe any excluded subject matter.
14(6)	No complaints about management of the fund as a whole	C.1.5(b)		
14(6A)	Time limit for bringing complaints about disability decisions	B.4.1.1		
14(6B)	Time limit for making claims for disability benefits	B.4.1.1		

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
14(6C)-(6D)	Decision means 'original decision' or any substituted decision	B.4.1.2		
14(7)	Complaints must be made in writing	A.3.1		AFCA allows a broader range of mechanism for making a complaint.
14A(1)-(2)	Complaints may be made that a member's admission to a life policy fund was unfair or unreasonable (includes trustee decision to admit and insurer or representative conduct)	A.4.3 (a), B.1.1 (h)	1053(1)(b)	
14A(3)	Complaints must be made in writing	A.3.1		AFCA allows a broader range of mechanism for making a complaint.
14A(4)	Tribunal must take into account undue influence or pressure and material misrepresentation			AFCA would take these matters into account as part of the law affecting what is fair and reasonable.
14A(5)-(6)	Tribunal may take into account other prescribed factors			AFCA could take these matters into account as part of the law affecting what is fair and reasonable.
15(1)	Complaints under s 14 can only be made by members and beneficiaries, former members and beneficiaries or persons acting for them and for death benefits if	B.1.1 (a) - (e)	1056	

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
	the person has an interest in the death benefit (or is claiming through or on behalf of such a person)			
15(2)	To have an interest in a death benefit the person must have objected within 28 days of being given notice unless the person was not given notice and the failure was unreasonable or the notice gave the wrong or no timeframe to object	B.4.1.3 (a) and B.4.1.5	1056	The AFCA Act does not expressly deal with the notice giving the wrong or no timeframe. The Rules fill this gap.
15A(1)	Complaints may be made that the conduct of an insurer or its representative in relation to the sale of an annuity policy interest was unfair or unreasonable	A.4.3 (a), B.1.1 (e)	1053(1)(c)	
15A(2)	Complaints must be made in writing	A.3.1		AFCA allows a broader range of mechanism for making a complaint.
15A(3)	Tribunal must take into account undue influence or pressure and material misrepresentation			AFCA would take these matters into account as part of the law affecting what is fair and reasonable.
15A(4)	Tribunal may take into account other prescribed factors			AFCA could take these matters into account as part of the law affecting what is fair and reasonable.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
15B(1)	Complaints may be made that the decision of an insurer under an annuity policy was unfair or unreasonable	A.4.3 (a), B.1.1 (e)	1053(1)(d) and (j)	
15B(2)-(3)	Complaints about insurer decisions in relation to a death benefit objection to be made within 28 days of being given notice of the decision setting out the prescribed period to complain	B.4.1.3 (b)	1056	
15B(4)	Complaints about insurer decisions must be particular to the complainant	C.1.5 (d)		Also, Rule B.1.1 implies the decision complained of must be made within the specific relationship.
15B(5)	Complaints must be made in writing	A.3.1		AFCA allows a broader range of mechanism for making a complaint.
15B(6)	Tribunal must have regard to the seriousness of any failure by the insurer to discharge its obligations under the policy and any action taken contrary to the best interests of the insured and any other person with an interest under the policy			AFCA would take these matters into account as part of the law affecting what is fair and reasonable.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
15C(1)	Complaints under s 15B can only be made by a person with an interest in the policy or someone acting for them and for death benefits if the person has an interest in the death benefit (or is claiming through or on behalf of such a person)	B.1.1 (d) and (e)	1056	
15C(2)	To have an interest in a death benefit the person must have objected within 28 days of being given notice unless the person was not given notice and the failure was unreasonable or the notice gave the wrong or no timeframe to object	B.4.1.3 (a) and B.4.1.5		The AFCA Act does not expressly deal with the notice giving the wrong or no timeframe. The Rules fill this gap.
15CA(1)	Complaints may be made that a decision of a superannuation provider to set out a surcharge amount or amount in a statement given by a superannuation provider to the Commission of Taxation was unfair or unreasonable	A.4.3 (a) and B.1.1 (f)	1053(1)(e), 1053(2)	
15CA(2)-(3)	Complaints about surcharge amounts be only be made within 28 days of being given a copy of the statement with a notice setting out the period to complain from the superannuation provider	B.4.1.4		

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
15CA(4)	Tribunal cannot deal with excluded subject matter under s 15CA	N/A		No excluded subject matter was ever prescribed.
15CA(5)	Complaints must be made in writing	A.3.1		AFCA allows a broader range of mechanism for making a complaint.
15D(1)	Tribunal cannot deal with excluded subject matter under ss 14A 15A or 15B	N/A		No excluded subject matter was ever prescribed.
15D(2)-(3)	Tribunal cannot deal with complaints under s 14A if the person was admitted to the life policy fund before assent to 1995 amendments			Not included as this is no longer relevant.
15D(4)-(5)	Tribunal cannot deal with complaints under s 15A or 15B if the policy was acquired before assent to 1995 amendments			Not included as this is no longer relevant.
15E(1)	Complaints may be made that the conduct of an RSA provider or its representative in relation to the opening of an RSA was unfair or unreasonable	A.4.3 (a) and B.1.1 (g)	1053(1)(f)	
15E(2)	Complaints must be made in writing	A.3.1		AFCA allows a broader range of mechanism for making a complaint.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
15E(3)	Tribunal must take into account undue influence or pressure and material misrepresentation			AFCA would take these matters into account as part of the law affecting what is fair and reasonable.
15E(4)	Tribunal may take into account other prescribed factors			AFCA could take these matters into account as part of the law affecting what is fair and reasonable.
15F(1)	Complaints (other than excluded complaints) may be made in relation to decisions of RSA providers about a particular holder or former holder that the decision was unfair or unreasonable	A.4.3 (a), B.1.1 (d) and (g)	1053(1)(g) and (j)	
15F(2) – (3)	Complaints about RSA provider decisions in relation to a death benefit objection to be made within 28 days of being given notice of the decision setting out the prescribed period to complain	B.4.1.3 (b)	1056	
15F(4)	No complaints about management of the RSA provider as a whole or its business or investments	C.1.5 (d)		

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
15F(5)	Time limit for bringing complaints about disability decisions	B.4.1.1		The time limit for bringing complaints about disability decisions made by an RSA Provider has been aligned with the time limit for superannuation trustees.
15F(6)	Time limit for making claims for disability benefits	B.4.1.1		The time limit for making disability claims to an RSA Provider has been aligned with the time limit for superannuation trustees.
15F(7) -(8)	Decision means 'original decision' or any substituted decision	B.4.1.2		
15F(9)	Complaints must be made in writing	A.3.1		AFCA Rules allow a broader range of mechanism for making a complaint.
15F(10)	Tribunal must have regard to the seriousness of any failure by the RSA provider to discharge its obligations under the terms of the RSA and any action taken contrary to the best interests of the holder and any other person with an interest under the RSA			AFCA would take these matters into account as part of the law affecting what is fair and reasonable.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
15G(1)	Complaints under s 15F can only be made by holders, former holders or persons acting for them or their estate and for death benefits if the person has an interest in the death benefit (or is claiming through or on behalf of such a person)	B.1.1 (d) and (g)		
15G(2)	To have an interest in a death benefit the person must have objected within 28 days of being given notice unless the person was not given notice and the failure was unreasonable or the notice gave the wrong or no timeframe to object	B.4.1.3(a) and B.4.1.5	1056	The AFCA Act does not expressly deal with the notice giving the wrong or no timeframe. The Rules fill this gap.
15H(1)	Complaints may be made that the conduct of an insurer or its representative in relation to the sale of an insurance contract where premiums are paid from an RSA was unfair or unreasonable	A.4.3 (a)	1053(1)(h)	
15H(2)	Complaints must be made in writing	A.3.1		AFCA Rules allow a broader range of mechanism for making a complaint.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
15H(3)	Tribunal must take into account undue influence or pressure and material misrepresentation			AFCA would take these matters into account as part of the law affecting what is fair and reasonable.
15H(4)	Tribunal may take into account other prescribed factors			AFCA could take these matters into account as part of the law affecting what is fair and reasonable.
15J(1)	Complaints may be made that the decision of an insurer under a contract of insurance where premiums are paid from an RSA was unfair or unreasonable	A.4.3 (a)	1053(1)(i) and (j)	
15J(2)-(3)	Complaints about insurer decisions in relation to a death benefit objection to be made within 28 days of being given notice of the decision setting out the prescribed period to complain	B.4.1.3 (b)	1056	The AFCA Act does not expressly deal with the notice giving the wrong or no timeframe. The Rules fill this gap.
15J(4)	No complaints about management of the insurer as a whole or its business or investments	C.1.5 (d)		

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
15J(5)	Time limit for bringing complaints about disability decisions	B.4.1.1		The time limit for bringing complaints about disability decisions made by an insurer where payment of premiums is from an RSA has been aligned with the time limit for superannuation trustees.
15J(6)	Time limit for making claims for disability benefits	B.4.1.1		The time limit for making disability claims where payment of insurance premiums is from an RSA has been aligned with the time limit for superannuation trustees.
15J(7)- (8)	Decision means 'original decision' or any substituted decision	B.4.1.2		
15J(9)	Complaints must be made in writing	A.3.1		AFCA Rules allow a broader range of mechanism for making a complaint.
15J(10)	Tribunal must have regard to the seriousness of any failure by the insurer provider to discharge its obligations under the terms of the contract and any action taken contrary to the best interests of the holder and any other person with an interest under the contract			AFCA would take these matters into account as part of the law affecting what is fair and reasonable.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
15K(1)	Complaints under s 15J can only be made by holders, former holders or persons acting for them or their estate and for death benefits if the person has an interest in the death benefit (or is claiming through or on behalf of such a person)	B.1.1 (d), (e) and (g)		
15K(2)	To have an interest in a death benefit the person must have objected within 28 days of being given notice unless the person was not given notice and the failure was unreasonable or the notice gave the wrong or no timeframe to object	B.4.1.3 (a) and B.4.1.5	1056	The AFCA Act does not expressly deal with the notice giving the wrong or no timeframe. The Rules fill this gap.
16	Tribunal to take reasonable steps to help complainants make complaints	A.3.2, A.2.1 (b)(ii)		AFCA may assist complainants to submit complaints. AFCA will make the scheme appropriately accessible to complainants including by helping complainants submit a complaint.
17(1)-(4)	On receipt of complaint Tribunal to acknowledge complaint in writing and give written notice to trustee, insurer, superannuation provider or RSA provider (as relevant) of details of complaint and	A.5.1		AFCA Rules provide for written notice of a complaint to the Financial Firm.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
	obligations to provide Tribunal with relevant documents			
17A(1)-(3A)	If Tribunal decides that another decision maker or person should be joined, Tribunal must give notice to the person and all existing parties, with reasons and tell the new party of its obligations to provide Tribunal with relevant documents	A.6.1	1054(2)	The AFCA Act does not require notice about the obligation to provide documents. However, Rule A.9.1 deals with AFCA requests for information and s 1054 deals with AFCA's powers to obtain information and documents.
17A(4)	If a person applies to be made a party and Tribunal decides that the person does not have a sufficient interest, the Tribunal must give written notice to the applicant with reasons	A.6.1(a)	1054(3)	The circumstances in which AFCA will join, or not join, a party to a superannuation complaint – and the requirement to notify them of AFCA's decision - will be detailed in the AFCA Operational Guidelines.
18(1)-(3B)	Parties to a complaint are the complainant, the trustee, insurer, superannuation provider or RSA provider (as relevant), any other decision maker or party that Tribunal decides to join and any other person who applies to be joined if Tribunal decides they should be joined	A.6.1(b)	1054(1)	Section 1054(1) empowers AFCA to join these parties to a dispute and Rule A.6.1(b) references this power.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
18(4)	Parties can be joined after Tribunal starts to deal with complaint	A.6.1	1054(1)	This is implied; Rule A.6.1 is not limited to any particular stage of a complaint.
19	Tribunal cannot deal with complaint unless it has been through IDR	A.5.2		AFCA will give the Financial Firm a further opportunity to resolve the complaint within a set timeframe, except for Superannuation Complaints relating to the payment of a death benefit or if AFCA considers it appropriate to progress the complaint immediately.
20(1)	Tribunal cannot deal with a complaint if court proceedings about the same subject matter are not finally disposed of	C.2.2 (a), (e)		AFCA has discretion to exclude a complaint if another forum is more appropriate (for example if a court is dealing with proceedings about to the same subject matter) or the complainant has commenced legal proceedings in relation to the subject matter of the complaint.
20(2)	Tribunal cannot deal with a complaint if court proceedings about the same subject matter are commenced after complaint is made (until the proceedings are finally disposed of)	C.2.2 (e)		AFCA has discretion to exclude a complaint if the complainant has commenced legal proceedings in relation to the subject matter of the complaint.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
21	Complainant may withdraw complaint at any time	A.1.4		
22(1)	Tribunal may treat complaint as withdrawn if satisfied that complainant does not intend to proceed based on communication with complainant or failed attempts to contact complainant	A.9.5 (b), C.2.1		AFCA has a discretion to exclude a complaint if considered appropriate. It can also exclude a complaint if the complainant fails to comply with an AFCA requirement without a reasonable excuse.
22(2)	Tribunal must give parties written notice with reasons of a decision under s 22(1)	A.4.5, A.4.6		If AFCA excludes a complaint it will give written reasons to the complainant and give the complainant a timeframe to object. Financial Firms will be given an opportunity to make submission if complainant objects within timeframe.
22(3)(a)	Tribunal may treat complaint as withdrawn if more than 12 months has elapsed since the decision or conduct complained of	B.4.1.6 (v3.7)		There is a general discretion in Rule B.4.1.6 for AFCA not to handle a complaint if more than 2 years has elapsed since the IDR response was given.
22(3)(b)	Tribunal may treat complaint as withdrawn if trivial, vexatious, misconceived or lacking in substance	C.2.2 (d), A.8.3		

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
22(3)(c)	Tribunal may treat complaint as withdrawn if remedy has been sought from another body and other body is likely to deal with the subject matter of the complaint	C.2.2 (a)		AFCA has a discretion to exclude a complaint if there is a more appropriate place to deal with the complaint, such as a court, another dispute resolution scheme or the Office of the Australian Information Commissioner.
22(3)(d)	Tribunal may treat complaint as withdrawn if subject matter of the complaint has already been adequately dealt with by the Tribunal or another statutory authority	C.1.2 (c), C.1.2 (d), C.2.2 (b)		<p>AFCA must exclude:</p> <ul style="list-style-type: none"> • complaints that raise the same events and facts and is brought by the same complainant as a complaint previously dealt with by AFCA (i.e. where there is insufficient additional events and facts to warrant handling the new complaint) and • complaints already dealt with by a court, tribunal or a predecessor scheme.⁵ <p>AFCA may exclude a complaint with the same subject matter as a complaint that has already been adequately dealt with by AFCA or a predecessor scheme.</p>

⁵ The definition of predecessor scheme includes the SCT.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
22(3)(e)	Tribunal may treat complaint as withdrawn if subject matter of the complaint could more effectively or conveniently be dealt with by another statutory authority	C.2.2 (a)		AFCA has a discretion to exclude a complaint if there is a more appropriate place to deal with the complaint, such as a court, another dispute resolution scheme or the Office of the Australian Information Commissioner.
22(4)	Tribunal must give parties written notice with reasons of a decision under s 22(3)	A.4.5, A.4.6		If AFCA excludes a complaint it will give written reasons to the complainant and give the complainant a timeframe to object. Financial Firms will be given an opportunity to make submission if complainant objects within timeframe.
22A(1)-(2)	Tribunal may refer complaint or part complaint to another body (other than a court) with power to deal with it and must inform the parties in writing. On referral, complaint or part complaint is treated as withdrawn (This power is subject to secrecy obligations in s 63)	A.11.5 (b)		No express correlation but AFCA can conclude there is a more appropriate place to deal with the complaint under C.2.2 (a). If AFCA has a written agreement with the other body for the release of information (or if the other body is the Office of the Australian Information Commissioner) AFCA can provide information obtained from the parties to a complaint to the other body.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
23(1)	A body corporate or unincorporated may be represented by a responsible officer	E.1.1		An Eligible Person as defined must establish standing to submit a complaint.
23(2)-(4)	An individual may be represented by an agent if under a disability or the Tribunal considers it necessary in all the circumstances	A.1.3		AFCA Rules say that no legal or paid representation is generally needed, but there is no prohibition on representation.
24(1)-(3)	Parties whose decision or conduct is complained of and relevant persons who are joined must give Tribunal a copy of all documents in their possession or control that are relevant to the complaint within 28 days (or longer if the Tribunal allows)	A.9.1, A.9.4	1054A(1)	Parties must comply with AFCA requests for information within a specified timeframe unless a breach of confidentiality or court order/enforcement investigation or information does not exist or cannot reasonably be obtained. In addition AFCA has power under the AFCA Act to give a written notice requiring documents (or copies) to be produced.
24(4)-(5)	On request made within the 28 day or longer period, Tribunal may allow a summary of documents to be given			Operational detail which will be provided for in the AFCA Operational Guidelines.
24(6)	By notice in writing Tribunal may also require other joined parties to give copies of relevant documents	A.9.1, A.9.4	1054A(1)	Parties must comply with AFCA requests for information within a specified timeframe. In addition AFCA has power under the AFCA Act to give a written

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
				notice requiring documents (or copies) to be produced.
24(7)	Persons must not intentionally or recklessly refuse or fail to comply on penalty of 6 months imprisonment	A.9.5	1054A(3)	If the information is of material importance, AFCA will generally draw an adverse inference against non-compliant party or in the case of the complainant, may refuse to handle complaint Penalty for non-compliance with section 1054A notice is 30 penalty units.
24AA(1)	A superannuation provider must give Tribunal a copy of all documents in its possession or control that are relevant to the complaint within 28 days (or longer if the Tribunal allows)	A.9.1, A.9.4	1054A(1)	Parties must comply with AFCA requests for information within a specified timeframe. In addition AFCA has power under the AFCA Act to give a written notice requiring documents (or copies) to be produced.
24AA(2)-(3)	On request made within the 28 day or longer period, Tribunal may allow a summary of documents to be given			Operational detail which will be provided for in the AFCA Operational Guidelines.
24AA(4)	By notice in writing Tribunal may also require other joined parties to give copies of relevant documents	A.9.1. A.9.4	1054A(1)	Parties must comply with AFCA requests for information within a specified timeframe.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
				In addition AFCA has power under the AFCA Act to give a written notice requiring documents (or copies) to be produced.
24AA(5)	Persons must not intentionally or recklessly refuse or fail to comply on penalty of 6 months imprisonment	A.9.5	1054A(3)	If the information is of material importance, AFCA will generally draw an adverse inference against non-compliant party. Penalty for non-compliance with 1054A notice is 30 penalty units.
24A(1)-(2B)	Trustees and other death benefit decision makers must give written notice within 28 days (or longer if the Tribunal allows) to all persons believed after reasonable inquiry to have an interest in the outcome of the complaint		1056A(1)	Failure to provide such notices may prevent the normal time limits from applying to an affected complainant under AFCA Rule B.4.1.5
24A(3)	Notice must contain details of the complaint and inform the person that they can apply to become a party within 28 days (or longer if the Tribunal allows)		1056A(2)	Failure to provide compliant notices may prevent the normal time limits from applying to an affected complainant under AFCA Rule B.4.1.5
24A(4)	Trustees and other death benefit decision makers must at the same time inform the Tribunal of the persons to whom notice has been given and of the persons' contact details	A.5.4		

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
24A(5)	Persons so notified must apply to be joined within the specified period (unless the Tribunal decides otherwise)	A.6.1	1056A(3)	
24A(6)	Other affected persons may apply to be joined while the complaint is being dealt with	A.6.1		No express correlation, but substantively covered by 1056A (3)(b) and Rule A.6.1.
24A(7)	Persons must not intentionally or recklessly refuse or fail to comply with the notification requirements on penalty of 50 penalty units			No statutory penalty.
25(1)	Tribunal may give written notice to person who produced copies of documents or summaries requiring original documents to be produced			Operational detail which will be provided for in the AFCA Operational Guidelines.
25(2)	Tribunal may give written notice (signed by the Chair) requiring a person whose decision or conduct (or whose representative's conduct) has been complained of to give information or produce additional documents	A.9.1		No requirement for AFCA request for information to be signed by any particular officeholder.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
25(3)	Tribunal may give written notice (signed by the Chair) requiring any other person to give information or produce documents	A.9.4	1054A(1)	No requirement for AFCA notice to be signed by any particular officeholder.
25(4)	Tribunal may make copies or take extracts and may keep documents for as long as necessary (subject to right of reasonable inspection)		1054A(2)	Details of document retention practices will be covered in AFCA's privacy and/or document retention and destruction policies
25(5)-(8)	Penalties apply for failure to comply (including strict liability unless the person has a reasonable excuse)		1054A(3) –(6)	Penalty is 30 penalty units.
26(1)-(1C)	Decisions continue to operate and decision makers are not prevented from taking action to implement decisions by reason of a complaint being made to the Tribunal	A.7.4		
26(2)-(2C)	On request by complainant, Tribunal may stay the operation nor implementation of all or part of the decision if desirable taking into account the interests of persons affected by the request	A.7.3 (a)		

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
26(3)	Tribunal can vary or revoke a stay on request of a party to the complaint			By implication, AFCA can revisit a 'stay' decision it made under AFCA Rule A.7.3 (a).
26(4)	An order to stay the operation or implementation of a decision (or to vary or revoke a stay) cannot be made unless the decision maker (and in the case of a variation or revocation, the complainant or previous requesting parties) have been given a reasonable opportunity to make a submission.	A.7.3 (b)		
26(5)	Stay orders can be made subject to conditions and for specified periods			AFCA Rule A.7.3 (a) does not prevent this.
27	If the Tribunal is satisfied that it can deal with the complaint and it has not been withdrawn the Tribunal must inquire into the complaint and try to settle it by conciliation	A.8.1		AFCA can try to resolve a complaint informally by facilitating negotiations or by conciliation or conducting a case conference. Powers associated with conciliation conferences are set out in section 1054B.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
28(1)-(3)	The Tribunal may give written notice requiring parties and any other person likely to assist in settling the complaint to attend a conciliation conference at a specified date time and place	A.9.4	1054B(1)-(2)	
28(4)	If complainant fails to attend the conference the Tribunal may treat the complaint as withdrawn	A.9.5 (b)	1054B(3)	
28(5)	If another person fails to attend 30 penalty units or 6 months imprisonment applies		1054B(4)	Penalty is 30 penalty units.
28(6)	Tribunal may recommend interpreter for parties not proficient in English	A.2.1 (b)(iii)		AFCA will make the scheme appropriately accessible to complainants including by using translation services.
28(7)	Tribunal to formulate written public guidelines about the kinds of circumstances in which it would ordinarily require persons to attend conciliation conferences	A.1.2, A.2.1		AFCA Rule A.1.2 allows AFCA to develop guidelines. Guidelines on the conduct of conciliations will be consistent with the requirement for the scheme to be accessible in Rule A.2.1 (b).
29	Conciliation conferences may be conducted by telephone or other means of communication	A.1.2, A.2.1		AFCA Rule A1.2 allows AFCA to develop guidelines. Guidelines on the conduct of conciliations will be consistent with the

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
				requirement for the scheme to be accessible in Rule A.2.1 (b).
30	Statements made at conciliation conferences are not to be disclosed at a subsequent review if they relate to a question for the Tribunal's determination	A.11.2	1054BA(1)(a)	AFCA Rule A.11.2 requires the parties to maintain the confidentiality of all information provided to them throughout the course of a complaint. In addition, AFCA may give directions prohibiting or restricting disclosure of documents or information relating to the complaint. ⁶
31(1)	Tribunal must treat a complaint as withdrawn if a written settlement is signed and lodged with the Tribunal			Operational detail which will be provided for in the AFCA Operational Guidelines and procedures.
31(2)	Tribunal may give details of a settlement to a regulator if it thinks the settlement may require regulatory investigation	A.11.4, A.11.5 (a)	1052E(3)	
32(1)	If conciliation is unsuccessful Tribunal must fix a review meeting	A.8.1 (e)		If reasonable attempts to resolve a complaint by informal methods do not

⁶ Statements made at a conciliation conference may be disclosed within AFCA however.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
				<p>succeed, AFCA may proceed to determine the complaint.</p> <p>Also, under Rule A.8.2, AFCA may proceed to determine the complaint is it thinks it is unlikely to be resolved by other means.</p>
32(2)-(3)	Date fixed for review meeting must allow a reasonable period for, and Tribunal must write to parties inviting them to make, written submissions			Operational detail which will be provided for in the AFCA Operational Guidelines.
33	Parties may make written submissions for review meetings	A.10.2		
34	Tribunal must conduct review meetings without oral submissions, unless it thinks necessary. If oral submissions are thought necessary, written notice must be given of the time date and place for making oral submissions, but the review meeting may proceed without them if a party advises it does not intend to make oral submissions or does not attend at the time fixed.		1054BA(1)(b)	<p>No express correlation, but under Rule A.9.3 AFCA has power to require a party to attend an interview.</p> <p>In addition, AFCA may give directions as to who may be present at any meeting held by AFCA relating to the complaint.</p>

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
35	Oral submissions may be made by telephone or other means of communication			Operational detail which will be provided for in the AFCA Operational Guidelines and procedures.
36(a)	Tribunal not bound by technicalities, legal forms or rules of evidence	A.2.1 (c)(iv) A.14.3		AFCA to handle complaints with minimum formality. AFCA Decision Maker not bound by rules of evidence or previous decisions.
36(b)	Tribunal must act speedily having regard to its objectives and the interests of all fund members	A.2.1 (c)(iii)		AFCA to handle complaints in a timely manner.
36(c)	Tribunal may inform itself of any matter in any way it thinks appropriate			No express correlation but AFCA has power under Rule A.9.1 to require information from the parties, under Rule A.9.3 to require a Financial Firm to appoint an independent expert to report back to AFCA, and under Rule A.9.6 to seek expert advice itself and require the Financial Firm to contribute up to \$5,000 to the cost.
37(1)(-2)	For complaints under s 14, Tribunal has all of the powers obligations and discretions of the trustee (and insurer)	A.14.1(b) A.15.1	1055(1)	A Determination by an AFCA Decision Maker has effect and comes into operation

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
				as prescribed by sections 1055B, 1055D and 1057A of the Corporations Act.
37(3)	Tribunal must make a determination affirming the decision, remitting the matter for reconsideration, varying the decision or setting aside and substituting the decision	D.1.1 (a)-(b)	1055(6)(a)-(b)	
37(4)	Tribunal may only exercise its determination-making powers to place the complainant in as near as position as practicable such that any unfairness or unreasonableness or both that the Tribunal has found in relation to the decision no longer exists	A.14.1 (b)	1055(4)-(5)	
37(5)	Tribunal must not do anything contrary to law, the governing rules or the terms of the insurance contract between the trustee and insurer	A.14.1(b)	1055(7)	
37(6)	Tribunal must affirm the decision if it is satisfied it was fair and reasonable in the circumstances in its operation in relation to the complainant (and in the case of a death benefit complaint, any other person who has become party to the	D.1.2	1055(2)-(3)	

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
	complaint and has an interest in the death benefit or claims an entitlement though a person with such an interest)			
37A(1)	For complaints under s 14A, Tribunal has all of the powers obligations and discretions of the trustee	A.14.1(b) A.15.1	1055(1)	A Determination by an AFCA Decision Maker has effect and comes into operation as prescribed by sections 1055B, 1055D and 1057A of the Corporations Act.
37A(2)	In relation to the trustee decision, Tribunal must make a determination affirming the decision, remitting the matter for reconsideration, varying the decision or setting aside and substituting the decision	D.1.1(a)-(b)	1055(6)(a)-(b)	
37A(3)	If an insurer has been joined, then in relation to the life policy, Tribunal must do all or any of <ul style="list-style-type: none"> • Set aside the whole or part of the policy in its application to the complainant • Vary the terms of the policy in its application to the complainant 	D.1.1(c)	1055(6)(c)(i)-(iii)	

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
	<ul style="list-style-type: none"> Require any party to the policy to repay money received under the policy with interest <p>Or declare that none of those actions are appropriate in the circumstances</p>			
37A(4)	In relation to the trustee decision, Tribunal may cancel complainant's membership of the life policy fund (or any sub-plan of the fund), vary the governing rules in their application to the complainant or require the trustee or the complainant to repay money in relation to the fund with interest	D.1.1 (c)-(d)	1055(6)(c)(iv)	
37A(5)	Tribunal may only exercise its determination-making powers to place the complainant in as near as position as practicable such that any unfairness or unreasonableness or both that the Tribunal has found in relation to the decision no longer exists	A.14.1 (b)	1055(4)	

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
37A(6)	Tribunal must not do anything contrary to law, or the governing rules of the fund (other than as contemplated under subsection (4))	A.14.1 (b)	1055(7)	
37A(7)	Tribunal must affirm the decision and make a declaration in relation to the insurer's conduct if it is satisfied that the decision was fair and reasonable in all the circumstances in its operation in relation to the complainant	D.1.2	1055(2)	
37B(1)	For complaints under s 15A, Tribunal has all of the powers obligations and discretions of the insurer	A.14.1(b) A.15.1	1055(1)	A Determination by an AFCA Decision Maker has effect and comes into operation as prescribed by sections 1055B, 1055D and 1057A of the Corporations Act.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
37B(2)	<p>In relation to the annuity policy, Tribunal must do all or any of</p> <ul style="list-style-type: none"> • Set aside the whole or part of the policy in its application to the complainant • Vary the terms of the policy in its application to the complainant • Require any party to the policy to repay money received under the policy with interest <p>Or declare that none of those actions are appropriate in the circumstances</p>	D.1.1 (c)	1055(6)(d)	
37B(3)	Tribunal may only exercise its determination-making power to place the complainant in as near as position as practicable such that any unfairness or unreasonableness or both that the Tribunal has found in relation to the conduct no longer exists	A.14.1 (b)	1055(4)	

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
37B(4)	Tribunal must not make a determination to set aside, vary or require money to be repaid if it is satisfied that the conduct was fair and reasonable in all the circumstances	D.1.2	1055(2)	
37C(1)	For complaints under s 15B, Tribunal has all of the powers obligations and discretions of the insurer	A.14.1(b) A.15.1	1055(1)	A Determination by an AFCA Decision Maker has effect and comes into operation as prescribed by sections 1055B, 1055D and 1057A of the Corporations Act.
37C(2)	Tribunal must make a determination affirming the decision, remitting the matter for reconsideration, varying the decision or setting aside and substituting the decision	D.1.1 (a)-(b)	1055(6)(a)-(b)	
37C(3)	Tribunal may only exercise its determination-making power to place the complainant in as near as position as practicable such that any unfairness or unreasonableness or both that the Tribunal has found in relation to the conduct no longer exists	A.14.1 (b)	1055(4)-(5)	
37C(4)	Tribunal must not do anything contrary to law or the terms of the annuity policy	A.14.1 (b)	1055(7)	

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
37C(5)	Tribunal must affirm the decision if it is satisfied it was fair and reasonable in the circumstances in its operation in relation to the complainant (and in the case of a death benefit complaint, any other person who has become party to the complaint and has an interest in the death benefit or claims an entitlement though a person with such an interest)	D.1.2	1055(2)-(3)	
37CA(1)	For complaints under s 15CA, Tribunal has all of the powers obligations and discretions of the superannuation provider	A.14.1(b) A.15.1	1055(1)	A Determination by an AFCA Decision Maker has effect and comes into operation as prescribed by sections 1055B, 1055D and 1057A of the Corporations Act.
37CA(2)	Tribunal must make a determination affirming the decision, remitting the matter for reconsideration, varying the decision or setting aside and substituting the decision	D.1.1 (a)-(b)	1055(6)(a)-(b)	
37CA(3)	Tribunal may only exercise its determination-making power to place the complainant in as near as position as practicable such that any unfairness or unreasonableness or both that the	A.14.1 (b)	1055(4)	

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
	Tribunal has found in relation to the decision no longer exists			
37CA(4)	Tribunal must not do anything contrary to law	A.14.1 (b)	1055(7)	
37CA(5)	Tribunal must affirm the decision if it is satisfied it was fair and reasonable in all the circumstances in its operation in relation to the complainant	D.1.2	1055(2)	
37D(1)-(2)	For complaints under s 15E, Tribunal has all of the powers obligations and discretions of the RSA provider (and insurer)	A.14.1(b) A.15.1	1055(1)	A Determination by an AFCA Decision Maker has effect and comes into operation as prescribed by sections 1055B, 1055D and 1057A of the Corporations Act.
37D(3) &(5)	In relation to the RSA or insurance contract, Tribunal must do all or any of <ul style="list-style-type: none"> • Set aside the whole or part of the RSA or contract in its application to the complainant • Vary the terms of the RSA or contract in its application to the complainant • Require any party to the RSA or contract to repay money received 	D.1.1 (c)	1055(6)(d)	

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
	<p>under the RSA or contract with interest</p> <p>Or declare that none of those actions are appropriate in the circumstances</p>			
37D(4)	Tribunal must not make a determination to set aside, vary or require money to be repaid if it is satisfied that the conduct was fair and reasonable in all the circumstances	D.1.2	1055(2)	
37D(6)	Tribunal may only exercise its determination-making power to place the complainant in as near as position as practicable such that any unfairness or unreasonableness or both that the Tribunal has found in relation to the conduct no longer exists	A.14.1 (b)	1055(4)	
37E(1)-(2)	For complaints under s 15F, Tribunal has all of the powers obligations and discretions of the RSA provider (and insurer)	A.14.1(b) A.15.1	1055(1)	A Determination by an AFCA Decision Maker has effect and comes into operation as prescribed by sections 1055B, 1055D and 1057A of the Corporations Act.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
37E(3)	Tribunal must make a determination affirming the decision, remitting the matter for reconsideration, varying the decision or setting aside and substituting the decision	D.1.1 (a)-(b)	1055(6)(a)-(b)	
37E(4)	Tribunal may only exercise its determination-making power to place the complainant in as near as position as practicable such that any unfairness or unreasonableness or both that the Tribunal has found in relation to the decision no longer exists	A.14.1 (b)	1055(4)-(5)	
37E(5)	Tribunal must not do anything contrary to law or the terms of the RSA or contract of insurance	A.14.1 (b)	1055(7)	
37E(6)	Tribunal must affirm the decision if it is satisfied it was fair and reasonable in the circumstances in its operation in relation to the complainant (and in the case of a death benefit complaint, any other person who has become party to the complaint and has an interest in the death benefit or claims an entitlement though a person with such an interest)	D.1.2	1055(2)-(3)	

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
37F(1)-(2)	For complaints under s 15H, Tribunal has all of the powers obligations and discretions of the RSA provider (and insurer)	A.14.1(b) A.15.1	1055(1)	A Determination by an AFCA Decision Maker has effect and comes into operation as prescribed by sections 1055B, 1055D and 1057A of the Corporations Act.
37F(3)&(5)	<p>In relation to the insurance contract, Tribunal must do all or any of</p> <ul style="list-style-type: none"> • Set aside the whole or part of the RSA or contract in its application to the complainant • Vary the terms of the RSA or contract in its application to the complainant • Require any party to the RSA or contract to repay money received under the contract with interest <p>Or declare that none of those actions are appropriate in the circumstances</p>	D.1.1 (c)	1055(6)(d)	
37F(4)	Tribunal must not make a determination to set aside, vary or require money to be repaid if it is satisfied that the conduct was fair and reasonable in all the circumstances	D.1.2	1055(2)	

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
37F(6)	Tribunal may only exercise its determination-making power to place the complainant in as near as position as practicable such that any unfairness or unreasonableness or both that the Tribunal has found in relation to the conduct no longer exists	A.14.1 (b)	1055(4)	
37G(1)-(2)	For complaints under s 15J, Tribunal has all of the powers obligations and discretions of the insurer and RSA provider	A.14.1(b) A.15.1	1055(1)	A Determination by an AFCA Decision Maker has effect and comes into operation as prescribed by sections 1055B, 1055D and 1057A of the Corporations Act.
37G(3)	Tribunal must make a determination affirming the decision, remitting the matter for reconsideration, varying the decision or setting aside and substituting the decision	D.1.1 (a)-(b)	1055(6)(a)-(b)	
37G(4)	Tribunal may only exercise its determination-making power to place the complainant in as near as position as practicable such that any unfairness or unreasonableness or both that the Tribunal has found in relation to the decision no longer exists	A.14.1 (b)	1055(4)-(5)	

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
37G(5)	Tribunal must not do anything contrary to law or the terms of the contract or RSA	A.14.1 (b)	1055(7)	
37G(6)	Tribunal must affirm the decision if it is satisfied it was fair and reasonable in the circumstances in its operation in relation to the complainant (and in the case of a death benefit complaint, any other person who has become party to the complaint and has an interest in the death benefit or claims an entitlement though a person with such an interest)	D.1.2	1055(2)-(3)	
38(1)	Review meetings to be private			Operational detail which will be provided for in the AFCA Operational Guidelines.
38(2)-(5)	Tribunal may give oral or written directions to persons present at review meetings prohibiting or restricting disclosure of documents or information, having regard to the wishes of the parties and the need to protect their privacy.	A.11.2	1054BA(1)(b) 1054BA(2) – (3)	Section 1054BA of the AFCA Act replicates this provision. In addition, AFCA Rule A.11.2 requires the parties to maintain the confidentiality of all information provided to them throughout the course of a complaint.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
38(6)	Refusal or failure to comply with Tribunal directions carries a penalty of 30 penalty units		1054BA(4)	Criminal penalties are not a matter for inclusion in the Rules
39(1)-(2)	Tribunal may refer questions of law to the Federal court for decision	A.14.1 (a)	1054C(1)	
39(3)	Tribunal must not make a determination while the reference is pending or do anything inconsistent with the Court's opinion	A.14.1(a)	1054C(3)	The entirety of s1054C including this prohibition are imported by the reference to that section in the rules.
40	Tribunal must give written reasons for its determinations	A.14.4	1055A	
41(1)-(2)	Determinations come into effect immediately unless the Tribunal specifies a later date	A.15.1	1055B(1)-(2)	Note also that under section 1055D if a decision maker who is not an AFCA member is a joined party, that person must comply with AFCA determinations.
41(3)	The Tribunal's determination in substitution for or variation of a decision is taken to be the decision of the original decision maker and comes into effect from the date of the original decision unless the Tribunal orders otherwise	A.15.1	1055B(3)	

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
42	Tribunal may adjourn review meetings			Operational detail which will be provided for in the AFCA Operational Guidelines.
43	A document purporting to be a Tribunal determination or certified copy is prima facie evidence of the determination		1055C	No requirement to reflect this in the Rules.
44(1)	Tribunal must give a copy of its determination and reasons to each party to a complaint	A.14.4, A.14.5		AFCA will also publish its determinations in de-identified form.
44(2)-(2B)	Tribunal may direct trustee RSA provider or insurer (as relevant) to inform other fund members, beneficiaries, holders or parties to insurance contracts (as relevant) of the determination			No express correlation (but may be addressed in part via AFCA's powers under AFCA Rules A17.3 and A.17.4 to require a Financial Firm to address systemic issues and report back until an acceptable resolution is achieved) and to do any act that AFCA considers necessary to remedy consumer loss or prevent foreseeable loss.
44(3)	Trustee RSA provider or insurer must not intentionally or recklessly refuse or fail to comply with direction on penalty of 30 penalty units			

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
45	Tribunal must give written notice of party's right to appeal to the Federal Court on a question of law	A.15.1		
46(1)	A party may appeal a Tribunal determination to the Federal Court on a question of law	A.15.1	1057(1)	
46(2)	Appeals must be made within 28 days and in accordance with the Federal Court rules		1057(2)	
46(3)-(4)	Federal Court may make such orders as it thinks fit including affirming or setting aside a determination or remitting the matter for the Tribunal to re-determine in accordance with its directions		1057(3)-(4)	
46(5)	Federal Court cannot award costs against a complainant who does not defend an appeal		1057(5)	
47(1)	An appeal does not affect the operation of a determination or prevent action to implement the determination	A.15.1	1057A(1)	

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
47(2)-(2C)	However the Court may make orders affecting the operation or the implementation of the determination or the original decision as appropriate to secure the effectiveness of the hearing and determination of the appeal	A.15.1	1057A(2)	
47(3)	The Court can vary such orders		1057A(3)	
47(4)	Order can be made subject to conditions and for a specified period		1057A(4)	
48	If an appeal is instituted Tribunal must send the Court all documents that were before it (and the Court will return them at the conclusion of the proceeding)		1057B	
60	Lawyers who are required to give information or produce information under s 25 are entitled to refuse to provide privileged communications unless the person entitled to privilege consents. The lawyer must provide written notice of the person entitled to privilege, their contact details and particulars of the privileged document. A person must not intentionally or recklessly refuse to			Substance may be covered by the confidentiality exception under AFCA Rule A.9.1 (a), although lawyer may be required to take steps and provide statutory declaration under AFCA Rule A.9.2.

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
	comply with the notice requirement on penalty of 30 penalty units			
61	Tribunal members and staff not liable for damages for good faith performance of functions and powers	A.22.1		
62	Staff (being persons engaged under the Public Service Act) and facilities to be provided by ASIC			N/A
63	Tribunal members and staff must not record or disclose information acquired in relation to a complaint or review except for the purposes of the Act, to a regulator, to a referral body or with a party's consent. Penalties apply	A.11.4, A.11.5	1058	The AFCA Act only applies to information obtained under a 1054A notice or a 1054B conciliation conference. However under AFCA Rule A.11.4 AFCA must maintain confidentiality of all information provided to it except to the extent reasonably necessary to carry out its responsibilities under the rules or as required or permitted by law.
64	Tribunal members to refer to Chair and Chair to refer to regulator contraventions of the law or fund's governing rules	A.18.1	1052E(1)(a)-(b)	The AFCA Act requires serious contraventions of law and any contravention of the governing rules to be reported. AFCA Rule A.18.2 provides for other serious breaches (such as

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
				contraventions of the Rules) to be reported to ASIC.
64A	Tribunal members to refer to Chair and Chair to refer to regulator breaches of the terms of policies or RSA	A.18.1	1052E(1)(a)&(c)	The AFCA Act requires serious contraventions of law and any contravention of the terms and conditions to be reported. AFCA Rule A.18.2 provides for other serious breaches (such as contraventions of the Rules) to be reported to ASIC.
65(1)	Tribunal members to refer to Chair and Chair to refer to regulator party's refusal or failure to give effect to Tribunal determination,	A.18.1	1052E(1)(d)	The AFCA Act requires any failure to give effect to a determination to be reported. AFCA Rule A.18.2 provides for other serious breaches (such as contraventions of the Rules) to be reported to ASIC.
65(3)	Trustee must reconsider a remitted matter as soon as practicable			AFCA can issue directions to this effect under AFCA Rule D.1.1 (b).
66	In proceedings for an offence: <ul style="list-style-type: none"> the state of mind of a director employee or agent of a body corporate acting within the scope of actual or apparent authority is 		769B	

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
	<p>sufficient to establish the state of mind of the body corporate and</p> <ul style="list-style-type: none"> conduct engaged in by a director employee or agent of a body corporate acting within the scope of actual or apparent authority is taken to have been engaged in by the body corporate unless the body corporate shows that it took reasonable precautions and exercised due diligence to avoid the conduct 			
67	<p>Tribunal Chair to give Minister an annual report within 3 months of the end of each year ended 30 June.</p> <p>The report is to be laid before Parliament within 15 sitting days.</p>	A.20.1		AFCA must publish an annual report.
SRC Regulations				
4A	Exempt public sector superannuation schemes taken to be regulated superannuation funds if specified in Schedule 1		761A – definition of regulated superannuation fund	As above, an exempt public sector scheme that elects to join the AFCA scheme is deemed to be a regulated superannuation fund under the AFCA Act. AFCL’s Constitution allows such funds to

SRC Act Section	Subject Matter	AFCA Rules (v3.7) ²	Corporations Act ³	Comment
				join the scheme and the rules govern complaints against any scheme member.
4B	Non-member spouses and other persons covered under the Family Law Act to be treated as beneficiaries and members	B.1.2	1053A	
7	Method for calculating interest where money is to be repaid	D.6.1-D.6.2		AFCA has a discretion to award interest and is not restricted to a particular methodology. Under Rule D.6.2 (a), if the Insurance Contracts Act applies, it will calculate interest in accordance with that Act.