

AFCA Scheme Amendment (2025 Measures No.1) Authorisation 2025

I, Stephen Jones, Assistant Treasurer and Minister for Financial Services, being satisfied the mandatory requirements under section 1051 of the *Corporations Act 2001* have been met, make the following authorisation.

Dated 6 March 2025

Stephen Jones
Assistant Treasurer

Minister for Financial Services

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1 Name

 This instrument is the *AFCA Scheme Amendment (2025 Measures No.1) Authorisation 2025.*

2 Commencement

 (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table | The day after this instrument is registered. |  |
| 2. Schedule 1 | The day after the end of the period of 12 months beginning on the day this instrument is registered. |  |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

 (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

 This instrument is made under the *Corporations Act 2001.*

4 Schedules

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

AFCA Scheme Authorisation 2018

1 Section 4

After the heading, insert:

Note: Expressions have the same meaning in this instrument as in the *Corporations Act 2001* as in force from time to time—see paragraph 13(1)(b) of the *Legislation Act 2003*.

2 Section 4

Insert:

***credit facility*** has the meaning given by the *Corporations Regulations 2001* for the purposes of subparagraph 765A(1)(h)(i) of the Act.

3 After section 9A

Insert:

9B Condition on authorisation—complaints about banks relating to scams

 It is a condition relating to the authorisation of the AFCA scheme that the AFCA scheme must permit a complaint to be made, in accordance with any requirements to be set out in the AFCA scheme rules, in relation to a bank carrying on a financial services business or engaging in credit activities, if:

 (a) the complaint relates to either:

 (i) an account opened, or credit facility made available, by the bank in the name of the complainant without the complainant’s consent, authorisation or authority; or

 (ii) a receipt, internal movement, or external transfer, of funds by the bank, where the funds relate to the complainant; and

 (b) the bank is a member of the AFCA scheme at the time the complaint is made; and

 (c) the complaint relates to an attempt by someone to deceive the bank or the complainant (whether or not successful).