

**Butler, Sean (Sen P. Georgiou)**

**From:** Philip Field <PField@FOS.org.au>  
**Sent:** Tuesday, 3 October 2017 1:03 PM  
**To:** Butler, Sean (Sen P. Georgiou)  
**Subject:** FOS Dispute 280158

Dear Mr Butler

*FOS will not act against a bank appointed receiver unless the bank agrees !! So No oversight*

I refer to our discussion of 19 September 2017. I confirm that your dispute is outside of the FOS Terms of Reference. This is because once a Receiver is appointed it acts as the agent of the Company, not of the person who appointed it. In addition, your claim for loss of approximately \$900,000 exceeds the FOS jurisdictional limit (the claim must be under \$500,000 and the most we can award is \$309,000).

As discussed, I asked Bankwest if it was prepared to waive any jurisdictional limits and allow FOS to consider the dispute. Bankwest have informed me that it "is not prepared to waive any jurisdictional issues that may exist, to enable a fresh Dispute to be considered by FOS."

*So the Banks control if FOS can act or not !!*

As Bankwest has not agreed to waive any jurisdictional issues, FOS is unable to consider your dispute.

Regards

**Philip Field** | Lead Ombudsman - Banking & Finance  
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