

Operational Guidelines changes explaining the proposed change to AFCA rule 14.5

AFCA's Rules will be amended to amend Rule A.14.5 to allow AFCA to name financial firms in published determinations.

The Operational Guidelines will be changed to reflect these amendments. The new versions of these guidelines are set out in numerical order, below.

A.14.5

AFCA will publish its Determinations in a form, which identifies the financial firm or firms but does not identify the other parties to the complaint. A Determination will not be published if to do so would risk identifying any party other than the financial firm or firms, or if there are other compelling reasons not to publish it.

Why and how does AFCA publish Determinations?

Although previous Determinations should not be treated as precedents, they do provide users of the AFCA scheme an idea of how similar fact scenarios might be viewed. For this reason, and to ensure consistency and accountability, we generally publish Determinations (including Determinations incorporating recommendations) on our website on a de-identified basis.

With the exception of financial firms, AFCA will not identify the parties in its published Determinations.

It is open for the parties to request that:

- certain details be changed in the Determination, if those details can be used to identify a party other than the financial firm or firms (as long as the substance of the Determination remains unaffected), or
- the Determination not be published (provided there are compelling reasons). Similarly, a party can request a Determination that has already been published to be further de-identified or removed.