Forward-Looking Review Mechanism

Forward-Looking Review Request Form

Version 1.0

The Forward-Looking Review Mechanism (**FLRM**) provides financial firms, industry bodies, and small business and consumer representative organisations (known as applicants) with an avenue to raise their significant concerns about the approach taken by AFCA to an issue in an AFCA determination.

For determinations made on or from 1 July 2024, applicants can raise concerns about the underlying approach taken by AFCA:

* when applying legal principles, applicable industry codes, and/or guidance, good industry practice to an issue in a determination and its consistency with the AFCA scheme principles and
* causing a significant impact to a class of consumers, businesses or transactions.

The FLRM applies to the approach for decision-making in future complaints. It is not a mechanism to re-open or seek a review of an existing complaint in a determination made by AFCA. The FLRM is not a process to review AFCA’s position on a jurisdictional issue.

This request form applies to determinations made on or after 1 July 2024 and helps potential applicants to decide whether and how to request a Forward-Looking Review (**Forward-Looking Review** or **FLR**) under the FLRM.

Prior to initiating a FLR request, applicants should first raise any concerns directly with the Lead Ombudsman of the relevant product area.

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| Before you submit an FLR request Please note that the FLRM is not designed to:* Re-open a complaint or a determination.
* Review the merits of a complaint or a determination.
* Seek a determination to be re-issued.
* Review AFCA’s position on a jurisdictional issue.
* Operate in circumstances where a determination or AFCA’s approach is the subject of court proceedings, including a test case or appeal of a determination.
* Generally, occur until the informal review process is complete (if it is a financial firm requesting the review).

This request form is for Forward-Looking Reviews about determinations made on or after 1 July 2024. If stakeholders have queries about a determination, AFCA has processes in place to engage with stakeholders about any issues they may have (including complaints about approaches applied by AFCA in a determination). This often involves direct discussions with the Lead Ombudsman in the relevant product area. We encourage stakeholders to engage with us informally prior to requesting a Forward-Looking Review. This represents our longstanding practice and engagement with stakeholders and is often an efficient way to clear up any queries. You can however request a Forward-Looking Review if:* You are a financial firm, industry body, consumer or small business representative group.
* You are seeking a review of a determination made on or after 1 July 2024.
* The request is submitted to AFCA within 12 months from the date of the determination in question.

In order for AFCA to accept the FLR request, you must demonstrate, including by providing sufficiently detailed information in support, that an AFCA determination adopts an approach that is likely to have a “significant impact” across: 1. A class of consumers,
2. A class of businesses, or
3. A class of transactions.
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1. How to submit this form

If you would like to request a Forward-Looking Review, please complete this form, and submit it to us:

* via email to info@afca.org.au;
* via online form available on AFCA’s FLRM landing page; or
* via post at:

Australian Financial Complaints Authority

GPO Box 3

Melbourne VIC 3001

If you need assistance with completing this form, please reach out to us via:

* telephone at 1800 931 678; or
* email at info@afca.org.au
1. Next Steps

Once we receive your request, we will review the information in the form to determine if the information provided is complete. Where information recorded in the form is not complete, we will contact you to rectify the form.

Once the form is complete, we will issue you an acknowledgement letter via your preferred method of contact (or via email if not specified). The acknowledgement will include the following information:

* A summary of the Forward-Looking Review request (as per the information available on FLR request form).
* The date that the request was received.
* The contact details of the person/team reviewing the request.
* Indicative next steps.
* The upfront non-refundable application fee you are required to pay and the date by which you should pay.
* A reminder of the Cost Contribution process applicable to Forward-Looking Reviews.
* An estimated timeframe of when AFCA is likely to be able to share an update on the progress of the request.

If we require additional information, we will contact you to confirm what information we need and why we need it.

Once a decision has been made as to whether AFCA will proceed with the Forward-Looking Review, you will receive confirmation of AFCA’s decision in writing.

1. FLR Request Form

Part A: FLR request reference

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| ****Request reference****  |
| ****Request date**** | DD/MM/YYYY |
| ****Have you engaged with AFCA about the issue you are concerned with?**** | [ ]  | **Yes** | [ ]  | **No** |
| ****Are you requesting that AFCA conduct a Forward-Looking Review?****  | [ ]  | **Yes** | [ ]  | **No** |
| ****Office use only**** |  |
| ****Internal FLR Reference Number**** | *AFCA to complete once the FLR request form is submitted.*  |

Part B: Applicant details

|  |
| --- |
| ****Applicant details**** |
| ****Organisation****  |  |
| ****Email**** |  |
| ****Phone**** |  |
| ****Postal address**** |  |
| ****State**** |  |
| ****Postcode**** |  |
| ****Preferred contact method**** | [ ]  | **Email** |  | [ ]  | **Phone** | [ ]  | **Mail** |

Part C: Details of determination

Please provide the details of the determination/s that relate to this request.

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| ****Details of determination/s**** |
| ****Determination number*******Note*: *If this request relates to multiple determinations, please nominate a primary determination in this row, then include references to any additional determinations at the bottom of this section.***  | e.g., 873490 |
| ****Date of determination**** | DD/MM/YYYY |
| ****Was the determination made less than 12 months ago?**** | [ ]  | **Yes** | [ ]  | **No** |
| ****Was the determination accepted by the complainant and paid?*******Note: Select ‘Unsure’ if the applicant does not have this information.*** | [ ]  | **Yes** | [ ]  | **No** |
| [ ]  | **Unsure** |  |  |
| ****Additional determination number/s (if applicable)**** |  |

Part D: Request details

|  |
| --- |
| ****Request details****  |
| ****What specific legal principle, industry code or guidance and/or industry practice did AFCA apply to an issue in the determination/s that you would like to be reviewed?**** |  |  |
| ****Which class of consumers,**** ****businesses or transactions will AFCA’s approach significantly impact in the future?**** |  |  |
| ****Explain the likely significant impact on the class of consumers, businesses or transactions stated above.**** |  |  |
| ****What specific legal principle, industry code or guidance and/or good industry practice would in your view apply to the issue and in what manner, consistent with the AFCA scheme’s principles? Please provide your reasons for why the alternative approach is more consistent.**** |  |  |
| ****Additional comments**** |  |  |

1. How we handle personal and confidential information

AFCA may collect personal and/or confidential information when assessing an FLR request or completing a Forward-Looking Review. The type of personal and/or confidential information that AFCA may collect includes identity and contact information, financial information and sensitive information. AFCA requires this information to properly investigate the determinations relevant to the Forward-Looking Review.

Personal and confidential information collected may be disclosed to external organisations where reasonably necessary to complete the Forward-Looking Review or as required or permitted by law.

At the conclusion of a Forward-Looking Review, AFCA will publish a summary of the Forward-Looking Review on the AFCA website. The summary may include the name of the applicant, the determination, and information taken from the complaint file.

Please refer to our privacy policy at <https://www.afca.org.au/about-afca/policies/privacy-policy> for more information about how we handle personal information.

1. Acknowledgement

In order for AFCA to consider this FLR request, the Applicant must acknowledge the final nature of AFCA determinations and decisions made during the FLR process:

[ ]  The Applicant acknowledges that the determinations made by AFCA are final and binding in nature and any decisions made as a result of a Forward-Looking Review cannot change or re-open a complaint or a determination.

[ ]  The Applicant acknowledges that AFCA’s decision to either accept or reject the FLR request (based on compliance with the access criteria) is final and cannot be disputed or appealed.

[ ]  The Applicant acknowledges that if AFCA proceeds with the Forward-Looking Review, the decision at the conclusion of the Forward-Looking Review is final and cannot be disputed or appealed if the Applicant is dissatisfied with the outcome.

The Applicant must also acknowledge:

[ ]  The Applicant may be required to pay an upfront non-refundable application fee.

[ ]  The Applicant may be required to enter into a Cost Contribution Agreement before a Forward-Looking Review.

The Applicant must also acknowledge and consent to:

[ ]  AFCA using personal and/or confidential information for the purpose of reviewing the Forward-Looking Review request and, if accepted, completing a Forward-Looking Review.

[ ]  AFCA using the Applicant’s organisation name in any materials published about the Forward-Looking Review request.

1. Supporting documents

If you have any documentation to support your request, please insert the title of the supporting documents in the table below along with a brief description of why the document is relevant to the request. Please provide the supporting documents to AFCA when you submit this request.

|  |  |
| --- | --- |
| ****Title of supporting document**** | ****Relevance to request**** |
| ***Insert title of attachment*** | ***Brief description of the relevance of the document*** |

1. Survey – help us improve our service

From time to time we (or someone on our behalf) might contact you for feedback (you do not have to give your name). If you do not want to be contacted, tick the box below.

[ ]  Do not contact me for feedback

1. Applicant signatures

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| Signature  | Signature  |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| Name  | Name  |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| Date | Date |