26th March 2021

AFCA Review Secretariat
Financial System Division
The Treasury
Langton Crescent
Parkes ACT 2600
Submission sent to **AFCAreview@treasury.gov.au**

REVIEW OF THE AUSTRALIAN FINANCIAL COMPLAINTS AUTHORITY (AFCA)
SUBMISSION BY THE ASSOCIATION OF SECURITIES AND DERIVATIVES ADVISERS OF AUSTRALIA - ASDAA

The Association of Securities and Derivatives Advisers of Australia (ASDAA) appreciates the opportunity to provide these comments to The Treasury in respect to the review into the Australian Financial Complaints Authority (AFCA).

ASDAA represents the interests of its members, who are from the Securities and Derivatives advisory profession. Its members are comprised of individuals who are either directors, or employees, of small to medium sized firms which hold an Australian Financial Services Licence (AFSL), but are not a Participant Member of the Australian Stock Exchange.

ASDAA has a strong desire to see that investor's receive sound investment advice and the appropriate investor protection. ASDAA members rely on the ongoing trust of their clients, and on the integrity of the Australian financial markets, for their livelihood. Without both, our clients wouldn't participate in the markets and trade in shares, exchange traded options, and other listed financial products.

Delivering against statutory objectives

Question One asks *is AFCA meeting its statutory objective of resolving complaints in a way that is fair, efficient, timely and independent?*

It is the opinion of ASDAA that AFCA, just like its predecessor FOS, is unfair, inefficient, inapt and partisan.

ASDAA
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I say AFCA is unfair, inefficient, inapt (untimely) and partisan because of my current and ongoing experience in dealing with AFCA.

In addition to being a director of ASDAA, I am also the sole director and responsible manager of AFS Licensed firm ANDIKA Pty Ltd (ANDIKA) (AFSL 297069).

The following Summary of Events is based on an actual AFCA ongoing dispute. Only the identities of those involved from the Complainants side have been supressed. ASDAA believes it to be important that Treasury gets a clear understanding of what unfolds during an AFCA dispute involving our members.

I'll be as brief and relevant as possible to illustrate the clear shortcomings of AFCA.

Summary of Events

1. ANDIKA (and other named parties) received a notice of claim and letter of demand dated **29 NOV 2017** from Legal Firm One who was representing a group of three complainants.

2. Legal Firm One alleged an Authorised Representative (AR) who was under ANDIKA's AFSL at the time, gave their client 'inappropriate financial product advice' concerning investments made in Convertible Notes issued to wholesale investors only by an unlisted public resources company (the Company) operating as a Lithium explorer in Argentina.

3. Their investment failed because of an **unknown** border dispute between two Argentinian state governments. This dispute was not known by the AR or the directors of the Company until drilling crews from the Company were mobilized to the site.

4. It was ANDIKA's understanding that Legal Firm One clients were all wholesale 'sophisticated investors' as per Sections 708(8)(c) and 761G(7)(c) of the Corporations Act as the Convertible Notes offer was only open to wholesale investors.

5. ANDIKA wrote back to Legal Firm One on **11 DEC 2017** refuting their allegations because the Complainants were <u>never clients</u> of the AR (or ANDIKA) to begin with. As they weren't clients no IDR process was actioned.

6. The AR in question at the time was an officeholder of the Company and any contact they had with the complainants was as an officeholder of the Company.

7. Fast forward two years - AFCA emailed ANDIKA the first of six identical complaints dated **1 NOV 2019**.

8. Complainant one from NOV 2017 obtained new legal representation – Legal Firm Two – and they have managed to corral five more identical complainants bringing the total Complainants to six. These new five Complainants weren't part of the original complaint made in NOV 2017.

9. Legal Firm Two is currently representing the six Complainants in the dispute process managed by AFCA.

10. ANDIKA is currently dealing with six identical AFCA complaints concerning the allegations made at paragraph 2. Each Complainant is seeking the maximum value of compensation allowable against ANDIKA.

11. ANDIKA's PI insurer has declined to indemnify ANDIKA in relation to all of these complaints because it has concluded (as ANDIKA has maintained from the outset) that the AR and ANDIKA **did not provide** *Investment Advisory Services* to the six Complainants.

12. This means ANDIKA is at risk of being wound up should AFCA find in favour of the six Complainants as ANDIKA can't sustain a multi-million dollar damages assessment.

13. ANDIKA's consistent position is that at no time was the AR ever **engaged or retained** by the Complainants to be their financial adviser and at no time did the AR in fact provide the Complainants with "*financial product advice*" as outlined in the definition of "*Financial Service*" in AFCA Rule E.1.1[1] and as defined in the Corporations Act.

14. The AR acted at all times solely as an officeholder of the Company. The AR was duly appointed as a non-executive director and the company secretary of the Company.

15. **No** client adviser relationship was ever established between the AR and any of the Complainants.

16. The Complainants never completed or signed any form of client agreement or paperwork with the AR.

17. The only assumption that the Complainants could have made at the time of the dealings (in 2016), pursuant to section 129 of the Corporations Act, was that the AR was acting in the capacity of a non-executive director and the company secretary of the Company and that the AR was duly appointed and had authority to act consistent with that position on behalf of the Company.

18. The Company is not a financial firm nor is or has it ever been authorised by ANDIKA.

19. The Convertible Notes issued by the Company were not noted on ANDIKA's Approved Product List (APL).

20. The Company is not a member of AFCA and directors of the Company which includes the AR fall outside **the jurisdiction** of AFCA. As the Company is not a financial firm (AFCA Rule A.4.2) these complaints should have been rejected by AFCA from the outset.

[1] AFCA's published Rules dated 25 APR 2020

21. Under the AFCA Rules, AFCA is only able to accept a complaint from an **Eligible Person** where the person has established pursuant to AFCA Rule A.4.3(a) that the complaint must arise from **a customer relationship** or other circumstance that brings the complaint within AFCA's jurisdiction.

22. The Complainants **NEVER** engaged and retained the AR to be their financial adviser so how then can ANDIKA be held liable for actions/services for which the AR was **NEVER** engaged and retained to provide? No client or customer relationship was ever established.

23. A financial adviser only owes a duty of care to a client who has retained their services as a financial adviser. Financial advisers **do not** owe a **duty of care** to persons who **are not their clients**.

24. The complaints fails AFCA Rule A.4.3(a) as there has never been a customer or client relationship between the AR or ANDIKA and the Complainants.

25. It is clear AFCA have acted outside their jurisdiction – Rule A.4.2 and A.4.3(a) and AFCA are purposely ignoring their own rules.

26. To date ANDIKA has written official correspondence to AFCA on 8 different occasions - 1 NOV 2019, 2 MAR 2020, 22 MAY 2020, 24 JUL 2020, 18 SEPT 2020, 21 SEPT 2020, 30 NOV 2020 and 8 JAN 2021. Each time ANDIKA unequivocally refutes that it has any liability to the Complainants in respect of any investment in the Company and has asked for the complaint cases against ANDIKA to be dismissed. AFCA have ignored ANDIKA's repeated requests and pushed on with case handling process.

27. On 30 NOV 2020, ANDIKA emailed AFCA about a **Supreme Court of NSW decision** which ruled that AFCA does not have jurisdiction to consider a complaint against a financial service provider (in this case ANDIKA or the AR) in circumstances where the relevant advice was provided by an Authorised Representative (in this case the AR) who was not acting with authority from the financial service provider (ANDIKA).

28. So even if the AR did give "advice" (which is not admitted) to invest in the project, and even if the AR had an adviser-client relationship (which is not admitted) with the Complainants, they did not do so with the authority of ANDIKA and therefore AFCA does not have jurisdiction to consider the complaints against ANDIKA.

29. The AFCA representative emailed ANDIKA on 17 DEC 2020 to inform that they 'are currently considering the decision of the Court in that case. We will contact you as soon as possible to discuss the complaint further. At this stage we can't provide any further information, but we will update you as soon as possible.'

30. ANDIKA followed up AFCA with another email on 8 JAN 2021 to ask if AFCA had lodged any appeal to the Supreme Court of NSW decision. ANDIKA requested that if AFCA had not lodged any appeal that all the complaints be closed on the basis that AFCA does not have jurisdiction.

31. The AFCA representative emailed ANDIKA on 13 JAN 2021 and said 'I have yet to receive communication regarding the decision. I will contact you as soon as I receive an update.'

32. As at the date of this submission, AFCA have still not made any contact or provided any update concerning the complaints.

33. As at the date of this submission, **512 days have lapsed** since ANDIKA was first advised via email by AFCA on 1 NOV 2019 of a complaint by the first of six identical Complainants.

34. For any Financial Service Provider (FSP) to be left in limbo for such a long period is completely unacceptable. AFCA's blatant inaction is making the process a form of punishment

35. To date neither AFCA nor the Complainants have established that a customer relationship exists between the Complainants and either the AR or ANDIKA.

36. We note that AFCA have a duty of care to assess the information before them and determine if the conditions have been met under AFCA Rules.

37. On the basis that both AFCA and the Complainants have failed on numerous occasions to provide evidence and substantiate their claim **that a client relationship exists**, pursuant to AFCA Rule A.8.3(a) and A.8.3(c), AFCA has a duty of care and a responsibility to cease the complaints made against ANDIKA.

So the take out from the Summary of Events is clear.

It is obvious from my current experience that AFCA suffer from endemic institutional bias against FSP's.

As outlined in paragraphs 13 (Rule E.1.1), 20 (Rule A.4.2), 21 (Rule A.4.3(a)) and 37 (Rules A.8.3(a) and A.8.3(c)), AFCA just don't follow their own rules.

AFCA willingly accept complaints' knowing they fall outside their jurisdiction is case in point.

A complaint made by someone who wasn't even a client/customer, concerning a person who was clearly acting in a non-financial advisory role of an entity that isn't a compulsory member of AFCA, AFCA should have seen the complaint and deemed it ineligible from the get go.

But no, AFCA in their eagerness accept the complaint without any due consideration about its validity and eligibility is by far their greatest failure.

Given everyone from the top down within AFCA is immune from liability, is it any wonder AFCA act with such impunity towards FSP's?

It is quite obvious to anyone who has had to defend a claim made against them that AFCA essentially applies reversal of the burden of proof as the FSP is deemed guilty in the eye of AFCA.

The dice is firmly loaded against the FSP from the second a complaint is lodged about them.

This Summary of Events illustrates just how **unfair** AFCA is to FSP's in meeting their statutory objective of resolving complaints.

As stated at paragraph 26, ANDIKA at its time and cost has officially written to AFCA on 8 different occasions and yet the matter is still not resolved.

This illustrates just how **inefficient** AFCA is to FSP's in meeting their statutory objective of resolving complaints.

As stated at paragraph 33, 512 days have lapsed since ANDIKA was first advised by AFCA of the first of six identical complaints.

This illustrates just how **inapt** AFCA is to FSP's in meeting their statutory objective of resolving complaints in a timely and efficient manner.

As stated at paragraphs 13 – 25, AFCA has no jurisdiction in assessing these complaints yet for partisan reasons they have sided with the Complainants from the very beginning and have denied ANDIKA any natural justice.

This illustrates just how **partisan and biased** AFCA is to FSP's in meeting their statutory objective of resolving complaints.

ASDAA thought it was a series of parodies when reading AFCA's webpage concerning 'Fairness', 'Independence', 'Accountability', 'Efficiency and effectiveness' because their written words don't match up in reality when one actually has to deal with them. The Summary of Events testifies to this.

So what should happen to ensure FSP's do get a fair, honest, efficient and unbiased treatment?

If the Government of the day can disband the not fit for purpose FASEA then there is no real obstacle why the Government shouldn't follow suit and disband AFCA.

But we at ASDAA live in the real world so instead here are our 10 recommendations on what needs to happen to make AFCA a fair, honest, efficient and unbiased EDR body.

Recommendation 1 – Break the AFCA Monopoly

It is the opinion of ASDAA that the creation of a monopoly EDR body is a backwards step, especially for the FSP's who will be compulsory financial members of such an EDR monopoly, and consumers who will rely on such a scheme to adjudicate disputes.

ASDAA said so in our **19 JAN 2017 submission to the Treasury**.

29 JUN 2018 Response to AFCA Consultation on Proposed AFCA Rules

4 OCT 2016 Review of the Financial system EDR Framework.

ASDAA is not aware of any monopoly created that has demonstrated that it is cheaper, more efficient, less complex, more accountable and transparent in the absence of competition. Service does not improve if there is only one player in the market.

When CIO and FOS were active they at least could benchmark themselves against each other. This benchmarking actually produces better outcomes for consumers and FSP's because it forces the EDR's to adopt best practice and improve their service offerings. As the **Interim Report notes on Page 11**[2], FOS got 75% of its revenue via complaint fees, whilst its competitor CIO gets 70% of its revenue via membership fees. This is a very stark difference in funding, which only competition can bring about. Remove competition and just watch the revenue from complaint fees increase further.

According to the AFCA's General Purpose Financial Report 30 JUN 2020[3], AFCA took in revenue of nearly $124m. Revenue from complaint fees (That's fees the compulsory FSP's pay) was $92.8m or 75.1% while FSP membership fees was $25m or 20.2% with the balance coming other sources.

Either way, AFCA wins financially to the detriment of the FSP if the dispute lasts a long time.

No wonder AFCA can comfortably pay nearly $14m in annual rent for their Melbourne HQ address and over $100m in annual employee salaries and super.

For a non-profit, AFCA certainly does quite well financially.

It seems AFCA just picked up where FOS left off.

It's accepted economic theory that when firms have a monopoly power they charge prices that are higher than can be justified based upon the costs of production, and prices are higher than they would be if the market was more competitive.

For example – look at ASIC's companies registry business.

The cost to ASIC of operating the registry is less than $6 million a year, yet this bears no resemblance to how much it charges businesses and the public for using it – about $720 million annually, a return to ASIC of more than 10,000%[4]

The bottom line is that when companies have a monopoly, prices are too high and production is too low. There's an inefficient allocation of resources which will lead to lower levels of service.

Since monopolies are the only provider, they can set any price they choose. That's known as price-fixing. They can do this regardless of demand because they know the FSP has no choice but to pay whatever membership and dispute fees they deem fit.

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[2] Page 11 of the Expert Panel Interim Report 6 December 2016
[3] See page 33 of AFCA's General Purpose Financial Report 30 JUN 2021
[4] ASIC 'screwing' small companies with registry fees. The Australian December 23 2016

The problems with monopolies also go beyond the economic effects. As a single EDR AFCA have considerable political influence, and the ability to "capture" the political and regulatory process over time. This allows them to tilt the legal and regulatory processes against any potential threat to its market power, and to bring about changes that further enhance the revenue it earns.

ASDAA can guarantee to The Treasury that if AFCA got the word that the EDR space would be opened up to competition they would be the first to whinge and moan about such a proposal.

Name one monopoly that was happy to see competition in the space they currently dominate.

FSP's who are dissatisfied, and there are many, with service levels or costs have now nowhere else to go. That's unhealthy and a poor outcome.

AFCA should have been a statutory tribunal established under legislation. For Government and ASIC to bestow such market and jurisdictional power to an unlisted public company limited by guarantee trading as a monopoly EDR scheme is just mind boggling.

It's well past time – the AFCA EDR monopoly must end.

Recommendation 2 – Make AFCA subject to FOI regime.

AFCA is not a judicial body. It is a public company limited by guarantee which derives their jurisdictional powers from ASIC (**Regulatory Guide 267**), and forms a contract with its compulsory FSP members via their respective Terms of Reference.

ASIC in effect controls AFCA's **Rules and Operational Guidelines**, and AFCA is not independent of ASIC.

As an administrative body, AFCA is not subject to the Freedom of Information (FOI) regime. There is no way for anyone to shine a light on its internal processes. (Being a private organisation, there has always been some question as to whether or not decisions by AFCA should be subject to judicial review).

A good place for ASIC to start would be to ensure AFCA is subject to an FOI regime.

Recommendation 3 – ASIC oversight of AFCA on basis that AFCA be subject to the Government's industry funding arrangements for ASIC

ASIC should have the power to question AFCA on whether they are receiving an inordinate amount of revenue from complaint fees. AFCA especially has form in this area, as it receives over 75% of its revenue from compliant fees.

AFCA should also pay its share towards the Government's industry funding arrangements for ASIC as AFCA to some degree is subject to oversight by ASIC and has a duty to report to ASIC. This will provide a fairer distribution of fees as membership fees paid by AFS Licensees to AFCA can be used to pay AFCA's portion of ASIC Fees and hence lower the burden on AFS Licensees.

Recommendation 4 – Proof of a documented customer relationship must form part of the 'Eligible Person' test.

This extra additional definition must be included:

h) a person or entity that was or is in documented customer relationship with the FSP.

Again, how AFCA to this day can accept and prosecute FSP's when even this very basic test isn't established or proven is their greatest failure.

The inclusion of the above would tighten E.1.1 (Defined terms) and consequently Rule A.4.1

Recommendation 5 – Rule A.4.3(a) needs to be better defined

Rule A.4.3(a) should read as:

The complaint must arise from a customer relationship.

AFCA are abusing the current wording '*…or other circumstance that brings the complaint within AFCA's jurisdiction*' to accept complaints that have no proven or actual customer relationship.

This wording must be deleted from Rule A.4.3(a)

If it is clear there is no customer relationship (such as the cases against ANDIKA) then AFCA should be instantly dismiss the complaint.

Recommendation 6 – Rule A.7.6 needs to apply equally to the complainant and the complainant's representatives.

Rule A.7.6 should read as:

The FSP, <u>the complainant and the complainant's representative</u> must not instigate defamation action of any kind against each other.

It is appalling that Legal Firm Two DID instigate defamation action against ANDIKA (Letter sent to ANDIKA on 9 JAN 2020) all because one of the Lawyers from Legal Firm Two got bruised feelings because what ANDIKA said in written correspondence to AFCA concerning the complainants.

When AFCA was made aware of this defamation action they did nothing about it.
AFCA again ignored their own rules – this time being rule **C.2.2 (g)(i)**

A legal firm representing a Complainant who then instigates defamation action against the FSP while AFCA is managing a complaint case is in the opinion of ASDAA 'engaging in inappropriate conduct' and AFCA should make sure all agents who represent a Complainant or Complainants understand they also are expected to engage in professional conduct with all parties.

The complainant's lawyers weren't reprimanded by AFCA. At great expense to ANDIKA, the threat of defamation was prevented but this should not have been

allowed to happen to the FSP in the first place. One set of rules for the FSP and no rules for the Complainant or their agent. It's disgraceful.

Recommendation 7 – Rule A.9.7 FSP's should not be subjected to any further fees because AFCA sought 'expert advice.'

It's incumbent on AFCA to get their own house in order and should AFCA decide to seek expert advice then the cost of that expert advice must fall 100% on AFCA.

It is completely unfair to the FSP that they could be exposed to further costs, even if those costs are restricted to no more than $5,000.00 per complaint.

Recommendation 8 – Rule B.2.1(a) needs to be better defined

Rule B.2.1(a) should read as:

The provision of a Financial Service by the FSP to the Eligible Person.

Should the clear definition of an 'Eligible Person' not be meet then AFCA are prohibited in accepting the complaint. See Recommendation 4 concerning an Eligible Person.

Recommendation 9 – Rule B.4.3.1(a) needs to be better defined

AFCA encourages a Complainant (a disgruntled investment client) to make a complaint of economic loss on the basis of 'inappropriate advice' within <u>6 years</u> of when the consumer <u>first became 'reasonably' aware</u> of such 'economic loss.'

This extended time period is grossly unfair to the adviser and their FSP as it enables clients to 'test' their adviser's recommendation over a significant length of time, and if the investment falls in value it can be pursued as 'inappropriate advice' by a client years after the advice has been received and acted upon.

It is ASDAA's position that the Treasury reduce the statute of limitations to make such a complaint **<u>6 months</u>** after the date of purchase of the listed or unlisted security.

Rule B.4.3.1(a) should read as:

Within six <u>months</u> of the date of purchase of the listed or unlisted security; and…

It is extremely prejudicial that a complainant can have virtually an uncapped statute of limitations to make a complaint on the grounds of 'inappropriate advice.'

It should also be acknowledged that there is no legislative 'Cooling Off period' for anyone who buys and sells listed and unlisted securities.

ASDAA knows of no other profession that faces such a generous statute of limitations. It is unique to all FSP's.

Preservation of capital in the stock market is not guaranteed and this is generally well understood and acknowledged by the vast majority of investors. By allowing complainants to lodge a complaint about economic loss on the pretence of

receiving 'incorrect or inappropriate advice' as determined by an AFCA Case Manager (who most likely is not qualified to provide financial product advice nor has met any of the Educational requirements set by FASEA under law) is implying that such a guarantee does in fact exist.

There is a saying in the broader Securities/Stockbroking industries that if a '*client wants a guarantee then they should buy a toaster.*'

AFCA is dysfunctional in that inexperienced and unqualified Case Managers form opinions on what experienced and qualified Securities and Derivatives professionals should have done with the added benefit of hindsight. Just because the AFCA Case Manager has a Law degree doesn't equip them to make judgements on what a qualified Securities and Derivatives professional standard of advice and care should be.

Just imagine the outcry if this happened in other professions say Medicine or Accounting?

Law degrees do not include training in Medicine, Accounting or Securities and Derivatives Advisory.

Recommendation 10 – Rule C.2.2(j) AFCA should have no business in assessing complainants made by wholesale sophisticated investors.

AFCA should be prohibited in accepting any complaint made by wholesale sophisticated investors.

The definition of an 'Eligible Person' should further include:

i) a person or entity who is a retail client as defined by Section 781G of the Corporations Act.

AFCA should not be a body that accepts complainants from High Net Worth persons or entities who are proven to be wholesale sophisticated investors as defined by Sections 708(8)(c) and 761G(7)(c) of the Corporations Act.

Currently there is an imbalance in relation AFCA's role when it comes to wholesale sophisticated investors. AFCA is only entitled to consider a complaint from a client of one of its members.

If an AFS Licensee holds an AFS Licence that limits the financial services it provides to wholesale clients only, then such AFS Licensee does not have to be a member of AFCA and if it is not (which is most likely the case) none of its clients are able to lodge a complaint with AFCA. This is fair considering the purpose of AFCA.

Where an AFS Licensee holds an AFS Licence to provide financial services to retail and wholesale clients, it is compulsory for it to be a member of AFCA and as a result its clients can lodge a complaint with AFCA. Because of the ambiguity of AFCA's rules relating to the definition of 'Eligible Person' and the discretion in the rules given to AFCA to decide which complaints it will accept from wholesale clients this means that an AFS Licensee with the authority to provide financial services to retail and wholesale clients is at a disadvantage.

AFCA is there for the purpose of giving retail clients an affordable means to lodge complaints against FSP's. Wholesale clients should be excluded from this process to ensure that all AFS Licensees have access to the same legal measures to defend any claim made against them, especially in the case of complaints lodged by Wholesale clients which are generally large in size and scale and should be subject to the same burden of proof required at law in the court system.

Concerning the other questions from the ToR, please find below ASDAA's brief responses.

Question 1.1 '*Is AFCA's dispute resolution approach and capability producing consistent, predictable and quality outcomes*?'

The answer here is no. However, should The Treasury adopt all of ASDAA's 10 recommendations this would ensure AFCA's dispute resolution and capability will produce consistent, predictable and quality outcomes.

Question 1.2 '*Are AFCA's processes for the identification and appropriate response to systemic issues arising from complaints effective?*'

Before AFCA starts point the finger at FSP's systemic issues AFCA need to get their own systemic issues (and there are many) in order. I guarantee The Treasury that other FSP's have and are experiencing the same AFCA dysfunction ANDIKA is presently experiencing.

Question 1.3 '*Do AFCA's funding and fee structures impact competition? Are there enhancements to the funding model that should be considered by AFCA to alleviate any impacts on competition while balancing the need for a sustainable fee-for-service model?*'

There is <u>no competition</u> to AFCA. Hence our **Recommendation 1 – Break the AFCA Monopoly** should be immediately adopted by The Treasury and ASIC.

Question 2 concerning Monetary jurisdiction in relation to primary businesses.

ASDAA has nothing to add here.

Question 3 concerning AFCA's Internal review mechanism.

Talk about a toothless tiger. What's the point of having an independent assessor if they have no power to review AFCA's often bizarre and inconsistent decisions? It's like putting a cop on the beat without the power of arrest – completely useless – the current setup amounts to nothing more than virtue signalling.

Question 4 '*Is there a need for AFCA to have an internal mechanism where the substance of its decision can be reviewed? How should any such mechanism operate to ensure that consumers and small businesses have access to timely decisions by AFCA?* '

For starters the premise of the question is wrong. The correct question Treasury should be asking is…

'Is there a need for AFCA to have an internal mechanism where the substance of its decision can be reviewed? How should any such mechanism operate to ensure

*that **FSP's**, consumers and small businesses have access to timely decisions by AFCA? '*

Let's not lose sight of the fact that FSP's MUST be a member of AFCA yet they are awarded the least rights in the dispute process as demonstrated in the Summary of Events concerning FSP ANDIKA.

If the consensus is to continue to allow AFCA to maintain their monopoly EDR power status then there is definitely a need for AFCA to have an independently lead internal Assessor so FSP's can have detrimental (and mind boggling) AFCA determinations reassessed.

As demonstrated in the Summary of Events concerning FSP ANDIKA. This is a classic example of why an independent assessor with real power is needed.
Currently there is no one with in the AFCA regime to whom an FSP can lodge a complaint about the poor treatment they are receiving concerning a current dispute.

AFCA are so blinded by their internal processes they literally cannot see the Forest through the Trees.

ASDAA appreciates the opportunity to provide this submission to The Treasury.

We would be happy to discuss any issues arising from our submission, or to provide any further material that may assist The Treasury.

Should the Treasury department require any further information, please contact myself on [redacted] or email [redacted]

Yours sincerely,

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Director