

Step 1. Make a claim in the Australian Financial Complaints Australia (AFCA)

You can make a claim in the Australian Financial Complaints Authority (AFCA) if (*and only if*):

1. You are not at fault (The other driver caused the accident)
2. The damage is less than \$15000 (or you are willing to accept \$15000 as your maximum loss)
3. The other driver is insured (and claims on their insurance)

You can make a claim in AFCA by going to the website at afca.org.au, or calling 1800 931 678. AFCA is not a court. They cannot take evidence on oath. They are not experts on the interpretation of road rules. AFCA can exclude disputes under their terms of reference if they believe there is a better jurisdiction, such as a Court. If your dispute is over who is at fault, AFCA may not be the best jurisdiction to hear your matter. You can always try to begin in AFCA and see if you can negotiate a resolution you are happy with it. But be prepared that you may still end up in Court! *Remember: If you do not meet the requirements for AFCA, you are limited to sending a letter of demand and/or commencing a claim in court (if the demand is not paid).*

Remember: If you do not meet the requirements for FOS, you are limited to sending a letter of demand and/or commencing a claim in court (if the demand is not paid). **Time limits** To lodge a complaint in FOS, the time limit is the earlier of:

- 6 years of the date when the Applicant first became aware (or should reasonably have become aware) that they suffered the loss (usually the date of the accident); and
- 2 years of the date of the final written Internal Dispute Resolution Response.

In the event you are unsuccessful in FOS, you can consider court action. You should speak to a lawyer before you commence or respond to any court proceedings. In the event you are unsuccessful you may be liable for the other party's costs and this could be substantial.