



# Financial Rights

LEGAL CENTRE

KNOW YOUR RIGHTS CHECKLIST



Financial Rights Legal Centre Inc.  
ABN 40 506 635 273

We provide FREE legal and financial advice about loans, debts and money problems.

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## STATEMENT OF CLAIM

A Statement of Claim is an official court document completed by someone who thinks you owe them money.

If you receive a Statement of Claim, you need to act quickly!

You only have 28 days from the date in which you received it to respond to it, or you risk having the matter decided against you in your absence.

**A Statement of Claim can be served on you or posted to you.**

You are deemed to have been served by post on the fourth working day after it was posted

**If your Statement of Claim relates to a mortgage, seek legal advice immediately! Your home is at risk!**

**Does the amount claimed relate to a credit card, loan or lease?**

You have the option to lodge a dispute with either the Financial Ombudsman Service (FOS) or the Credit Ombudsman Service Ltd (COSL).

A dispute can be any reason – you don't owe all or part of the debt and it also covers making repayment arrangements (even if you owe the debt).

You must lodge the dispute before the judgment is obtained.

You can visit FOS at [www.fos.org.au](http://www.fos.org.au) and COSL at [www.cosl.com.au](http://www.cosl.com.au). If you have any questions in relation to this process call 1800 007 007.

**If you agree you owe the amount claimed you can either:**

1. Pay the amount claimed in full OR
2. File an Application to pay by instalments

[www.financialrights.org.au](http://www.financialrights.org.au)



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- Does the amount claimed relate to an old debt (i.e. the last payment was made more than 6 years ago)?

If so, you may have a defence under the Limitation Act. If you think you do, visit [www.financialrights.org.au](http://www.financialrights.org.au) or call 1800 007 007.

- If you disagree you owe the amount claimed (either all or part of the money claimed) you may file a defence.

If you are thinking about filing a defence, you should seek legal advice.

- If you never received a Statement of Claim but a default judgment has been obtained against, you should obtain legal advice.

In some circumstances, you may be able to set aside the default judgment.

- A Statement of Claim is a legal document so it is important that you receive legal advice in relation to responding to it.

- You can obtain legal advice by contacting your local legal aid office, community legal centre or calling 1800 007 007.

## Financial Rights Legal Centre

Credit & Debt Hotline 1800 007 007

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