

Insurance Complaints to AFCA

This fact sheet is for information only. You should seek legal advice.

Main ideas

- Try to solve the problem with the company first.
- If you can't resolve with the company, you can complain to the Australian Financial Complaints Authority (AFCA). Complaining to AFCA is free.
- You can still go to court after AFCA, if you want to. Time limits apply.
- Financial counsellors can help. Their services are free.

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- Consider AFCA's recommendation
- Consider AFCA's determination

AFCA is usually better than going to court

AFCA is usually better than going to court because it is free, faster and simpler. You can usually get a decision from AFCA within 90 days. In court, it can take months or years to get a decision. You also have to pay legal fees in court. AFCA can also help you with legal fees. AFCA can also help you with interest on your money. AFCA can also help you with other things. AFCA can also help you with other things.

Try to resolve the complaint with the company first

It is usually best to try to resolve the complaint with the company first. This means you should contact the company and explain the problem. You should also keep a record of all communications. If you can't resolve the problem with the company, you can then complain to AFCA.

If you can't resolve with the company, go to AFCA

If you are not happy with the response from the company, you can complain to AFCA. AFCA is free and can help you resolve the problem. You can also go to court, but it is usually more expensive and takes longer.

1. Complain to AFCA

Write a letter to AFCA explaining the problem. You should include the following information:

- I had a car accident. I was at fault. My insurer won't fix my car until I pay the whole excess. I can't afford to do this, as I'm out of work right now. The other driver is threatening to go to court against me.

Write how you want the complaint resolved. For example:

- I want the insurer to

- o go ahead with repairs on my car now
- o take responsibility now for dealing with the other driver, and any court action
- o let me pay my excess off in instalments of \$50/week. This is all I can afford at the moment.

Read our other fact sheets for more information.
The AFCA process may take time

and get legal advice.
Time limits apply to lodging in AFCA. Don't delay

2. Consider the company's response

You don't have to settle.

3. Ask for an investigation

- AFCA will usually ask for a complaint to be filed. Examples:
- If you disagree with the insurer's expert reports or opinions, write a statement.
 - If your complaint relies on your memory or word of mouth, and whether you should be compensated.
 - If you are arguing about fault in a car accident, up to \$6,300 for both parties.
 - AFCA can award some compensation. Consider writing up a statement.
 - If your dispute is about delay, if you have a long list of items.
 - Consider using lists or spreadsheets.

4. Consider AFCA's recommendation

5. Consider AFCA's determination

Need more help?

For a list of other resources, visit our Useful Resources page.
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