

conciliation. If this is still unsuccessful the matter may be referred to the FOS Panel or adjudicator. Their decision is binding on the product provider, but not the complainant, who may pursue the matter further in the courts. From 1 July 2008, the dollar value of the claim may be up to \$280,000 for life insurance products, \$6,000 per month for income stream insurance and \$150,000 for other financial services.

### **The Credit Union Dispute Resolution Centre (CUDRC)**

**Contact Number:** 1300 780 808

**E-mail:** [info@cusdc.com.au](mailto:info@cusdc.com.au)

Assistance can be sought from the CUDRC if, after first seeking to resolve issues with a credit union, they fail to respond within 45 days or the outcome is considered unsatisfactory.

The CUDRC is limited to claims of up to \$280 000 and events that occurred within 6 years of the complaint being made.

Information required is the complainants contact details, credit union name and account number together with a brief description of the complaint and the resolution desired.

### **General Insurance Division**

Complaints relating to home building and contents, motor vehicle, travel, sickness and accident, consumer credit, pleasure craft, personal and domestic property, medical indemnity, residential strata title and some small business insurance policies are handled by the general insurance division of FOS. They also handle third party vehicle disputes where people are uninsured and property damage is under \$3,000.

The division is administered by an expert team of insurance professionals and lawyers and determinations are binding on participating product providers up to \$280,000. If dissatisfied with the decision of the Internal Dispute Resolution service contact FOS within 90 days of receiving the decision to enable them to deal with the dispute.

### **The Australian Courts**

It may be possible to make a claim through a small claims court or tribunal in your State or Territory. These courts/tribunals can hear claims for amounts between \$2,000 and \$75,000 depending on the jurisdiction. Most small claims forums restrict the use of lawyers in order to improve access and reduce formality, costs and time.

If your claim is not satisfactorily dealt with through one of the schemes mentioned in this leaflet or if it falls outside their guidelines the right to seek legal advice and pursue the matter through the courts is still available. This may, of course, be costly.

**PO Box 893 WODEN ACT 2606, Tel: (02) 6281 5744**

**Tollfree: 1800 020 110**

**E-mail: [NICRI@nicri.org.au](mailto:NICRI@nicri.org.au)**

**Websites: [www.nicri.org.au](http://www.nicri.org.au)  
[moneymap.nicri.org.au](http://moneymap.nicri.org.au)**

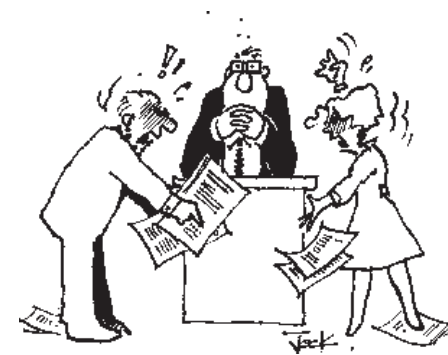
The National Information Centre on Retirement Investments Inc (NICRI) is an independent organisation funded by the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs. NICRI provides a free independent source of investment information for consumers and works at arms length from Government and the financial services industry.

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**National Information Centre on Retirement Investments Inc.**

# **Complaint Resolution Schemes**



**[www.nicri.org.au](http://www.nicri.org.au)**

**<http://moneymap.nicri.org.au>**

**INFORMATION CURRENT FROM 26/08/08**



If you have a complaint with a financial services advice or product provider and you have not been able to resolve the issue to your satisfaction with their internal dispute resolution scheme, you have several options to have your case heard. It is mandatory for all holders of Australian Financial Services (AFS) Licences and advice providers to have an internal complaints resolution scheme. Financial Services providers are also required to have membership to an external complaints resolution scheme approved by the Australian Securities and Investment Commission (ASIC).

### **Australian Securities & Investment Commission (ASIC) InfoLine**

**Contact Number:** 1300 300 630

**Website:** [www.fido.asic.gov.au](http://www.fido.asic.gov.au)

ASIC Infoline will provide information about complaint handling schemes which include dishonesty, fraud, unfairness or incompetence by people advising on or selling investments, superannuation, insurance and banking (excluding loans) products.

ASIC can investigate and take the necessary steps to prevent illegal actions and ensure consumer's interests in the financial services industry are protected.

### **Financial Ombudsmans Service (FOS)**

**Contact Number:** 1300 780 808

**E-mail:** [info@fos.org.au](mailto:info@fos.org.au)

**Website:** [www.fos.org.au](http://www.fos.org.au)

The Financial Ombudsmans Service provides a dispute resolution service for consumers and the Australian banking, insurance and investment

industries. It seeks to resolve disputes through negotiation, conciliation or determination as fairly and quickly as possible. The service is provided free to consumers.

The disputes they cover include banking, general insurance, financial planning/advice, stockbroking, finance and lending, managed investments, timeshare and mortgage and finance broking.

Within FOS is the Banking and Finance (ombudsman) Division, the Credit Union Dispute Centre, the Investments, Life Insurance and Superannuation Division and the General Insurance Division. FOS will direct your complaint to the appropriate service. Terms of reference of each of the divisions and lists of members can be obtained from FOS.

In all cases it is necessary to initially raise the matter, in writing, with the organisation with which the consumer has a dispute. If the response is unsatisfactory, complainants can then take the matter up with FOS.

### **Banking & Finance (Ombudsman) Division**

The limit of a claim for events that occurred on or after 1 December 2004 is \$280,000. Correspondence to FOS should include the complainants details, the financial service providers details and copies of documents associated with the dispute. Legal advice or representation is not required but, if used, the cost is borne by the complainant. If the Ombudsman considers they cannot deal with the dispute it may be referred to another dispute resolution scheme.

When the investigations are complete FOS will

state how they consider the matter should be resolved, including reasons for their conclusion. If the finding is rejected by either party the case is referred to the Ombudsman who makes a formal recommendation about resolution. If the complainant has rejected the finding they must explain why, in writing, and provide any other compelling information about the dispute. If rejected by either party the case is referred to the Ombudsman who makes a formal recommendation about resolution. If rejected by the provider a determination may be issued which is binding on the provider.

The complainant may withdraw the dispute at any time particularly to preserve the right to pursue it in an alternative forum, e.g. the Courts, especially if a time limit to do so is approaching.

A dispute must be raised with FOS within 6 years of the event having occurred.

### **Investments, Life Insurance and Superannuation Division**

This division seeks to resolve disputes concerning financial advice, life insurance, pooled superannuation trusts, other managed investments, stockbroking, friendly societies and timeshare. The matter should be raised in writing with the provider of the service, who has 45 days in which to respond. If no response is received or the complainant is dissatisfied with the response the issue can then be raised with FOS.

FOS will contact the provider regarding the matter and the provider has 21 days in which to respond or contact the complainant in an attempt to resolve the matter. If the matter remains unresolved FOS may seek resolution through