

Australian Financial Complaints Authority

As of 1 November 2018, all financial services complaints (including insurance) are dealt with by the Australian Financial Complaints Authority (AFCA). The AFCA operates as a free external complaint resolution scheme to resolve complaints made against any financial firms.

The AFCA will consider disputes regarding any life insurance or general insurance products.

Certain types of complaints that the AFCA cannot consider include complaints about money owed to a financial firm or complaints in relation to fees such as premiums, interest rates, or other charges. The AFCA does not consider complaints about workers compensation, which are instead dealt with by the Fair Work Ombudsman.

A determination by the AFCA is binding on the (member) company but not on the applicant. If an applicant does not accept a determination made, they may bring action in court.

Queensland Civil and Administrative Tribunal

The Queensland Civil and Administrative Tribunal has now subsumed the Small Claims Tribunal. Tribunals are sometimes called consumers' courts because they are generally concerned with disputes between consumers and traders, however they can also become involved in other matters including neighbourhood disputes and fencing issues between adjoining landowners.

Small civil or minor claims may be handled by discrete constituted tribunals or by the State or Territory Magistrates Courts under the relevant court rules.

Typically the level of small claims handled under these arrangements is below \$25,000.

Magistrates'/Local Court Jurisdiction across States and Territories

New South Wales: Deals with small claims up to \$20,000 and general division claims over \$20,000 and up to \$100,000 (\$120,000 in some limited circumstances), as well as family law matters.

Victoria: Deals with claims up to \$100,000 for monetary damages, as well as applications for equitable relief and applications under the *Crimes (Family Violence) Act 1987*.

Queensland: Deals with civil claims (including those unresolved by QCAT) for which the amount in dispute is less than or equal to \$150,000.

Western Australia: Deals with claims for debt recovery and damages (not personal injury) up to \$75,000, minor cases up to \$10,000, residential tenancy disputes and restraining orders.

South Australia: Deals with minor civil claims up to \$12,000, as well as general claims exceeding \$12,000 up to \$100,000.

Tasmania: Deals with minor civil claims up to and including \$5,000. Recovery of amounts exceeding \$5,000 but less than \$50,000 may be filed by civil claim or alternatively amounts exceeding \$50,000 may be recovered if all parties agree for the Magistrate's Court to hear the claim.

Australian Capital Territory: Similar to QCAT in Queensland, ACT have established the ACT Civil and Administrative Tribunal to deal with civil disputes involving less than \$25,000 and any matters under this threshold cannot be heard within the Magistrates Court. The Magistrate Court deals with matters involving amounts over \$25,000 up to \$250,000.

Northern Territory: The Northern Territory Civil and Administrative Tribunal deals with claims for which the amount in dispute is less than \$25,000. NT Local Courts deal with claims between \$25,000 and \$250,000.

District/County Court Jurisdiction across States and Territories

The District/County Court does not operate in Tasmania, the Australian Capital Territory or the Northern Territory.

All District/County Civil Courts hear appeals.

New South Wales: Deals with claims over \$100,000 up to \$750,000 though it may deal with matters exceeding this amount if all parties consent. There is no claim limit applicable to motor accident cases.

Victoria: The court no longer has a jurisdictional monetary limit, following amendments made by the *Courts Legislation (Jurisdiction) Act 2006*. Cases typically range between \$100,000 to \$500,000 though cases have been heard exceeding \$1million.

Queensland: Deals with claims between \$150,000 and \$750,000.

Western Australia: Deals with claims up to \$750,000 and unlimited jurisdiction in claims for personal injuries.

South Australia: Deals with essentially the same civil matters as the South Australian Supreme Court; that is claims exceeding \$100,000.

Supreme Court Jurisdiction across States and Territories

All Supreme Courts deal with appeals and probate applications.

New South Wales: Has an unlimited jurisdiction on claims, but usually deals with complex cases, all claims over \$750,000 (except those related to motor vehicle accidents or worker's compensation claims) and various other civil matters.

Victoria: Has an unlimited jurisdiction on claims.

Queensland: Has an unlimited jurisdiction on claims, but usually deals with claims over \$750,000 and administrative law matters.

Western Australia: Has an unlimited jurisdiction on claims, but usually deals with claims over \$750,000.

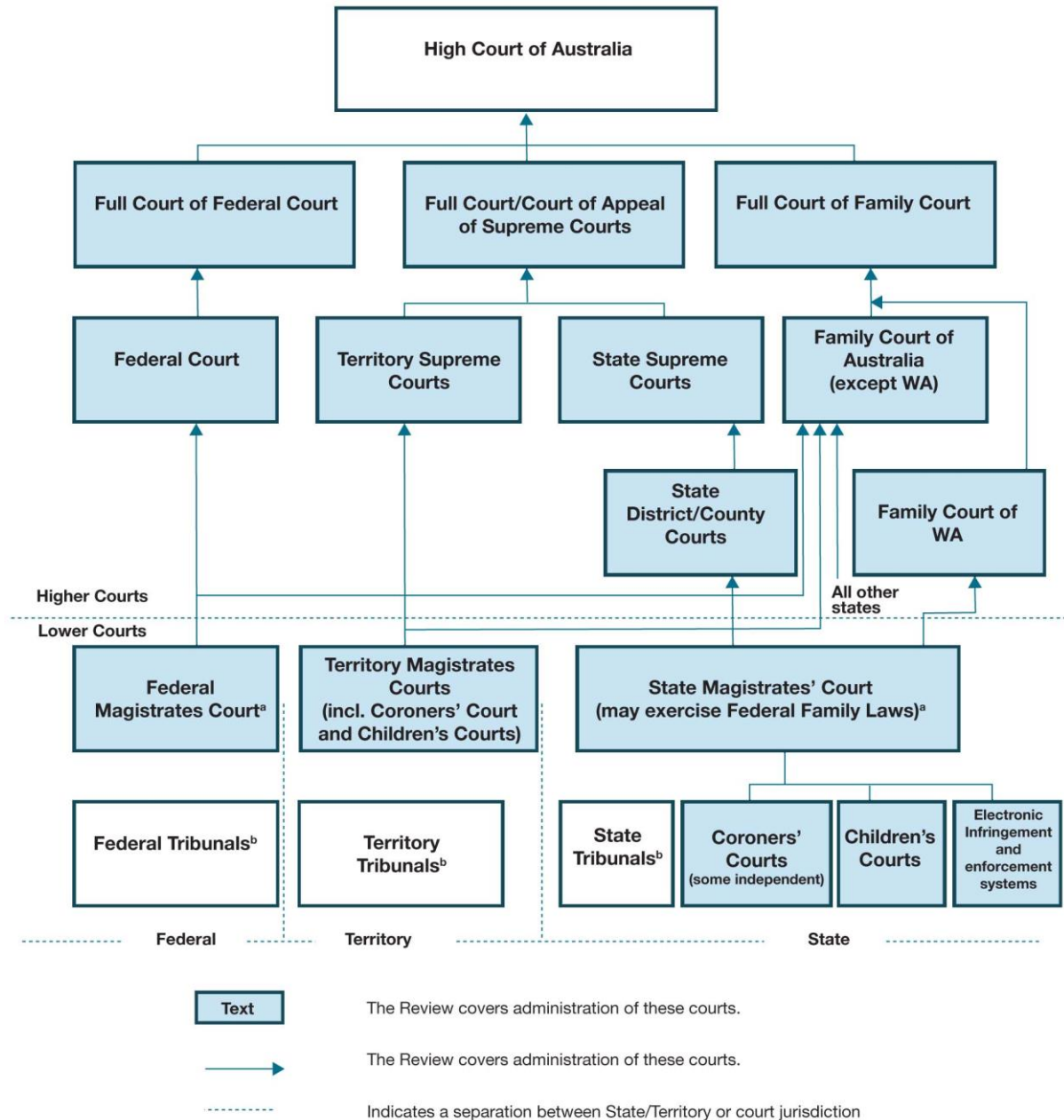
South Australia: Deals with unlimited claims for general and personal injury matters.

Tasmania: Has an unlimited jurisdiction on claims, but usually deals with claims over \$50,000.

Australian Capital Territory: Has an unlimited jurisdiction on claims.

Northern Territory: Has an unlimited jurisdiction on claims, and also deals with mental health, family law and Coroners Act 1993 applications.

The Courts Hierarchy



^a In some jurisdictions, appeals from lower courts or district courts may go directly to the full court or court of appeal at the supreme/federal level.

^b Appeals from Federal, State and Territory tribunals may go to any higher court in their jurisdiction.

References and Links

- Australian Financial Complaints Authority (AFCA)
<https://www.afca.org.au/>
- Queensland – Department of Justice and Attorney-General
www.justice.qld.gov.au
- NSW Office of Fair Trading – NSW Consumer, Trader & Tenancy Tribunal
www.fairtrading.nsw.gov.au
- NSW Local and Supreme Courts
www.lawlink.nsw.gov.au
- Victorian Civil and Administrative Tribunal
www.vcat.vic.gov.au
- Magistrates Court of Victoria
www.magistratescourt.vic.gov.au
- Supreme Court of Victoria
www.supremecourt.vic.gov.au
- ACT Magistrates Court and Tribunals; the Supreme Court of the ACT
www.courts.act.gov.au
- Courts Administration Authority South Australia
www.courts.sa.gov.au
- Western Australia – Department of the Attorney General
www.justice.wa.gov.au
- Tasmania – Department of Justice
www.justice.tas.gov.au
- Northern Territory Government Department of Justice
www.nt.gov.au/justice

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