



# FINANCIAL COUNSELLORS ASSOCIATION OF QLD | NEWSLETTER

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## FCAQ UPDATE:

Welcome everyone to the FCAQ Newsletter December 2020 edition. Wow! We are at December 2020 and Christmas is at our doorstep. In reflection of this challenging year, it gives me great inspiration of the wonderful and rewarding work we do in this sector. This year although challenging has brought out the best in us. We as a community met the challenges head on, we have had to adapt to a different way of conducting our service, we had to respond differently to our cases, we built new support networks and we walked together to ensure all of us were not left behind.

So, it gives me great pleasure to announce our 2021 Annual State Conference. The committee has made the decision to hold the conference in Port Douglas at the Sheraton Mirage Resort on the 23rd to 25th March 2021. Many of us remember we held a conference at Sheraton Mirage in 2017 and for me personally it was an amazing experience. The decision was made based on a number of factors, one important factor being social distancing requirements. We hope all our members can attend the event, remember the earlier you register the cheaper it will be with our early bird incentive.

Jon and I have recently touched base with the Director General, Clare O'Connor and we are planning to meet with the new Minister Hon Leeanne Enoch and Clare in the month of January to discuss further financial counselling funding beyond June 2021.

We are now accepting 2021 membership applications, it was pleasing to hear over 30 members attended the membership webinar in November. Our membership secretary Unaisi Buli has indicated to the Board that we are receiving a good number of member applications already, so keep them coming so we can process them all hopefully before Christmas.

Our Executive Officer continues to represent FCAQ in consultation with FCA on the campaign against watering down responsible lending legislation. We continue to consult with QLD MPs and Senators and remind them all of the serious impacts if this legislation is passed.

The committee continues to work with our pro-bono legal advisers in developing a final draft for our Rules of Association that incorporates Charitable and DGR status. We thank you for your patience and hope to disseminate the final draft to members in early January. The committee and Executive Officer will set a strategic planning day early in 2021 to address the key objectives of our Association for the next three years.

FCAQ has developed training webinars for service workers in the Queensland Community Support Scheme (QCSS). QCSS providers have expressed positive feedback in attending the webinars in 2021. Jon continues to provide valuable support to mentors and interns. We are planning to hold working groups with participants in the program in late December 2020 and early January 2021.

On behalf of the FCAQ Committee and Staff we wish you all a very Merry Christmas, we ask all of you to have a safe and rewarding break and look forward to catching up with you all in the New Year.

Please enjoy the newsletter!



*Jan Perkins,  
President FCAQ*



# LEGAL AID UPDATE

WITH PAUL HOLMES & LORETTA KREET

## HOME LOANS AND REPOSSESSIONS

One of the most common questions we receive is from people with home loans who are experiencing hardship wanting to know how long it will take for the bank to evict them if they stop paying their loan.

Once COVID-19 hardship assistance ends many more borrowers may remain unable to pay their home loans.

This article aims to give a rough estimate of the minimum amount of time it takes to evict a borrower from their home if they fail to make their home loan repayments.

Please note this only applies to Queensland loans regulated by the National Consumer Credit Protection (NCCP) Act (2009).

A Queensland mortgagee or lender must go through these steps before they can sell a borrower's home for non-payment of a loan.

1. Borrowers must be served with a default notice that complies with the NCCP (if the loan is regulated) and the Property Law Act (QLD) 1974. The default notice is required to give a minimum of 30 days to rectify the default.
2. If the default is not rectified within the 30 days the mortgagee (lender) must bring an action for the recovery of possession by filing a Statement of Claim in the nearest court (District or Supreme) where the borrower lives or if uncertain where they lived when they took out the loan.
3. The claim must be served on (delivered to) the mortgagor (borrower), and this means they have 28 days to file a defence from the date it was served. Many borrowers think they have 28 days from the date the claim is filed in the court, but this is incorrect. Time runs from the date of service not from the date the claim is filed. The date of service will not be on the documents served on the borrower.
4. If no defence is filed, or dispute lodged with the Australian Financial Complaints Authority then the mortgagee can seek a default judgment. They do not need to give notice of this to the borrower



1. If the mortgagee/lender gets the judgment, it will serve a copy on the borrower and ask them to vacate the property. If within 7 days of the judgement vacant possession is not obtained, the mortgagee(lender) will need to go back to Court to get an enforcement warrant.
2. A court bailiff will serve the enforcement and they will also advise the borrower when they must leave the property (the date ordered by the court on the enforcement warrant).
3. If the borrower refuses to vacate the property by the advised date, then the bailiff will return with the police to evict the borrower, the locks will be changed, and the mortgagee/lender will have obtained vacant possession.
4. When this happens, the lender is responsible for storing any belongings on the property in storage, but the costs of this will be added to the loan. If the borrower wants to collect their goods, they can be asked to pay for the costs associated with storing them, including any packing and transporting. These costs can be many thousands of dollars.

From our experience, it's critical borrowers receive legal advice within the 28 day period after they have been served with a claim as their options shrink the further along the process they get.

LAQ has produced a webinar about this that should be published soon so please subscribe to our You Tube page and you will be notified when this is available.

## INTERNSHIP PROGRAM

Planning is underway to host Intern working groups for the months of December 2020 and January 2021. Our first working group will be held on the 10th December 2020 at the FCAQ Head Office. We have invited Cape York Partnerships and ICAN interns and mentors to attend the workshop and discuss how FCAQ can support the participants (interns and mentors) in the program. Pictured in the Photo is Conrad Dwyer (ICAN Mentor) and Jon O'Mally (FCAQ EO). Jon will soon be in discussion with Uniting Care Queensland and YFS to organise a working group meeting in Brisbane early next year.





# QCOSS UPDATE:

Queensland Council of Social Service (QCOSS) believes the state budget handed down on 1 December was a missed opportunity to build back better and make the substantial investments in public housing and community services that Queensland urgently needs. It is very disappointing to see no new commitment from the state government to build new public housing.



WITH AIMEE MCVEIGH

**This government was given a clear mandate to borrow significant amounts of money to recover from the COVID-19 crisis. Whatever we borrow now should leave a lasting legacy for all Queenslanders, create jobs and support a strong community sector.**

**The budget provides some support for Queenslanders' financial wellbeing by following through on the government's election commitment to help people access the No Interest Loan Scheme. This commitment will create jobs in the community sector – a sector which is made up of 80 per cent women – and help Queenslanders doing it tough.**

**With another budget due to be handed down in six months' time, we will continue to advocate for our sector and for all Queenslanders who are doing it tough. We will be calling on the government for a significant investment in public housing, funding for energy efficiency upgrades for low-income households and a Community Sector Resilience Fund so our organisations can respond to the need in their communities.**

## PROMOTING & SUPPORTING OUR SECTOR

FCAQ recently visited a group of students undertaking the Diploma in Financial Counselling.

The group had their first block training and introduction to the course at the ICAN offices in Cairns.

Seven fully paid scholarships have been made available as part of a new partnership agreement between Ergon Energy Retail (part of Energy Queensland), Powerlink Queensland and ICAN Learn.

Natasha Syed Ali (Trainer) from ICAN Learn thanked FCAQ for coming along to speak to the Ergon Powerlink scholarship recipients. Natasha stated, "It was extremely beneficial for them to learn about FCAQ as well as the pathway to employment as an FC and other considerations."

## MEMBERS PROFILE

### Member Name:

Kesaia, Bettina & Taylor

### Employment Organisation:

Shelter Housing Action Cairns (SHAC)

### Location of work:

Cairns

### Role:

The My Money Program is a one-of-a-kind program, providing wholistic support which tackles complex and interconnected issues of personal financial crises, poverty, and housing and homelessness often compounded by the reality of additional factors, including domestic and family violence, mental health, and other chronic health issues.



Through financial counselling, we provide support tailored to clients' needs within the context of case management. Families and individuals who are homeless or at risk of homelessness are supported to obtain/maintain/sustain a tenancy in the private rental market, community and/or public housing – 97% of our clients achieve sustainable housing outcomes upon completion of the My Money Program.

### Most memorable case:

One of our most memorable cases has been working with an Indigenous lady, a teacher for thirty years, but due to multiple and serious chronic health conditions, was no longer able to work. In the past eighteen months, the My Money Program has assisted our client to:

- avoid homelessness by advocating for her tenancy with the real estate, providing time for the client to address her rental arrears and sustain this tenancy;
- supported her to receive the correct entitlements from her Income Protection Insurance, and in time, successfully applied for and transitioned to receiving Disability Support Pension Centrelink payments; and
- supported her to successfully receive her superannuation lump sum, which has led to our client recently purchasing her own home!

### Where will you be in 10 years time:

We hope to see the success of the My Money Program here in Cairns replicated and expanded to various locations in QLD as a fully established and recurrently funded Program.

It is our greatest expectation that the My Money Program will further develop its' ability to provide specialised financial counselling and support to the most vulnerable (and resilient) people groups in our community to achieve their financial, housing, and other personal goals.







*Fiona Guthrie  
Financial Counselling Australia  
CEO*

## SYLVAN REVIEW

The big news in the past week was the response by the Government to the Sylvan Review.

Yes, it has been a long time coming – the Government received the independent review of the coordination and funding for financial counselling in March 2019, released the report in October 2019 and now, some 12 months later, has responded to each of the nine recommendations. They have accepted six recommendations in full and support "in principle" the other three. FCA's media release is [here](#).

One of the key recommendations was that funding for financial counselling should be increased by contributions from industry. The Government has supported this recommendation. The next step is likely to be that the Minister will put together some sort of consultative group or mechanism to progress implementation.

## SAVE SAFE LENDING

We continue to be heavily involved in the Safe Safe Lending campaign, aiming to stop the Government winding back our responsible lending laws.

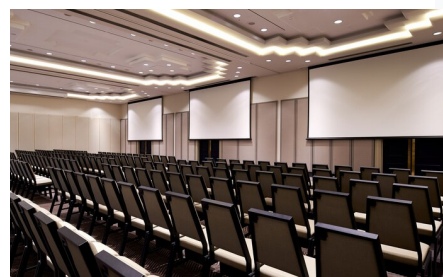
If you haven't signed the open letter yet, the link is [here](#). Lots of financial counsellors have signed and over 120 agencies, including many, many financial counselling agencies. The link to the campaign website is [here](#).

And please – if you haven't written to your local MP or Senator – please do so. (If you mention your agency, you will need their permission, but you can do this also in your personal capacity.)

As I write this, we are expecting the Government to introduce the bill to the Parliament either this week or next. There has been a lot of media about this. The most recent is a great opinion piece in The Age from Gerard Brody, the CEO of Consumer Action. You can find this [here](#).

## BUY NOW, PAY LATER

You might have seen ASIC's recent report into the Buy Now, Pay Later industry. It is well worth a [read](#). The headline finding is that one in five people are missing payments. Of this group, about 20% needed to cut back on essential items, including food. As financial counsellors know, BNPL is not regulated by the credit laws. BNPL debts range from a few hundred dollars to \$30,000.



## FCAQ ANNUAL STATE CONFERENCE 2021

FCAQ are thrilled to announce that the 2021 Annual State Conference will be held at:

**SHERATON MIRAGE RESORT, PORT DOUGLAS QLD  
MARCH 23RD, 24TH & 25TH 2021**

FCAQ will be finalising registrations shortly. Any information will be uploaded to the website [www.fcaq.com.au](http://www.fcaq.com.au) and will be distributed through our google groups. If you are having trouble accessing both the website or google groups please email [admin@fcaq.com](mailto:admin@fcaq.com) or call the head office on (07) 4051 1224.

## GOOD NEWS STORY

Welcome Hannah!  
This is Hannah Elizabeth O'Mally, Jon's new granddaughter. Hannah was born on the 30th of November 2020, Weighing 9.4 pounds!  
Congratulations to all the O'Mally family  
- what wonderful news.







CBA has announced 2 FC guides to help support their customers in Financial Hardship during COVID -19. Russell Hayman, Executive Manager of Financial Assist has provided FCAQ with the guides, they have been distributed through the google groups and uploaded to the FCAQ Toolkit - link

Russell announced CBA's freeze on forced sales until at least September 2021, relaxed requirements for docs < 6months hardship requests and a reminder that we're able consider offers to settle from clients for unsecured debts.

## A SHORT INTERVIEW WITH ED & MARIE

Greetings from the team at ANZ, we wanted to check in with Financial Counsellors, Community Solicitors and Financial Capability workers and provide an update during a year that stretched us out of our comfort zone.

### How has ANZ been assisting our customers during the COVID19 pandemic?

The COVID-19 pandemic impacted all sectors of our communities, with ANZ receiving an unprecedented number of applications since March of this year. Faced with these unprecedented volumes, we moved quickly to retrain and redeploy staff from across the bank to help respond to customers seeking support due to the impacts of COVID-19. As well as recruiting into our newly expanded Hardship team, we have continued to review and improve our processes to better assist our customers when they need us most.

We are committed to supporting our customers through the COVID-19 pandemic and the ensuing recovery period. Many of our retail, small business and commercial customers have faced significant loss and uncertainty since the pandemic began. We have been able to support these customers, including through the provision of loan payment deferrals.

### So how are we planning to support customers as they come to the end of their COVID19 assistance package?

In September we announced [ANZ's COVID-19 Customer Support Statement of Intent](#); a comprehensive set of principles by which we will support customers throughout the COVID-19 pandemic and beyond.

Fortunately, most customers who were on COVID assistance have told us that they expect to be able to resume their regular repayments at the end of the assistance period.

We have already commenced working with those customers who say they may need additional temporary assistance, including assessing whether they may be able to resume repayments if their lending is restructured, or whether they may be eligible for a further four-month loan repayment deferral.

We are also focusing on identifying those customers that may be in longer term financial difficulty. These customers are given individualised support by our specialist Hardship team to find longer term solutions; as well as referred to Financial Counsellors and other community support services where appropriate.

### What else are we doing to support the community?

This year ANZ donated \$500,000 to the [Financial Counselling Foundation](#). The donation will be used to fund specialist domestic and family violence financial counsellors, and to support the wellbeing of financial counsellors.

**Saver Plus!** To further assist people on low incomes reach their savings goals, ANZ continues to support the Saver plus program and you don't have to be an ANZ customer! [Please take a look at this short video](#)

### CASSIE'S STORY SAVER PLUS STORY

Cassie, a single mother of five used her savings and matched savings to purchase a laptop to enable her children's remote schooling. *"If it had not been for Saver Plus, my kids would have gone months without school. We had to drop back to isolating at home because I have an auto immune disease and my youngest is asthmatic, so we had to stop going to school about three and half weeks before schools closed...Because I had the money and skills from Saver Plus, I could maintain our living standard and not let the kids realise there was anything really going on. I purchased two laptops and one tablet and still had \$200 left for food."* You can read more about how ANZ supports the community in [ANZ's Environmental, Social and Governance \(ESG\) Supplement](#) pages 21 and 22.

Lastly, we wish you a very happy Christmas with family and friends from everyone at ANZ. May we all have a happier healthier and normal social 2021! Looking forward to seeing you all in person at the Qld Financial Counselling conference in 2021 where we can start being normal again!

Lots of virtual hugs

Marie and Ed

