

FINANCIAL COUNSELLORS ASSOCIATION OF QLD | NEWSLETTER

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FCAQ UPDATE:

Well, the end of 2020 is done and dusted and we look forward to 2021. I hope everyone had a great Christmas break and received the necessary ingredients to be refreshed for the New Year. Another busy month for FCAQ as we continue our work on QCSS Service Delivery with a number of virtual workshops planned for the months of February and March. Our Internship program will kick off the New Year with Jon planning a visit to Brisbane in the coming weeks to meet with interns and mentors.



*Jan Perkins,
President FCAQ*

We will continue to engage with participating agencies and interns. Our aim is to deliver mentor training at our annual conference in March. Speaking of the conference, the committee is super excited with the upcoming event, with many interesting professional development activities, great speakers, prizes, awards and not to mention the wonderful and relaxing location. FCAQ encourages all our members to complete their conference registrations and accommodation requirements. Please visit the conference website to register for the conference and book your accommodation. Book now to secure "early bird" rates as this is only available for a limited time. If members are having difficulties in attending the conference due to financial restraints please contact Jon, jon.omally@fcaq.com.au to discuss FCAQ's sponsorship for members.

FCAQ would like to thank our members that have submitted their 2021 membership applications. Our admin team are in the process of distributing invoices in the coming days. Once payments are received, we will promptly distribute membership certificates and submit our membership registry to FCA. For members who have not completed their memberships, I encourage you to do so. Jon will be following up with a courtesy call to members that have not re-registered.

Finally, I would like to take the opportunity to encourage members to access our website and read our google group notices. In the coming weeks we will be distributing critical information about our governance progress, continued conference updates and membership news.

Keep safe everyone and enjoy the read!

Jan Perkins

LEGAL AID UPDATE

WITH PAUL HOLMES & LORETTA KREET

The following article was co-written by lawyers/consumer advocates Alex Nielson and Loretta Kreet from the Civil Justice Services team, Legal Aid Queensland.

Motor vehicles and consumer guarantees

We regularly talk to clients who discover costly mechanical issues after buying a car from a dealership. This article discusses some aspects of how the guarantee of acceptable quality in the Australian Consumer Law (ACL) might apply to both new and used motor dealer sales. There are other consumer protections in the Motor Dealer and Chattel Auctioneers Act 2014 (Qld) regulating motor dealers, including statutory warranties and cooling-off periods for used cars. These are outside the scope of this article, but we hope to discuss them in next month's edition of the newsletter.

Guarantee of acceptable quality

If you buy a car from a dealership, there is a guarantee that it will be of acceptable quality. This does not apply to private sales or auctions. 'Acceptable quality' includes consideration of whether the goods are fit for purpose, acceptable in appearance and finish, free from defects, safe, and durable such that a reasonable consumer, fully acquainted with any defects, would regard them as acceptable. The standard of 'acceptable quality' varies depending on relevant factors including the purchase price and nature of the goods. For example, a higher standard is expected for a car that costs \$15,000 than one that costs \$5000. The other relevant factors for motor vehicles are typically the vehicle's age and odometer reading. A vehicle defect will not be a breach of the guarantee if:

- It is disclosed prior to the sale
- The vehicle is displayed accompanied by a sign disclosing the defect
- It was caused by abnormal use or failure to maintain the vehicle after the sale
- The buyer inspected the vehicle before buying and the defect should have been reasonably apparent.



Remedies

Depending on the seriousness of the defect, remedies range from a refund, compensation for reduction in value, to an entitlement to have the vehicle repaired by the dealer.

Some points to note:

- If consumers discover a defect serious enough to warrant a refund but delay in asking for one, they can be limited to recovering compensation.
- If the defect is not serious enough, consumers are required to give the dealership an opportunity to fix it.
- There may also be options to assist with related credit contracts under the ACL and the National Credit Code.

If the dealership disagrees, consumers can file a claim in the Queensland Civil and Administrative Tribunal for a motor vehicle dispute valued up to \$100,000.

Remedies

Having an independent mechanic inspect the vehicle prior to purchase is good advice but can be unhelpful after the fact. The consumer guarantees are one protection that will apply in most situations (except for private sales) and can be useful if clients act promptly.

To prove a breach, consumers need to show the defect likely existed at the time of purchase. Ideally, this is done with an independent mechanical inspection. Failing this, demonstrating a consistent history of complaints to the dealership may also be useful. Unfortunately, many people do not document this.

If you have more questions about this topic, please feel free to contact us. You can also refer your clients to 1300 65 11 88 for legal information and advice.

QCOSS UPDATE: WITH AIMEE MCVEIGH

Alongside ACOSS, QCOSS is launching a new campaign this month as part of our push to Raise the Rate for Good.

The Government's latest cut to the Coronavirus Supplement saw JobSeeker payments drop to \$50 a day and the Government has not ruled out sending people back to \$40 per day on 31 March.

The community mobilising campaign will help us connect with community organisations in Government electorates that have a large number of people on JobSeeker, or have experienced a significant increase in the number of people receiving JobSeeker payments.



QCOSS is looking to connect with community organisations and financial counsellors in the federal electorates of Leichhardt (Cairns) and Longman (Caboorture) who can help support local people on JobSeeker to engage with their local members of Parliament.

If you're interested in getting involved and would like more details, please contact us at campaign@qcross.org.au.

INTERNSHIP UPDATE:

WITH JON O'MALLY, FCAQ Executive Officer

Before Christmas I had the pleasure of meeting up with Cape York Partnership (CYP) interns and mentors. It was great to hear the wonderful work that the team is doing in Cape York, especially their work with stolen wages clients.

I look forward to receiving updates of their work and have assured the team of our continued support under the National Internship Program.



Pictured left to right: Maddison Reys, Willy Smith, Alicia Nas and Jon O'Mally

THE UPSKILLING PROGRAM

Congratulations to Shelter Housing Action Cairns (SHAC) on their successful application for the Upskilling Program. FCAQ's role in the Upskilling Program will be the responsibility of providing support training and information to mentors as 'required'.

Another role will be coordinating networks for students and mentors, similar to that of the Internship Program.



Pictured left to right: Kesaia Vunibokoi, Bettina Doolah & Taylor Kelly.

MEMBERS PROFILE

Member Name:

Unaisi Buli

Employment Organisation:

ICAN - Indigenous Consumer Assistance Network Ltd

Location of work:

Cairns and outreach to Yarrabah every Wednesday & Thursday.

Years of Membership:

10 years.

Role: Financial Counsellor - The usual role, as everyone in the sector would be aware of. Advocacy, credit & debt issues, responsible lending and consumer complaints. I've always valued in being a voice for vulnerable consumers. I really enjoy my job and assisting our community through on the ground support with their financial matters, providing informative options and cross referrals to agencies that can assist more.

Most memorable case:

Every case that has resulted in a win or where the client has gotten some relief, "is a successful case." Having someone to just "listen" can be a blessing. But the case that comes to mind, was one where a client was referred by a social worker at the Mareeba Hospital. An 80-year-old elderly gentleman, who had been hospitalised for over 7 weeks, was declining in health and still awaiting a permanent placement in an aged care home.

I have never met my client, as I have only ever spoken to him over the phone. The elderly gentleman had a large credit card debt, which he didn't have the capacity to pay back. He was receiving the aged pension, had no assets and my client was quite stressed at the time due to the debt hanging over his head. The social worker was a hero and provided helpful assistance, by obtaining all the necessary documentation that was needed to support my client.

I was able to negotiate with the bank and they waived the debt under compassionate grounds. Unfortunately, when I had forwarded the good news onto the social worker to let my client know, he had passed away. Something tells me though, "that he knows."

Interests outside of work:

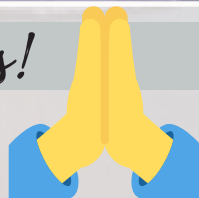
I have the one beautiful daughter, Tahanee, who I spend majority of my time with outside of work, as she is my "best friend". We are usually watching a DVD, especially on those rainy days. I also enjoy CrossFit, thanks to my niece Gebro, who has been saying to join for a while. So, finally in 2019, I signed up. Now addicted, I've signed up to two gyms, "CrossFit North 16145" is every Monday, Wednesday & Fridays at 5am, and "CrossFit "KanTok" every Tuesday & Thursday's at 5:15am; and Tahanee has just signed up with "KanTok" as well, so she comes with. I'm feeling exhausted already!



Thank You to Our Sponsors!

FCAQ members would like to say a special thank you to all our 2020 sponsors.

With your sponsorship FCAQ continues to be the leading support for our financial counsellors and capability workers in Queensland.



Commonwealth Bank

Transurban



HAPPY NEW YEAR EVERYONE.

First some reflections. I always find the Christmas – New Year period a time to look back, take stock and to think about the 12 months coming up. Stating the obvious, it was quite a year. But for us as a financial counselling sector, I think one day we'll look back and point to it as the year when things shifted. It may not be quite the right analogy, but it is a bit like a "coming of age" (even though financial counselling has been around for over 40 years)!



Fiona Guthrie
Financial Counselling Australia
CEO

What I mean by that is that the ongoing existential threats about funding are fast disappearing - we're now so much better known and so well entrenched in the service delivery system. More people in the State and Federal Governments know what financial counsellors do and the Federal Government is looking at how to increase funding through industry contributions. That would have been unthinkable just a few years ago. It's a huge achievement.

There are still so many problems however in the financial services marketplace. The Government wanting to roll back responsible laws is the immediate one. The legislation is being considered by a Senate Committee at the moment. The next few months of 2021 and going to mean a lot of hard work on the campaign to stop these changes going through. And we've got Buy Now, Pay Later taking off and soon you'll see what they call "Earned Wage Access" products in your casework. These are products that allow people to access a portion of their salary, part way through the cycle - but they charge "fees" not interest and so are not regulated by the credit act.

Second, on to more practical things. A New Year always brings changes in regulation. Its good to know that debt agreement administrators now have to be members of AFCA. And that the Government has increased the creditor's petition limit for bankruptcy to \$10,000 (its not high enough, but better than \$5K). For those of you seeing a lot of small business clients, there is a new debt restructuring process available for companies with liabilities of less than \$1 million (you can also talk to the Small Business Debt Helpline if you need help with a small business client).

And finally, don't forget to check the covid19fc.org.au website. We're keeping that up to date with changes, for example, adding some information soon about quarantine debts (a new one that has been popping up its head), updating it for changes to JobSeeker, bankruptcy etc.

FCAQ ANNUAL STATE CONFERENCE 2021

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

JUST A REMINDER: REGISTRATIONS FOR THE FCAQ ANNUAL STATE CONFERENCE 2021 AT THE SHERATON MIRAGE IN PORT DOUGLAS ARE NOW OPEN!

[REGISTER HERE](#)

EARLY BIRD ACCOMMODATION

All updates will be uploaded to the conference website:
www.fcaqconference2021.com 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 or call the head office on (07) 4051 1224.

