

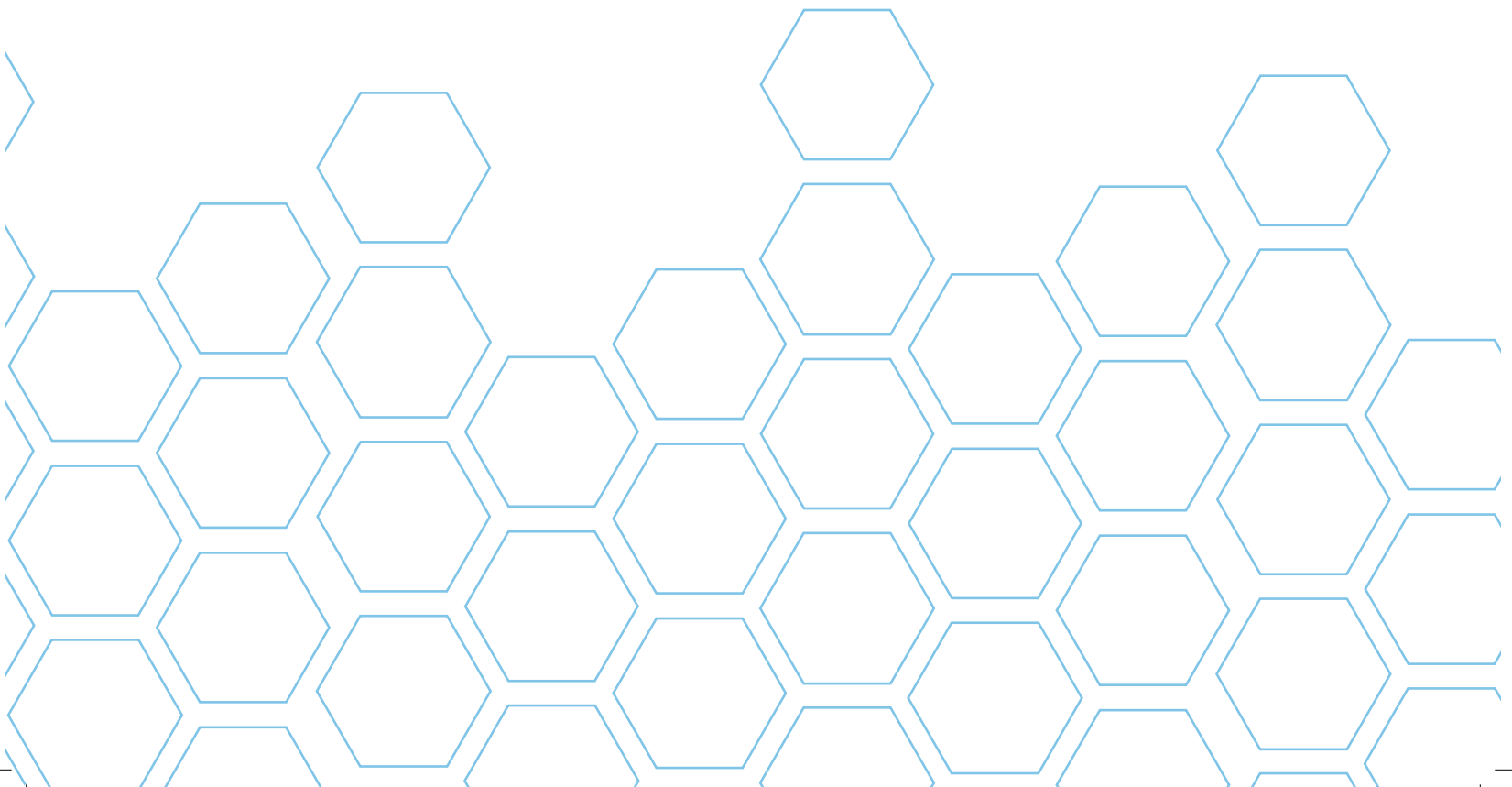


# cclswa

Consumer Credit Legal Service WA

*Working for your financial and consumer rights*

## Annual Report **2021-2022**



## Acknowledgement of Country

CCLSWA acknowledge the traditional custodians of the land where our office is based, the Whadjuk people of the Nyoongar nation and traditional owners of country throughout Western Australia where we work. We pay our respects to their Elders past and present, to their continuing culture and the contribution they make to the life of our state. Sovereignty has never been ceded. It always was and always will be, Aboriginal land.

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## Table of Contents

- 4** About CCLSWA
- 5** Chairperson's Report
- 6** Mary's Story
- 7** General Manager's Report
- 8** Sam's Story
- 9** Principal Solicitor's Report
- 10** Tiana's Story
- 11** Community Legal Education Report
- 12** CCLSWA Snapshot 2021-2022
- 14** Out in the Regions
- 15** Financial Summary



## About CCLSWA

CCLSWA champions the financial rights of Western Australians on credit, debt and consumer law issues.



We ensure people in Western Australia are treated fairly in the financial marketplace by providing free, confidential legal advice through our Telephone Advice Line on (08) 9221 7066, open Monday to Friday, 9am-4pm.



We provide legal representation to people experiencing vulnerability and disadvantage so that they can access justice.



Our community legal education programs empower Western Australians experiencing vulnerability and disadvantage to understand their rights and avoid financial pitfalls.



We help other service providers, including financial counsellors and community support workers, to understand and support their clients' financial rights.



We are a voice for change so that financial systems and consumer laws are improved for all.

### Board

**Chairperson:** Laurence Coleman (until May 2022)  
Edward Souti (from June 2022)

**Vice Chairperson:** Edward Souti (until May 2022)

**Treasurer:** Tim Benson

**Secretary:** Melanie Callow

**Members:** Gillian Anderson, Leanne Bérard, Zoe Bush (until March 2022), Donna Croker

### Staff

**Principal Solicitor:** Roberta Grealish

**General Manager:** Carol Child (until Feb 2021) Bev Jowle (from April 2022)

**Senior Solicitor:** Georgina Molloy (until September 2021) Rowan Kelly (from October 2021)

**Solicitors:** Nadia-Rose Agnello, Colm Divilly (from November 2021), Lisa Kastropil, David Ryan, Georgia Turco

**Education and Communications Manager:** Allison Sampson (until March 2022) Anne Wayne (from March 2022)

**Paralegal Officer:** Colm Divilly (until October 2021) Rita Pereira (from October 2021)

**Administration Officer:** Rita Pereira (until September 2021) James Sackville (from September 2021)



## Chairperson's Report

As the Chairperson of the Consumer Credit Legal Service (WA) Inc. (CCLSWA) Board, I am very pleased to present the organisation's 2021-22 Annual Report. This past year was one of the organisation's most challenging yet, with turnover in both staff and Board positions, and an increasingly uncertain and complex legal and policy landscape at a state and federal level. Notwithstanding these challenges, CCLSWA has gone from strength to strength, bolstered by a dynamic and resilient team of lawyers, staff and volunteers, and our dedicated leaders.

Like the previous year, the COVID-19 pandemic again represented a significant disruption for our staff, how we work, and our ability to remain a consistent and accessible source of legal advice for all Western Australians. The health and wellbeing of our staff and volunteers have remained our highest priority through the pandemic. It is a testament to CCLSWA's leadership, preparation, and agility that the organisation has not only survived, but thrived in the face of these disruptions.

For the Board, 2021-22 was a year of considerable change. After nearly two and half years in the Chair role, Laurence Coleman resigned from the Board due to a change in his professional obligations. Laurence was an exemplary leader for the Board and the organisation. He brought his calm and considered approach to the Chair role and prioritised a consultative approach to issue resolution and decision-making. I sincerely thank Laurence for this service to the organisation and wish him well.

The Board was pleased to welcome two new members during the year – Leanne Bérard and Donna Croker - who each bring several years of collective experience across the financial counselling and legal sectors. I thank all Board members for their commitment and dedication throughout the year.



During 2021-22 we completed the first full year of the new dual leadership model for CCLSWA, with a joint leadership team of a Principal Solicitor and General Manager reporting directly to the Board. We have seen Roberta Grealish, our Principal Solicitor, go from strength to strength as a fierce advocate for consumer fairness and reform at a state and federal level. Roberta has represented CCLSWA – and in many cases, the State of WA – across several advisory forums where she advocates for fair protections for all consumers. Roberta has continued to be a warm, genuine, and conscientious leader, and an immense source of stability for the organisation.

Regrettably, Carol Child, who was appointed as General Manager in June 2021 resigned after a shorter than hoped for time with the organisation. Fortunately, after a competitive search process, CCLSWA was pleased to appoint Bev Jowle as General Manager in April 2022. Bev has been a pillar of the non-profit community in WA for several years, having previously led the Financial Counsellors' Association of Western Australia. Bev is one of WA's fiercest advocates for consumer fairness and the alleviation of poverty and disadvantage. We are privileged to have Bev join Roberta in leading our organisation and are optimistic about our future because of them both.

Lastly, I want to recognise the contributions of all CCLSWA's staff and volunteers. Without each of them, the organisation would not be able to do its essential work. On behalf of the Board, thank you.

**Edward Souti**

Chairperson



# Mary's Story



Mary, a migrant, mother of four children and a victim-survivor of family and domestic violence, rang CCLSWA's Telephone Advice Line for help dealing with a default notice that she had received from a debt collector. As we see so often, the underlying issues which led to the default were very complex.

Years ago, Mary took out a home loan with her ex-partner. However, he was abusive, and they separated after Mary obtained an apprehended violence order to remove him from the family home.

Mary's ex-partner left Australia and stopped contributing to the home loan payments. She was left to struggle with the repayments on her single income. Eventually, after speaking with a financial counsellor and the local community legal centre, Mary decided to surrender the property to the bank and move to a new town for a fresh start.

When the bank sold the property, Mary was left with a shortfall debt of \$140 000. The bank was covered for the shortfall by Lenders Mortgage Insurance, but the insurance company pursued the shortfall debt from Mary, assigning it to a debt collection agency. Mary could not keep up with repayments because she was also providing for her children, paying rent and servicing a loan for a car that she needed for work.

The debt collection agency began contacting Mary by phone. They also telephoned her boyfriend and another close friend about the debt. Finally, they sent her a default notice. At this crisis point she contacted CCLSWA.

Most people who call CCLSWA's Telephone Advice Line will use our free legal advice to support their self-advocacy. However, we carefully monitor the situation of callers and when we notice that a caller experiences disadvantage and marginalisation, we prioritise them for our case work. Mary's history of domestic violence, the barriers she experiences as a migrant and her financial disadvantage meant that we advocated on her behalf.

We contacted Mary's debt collector, a company we had had previous dealings with. We asked them to confirm that they were assigned with the debt, to provide us with the relevant documents, to hold off further enforcement and to only contact us as Mary's representatives about the matter. They returned limited

documents, and we pursued them for further information. Finally, the debt collector told us they would waive the full debt and that no default would be listed on her credit file.

Without our assistance Mary would have attempted to pay the debt off without disputing it. The quick move to waive the debt also meant Mary's experience of family and domestic violence did not need to be disclosed and resulted in a more trauma-informed outcome for her.

This was a positive result for Mary. She no longer has this substantial debt weighing her down and reminding her of past trauma and she was very happy with our assistance.



## General Manager's Report



I joined the team at CCLSWA in April this year and I would like to start by acknowledging the work of my predecessor, Carol Child. Carol was in the role for much of the year and it has been my privilege to build upon the work of both Carol and Roberta, our Principal Solicitor, in recent months.

Since coming on board, I have been amazed by the commitment of our team. The lawyers demonstrate such determination in their case work which has resulted in some astounding outcomes for our clients.

As the world of finance, financial products and consumer issues becomes more complex, our team continues to keep up to date to be able to respond to new and emerging issues. CCLSWA's advocacy work, at both client and systemic level, has led to significant reforms that particularly impact on people who are financially vulnerable.

I would also like to commend our cohort of volunteers, including secondees, who are often provided to us by private practice on a pro bono basis. Volunteers are the backbone of the Telephone Advice Line we provide. Without this support we couldn't offer the breadth of services we do.

The landscape for community legal centres in WA is changing quickly with the primary source of funding for the sector now provided by the Department of Justice. The Department is focussed on a reform agenda and to this end they have held a number of meetings with the sector, with the peak body, Community Legal WA, and with individual services.

As part of these discussions the sector is being asked to look at opportunities to work more collaboratively and to partner or merge with other services. In response, CCLSWA has been exploring several potential opportunities in recent months and we have been taking a closer look at our operating model to see if it is still fit for purpose. This has been a good chance to engage with our clients, key stakeholders, staff and volunteers to ensure we are meeting the needs of Western Australians.

CCLSWA is committed to being the lead voice on consumer and financial rights in WA, both at an individual service level and at a systemic level. We have been heartened by the new federal government's recent announcements about introducing regulations to small amount credit contracts (SACC) and buy now pay later products. CCLSWA has been a strong advocate, over many years, to introduce regulations on these products and it's great to see this level of reform finally come to fruition.

Over the next 12 months, we are hoping to move to more suitable premises, launch a new and improved website and refresh the organisation's branding. This will hold us in good stead for the next three years. We also anticipate an increase in demand for our services over the next 12 months due to increasing interest rates resulting in mortgage stress, and the rising cost of living.

I would like to take this opportunity to thank all our supporters in the last 12 months - pro bono firms, Consumer Protection, our interstate colleagues and the financial counselling sector. Finally, thank you to the Board members for their support in the short time I have been in the role. I offer a huge thanks to Roberta who has been a great mentor for me in the work of CCLSWA and thank you to all the staff and volunteers for your passion and commitment to this work.

**Bev Jowle**

General Manager







# Sam's Story

Sam's mother recommended that he call CCLSWA's Telephone Advice Line because we had previously represented her, achieving significant debt waivers. Sam is in his early 20's, works casually and lives at home. He was struggling with debts incurred in his late teens, many of which had been sent to debt collectors. Due to Sam's age and financial disadvantage, we prioritised him for case work and began to advocate on his behalf.

Sam initially applied for a personal loan to buy a small second-hand car from a private seller. A few days later he checked out other options at a car dealership. They pressured him to sign paperwork, which Sam believed was an expression of interest. However, it was a binding contract to buy a \$20 000 car, more than double his budget.

The car dealership informed Sam that he had to follow through with the contract and arranged the \$20 000 loan through their in-house broker. Shortly afterwards Sam was approved for the personal loan he had applied for. He also entered into a credit card contract and started a new phone plan.

When Sam contacted us for advice the car had already been repossessed and sold, leaving Sam with a shortfall debt of \$14 000. A debt collector was pursuing Sam for the personal loan of \$7 500 plus interest, fees, and charges of over \$16 000. Another debt collector had purchased Sam's credit card debt of \$1 200 and his telco debt of over \$3 000.

Extensive review of the documents made it clear that Sam's multiple credit products were established by the lenders in breach of responsible lending laws. CCLSWA lodged complaints on Sam's behalf with the Australian Financial Complaints Authority and the internal dispute resolution departments of the lending companies.

We achieved the following fantastic outcomes for Sam:

- The car loan debt of \$14 000 was waived in full because Sam's account was subject to a remediation program agreed between the lender and ASIC in relation to the lender's breach of responsible lending laws
- Sam received compensation of \$6 000 from the car dealership, to settle his claim under the Australian Consumer Law about their 'misleading or deceptive conduct' and 'unconscionable conduct' when they sold him the car, and the breach of responsible lending laws by their in-house broker

- The personal loan debt of \$16 000 was waived in full after we complained to the debt collector that the original lender breached responsible lending laws
- \$324 of the credit card debt was waived, consistent with a responsible lending outcome, and the debt collector agreed to a payment moratorium while Sam works to improve his financial position
- Negotiations for the telco debt resulted in partial waiver to the value of over \$1 300 and a 6-month moratorium while Sam works to improve his financial position
- The debt collector also agreed to remove default listings from Sam's credit file

Sam is very happy with CCLSWA's representation and the results we achieved of \$32 000 of debt waived, an additional \$6 000 compensation paid to Sam and negative credit listings removed from his credit file. Our work ensured that poor lending decisions when Sam was younger will not sabotage his attempts to find stable employment and financial independence in later life. Sam feels he can now move forward with his life.





## Principal Solicitor's Report



The rollercoaster ride I described in our 2020/21 annual report did not slow down this year. CCLSWA continued to navigate the challenges presented by new funders, staff turnover and the COVID-19 pandemic. As always, I am extremely proud of our solicitor's responses and their continued resilience, rising to every challenge with the focus always on best client outcomes. Despite the challenges we continued to provide advice and advocacy, delivering a 15% increase in services on last year.

I am extremely grateful to Carol Child for steering this ship with me through to March 2021. Her wealth of experience in the CLC sector set us on a good course for the remainder of the year. I was also very happy to welcome Bev Jowle to the helm in April. Bev previously served as Vice Chair of the CCLSWA Board so came to us with a level of familiarity, ready to hit the ground running.

With a focus on working collaboratively, we have actively improved warm referral pathways with other CLC's and financial counsellors this year. Mindful of the synergies between our work and that of financial counsellors, we continue to provide training and support to financial counsellors, and I have joined the board of their peak body, FCAWA to nurture and strengthen our relationship.

The federal election meant that this year was also a pivotal time for law reform. We continue to engage regularly with regulators and industry to provide a voice for WA consumers on emerging issues evident through our free Telephone Advice Line. This year I was also invited to join the Law Council of Australia's Consumer Law Committee and jumped at the opportunity to bring a WA perspective to the Committee that provides a forum to canvass issues at a national level. The Committee this year maintained a particular focus on scams.

CCLSWA continues to provide advice and representation to victims of increasingly sophisticated scams. We have also rolled out targeted community legal education on scams to vulnerable priority client groups, including

migrants and the elderly. While we have had varying levels of success recovering funds lost to scammers, our advocacy has highlighted serious shortcomings in consumer protections and our client's case studies inform our call for the financial sector to step up the fight against scams.

We maintain great concern also about the harms we observe through our Telephone Advice Line stemming from unregulated credit products, including buy now pay later (BNPL) products. We would particularly like to see the current loopholes that allow unregulated credit to operate removed from the National Consumer Credit Protection Act 2009 (Act) and the National Credit Code (Code). This would automatically bring BNPL products within the credit laws and provide the much-needed consumer protections that the Act and the Code were designed to provide. Scams and Unregulated Credit/BNPL will remain strategic priorities for CCLSWA next year.

I am pleased to be able to hail the success of the #SaveSafeLending campaign at the close of the 2021/22 financial year. The campaign began in response to government plans to roll back responsible lending laws. CCLSWA joined a collation of consumer organisations in a national strategy aimed at explaining the practical value of these laws. It was my privilege to attend the ACCC National Consumer Congress and present this campaign as part of the Consumer Advocacy Showcase. It was an even bigger privilege to accept the Consumer Federation of Australia's award on behalf of the collation.

As we brace ourselves now for the impact of interest rate rises and cost of living pressures, CCLSWA's specialist solicitors stand ready to assist vulnerable West Australians with the inevitable mortgage stress and financial hardship that we believe will follow.

### Roberta Grealish

Principal Solicitor

# Tiana's Story



Tiana, a mother of a teenager and a victim-survivor of family and domestic violence, contacted CCLSWA for help to remove a default notice on her credit file. This simple request masked a very complex situation. We not only untangled it for Tiana but also used what we learnt to advocate for better outcomes for other consumers.

Tiana's daughter needed orthodontic work and she took up the option offered by the orthodontist to pay for the work using a buy now pay later (BNPL) product from an external provider. Almost a year later Tiana relocated to escape her abusive ex-partner. As a result, her daughter was not able to complete the orthodontist treatment.

Tiana contacted the orthodontist practice to let them know of her change in circumstances. They agreed to an alternative repayment plan for less than half the original fee. This fee covered the partial treatment her daughter had received.

This agreement was either not communicated to the BNPL provider or not processed by them. They engaged lawyers and a debt collector to pursue Tiana for the full amount of the original agreement despite her efforts to negotiate with both the BNPL provider and the debt collector. The debt collector also listed a default on Tiana's credit file, at which point she called CCLSWA.

Our careful research showed that the BNPL provider was part of a complicated corporate structure, and it would have been very difficult for a layperson to work out how and where to make a successful complaint. The BNPL provider's website also incorrectly claimed that a particular entity in their business held an Australian Financial Services Licence and that complaints could be escalated to the Australian Financial Complaints Authority (AFCA). These references were removed from the website after CCLSWA became involved in the case.

CCLSWA's legal expertise meant that we were able to identify the correct complaint mechanism and we achieved a favourable outcome for Tiana which reduced her debt to the lower fee agreed by the orthodontist for the partial treatment her daughter received. This was what Tiana had been asking of the BNPL provider and the debt collector since the beginning and she was thankful for CCLSWA's work negotiating on her behalf.

As well as providing direct assistance to Tiana, we also used the knowledge gained from her case to raise the issue with AFCA. By making AFCA aware of the connections between the various entities of the BNPL provider they may more effectively monitor systemic issues with the company. In addition, we shared the information about the BNPL provider with our network including regulators, other consumer advocates and financial counsellors. This means they will have the knowledge required to successfully escalate future complaints about this BNPL provider.

# Community Legal Education Report

## Our Activities

The CCLSWA team worked extremely hard this year to increase awareness about our work and to educate Western Australians about their financial and consumer rights.

63

**community legal education activities** provided on topics ranging from lemon cars to financial abuse.

## CLE Target Group



CCLSWA helps financial counsellors, staff at other community legal centres and community support workers, to understand and support their clients' financial rights. In 2021 slightly more than half of our community legal education activities were delivered to other service providers. This collaborative work extends our reach in the community.

## Our Resources

24

**new CLE resources** developed for use in our work

This includes animated videos for social media, Kahoot! quizzes for school seminars, slideshows for conference presentations and participatory games for active learning workshops.

Monthly

distribution of 'The Shield' newsletter

CCLSWA's newsletter is read by a wide cross section of the community including politicians, financial counsellors and advocates as well as members of the public who sign up for the newsletter on our website. This year we highlighted our law reform activities and our success in bringing client cases to the attention of the regulators so that financial systems can be improved.

## CCLSWA SNAPSHOT 2021-2022

## Supporting Individuals

3364

**services provided** directly to Western Australians assisting them to achieve their financial and consumer rights

633

Telephone  
legal advice

2621

Telephone  
referrals

96

Cases  
opened

14

Continuing  
cases opened  
prior to 21-22

## Top Ten Issues



Western Australians  
sought help with

34

**different types of financial  
and consumer issues**

Increased requests  
for help with

3

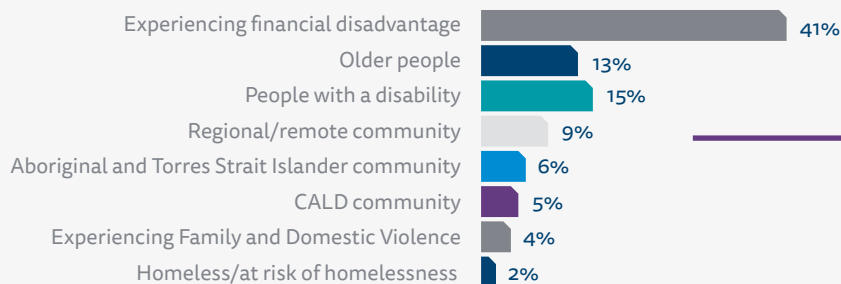
**emerging problems**

Scams

Buy now  
pay later  
products

Consumer  
lease issues

## % of Total Client Numbers



Priority

given to people  
experiencing  
**vulnerability and  
disadvantage**

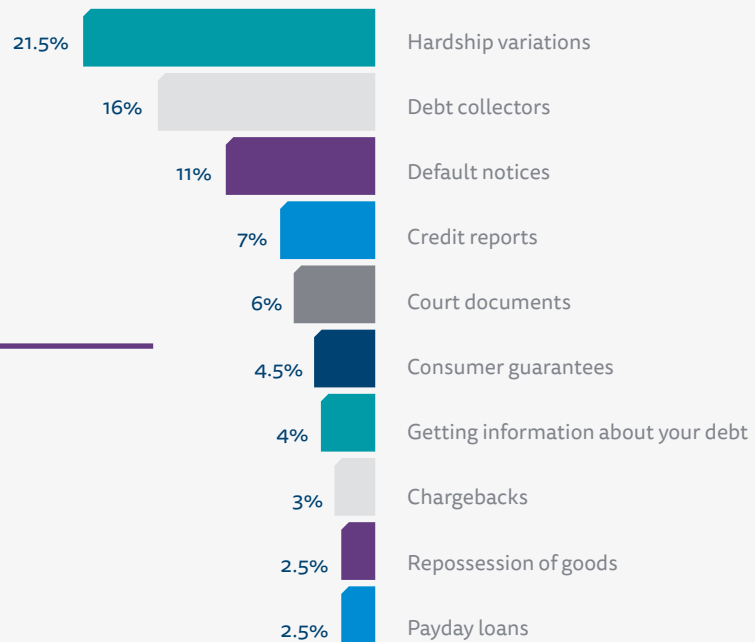
## CCLSWA SNAPSHOT 2021-2022

### Empowering the Community

7255

**factsheets, step by step guides and template letters downloaded** from our website equipping Western Australians with the knowledge to solve their financial and consumer problems

#### Top Ten Topics



### Advocating and Collaborating for Change

46

**law reform activities** advocating for fairer financial systems and consumer laws for all

This includes CCLSWA submissions and joint submissions with other consumer advocacy organisations including Consumer Action Law Centre, Financial Rights Legal Centre, CHOICE, Consumers' Federation of Australia, Financial Counselling Australia and Financial Counsellors' Association of Western Australia.

167

**stakeholder engagements** collaborating to improve financial and consumer law outcomes for all Western Australians

52

**legal information services provided to other advocates** to enable them to support their client's financial and consumer rights



## Out in the Regions

CCLSWA solicitors David Ryan and Lisa Kastropil travelled to Port Hedland and Karratha from November 29th to December 1st, 2021, to learn about the Pilbara region and how CCLSWA can provide better services to the community. While in Port Hedland, we collaborated with Street Law Centre who regularly visit the region to provide on-the-ground legal assistance. As well as learning more about the region, we also presented the Family and Domestic Violence (FDV) Legal Health Check to our fellow advocates.

During our relatively short visit, we spent time with:

An advocate at the Well Women's Centre, where we learned about housing, consumer lease, and finance issues affecting FDV victim-survivors.

Local Aboriginal women at the South Hedland Women's Refuge.

Staff at Bloodwood Tree, who help Aboriginal clients affected by homelessness, alcohol and other drug (AOD) use, unemployment or other social issues.

Kelly Cook, the Pilbara Community Legal Services Tenant Advocate, who told us about fake rental scams, consumer leases, and other vehicle issues that are a problem in the regions.

Staff and clients at the Wapa Maya (Safe Place) centre, run by Bloodwood Tree, which provides breakfast, showers, and other services for people with AOD challenges.

Locals at the Port Hedland Library, where we played CCLSWA Bingo focussing on key financial and consumer law issues.

Clontarf students at Hedland Senior High School, where we talked about pressure selling, Buy Now Pay Later (BNPL), saving, keeping bank account details secure, and what to do when you buy something that doesn't work.

Staff at the local office of Stephen Dawson MLC, who shared information about local housing issues.

The whole Pilbara community, as we joined Kelly Gudgeon's ABC Pilbara Breakfast program to talk about the important work CCLSWA do, and how Western Australians can protect themselves from scams, BNPL problems and debt during the Christmas period.

Consumer Protection, who told us more about car issues, including people needing to buy cars over the phone because of supply problems and the difficulty of having repairs done when there are no authorised repairers nearby.

Department of Communities, who shared their concerns about online gambling and financial literacy.

Mission Australia's FDV, AOD, and housing advocates.

Pilbara Community Legal Service in Karratha.

Our time spent with Pilbara Community Legal Service was particularly eye-opening, as they highlighted the need for more community legal education for all groups in the community.

We understood more about local housing issues, especially for average income earners who are ineligible for state housing but also unable to afford private housing.

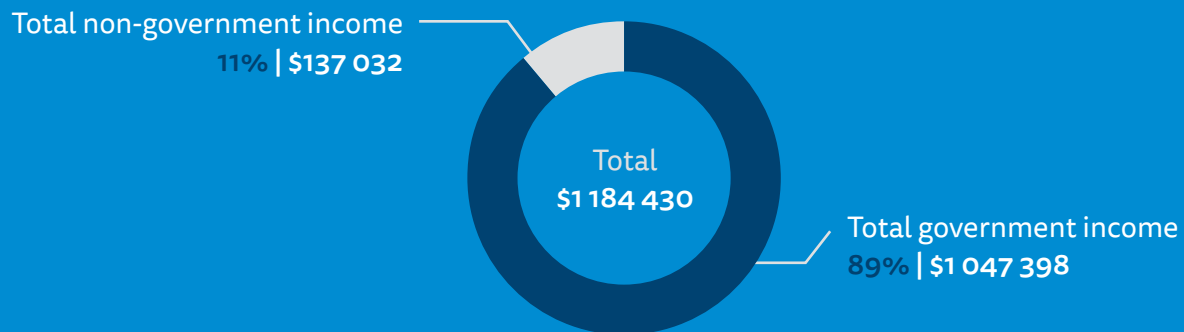
CCLSWA staff talked to the Pilbara Community Legal Service about consumer leases, payday loans, scams, and Cigno issues in the region and discussed future collaboration and explained how their clients can access the CCLSWA service.



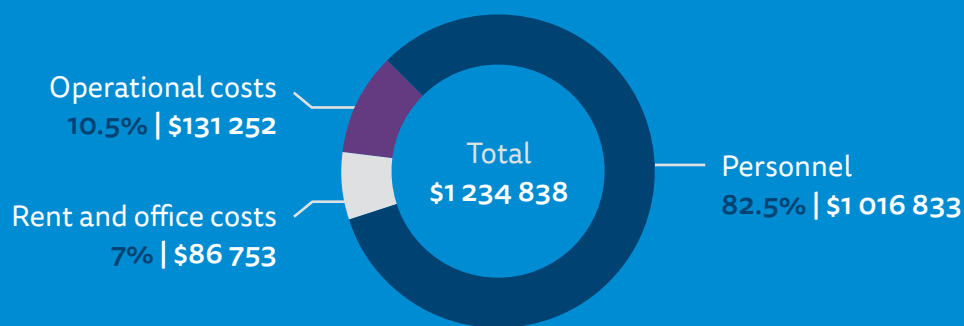


## Financial Summary

### Income by Type



### Expenditure by Type



### Volunteer Contributions

During 2021-2022 volunteers contributed approximately 4 725 hours of work to CCLSWA. This included students who have interned or volunteered on our Telephone Advice Line, practical legal training placements and secondees from other law firms and government agencies. We estimate the value of this work to be \$200 000 excluding on-costs and pro-bone advices from legal counsel.







**CCLSWA champions the financial rights  
of Western Australians on credit, debt  
and consumer law issues.**



Call CCLSWA's advice line on  
**08 9221 7066** for free, confidential,  
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Advice line open Mon-Fri, 9am-4pm

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