

# sharkwatch

The Financial Counselling Journal



## Inside this issue:

- Internal Dispute Resolution
- Do assets purchased with post-bankruptcy income vest in the Trustee?



**Cover Art:** "Sydney Street Choir"

**Artist:** Tracy Reid

**Details:** Photograph

**About the art:** This wonderful photograph by Tracy Reid captures some of the magic of the performance of the Sydney Street Choir at the FCAN conference at Brighton Le Sands, in September.

## SHARKWATCH

*Sharkwatch: The Financial Counselling Journal* is published by the Financial Counsellors' Association of NSW (FCAN). FCAN is the peak body for NSW financial counsellors and is funded by the NSW Department of Fair Trading. FCAN produces Sharkwatch as a way of resourcing financial counsellors, raising awareness of key issues, keeping financial counsellors aware of what others in the sector are doing, and providing a voice to the low income and vulnerable Australians that are financial counsellors' clientele.

## EDITORIAL TEAM

The Editorial team is comprised of financial counsellors, FCAN staff and consumer lawyers. The current editorial team is Wayne Warburton, Richard Brading, Jo Parker, Lyn Brailey and Geoff Cornwall.

## CONTRIBUTIONS

Contributions are encouraged and are sought from any interested parties who feel they have something to contribute. Please email contributions to BOTH Wayne Warburton and Jo Parker at the email addresses below.

## COVER ART

Sharkwatch will have new cover art for every issue. Cover art will either be photographs of artworks/craft items, or other photographic artworks, that have been produced by financial counsellors or their clients. For each artwork we would need to know the artist's name, the subject matter, the nature of the artwork (e.g., oil painting on canvas), a brief story (one line) about the artwork and a brief (1-2 line) bio of the artist. We strongly encourage readers to send in cover art, which should be emailed to BOTH Wayne Warburton and Jo Parker at the email addresses below.

## CONTACT US

<b>Write to:</b>	The Editor Sharkwatch FCAN Suite 602, 267 Castlereagh Street, Sydney, NSW, 2000
<b>Phone us:</b>	1300 914 418
<b>Email us:</b>	FCAN; Jo Parker: <a href="mailto:jo.parker@fcan.com.au">jo.parker@fcan.com.au</a> Wayne Warburton: <a href="mailto:wayne.warburton@mq.edu.au">wayne.warburton@mq.edu.au</a> Lyn Brailey: <a href="mailto:Lynette.Brailey@nswcc.org.au">Lynette.Brailey@nswcc.org.au</a>



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Internal Dispute Resolution Schemes are an important part of the consumer protection framework in Australia, but they are something many of us don't know much about. In this issue Richard Brading provides a 'what you need to know' guide to IDR, including what types of problems can be resolved (and what can't), what you can ask for, and what to do when the system doesn't work as it should. — see page 6 for more.

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# How does Way Forward work with financial counsellors?



David Berry, CEO Way Forward

Way Forward launched its service in 2018 to assist people in long term financial difficulty who have debts across multiple creditors.

Six months later, we announced at the national Financial Counselling Australia conference that we were opening our doors to referrals from financial counsellors.

Since then, we have regularly on-referred clients to financial counsellors, particularly, people who are experiencing a more complex situation or if the person needs the support of a financial counsellor.

Compared to financial counselling, Way Forward's service is focused on supporting people who have regular income, money left over after covering their basic living expenses, and have debts across multiple creditors.

Way Forward and financial counselling services each offer a unique service to people in financial hardship.

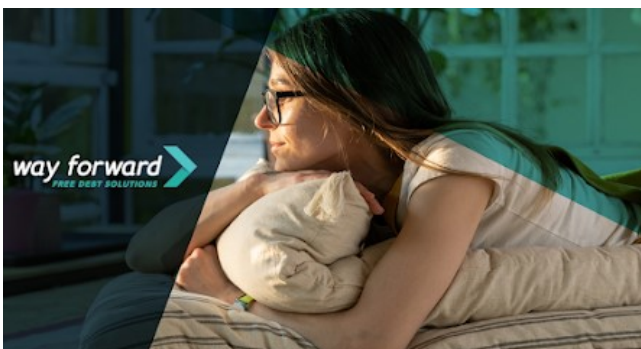
For financial counsellors, Way Forward is another tool in their financial counselling toolbox, where they can refer to our free service where they feel it appropriate.

## Who can we help?

It's important that we match the person seeking support to the right type of service. When we work with someone, we look at all their debts in assessing their situation and determine how much money they have available to repay their debts.

We focus on helping our clients with their unsecured debt but will consider their secured debts in any plan.

The inset above sets out who Way Forward are most equipped to deal with and issues that Way Forward cannot assist with.



## The people Way Forward are most equipped to assist are:

- Struggling with multiple creditors
- Have a regular income and are not heavily reliant on Centrelink benefits
- Want to pay their debts back in an affordable way
- Do have surplus funds available after paying for living expenses

## The issues that Way Forward cannot assist with are:

- Statute barred debts
- Full debt waiver
- Family violence
- Bankruptcy
- Financial Abuse

## How can Way Forward help?

We develop an arrangement with our clients that deals with all their debts across multiple lenders. We then work with those lenders to come up with a repayment plan and assist the client through managing the payment process to all their creditors. As our arrangements typically go for 2-5 years, we assist our clients by:

- Confirming a workable budget which includes a buffer.
- Negotiating a realistic payment plan with creditors/lenders.
- The client makes one payment to us that we then distribute to all creditors.

- Whilst clients may need to look at reducing their discretionary spending, it is important that people can live their lives while paying off a debt. We advise our clients that allowing for a regular buffer in their budget will assist for unexpected expenses that are likely to occur over the term of their arrangement.

For the people we support, it's up to them whether they include a buffer in their repayment plan, but we strongly encourage our clients to put aside funds for unexpected or lumping expenses.

If someone has secured debt (e.g., a mortgage) we will provide options for where and how they could get support. We are also happy to connect clients to other organisations that may be better placed to assist them.

Our arrangements are flexible and allow for both changes to payment amounts and additional lump sum payments.

First, the client needs to let us know their desired change and we test the feasibility of the change to the payment with the client to determine the impact. If it is suitable, we can facilitate the change. Arrangements are negotiated over a term aligned to the client's circumstances.

#### How can Financial Counsellors refer to us?

There are three ways that financial counsellors can refer their clients to Way Forward:

1. Working side by side with the financial counsellor: The financial counsellor does a full case assessment and works alongside the client: Way Forward supports by managing the creditors.
2. Handover to Way Forward: The financial counsellor does an initial assessment and budget and hands over the client and their budget to Way Forward.



3. Keep you in the loop: The financial counsellor refers a client to Way Forward. Way Forward does a full case assessment to determine whether they meet our criteria, we will review the client's budget, send out letter of authority and keep the financial counsellor in the loop.

Sending a completed budget is a great way to help us quickly identify options for the client (moneysmart.gov.au), keeping in mind that everyone needs a savings buffer. We buffer \$50 a week for unexpected expenses so please add this into the budget.



#### Editors notes

Financial Counsellors can see more at the Way Forward website: <https://wayforward.org.au/>.

Videos are also available at:

<https://youtu.be/iY9mdgEUI-w> and

[https://youtu.be/Z508h5cGR\\_E](https://youtu.be/Z508h5cGR_E).

A range of information resources are available at:

<https://wayforward.org.au/debt-information/>.

Way Forward have a range of support tools at:

<https://wayforward.org.au/support-tools/>

and also have a debt repayment calculator at:

<https://wayforward.org.au/repayment-calculator/>.

#### Contact information

Email:

[assist@wayforward.org.au](mailto:assist@wayforward.org.au)

Phone: 1300 145 502





*Richard Brading*  
*Solicitor*

# The Law

## Internal Disput

Consumer (and small business) access to fair, timely and effective dispute resolution is an essential part of the financial services consumer protection framework. The first step is the internal dispute resolution (IDR) process which is speedy, simple and free to consumers. Pressure on the [Australian Financial Complaints Authority](#) (AFCA) is reduced when complaints are resolved directly between firms and their customers<sup>1</sup>.

Financial firms must have internal dispute resolution (IDR) procedures that meet the standards or requirements made or approved by ASIC and must also be members of the Australian Financial Complaints Authority<sup>2</sup>. IDR must be actively promoted by financial firms and provided free of charge to consumers.

[ASIC Regulatory Guide 271 Internal dispute resolution \(RG 271\)](#) sets out how financial firms that are required to comply with IDR requirements can meet their obligations. The requirements relate to matters such as how firms must record and respond to complaints, and the timeframes for doing so.

Financial firms must ensure that their staff who decide IDR complaints have power to investigate and decide complaints, and the authority to take actions such as waive or reduce debts and pay compensation to facilitate the fair and efficient resolution of complaints<sup>3</sup>.

Financial firms may have different structures and processes for their complaint management systems. Smaller firms may have one person responsible for complaints, along with other duties. Medium-sized and large firms may have a specialist complaints team if complainants are not satisfied by frontline staff. Some financial firms also offer customer advocates to assist consumers who complain<sup>4</sup>.

### What is covered?

Credit providers, brokers, debt collectors and debt purchase businesses must all have IDR for complaints. Complaints about credit products can be made by borrowers, lessees of vehicles or farm equipment, small business and guarantors.

As well as providing IDR to individual consumers, financial firms must also have IDR for complaints made

by small businesses (up to 100 employees) and primary producers.

Superannuation funds (other than self-managed superannuation funds) must be members of AFCA and also have IDR procedures<sup>5</sup>. Superannuation funds must offer IDR to superannuation fund members and beneficiaries of a super fund product or insurance contract where premiums are paid from a retirement savings account.

A complaint is a dispute or an expression of dissatisfaction made to a financial firm related to its products, services, staff, or the handling of a complaint, where a response or resolution is expected or required. Although financial firms should be on the lookout for complaints, in practice it is often necessary to address your complaint to the IDR contact at the financial firm or address your communication to the "Complaints Manager" or similar.

### Types of complaints suitable for IDR

- Complaints that a creditor refused to agree to a reasonable hardship or repayment proposal;
- Complaints about irresponsible lending;
- Complaints about harsh debt collection;
- Complaints about an objection to a proposed decision about how and to whom to pay a superannuation death benefit distribution;
- complaints about the handling of an insurance claim (e.g. excessive delays or unreasonable information requests).

### Types of complaints NOT suitable for IDR

- employment-related complaints raised by financial firm staff;
- feedback provided in surveys;
- reports intended solely to bring a matter to a financial firm's attention — for example, that an automatic teller machine (ATM) is damaged;
- hardship notices or requests to postpone enforcement proceedings, unless the customer raises issues that meet the definition of complaint;
- reports of unauthorised transactions under the ePayments Code and disputed transactions under a chargeback process.



# Matters

## Resolution



### Acknowledgement

Timeliness is central to effective complaint management. Delays and friction in the IDR process can create harm for consumers and reduce the prospect of an amicable resolution.

A financial firm should acknowledge receipt of each complaint promptly. ASIC expects financial firms to acknowledge a complaint within one business day of receiving it, or as soon as practicable.

Financial firms may acknowledge a complaint verbally or in writing (email, post or social media). When determining the appropriate method of communication, ASIC expects firms to take into account the method used by the consumer to lodge their complaint and any preferences they may have expressed about communication methods<sup>6</sup>.

### IDR response times

A financial firm should normally provide an IDR response within 30 calendar days after receiving the complaint<sup>7</sup>. However, there are some exceptions<sup>8</sup>.

- Credit-related complaints about default notices, hardship notices or requests to postpone enforcement proceedings – 21 calendar days. Credit providers must treat complaints about hardship notices or requests to postpone enforcement proceedings as urgent matters;
- Superannuation fund trustee general complaints – 45 calendar days;
- Superannuation fund trustee complaints about death benefit distributions - 90 calendar days.

If a complaint about a hardship notice does not contain sufficient information to enable a credit provider to make a decision, the credit provider must request additional information no later than 21 calendar days after receiving the complaint. The consumer must then provide the requested information to the credit provider within a further 21 calendar days. Once the credit provider or lessor has received the requested information, the credit provider has a further 21 calendar days to provide an IDR response.

If a financial firm is unable to provide an IDR response within the usual required time (e.g., because it is complex



then it must give the consumer an 'IDR delay notification' that informs the consumer about:

- a. the reasons for the delay;
- b. their right to complain to AFCA if they are dissatisfied; and
- c. the contact details for AFCA<sup>9</sup>.

A financial firm does not need to provide an IDR response if the firm closes the complaint by the end of the fifth business day after receipt because the firm has:

- a. resolved the complaint to the consumer's satisfaction; or
- b. given the complainant an explanation and/or apology when the financial firm can take no further action to reasonably address the complaint<sup>10</sup>. This could occur, for example, if the complaint relates only to the firm's commercial decision to refuse to grant credit or provide insurance cover.

If a financial firm rejects or partially rejects the complaint, the IDR response must clearly set out the reasons for the decision by:

- a. identifying and addressing the issues raised in the complaint;
- b. setting out the financial firm's findings on material questions of fact and referring to the information that supports those findings; and
- c. providing enough detail for the complainant to understand the basis of the decision and to be fully informed when deciding whether to escalate the matter to AFCA or another forum<sup>11</sup>.

The level of detail in an IDR response should reflect the complexity of the complaint and the nature and extent of any investigation conducted by the firm.

An IDR response that rejects or partially rejects the complaint must also inform the consumer of their right to take the complaint to AFCA if they are not satisfied with the IDR response; they must also provide the contact details for AFCA<sup>12</sup>.

## Effect of complaint on enforcement proceedings

Credit providers (including debt collectors) must refrain from commencing or continuing with legal proceedings or any other enforcement action (i.e. debt collection activity) against a debtor while the complaint is being handled at IDR (during the 21 calendar days and an additional 14 days.)<sup>13</sup> The additional 14 days allows the debtor time to lodge a complaint with AFCA if needed.

## Customer advocates

A bank may offer a consumer the option of escalating their complaint to the customer advocate, as an alternative to AFCA, after an IDR response is issued. When making such an offer, the firm must not prevent consumers from exercising their right to access AFCA — for example, by presenting the customer advocate as a mandatory step in the IDR process<sup>14</sup>.

The [Australian Banking Association](#) (ABA) says that “Customer Advocates should be a voice for customers within their bank. They should endeavour to make things easier for bank customers by helping to facilitate fair outcomes and minimising the likelihood of future problems.”

The ABA has published [Customer Advocate Guiding Principles](#)<sup>15</sup> that try to explain the role and purpose of a Customer Advocate. Although they work for the bank, Customer Advocates have authority to get customers a good result beyond the power of lower-ranking staff. They are not a substitute for a financial counsellor who is genuinely dedicated to the client's best interests. However, they can work well with the client and financial counsellor, particularly when there are complex issues.

## Client representatives

Financial firms should allow representatives such as financial counsellors, lawyers, family or friends to lodge complaints on behalf of consumers. Once a financial firm is notified that a consumer has authorised a representative, the firm should not contact the consumer directly unless:

- a. the consumer specifically requests direct communication;



- b. the financial firm reasonably believes that the representative is acting against the consumer's best interests;
- c. the financial firm reasonably believes that the representative is acting in a deceptive or misleading manner with the consumer and/or the financial firm;
- d. the financial firm reasonably believes that the representative is not authorised to represent the consumer; or
- e. at the time the firm is dealing with the complaint, the representative has been excluded by AFCA from representing consumers in relation to any complaint lodged with AFCA. (This has only happened once – in July 2020, AFCA banned MCR Partners, a debt management company from lodging complaints for 15 months.)

## How to complain

The Financial Rights Legal Centre provides several letter templates that you can use as a basis. The [ACCC](#) also has a complaint letter tool<sup>16</sup>. Just use the bits that are relevant to your client.

Identify the financial firm that you can complain to. If you have been negotiating with a debt collector, you could bypass the debt collector and lodge your complaint with the creditor's IDR contact.

Debt purchasers usually have IDR schemes, but some of them are unhelpful and it may be more effective to complain to the original creditor's IDR contact.

Use the AFCA website search tool to find the name and address of the financial firm's IDR contact<sup>17</sup>. You can simply email that person or team and expect a prompt acknowledgement.

Decide whether you should send a client authority and represent the client, or whether you can simply help the client prepare and submit the complaint and manage it itself.

ASIC says the first step is always to contact the business to explain the problem and how you'd like it





## What you can ask for

ASIC says that financial firms should consider a broad range of possible remedies including:

- a. an explanation of the circumstances giving rise to the complaint;
- b. an apology;
- c. provision of assistance and support;
- d. a refund or waiver of a fee or charge;
- e. a goodwill payment;
- f. a payment of compensation;
- g. a waiver of a debt;
- h. replacing damaged or lost property;
- i. correcting incorrect or out-of-date records;
- j. repairing physical damage to property;
- k. changing the terms of a contract;
- l. ceasing legal or other action that may cause detriment; and
- m. undertaking to set in place improvements to systems, procedures or products.

If the financial firm agrees to do something but takes longer than is reasonable, you can lodge a further complaint about the delay.

resolved. In many cases a simple phone call, email or visit is all that is needed. If the problem isn't fixed with a simple call or visit, make a formal complaint to the business in writing.

In your letter or email, include:

- the word 'complaint' in the heading or subject line;
- your name, contact details and the date;
- a clear explanation of the problem;
- copies of relevant documents, such as receipts or invoices.

If you are representing the client, always ensure that all communications are courteous and professional. If your client is angry and wants to be dishonest, rude or unreasonable, then you should not represent them. IDR only works when both sides make genuine efforts to resolve a complaint or dispute.

### What if they refuse the complaint or take too long?

Some financial firms have excellent complaints processes that move quickly and offer fair or even generous responses to consumers. Others simply don't care.

There is no obligation on a consumer to wait until the financial firm gets around to making a decision. You can simply register the complaint on the AFCA complaints page using much of the same material that went into the IDR complaint. AFCA won't accept complaints unless a complaint has been lodged with the financial firm, but they don't force consumers to wait until the IDR process is finalised.

## COMPLAINTS & DISPUTE POLICY

An AFCA complaint can spur a lethargic IDR contact into action, particularly when a complaint relates to financial difficulty. Once AFCA gets involved, the meter starts ticking, which can motivate the financial firm into action.

### Should the client accept the IDR offer or try for something better from AFCA?

AFCA actively discusses the merits of a complaint with the parties and may propose a settlement to try to get an early resolution. Most financial firms will go along with an AFCA proposal unless a matter of principle or a lot of money is at stake.

Some clients are grateful to accept any concession while others may want to press on in the hope that a better offer will result. Many of the better IDR contacts will make a fair or generous proposal at an early stage to save time and money fighting a protracted dispute. If the offer seems fair and reasonable, why not accept it?

### References

1. [ASIC Regulatory Guide 271 at RG271.12-14](#)
2. Section 47(1)(h) [National Consumer Credit Protection Act 2009](#)
3. [ASIC Regulatory Guide 271 at RG271.147](#)
4. [ASIC Regulatory Guide 271 at RG271.34](#)
5. See s.912A(2)(a)(i) [Corporations Act](#).
6. [ASIC Regulatory Guide 271 at RG271.52](#)
7. [ASIC Regulatory Guide 271 at RG271.56](#)
8. [ASIC Regulatory Guide 271 at RG271.60](#)
9. [ASIC Regulatory Guide 271 at RG271.66](#)
10. [ASIC Regulatory Guide 271 at RG271.53](#)
11. [ASIC Regulatory Guide 271 at RG271.54](#)
12. [ASIC Regulatory Guide 271 at RG271.53](#)
13. [ASIC Regulatory Guide 271 at RG271.89](#)
14. [ASIC Regulatory Guide 271 at RG271.109](#)
15. <https://www.ausbanking.org.au/for-customers/customer-advocates/>
16. <https://www.accc.gov.au/consumers/complaints-problems/write-a-complaint-letter/complaint-letter-tool>
17. <https://www.afca.org.au/make-a-complaint/findafinancialfirm>.



# Do assets purchased with post-bankruptcy income vest in the Trustee?



Paul Gidley, Shaw Gidley

The Bankruptcy Act itself does little to assist answering this question and it is important for your clients to understand precisely what they can do with the income they earn after they become bankrupt.

To attempt to answer the question of this article we need to look at the case law surrounding on this subject matter.

Let's start with [Rodway v White \[2009\] WASC 201; \[2009\] 233 FLR 262](#).

In summary the Western Australia Supreme Court confirmed the power of trustee to recover divisible assets purchased with income earned by the bankrupt during the bankruptcy term as an after-acquired asset (s58 of the [Bankruptcy Act](#)), regardless of compliance with the income contribution regime.

In this case the bankrupt purchased shares with his after-acquired income and unwittingly failed to notify the trustee. Accordingly, the Court also convicted the bankrupt for failing to disclose an after-acquired asset and levied the bankrupt a fine.

The Judge went into some detail about after acquired income itself not being available to a trustee as it is not "after-acquired property" although the Act defines money as property and income is usually paid in money.

The Judge also opened up the door to trustees in regard to income saved, noting once income was deposited, it became a 'chose in action'\* against the financial institution, which could be property.

In summary the Judge concluded:

*"that the conversion of that income (or specie) into a distinctly different form of property, as for example by the purchase of shares in the present case, will result in the acquisition of after-acquired property divisible among creditors and so vest in the trustee, unless within any of the categories excluded by s 116(2)."*

In our next article we will look at [De Santis v Aravanis \[2014\] FCA 1243](#) which considers a bankrupt using his after-acquired income to service a mortgage where the bankrupt's wife is the only party on title.

In this case the Judge did not follow *Rodway v White*. A very interesting case indeed!



If you have any questions in relation to this article, please contact Paul Gidley by telephone on (02) 4908 4444 or by email at [pgidley@shawgidley.com.au](mailto:pgidley@shawgidley.com.au).

And don't forget as NSW Financial Counsellors, you have access to James, Scott or Paul, who are Shaw Gidley's registered trustees and are happy to answer questions, or act as a sounding board in regard to bankruptcy related client and educational matters, in confidence and without charge.

We have been assisting FCAN in this regard for nearly a decade now.



\*Eds note: a '[chose in action](#)' is defined by AFSA as "a thing of which a person has not the present enjoyment, but merely a right to sue to recover it (if withheld) by commencing an action, and protected by the law".

## Around the Traps

Farewell to Pauline Smith and Kylie Holford (below), who leave the FCAN Board after years of outstanding service.



Kylie the Showgirl ....

# Around the Traps

## FCAN Conference 2022 — in the spotlight

Thanks to all our members, sponsors, performers, presenters, visitors, wellness team and stakeholders who attended the conference and made it the best ever. If we count all the performers and visitors (thanks Sydney Street Choir, the band Jelly Bean Jam, families and First Nations Training and Cultural Day participants) there were near 500 people in attendance. (This number isn't including the UCI World Champion cyclists that were staying in the hotel).

While those who were lucky enough to attend have been reminiscing about the presentations and performances, bay and city views, desserts, chaotic traffic, networking, singing out loud, dad dancing, microphone mishaps, door knocking, noise complaints and men in lycra – team FCAN have been busy planning the 2023 conference. We'll announce the date and venue for the 2023 FCAN conference soon.

**Videos:** Here's the videos we showed at the conference:

- 1 [A Day in the life of a financial counsellor](#)
- 2 [our client's voices](#)
- 3 [Richard Griffin](#).

A big thank you to Kylie Holford and her workplace for spending a day of their worktime filming the 6 minute video, and special thanks to the 2 clients and to the team from Charles Sturt University for their great work.

**Scholarships** - we awarded 3 full and 4 part scholarships thanks to our generous FCAN scholarship committee.

**Maria Hatch and Kevin Howard Memorial aspiring financial counsellor award.** This was an inaugural award in memory of two Life Members and FCAN Directors who were passionate about training and developing new financial counsellors.

2022 winner: *Paul Shaw Lifeline H2H* nominated by Anne Holmes.

**Member Milestone Awards:** Betty Weule (joined 1980), Tony Devlin (joined 1987), Chris Heckenberg (joined 1990), Maroun Germanos (joined 1992), Greta Hunter (1994), Linda Sterling-Levis (1994), Mita Mitra (1995), Anne Holmes (1999), Kristen Hartnett (2000), Helen Rees (2001), Pauline Smith (2001), Barbara Bard (2002), Debbie Christov (2002) and Lynda Johns (2002).

## FCAN 2022 AGM

This year we farewelled our Chair Pauline Smith and Deputy Kylie Holford who have served 6 and 5 years

respectively on the Board. FCAN Director Jenny Daley who was also the Chair of the FCAN First Nations Network resigned from the Board after her defection to QLD, and Danni White stood down due to more important commitments.

Pauline and Kylie took on the Chair and Deputy roles in September 2019. They reigned during one disaster after another – drought, bushfires, floods, COVID, mouse plagues, lockdowns, wars, supply chain issues and the list goes on. Now Pauline and Kylie hand over the reigns to a new Board during a cost-of-living and housing affordability crisis, interest rate increases and the announcement that NSW Fair Trading funding is going to tender. Good luck to the new FCAN board!

The new FCAN Board is Geoff Cornwall (Chair), Vanessa Emery (Deputy), Rob Benton (Treasurer), Tracey Iskra (FCA Rep), Tony Cameron, Chris Heckenberg, Rovind Kant, Graham Smith (Membership Secretary) and David Coorey and David Ross as non-executive Directors.

We thank Pauline and Kylie for their contribution to the FCAN Mission formulated in Feb 2020: "Support, Sustain and Enhance the profession". They have represented NSW members and all FCs on committees and working groups, the FCA Rep Council and FCA Board. We planned 3 conferences (that all got cancelled) and ran plenty of online CPD. In late 2021 FCAN held the first ever virtual conference for financial counsellors, and we kicked off the CSU/FCAN stakeholder project.

Pauline has always been passionate about promoting FCAN and the work our members do. Back in 2019 we made the journey to Tamworth to catch up with Sandy Avis from Salvos (thanks Sandy) to sort out the last-minute conference arrangements, meet the local FCAN members and politicians, and get community and media interest for the "bring your bills" event that was happening at the conference. The region was on water rations and it was dusty and windy but the locals were welcoming and excited we would all be visiting soon. That evening we set out to sample local produce and discussed and debated public relations.

Next day we joined the line dancing lesson with the group booked to teach at the conference, then as we were walking back Pauline spotted Barnaby Joyce's office and headed on over to meet him. I called out to her that there was a sign on the window saying that the office had closed up, but Pauline didn't hear me so barged straight into the locked glass door. After that incident we went shopping then headed home. Our visit to Tamworth eventually made Kylie famous and while we've all had set-backs since 2019, and it's taken longer than we hoped, the spotlight on FCAN members is now on.

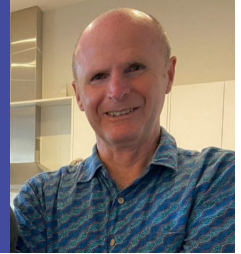
Jo Parker, FCAN CEO





# Profile

Geoff Cornwall, incoming FCAN Chair



## Tell me a little about your background

I started my working career as a land Surveyor, went back to Uni, and studied Economics and worked in the Maritime Sector, with particular interests in business development and project management. I then moved into general management at the ports of Port Kembla and Port Botany, being a direct report to the CEO, having responsibility for port development projects, property management, planning and surveying.

I also have post graduate qualifications in management, and completed the Diploma of Company Directors through the Australian Institute of Company Directors. I served as a Director on the Port Kembla Port Corporation Board for a period of 8 years and have served in a voluntary capacity on community management committees.

## What drew you into Financial Counselling?

I have previously been a volunteer on the phones with Lifeline and as part of our CPD training, Financial Counsellor Martin Jess from Lifeline South Coast gave a presentation on the work FCs do.

I had no idea that these people existed and the free services they provided. I then became interested in Financial Counselling and wanted to train and become an FC, and transition out of corporate life into the welfare sector.

## What are some of the specific challenges you face in your role?

There were three things that surprised me when I came into Financial Counselling, firstly the relatively poor pay, the lack of job security and the lack of community awareness of the work FCs do, and the benefit and support we can provide.

That was nearly 10 years ago and I think we have made progress in these areas, however more work needs to be done. I don't think my specific challenges would be any different to other FCs, being current increase in demand due to increases in mortgage rates, inflationary pressures, rental increases with lack of stock supply in both the public and private sector, and client associated stress including mental health issues.

## If you could pass one law in Australia, what would it be (and why)?

My current concern is the proposed industry funding model for FCs, which looks like being voluntary contributions from the industry bodies, presumably allowing the funding bodies to opt out at any time.

This gives no certainty and I strongly believe that government should mandate the funding bodies to fund FC services for a term, say initially 3 years, preferably 5 years, which would give some certainty to our industry.

## Tell me about some of your interests outside financial counselling?

Other than family, I enjoy bushwalking, the occasional movie and my furniture making hobby keeps me busy.

## What are you currently reading and listening to?

I have been a prolific reader in the past, however of recent times not much! I enjoy fiction when I get time and my favourite author would be Tim Winton.

## What is your favourite meal?

I enjoy food and eating out, I can't say I enjoy cooking at home, much prefer to take the lazy option and enjoy food that someone else has cooked!

The Financial Counsellors' Association of NSW (FCAN) is a not for profit, charitable institution that supports Financial Counsellors in NSW and advocates for consumers in financial hardship.

The role of FCAN is to ensure that:

- Financial Counsellors in NSW are supported to comply with best practice
- The Financial Counselling sector has secure, stable and sustainable funding
- Financial Counselling has a high profile
- Vulnerable consumers have an effective voice
- The Association is a strong, adaptive organisation that is valued by members, government and other stakeholders.

Suite 602, 267 Castlereagh Street, Sydney, NSW, 2000

Tel: 1300 914 408 Fax: (02) 9212 4481

Email: [admin@fcan.com.au](mailto:admin@fcan.com.au) Web: [www.fcan.com.au](http://www.fcan.com.au)

ABN: 71 720 817 858



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ASSOCIATION OF NSW INC