

sharkwatch

The Financial Counselling Journal



Inside this issue:

- Tenancy troubles
- Small business financial counselling
- What happens to my partner's property if I go bankrupt?





Cover Art: "Unity"

Artist: Jillian Scahill

Details: Acrylic on canvas

About the artist: Jillian is a Budawang Woman from the Yuin Nation (learn more about Jillian in this issue's Profile). This beautiful artwork 'Unity' is a representation that we all work as one to help achieve outcomes and help each other. Jillian also does traditional weaving and commissioned work (ring 0423 886 299 or email jillian@justicesupportcentre.org.au).

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.

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In a time of ever greater housing insecurity, and rents that increase well beyond inflation, times are pretty tough for many tenants. In *The Law Matters*, Richard Brading takes us through a series of common tenancy troubles — difficulty paying rent, terminating leases, domestic and family violence situations, transferring and subletting leases, eviction, getting the rental bond back and being blacklisted, among others. Richard also notes where to get financial assistance and points to resources that can help financial counsellors. See page 6 for the full story.

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Small Business Financial Counselling



Nick Georgiou

Financial Counsellor, Small Business Debt Helpline

The last five years have been beset with challenges for Australia's small business sector. The rolling impacts of fires, floods and the COVID pandemic have led to some of the most challenging economic times this country has seen since the recession thirty years ago. The pandemic in particular resulted in supply chain disruptions, followed closely by rising inflation, which impacted input and supply costs. Then the RBA's monetary policy response to drastically raise interest rates to battle that inflation, has had a dramatic effect on the consumer discretionary spend. In many ways, a perfect storm for small businesses.

Small business owners, both sole traders and company directors, must also wear many hats in the day to day running of their business; finances, sales, marketing, admin and HR, often working long hours with very limited free or low-cost support. The cost of compliance can also be high, both in time and money, particularly in meeting their ATO reporting and tax payment obligations. For company directors, there are added costs and obligations in managing their corporation, which all translate to risk of high non-compliance costs if not adequately met.

Add to that, the additional costs and resources required for managing their day to day and strategic business risk, the increasing insurance costs in doing so, and the mental and emotional capital it requires to recover from the unforeseen and sometimes unforgiving disruptions of the last few years.

Small business owners also operate in a lending environment very different to the individual credit consumer; business loans are not covered by the staple protections of the National Consumer Credit Code, and often with limited recourse and support for small business credit, leasing and legal disputes.

Personal liabilities for business debts are also common, with almost all company bank loans and commercial lease liabilities underwritten by personal guarantees, as well as the potential for sometimes very large company tax debts to be transferred to the directors personally if ATO compliance obligations are not met.

These challenges are the reason many small business face a high risk of failure in their first few years.



Yet, despite these challenges and complexities, small businesses are a resilient and major contributor to our national economy.

Small business, generally defined as having fewer than 20 employees, make up 97% of all Australian business. A quarter of those are micro businesses with fewer than 5 employees. Collectively, these small businesses employ almost half of all the national workforce and contribute a third of our economic output; over \$400 billion per annum.

For many financial counsellors, these added complexities can be a little overwhelming when encountering clients that operate in this space. However the guiding ethos for all financial counselling is that the focus is on the person; identifying their personal liabilities, their capacities to manage those liabilities, the risks to their personal assets and providing the technical and wellbeing support they need to navigate their way through the situation.

The Small Business Debt Helpline is a free phone-based support service, operated by Financial Counselling Australia (FCA), that meets those needs and is available to any small business owners across Australia.

The service was set up in 2020 by FCA with funding from the Australian Government. It provided much needed guidance and support to many small business owners and primary producers in their recovery from the devastating bushfires of summer 2019-20 - the most catastrophic bushfire season ever experienced in the country's history. In the following years, as we faced more disasters from floods and pandemic, the service evolved to meet those needs.

The team on the Small Business Debt Helpline are experienced financial counsellors located right across Australia who work with small business owners to help them identify and quantify their business and personal debts, any resultant personal liabilities from their business that exist, and the implications of these liabilities on their business viability and personal assets.

Where the client has difficulties in meeting their commitments to those creditors, we work with them to identify their capacity, rights and obligations, and connect them with the support they need, such as specialist small business dispute resolution and mediation, tax, legal and wellbeing support that is matched to their needs and location.

We provide advice and guidance on managing debts and negotiating with creditors like the ATO, business lenders, commercial property owners, service providers and suppliers.

We can also provide business owners with the tools and support needed to assess their business viability and determine whether the business can survive, and if needed can give them reliable information on closing a

business or winding up a company, including general bankruptcy and liquidation advice and support if required, to allow the person to exit the situation with dignity.

Up until May 2023, the Small Business Debt Helpline has provided assistance to over 6,000 clients.

The Small Business Debt Helpline also works with community based financial counselling agencies across Australia to connect callers with local support and advocacy where the client's advocacy and ongoing support needs can not be met through the phone based service alone.



Case study: Simone*

Simone, a sole trader in northern NSW was impacted by the COVID lockdowns in 2022 and then floods in early 2023.

This resulted in a sharp decline in turnover and resultant accrued debts to the ATO and her commercial landlord. Simone's ATO BAS reporting fell behind as she struggled to manage her own wellbeing and focus after such a tumultuous 18 months.

This all impacted her ability to meet her own personal living expenses and mortgage commitments and was causing considerable stress and anxiety for herself and her young family.

Simone contacted the Small Business Debt Helpline after a referral from the ATO. The small business financial counsellor was able to help Simone quantify her business debts, provide her with the cash flow and financial position assessment tools required to determine her capacity to service those debts, assist her in contacting the ATO Hardship team to get a hold on any further review activity in place for sufficient time to connect her with a local agency support, and connect her with the free tax reporting assistance she needed to qualify for a disaster recover grant application.

These steps ultimately enabled Simone to get her business back on track.

*Not the client's real name.

There is a growing capacity across the national network for agencies to assist small business clients with their financial counselling needs and this is being extended by the increased training in small business financial counselling available through the various state based peak bodies and by FCA at a national level.

While the helpline is primarily designed to provide support direct to small business clients, we are also able to consult with generalist financial counsellors to give them guidance on how to best support their clients if they have business debts or a variable or seasonal income from their business activity.

Small business owners, and financial counsellors, are able to contact the helpline direct, Monday to Friday, 9am to 5.30pm AEST for immediate connection with one of our small business financial counsellors, either by calling **1800 413 828** or via a live webchat with one of our team, available at www.sbdh.org.au.





Richard Brading
Solicitor

The Law

Tenancy T

An increasing number of tenants are struggling with keeping their rent payments up-to-date. Rent should be considered a priority payment, because the consequence of failure to pay rent is usually eviction. Landlords and agents are often difficult to negotiate with, but a careful explanation of the client's circumstances can result in a better outcome than avoiding communication.

Difficulty Paying Rent

A tenant who gets into arrears should first speak to the agent or landlord and try to negotiate a repayment plan. It is important to explain the reasons why the tenant is in financial difficulty. Any agreed repayment plan should be in writing and signed by both parties if possible.

Sometimes the landlord/agent will agree to the early termination of a fixed-term tenancy if the tenant can no longer afford to pay the rent. That will save the landlord/agent the trouble of applying to NCAT to terminate the tenancy if the tenant stops paying rent. A tenant can apply to the NSW Civil and Administrative Tribunal (NCAT) for an order ending the tenancy early on the grounds that the tenant would suffer undue hardship if the tenancy continues. Examples of undue hardship include where:

- the tenant has lost their job;
- relationship breakdown/DV;
- the tenant is forced to relocate for work;

- health issues, including having to care for a relative.

An online application form is available online at online.ncat.nsw.gov.au.

The tenant will need to submit some documentary evidence of the undue hardship that would be suffered, e.g. financial statements or health records.

Financial assistance

The Department of Communities and Justice Housing also offers eligible tenants financial help to keep a tenancy. A tenant can call the Housing Contact Centre on **1800 422 322** to find out if they are eligible.

Termination due to domestic violence

If a tenant or their dependent child are in circumstances of domestic violence, the tenant can apply to end their tenancy immediately.

To end the tenancy, the victim/survivor will need to give a Domestic Violence Termination Notice to the landlord/agent. A sample letter sending the Domestic Violence Termination Notice is available at www.tenants.org.au/resources/domestic-violence.

The Domestic Violence Termination Notice that is given to the landlord/agent must attach one of the following:

- a provisional, interim or final Apprehended Domestic Violence Order (ADVO);
- a family law injunction;
- a certificate of conviction for a domestic violence offence against the tenant;
- a Declaration by Competent Person including a registered health practitioner, doctor, psychologist, social worker, DV counsellor, women's refuge staff etc. confirming the domestic violence.



Matters

Troubles



A Declaration by Competent Person form can be downloaded from the Fair Trading [website](#).

There are different forms for a tenant who is a victim of domestic violence and where the child of the tenant is a victim of domestic violence.

Terminating without a reason

The tenant must give a minimum 14 day termination notice to terminate at the end of a fixed term tenancy without incurring a penalty. The tenant must give a minimum 21 day termination notice to terminate at the end of a periodic tenancy.

Early termination by breaking the agreement

If the tenant has to move out before the end of a fixed term lease, without being able to establish hardship grounds, domestic violence or some other lawful basis, then the tenant will be liable to pay a break fee.

It is therefore important that the tenant gives written notice to the landlord or agent as soon as possible, specifying the date they will vacate. The minimum notice period is 14 days.

Break fees

The regulated break fee is as follows:

- 4 week's rent if the tenant vacates within the first 25% of the fixed term;
- 3 week's rent if the tenant vacates within the second 25% of the fixed term;
- 2 week's rent if the tenant vacates within the third 25% of the fixed term;
- 1 week's rent if the tenant vacates within the fourth 25% of the fixed term.

Transferring or sub-letting a co-tenancy

A co-tenant can apply to the landlord to transfer their tenancy under a fixed term tenancy to another person or to sub-let their part of the tenancy to another person. The landlord/agent must not unreasonably withhold consent when one of the original tenants under the current tenancy agreement will remain as a tenant, or the tenant asks to sub-let and will still occupy the premises.

The request for the landlord's consent to transfer or sub-let should be made in writing, enclosing a draft transfer or sub-letting document that includes the name of the proposed new tenant or sub-tenant.

Evidence should be provided showing that the proposed tenant/sub-tenant can pay the rent (e.g. a copy of a payslip or statement from Centrelink) and is of good character (e.g. a reference from a former landlord or a personal reference).

If the landlord unreasonably refuses consent, the tenant can make an application to NCAT for an order authorising the transfer or sub-letting.

The names of the tenants registered for the bond can be changed by using a '[Change of Shared Tenancy Arrangement](#)' form.

Eviction

The eviction process usually begins with an eviction notice. This is a written termination notice, signed by the landlord/agent and stating the address of the property, the date the landlord wants to get possession of the property and the reasons for termination.

The landlord/agent must give 30 days written notice to terminate the tenancy at the end of a fixed term tenancy, or 90 days notice during a periodic tenancy.

If the landlord wants to sell the property during a periodic tenancy, the landlord/agent only has to give 30 days notice.

However, if the tenant is in breach of the agreement, e.g., for failing to pay rent, the landlord/agent only has to give 14 days notice. If the tenant does not vacate by the specified date, the landlord/agent can apply to NCAT for a termination order.

The landlord/agent cannot physically evict or lock out a tenant without a Tribunal or court order.

The landlord/agent can apply to NCAT for a termination order without giving the tenant notice if the tenant has caused or permitted:

- serious damage to the premises or any neighbouring or common property;
 - injury to the landlord, agent, or the neighbours;
 - use of the premises for illegal purposes;
- OR
- The tenant or another occupant has seriously or persistently threatened or abused the landlord or agent.



Getting the bond back

At the end of the tenancy, the tenant should fill in a [Claim for Refund of Bond Money](#) form available from NSW Fair Trading or apply through Rental Bonds Online.

If the tenant and the landlord/agent agree about the amount to be returned, the tenant should sign the completed form and have the landlord/agent sign it. Return the form to Fair Trading by post, email or in person. Fair Trading can deposit the money into a bank account or post a cheque to the tenant's new address.

If the tenant and the landlord/agent do not agree about the amount to be returned, the tenant should sign the completed form and return the form to Fair Trading stating the amount that the tenant wants paid. The tenant can do this without the landlord's/agent's signature. Fair Trading will notify the landlord/agent of the tenant's claim. The landlord/agent must then apply to the NSW Civil and Administrative Tribunal (NCAT) within 14 days of receiving the notice and NCAT will have a hearing to decide how the bond will be paid out.



The landlord/agent will often claim from the bond:

- Unpaid rent and other charges;
- The cost of repairs for damage caused to the property;
- The cost of cleaning: if you have left any part of the premises not reasonably clean;
- The cost of replacing locks or other security devices that have been altered or removed without the landlord's consent.

Tenant databases

Tenant databases are blacklists run by privately-owned database operators, such as TICA. Real estate agents, private landlords, park operators and others can subscribe to tenant databases. This allows them to check listings made about tenants by other subscribers and to list information about tenants to these databases.

What information can be listed?

A landlord/agent can only list information about a tenant under a residential tenancy agreement that has terminated if the tenant breached the tenancy agreement and because of the breach the tenant owes an amount more than the bond for the tenancy agreement, or NCAT has made a termination order, and the information identifies the nature of the breach and is accurate, complete and unambiguous.

A victim/survivor who terminates a tenancy with a Domestic Violence Termination Notice cannot be listed on a tenant database.



Before the landlord/agent can list information about a tenant, they must:

- give the tenant a copy of the information they want to list on the database;
- give the tenant at least 14 days to review the information and respond;
- consider any response by the tenant.

In their response the tenant can:

- object to the entry of the information in the database; or
- object that the information is inaccurate, incomplete or ambiguous.

Finding out about a listing

If a person applies for a tenancy and a landlord/agent finds information about them on a tenant database, they must write to the person within 7 days to inform them of the details of the landlord/agent who listed them, how to contact the database operator to find out what information it holds about them and in what circumstances they can have the information removed or amended. The biggest tenant database is TICA, and the tenant can download a request for access form from their website: tica.com.au.

Other tenancy databases are operated by National Tenancy Database (ntd.net.au), Trading Reference Australia (tradingreference.com) and Barclay MiS (barclaymis.com.au).

How long does the listing stay on the database?

A database operator must not keep the tenant's personal information in its database for more than 3 years.

Contacts

NSW Fair Trading: phone 133 220, fairtrading.nsw.gov.au

DCJ Housing: phone 1800 422 322, facs.nsw.gov.au

NSW Civil and Administrative Tribunal: phone 1300 006 228, ncat.nsw.gov.au

Tenants Union of NSW: tenants.org.au

Tenants Advice and Advocacy Services in your region

The Bond Kit – Illawarra Legal Centre -
https://illawarralegalcentre.org.au/wp-content/uploads/2020/08/Bond-Kit_final_July-2020.pdf



Financial Literacy in schools

Nick Georgiou

Financial Literacy is a key skill for life and the earlier students are introduced to basic concepts like budgeting, credit and how interest works the better prepared they are for having a healthy relationship with money as they get older.

I've been volunteering on my days off to run one hour Financial Literacy sessions at a local high school.



Nick Georgiou teaching financial literacy at his local high school

So far, the sessions seem very well received and the participants seem to have learned a lot.

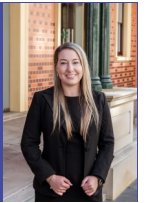
The following post is from the schools social media page:

"I very much enjoyed talking to some of the senior kids about budgeting and managing money," said Nick, "After we finished going through the set program they had some great questions about how home loans work so I walked them through a loan amortisation schedule that certainly raised some eyebrows regarding the total interest paid over the life of that type of loan and how much can be saved when a borrower pays a little more on top of the monthly contracted payment."



Editor's note: Nick is doing some great work in the community as are many financial counsellors. This work of prevention and education is absolutely crucial for the sector.

What happens to my partner's property if I go bankrupt?



Gemma Garrash, Shaw Gidley

It is inevitable that when one partner goes bankrupt it will impact upon the other spouse, in particularly when there are assets held jointly or singularly within the relationship. Perhaps most important is the family home when both partners are on the title.

A trustee in bankruptcy will investigate relationship assets and attempt to realise those assets if the bankrupt has an interest in assets of value within those jointly owned assets.

If the asset is jointly owned, the bankrupt's interest will vest in the trustee. Where the joint ownership is readily identifiable (e.g., joint bank account, vehicle registered in both names, partnership assets, co-proprietors of real estate, assets bought from funds in joint bank account, asset purchase agreement in both names and so on), the trustee will negotiate to realise the bankrupt's interest with the joint owner.

I note, however, the trustee does not have the right to seize and sell a joint asset without the joint owner's approval. A court order may need to be obtained to achieve this where there is no co-operation from the non-bankrupt co-owner.

Where an asset is held solely in the bankrupt's partner's name, the trustee will investigate how the asset was acquired and maintained, to determine on facts whether the bankrupt has an interest in the asset which is worth pursuing for the benefit of the bankrupt's creditors. As you would expect, pursuing recovery of an asset under these circumstances is quite complex and expensive for the trustee, and is usually limited to assets of significant value such as the family home.



Where equity exists in the family home of sufficient value, a trustee in bankruptcy will investigate whether the bankrupt has an interest of value in the home, regardless of who is on title. The trustee will conduct investigations into the bankrupt's interest in the partner's property. The trustee may ask the bankrupt's partner to provide information to assist his or her investigations, including but not limited to:

- When the relationship started;
- How long the bankrupt has resided at the home;
- When the property was purchased;
- Who paid the deposit;
- Who pays the mortgage;
- Who is on the mortgage;
- Who pays for the daily living costs.

If you are interested in a detailed analysis of how the Court determines a bankrupt's equitable interest in the family home, particularly where the bankrupt is not on title, peruse the case [Trustees of the Property of John Daniel Cummins v Cummins \[2006\] HCA](#).

Further, if the trustee determines that the bankrupt does have equitable interest in the partner's home and the partner refuses to co-operate with the trustee, the trustee may commence legal action to force sale of the property pursuant to s66G of the *Conveyancing Act*.

In summary, I recommend that the bankrupt's partner co-operate with the trustee. Often, where an interest exists the trustee is more than willing to negotiate a settlement, usually at a discounted value, to avoid the complexities and costs of litigation.

It is also recommended, due to the complexities of this area of law, that the partner seek their own legal advice in this regard.

Stay tuned for my next article which will go into further information on how to protect your client and their partner's assets.



If you're worried about how bankruptcy will affect your client and their non-bankrupt partner, contact Gemma Garrash by telephone on (02) 4908 4444 or by email at ggarrash@shawgidley.com.au to better understand the process and how it affects your loved ones.

Around the Traps



South Coast, Southern Highlands and Goulburn

The Illawarra/Shoalhaven Financial Counsellors Network group meets every two months. The area covered by this group of FCs extends to Helensburgh in the north, to the Victorian border to the south, extending west into the Southern Highlands and Goulburn. Agencies involved in this coverage include, Anglicare, Mission Australia, Salvation Army, Illawarra Legal Centre, Shoalcoast Community Legal Centre, Shoalhaven Women's Health Centre, Southern Youth & Family Services, The Family Place and Good Shepherd. A recent addition to this group was the Rural Financial Counselling Services, who have recently established an Office in Nowra and Wollongong.

The FC group sees value in meeting two monthly to share case studies and discuss complex matters in a group forum. Some of the FCs in this group are the only FCs employed within these agency offices, and find it very beneficial to discuss current issues that they are faced with. Some of the common client issues identified at our recent meeting are mortgage related stress; rental supply issues and associated increase in rentals, inclusive of affordable housing; use of BNPL products for non discretionary expenditure; Family & Domestic Violence issues; those who have experienced relationship breakdowns; and mental health related issues.

Geoff Cornwall, Shoalcoast Community Legal Centre



Cumberland Multicultural Community Services

Cumberland Multicultural Community Services (previously Granville Multicultural Community Centre) provides an array of services to the Parramatta and Cumberland local government areas in Greater Western Sydney.

We provide Family Support, Youth and School support and programs along with Emergency Relief and Financial Counselling.

Our client base is largely made up of a high proportion of intergenerational migrant families, asylum seekers and refugees. A high percentage of our clients rely on varying forms of Centrelink benefits, frequently from households with very little to no capacity to speak English. Subsequently we often rely on translation services to carry out our work.

The challenges facing our clients, apart from navigating the network of government systems and assistances, are housing and energy affordability and basic food security. As the housing crisis bites, we are seeing an increase in clients presenting with unaffordable and unsustainable tenancies often with significant arrears.

We work closely with Domestic Violence and Family support agencies to provide support to client survivors of family abuse, which at times involves complex cultural sensitivities. Often this requires assistance from NSW Legal Aid or similar Community Legal Services.

Due to our geographic location, our clients are heavily reliant on Sydney's road toll network, and we subsequently see clients presenting with an array of toll notices, often in varying stages of collection.

We are encouraged by how financial institutions, along with energy and telecommunication providers, are willing to help our migrant, asylum seeker and refugee clients, especially those who are experiencing mental health challenges.

Our clients have often overcome or are continuing to address the traumas involved in reaching our community, and we are often humbled by the stories of endurance and adversity they share with us.

Darren Barnett, Cumberland Multicultural Community Services

Profile

Jillian Scahill — Justice Support Centre Domestic/Family Violence FC



Tell me a little about your background

I am a Budawang Woman of Yuin Nation. I have worked in the community sector for 13 years and prior to that I was a Primary teacher. I have been a Financial Counsellor for nine years and completed my training with Financial Counsellors' Association of NSW (FCAN). I enjoy working with people who need that extra hand to get through tough times in their lives and I take joy from seeing them succeed and improve their lives.

What drew you into Financial Counselling?

I was drawn into Financial Counselling when I was working in a caseworker role in KARL and Graham Smith came to visit and spoke about how Financial Counselling could help our clients. He convinced our Chief of Operations to let Muru Mittigar sponsor a staff member to complete the FCAN Diploma of Financial Counselling. I realised that these skills could benefit my clients and so I jumped at the chance to be trained and I have loved it ever since.

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

I currently work for Justice Support Centre as a Domestic Family Violence Financial Counsellor.

Justice Support Centre is a community organisation that provides free domestic violence and legal services to people in Sydney.

The main issue I face is women not having enough income after separation to make ends meet, creditors not recognising coercive control and understanding that these women have been forced into these debts, and creditors not being willing to provide enough hardship until property settlement is finalised. At times, this results in people losing their homes while going through this process.

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

I would pass the law that homes cannot be repossessed by a lending institute until family law property settlement is finalised and hardship must be provided during this process.

This would see women continue to be able to retain their accommodation until the court orders are put in place, as often the perpetrator uses repossession as a way of continuing to control the woman by forcing them to become homeless.

Banks should be forced to provide hardship arrangements until settlement occurs.

Tell me about some of your interests outside financial counselling?

I am a traditional Aboriginal artist and weaver which is part of my self-care. I also enjoy socialising with friends, and I am a keen collector of Transformers. I enjoy marvel, DC and Star Wars movies. I am a Christian and attend church on Sundays.

What are you currently reading and listening to?

I listen to Hope 103.2 and enjoy their daily devotions in the car on the way to work and when doing housework around the home.

I am currently looking for a new book to read. I enjoy reading Christian novels from authors such as Kel Richards, Frank Peretti and John Stott.

What is your favourite meal and where you like to be eating it?

My favourite meal is a stone grill steak and roast vegetables, and I like eating it at the Builders Club in Wollongong.

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.

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