



**Financial  
Rights**  
LEGAL CENTRE

# Annual Report 2023





# About us

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The Financial Rights Legal Centre is a community legal centre which specialises in helping people understand and enforce their financial rights in relation to consumer credit, banking, insurance and debt recovery.

We focus particularly on assisting low-income, marginalised or disadvantaged consumers who need help to solve complex problems and gain greater financial freedom. We also use our experience helping individuals to argue for improved consumer protection laws and a fairer marketplace.

## What we do

- Provide advice and advocacy for people in financial stress.
- Provide high quality legal and financial counselling services.
- Promote access to justice.
- Advocate for a fair and equitable financial services sector and improved financial wellbeing.
- Support our people and our planet.

## Our values

- Respect and integrity in all our dealings with clients, stakeholders and colleagues.
- Quality in all our services and activities.
- Independence from conflicts of interest.
- Empathy and compassion for the circumstances in which people find themselves.
- Empowerment of people to take control of their financial situation, exercise their legal rights and expect fair treatment.
- Inclusion in access to our services, consultation in planning our services, and promoting access to a fair and equitable marketplace and improved financial wellbeing for all.
- Courage to be fearless advocates for people facing exclusion, exploitation or unfair conduct.



Financial Rights Legal Centre acknowledges all Traditional Owners of Country across Australia and particularly the Gadigal people of the Eora nation, on whose Land the Financial Rights Legal Centre's office is located. We pay our respects to cultures, and to Elders past, present and emerging and recognise the continuing connection to lands, waters and communities.

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## At a glance



Total contacts for free legal advice or financial counselling

11,558

Total contacts for free legal advice or financial counselling

11,919

Total number of services provided

8,360

Contacts about credit and debt (phone and email)

3,198

Contacts about insurance (phone and email)

2,341

Contacts answered through Mob Strong Debt Help

1,347

Contacts answered through disaster priority line

3,234

Referrals to face-to-face financial counsellors

1,724

Services initiated by live chat

233

Legal tasks (229 credit and debt, 96 insurance)

307

Services to people impacted by family violence

173

Cases opened

133

Cases closed

96

Complaints to regulators and authorities

33

Policy submissions

127

Media mentions

55

Community education



# Chair / CEO report

It has been a busy year, with our small team creating big impact for consumers across the country. We've been there to answer the calls, to work with people when their bank or insurer isn't treating them with respect and to take the voices of our clients to governments, so that harms caused by industry can be prevented in the future.

Our First Nations-led Mob Strong Debt Help team have played a pivotal role this year in the #SaveSorryBusiness campaign to address the harm caused by now-collapsed funeral insurance provider Youpla. Members of the team have been to Canberra with Elders and other First Nations advocates multiple times across the year. Their work was recognised in over 2,610 media mentions and was supported by over 2,000 people who contacted their MP to raise attention to the issues. Thanks to our collective advocacy, the Federal Government has committed to an enduring resolution to this problem, which we expect to be announced soon.

This year also saw our live chat service for the National Debt Helpline expand from three days per week in business hours to five days per week until eight o'clock in the evening. This service is provided in partnership with Care Inc. in the ACT and is accessed via the National Debt Helpline website. Over 20% of our credit and debt services are now initiated through live chat. Although many of these contacts may transition to contact via telephone and email, the live chat is an important access channel to ensure this life-saving service is available to as many people as possible.

Our policy work has also led to government action on Buy Now Pay Later products, bankruptcy and the Consumer Data Right. Our work contributed to a revised Life Insurance Code of Practice which now has improved protections for people experiencing family violence and clearer obligations on industry when people have mental health conditions.

We launched our new website this year with a celebration and speeches from Minister for Better Regulation and Fair Trading, the Hon. Anoulack Chanthivong, as well as staff from across the organisation. This event was a wonderful reflection of the hard work that happens every day at Financial Rights.

Our new website lets us help more Australians, with clearer information about legal rights on key issues, new interactive tools and improved accessibility. Already our fact sheets on car accidents without insurance, reversing unauthorised bank transactions and the recovery of old debts have been accessed by thousands of people.

Thank you to our funders whose ongoing support allows us to deliver this practical help to people who need it.



**Erin Turner**  
CHAIR



**Karen Cox**  
CEO

## ERIN'S LAST YEAR AS CHAIR OF FINANCIAL RIGHTS

*I have been lucky enough to serve on this board for over eight years and act as Chair since 2020.*

*I step off knowing that Financial Rights is in the very best hands, both at a management and a board level. It has been a privilege to support this organisation as it supports Australians to get fair outcomes.*

# Activities



## Advice, information and referral

A large part of the work of Financial Rights is to provide information and advice to the public, financial counsellors and other caseworkers in our areas of expertise.

We provide advice, information and referral through five advice lines. This allows us to give people vital information when they need it to solve their money related problems, to gather intelligence about the consumer experience with money related products and services, and to identify those people most in need of further assistance.

## Total information services:

5,668

## Total advice services:

5,890

Top languages spoken at home other than English:

Mandarin

Arabic

Vietnamese

Other Australian indigenous languages

Tagalog

## Demographics for advice

44%

Male



55%

Female



1%

Other



## Young people (under 24)

5%

## Older people

17%

## Impacted by family violence

5%

## Mental illness or disability

8%

## Regional or remote

8%

## Aboriginal or Torres Strait Islander

12%



## Main language other than English

3%

## Demographics for casework

23%

Male



77%

Female



Young people (under 24)

10%

Older people

29%

Impacted by family violence

30%

Mental illness or disability

59%

Regional or remote

8%

Aboriginal or Torres Strait Islander

28%



Main language other than English

5%

Clients in vulnerable circumstances and/or those who would struggle to self-advocate are given priority for casework assistance, creating a quite different demographic profile to callers overall.

## Task and casework

From our extensive consumer contacts we identify the people who most need further assistance. In many cases this will mean providing task assistance where we lodge a complaint, or draft submissions for the client to send or contact a creditor or the court to get further information. In a smaller number of cases we will provide representation by a solicitor, financial counsellor or both. We also identify cases to pursue in the public interest.

Task:

233

(153 Credit and Debt, 80 Insurance)

Legal casework opened:

97

(70 Credit and Debt, 27 Insurance)

Legal casework closed:

77

(53 Credit and Debt, 24 Insurance)

FC casework opened:

76

FC casework closed:

56

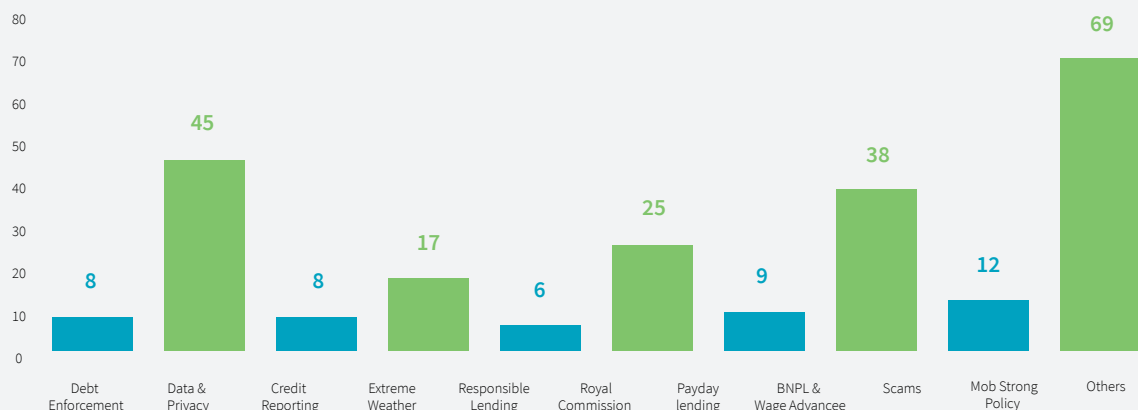


## Policy

Our policy and campaign work integrates with our hotline advice and casework, both from our financial counsellors and our solicitors.

We aim to identify systemic issues that contribute to financial hardship and consumer detriment, and then develop law reform, advocacy and educational responses.

### Policy activities



Our solicitors and financial counsellors made 96 complaints to regulators or code compliance committees.

## Media and communications

Media Mentions:

127

Proactive:

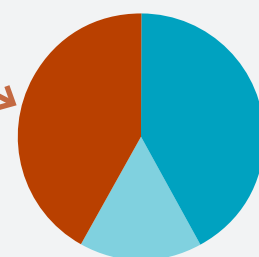
70

Reactive:

57

179 activities for Mob Strong

### FRLC vs Mob Strong Priorities



- Mob Strong debt help policy 42%
- Financial Right policy priorities 42%
- Other 16%



## Policy Highlights



Made 33 submissions to Government, regulator and industry reviews

Attended 49 consultations

Contributed to policy fora 88 times

Appeared before Parliament once

Made 17 policy conference presentations or panel appearances

Produced and released 1 policy research publication

## Websites

Up until March 2023 Financial Rights had 3 websites, containing over 100 legal information fact sheets, sample letters and checklists:

[financialrights.org.au](https://financialrights.org.au)

[insurancelaw.org.au](https://insurancelaw.org.au)

[mva.financialrights.org.au](https://mva.financialrights.org.au)

On 15 March 2023 we launched a new amalgamated website which contains all of our resources in one place (more about this on Page 24)

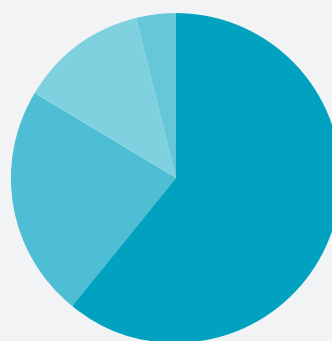
Total unique visitors to all three websites:

# 381,593

## Community legal education

This financial year we completed 55 CLE presentations, and attended the Cooee Festival where over 100 First Nations people came to talk to our staff and take brochures and flyers with information and contact details.

### CLE audience breakdown



- Financial counsellors **1783**
- Other caseworkers **664**
- Solicitors **366**
- General public **110**

Grand total  
**2923**  
attendees

## Top 5 financial product types people sought credit and debt advice about

21% 

Home loan/mortgage

15% 

Personal loan

13% 

Credit card facility

8% 

Motor vehicle loan

3% 

Strata

## Top 5 financial product types people sought insurance advice about

32% 

Home building

24% 

Motor vehicle comprehensive

8% 

Home contents

7% 

Funeral

4% 

Landlord

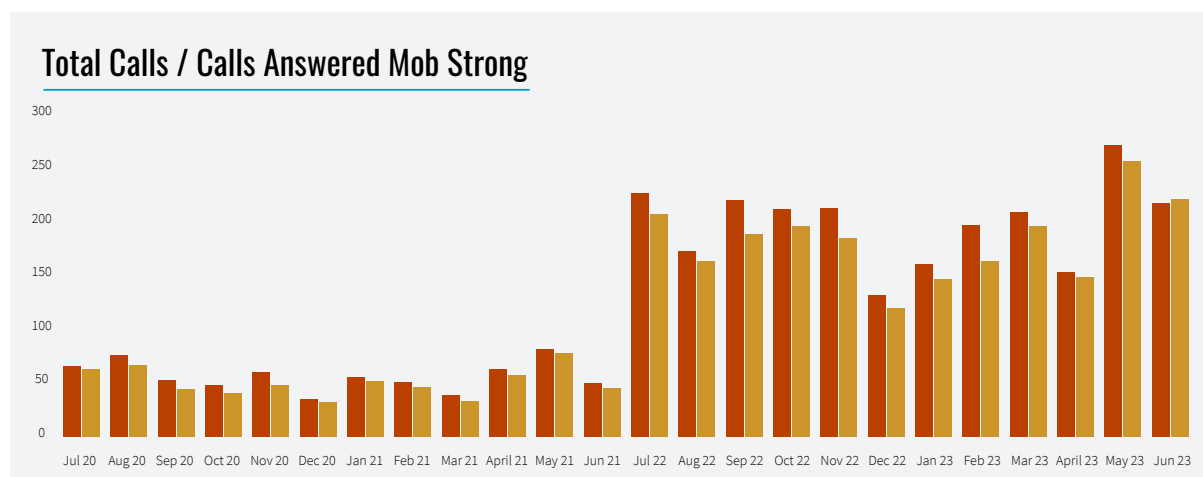


# Mob Strong Activities



The Mob Strong Debt Help advice line is a free-call 1800 number available throughout Australia. We get calls from First Nations consumers as well as First Nations financial counsellors seeking a culturally safe place to ask questions from an identified worker.

Calls continue to average well over 200 per month. Answer rates have remained strong and staff endeavour to return all voicemails. Looking back to when Mob Strong's funding was first provided, calls per month have grown over 350%.



Note: We have left out the 21/22 financial year because call figures were inflated well beyond business as usual by the collapse of funeral insurer ACBF/Youpla.

Service type	Total services for First Nations clients
Information and referral	176
Financial counselling-one off assistance or Aboriginal support	436
Legal advice	273
Tasks - minor assistance (legal and financial counselling)	37
Casework (financial counselling)	33
Casework (legal)	25
Credit report listing amended/removed	20
Money refunded	26

## Community Education and outreach

Mob Strong presented to over 1,300 community members and caseworkers this year.

Dubbo, NSW

FEBRUARY

Blue Mountains,  
NSW

MARCH

Darwin, NT

MARCH

Hobart, TAS

MARCH

East Arnhem  
Land, NT  
(Nhulunbuy and  
Gapuwiyak)

APRIL

Mount Druitt, NSW

APRIL

SW Sydney, NSW

MAY

Paramatta, NSW

MAY

Adelaide, SA

MAY

Canberra, ACT

MAY

Marrin Weejali -  
Western Sydney

JUNE

Yarrabah and Palm  
Island QLD

JUNE

# Outcomes

## Information and advice

It is not always easy to track the outcomes of our lighter touch services like information and advice but they make up a large part of what we do.

These services play a very important role in amplifying the impact of our casework by sharing the expertise we have gained with a larger number of Australians, who can use that information to solve their own problems.



## Advice survey responses

96%

found our advice 'helpful' or 'very helpful'

51%

said they have taken action based on our advice, and another 43% say they haven't taken action yet but intend to

98%

said our advice is practical and they think they will be able to act on it.

“

*“Thank goodness for you and the service provided. I was in a really bad place and regardless of the outcome the way in which you connected with my affairs has benefited me hugely. You have reduced the strain on my emotional and financial situation along with preventing further demand on the legal team and support systems in place for the general public to access.”*

*“I am very grateful for the help I am getting and appreciate the kindness and generosity I am receiving. Thank you for listening as I have not confided or told anyone else about my financial hardship.”*

*“I cannot praise this service enough. They give clear and concise information that enables me to make good decisions. The staff are amazing. Amy today was wonderful. Truly wonderful. Sitting at home full with worry she has managed to ease some of that. Thank you Amy.”*

*“Mike was really helpful and reassuring. It's hard admitting you're in debt, and Mike was really nice. I am receiving a phone call today from Pete who Mike referred me to, and I managed to sleep without worrying.”*

”

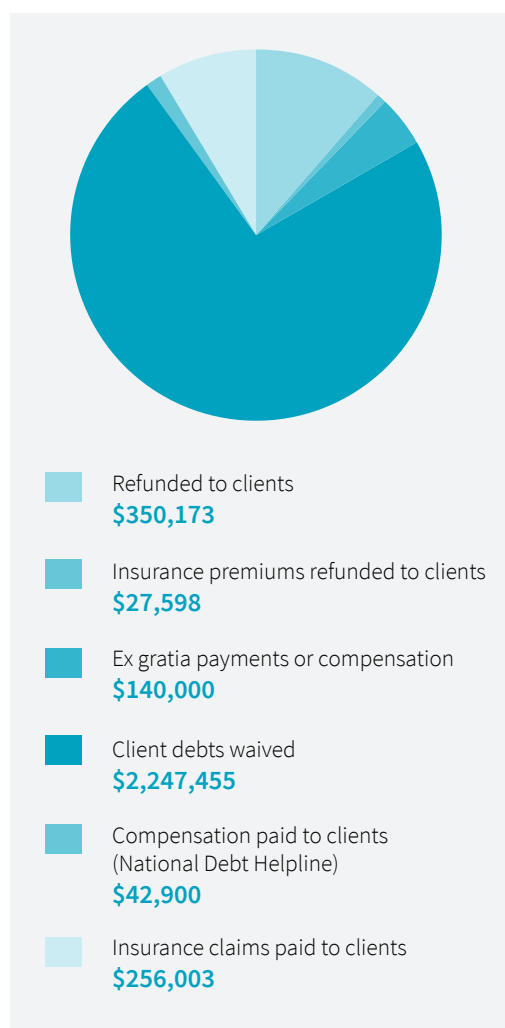
## Key casework outcomes

An important part of our work is providing casework representation for vulnerable clients, or matters where we are on the record representing a client on an ongoing basis as their legal practitioner or financial counsellor.

While we only have capacity to take on a small number of callers as casework clients, what we learn from our casework we use to advise thousands more people over the hotlines and do systemic law reform work.

## Total amount saved or recouped for clients

# \$3,053,376



## CASE STUDY

### Zena's story

*In 2000, Zena purchased an investment property and obtained a loan in the sum of initially \$200,000.*

Between 2000 and 2015, the property was tenanted on and off and the client was granted a number of top up loans. In 2015, Zena and her son, who suffers from a disability, moved in. Zena's only source of income is and was for much of the time the carer's pension.

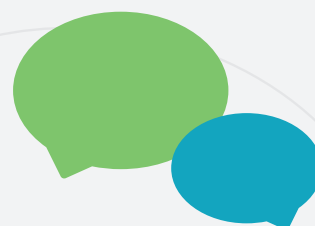
Zena's loan was on interest only for many years, she was impacted by the bushfires and Covid and placed on hardship variations that increased the loan with interest.

*The bank was seeking that she start making interest and principal payments which would exceed her income. By 2021 her loan was over \$400,000.*

To avoid Zena losing her home, we agreed to look into the matter to assess whether any responsible lending issues existed. The bank agreed it had breached its responsible lending obligations but the issue then became how to assess the rental income received from the investment property since it was a benefit she received from the loan.

After a lot of negotiating and reviewing arguments, the bank agreed to reduce the debt by roughly \$300,000 and entered into an affordable payment arrangement with our client for the remaining principal.

\$279,548





Other Case Outcomes	
Repayment plan/variation garnishee reduced/removed:	18
Extension of time to pay (or sell home/asset):	6
Debt/contract release - compassionate:	37
Debt/contract release - dispute settlement:	26
Arrears capitalised:	2
Interest reduced/removed:	12
Credit report listing amended/removed:	4
Money refunded:	15

## Our casework leads to ASIC enforcement action

Over the years Financial Rights has represented a number of clients with loan providers such as Latitude Finance, Money3 and life insurers including OnePath.

As part of our approach to systemic advocacy we regularly make complaints to the Australian Securities and Investment Commission about companies where we believe they may be in breach of the law. We are pleased to see this year ASIC took enforcement action, which will extend the reach of our work well beyond the limited cases we can take on.



- In October 2022 ASIC took legal action against Latitude Finance Australia and Harvey Norman Holdings for misleading interest free advertising in relation to credit cards promoted in Harvey Norman stores. Our community lawyers and financial counsellors have assisted many clients struggling to pay off high-cost credit cards including fees and interest, usually opened through similar offers.
- In December 2022 ASIC commenced proceedings in the Federal Court against OnePath Life alleging it failed to comply with its duty to act with utmost good faith during claims handling.
  - ◊ *"Insurers deal with their consumers at their most vulnerable. This makes it crucially important that they ensure their customers understand their rights, including their rights of appeal if an insurance claim is decline."* - ASIC Quote
- In May 2023 ASIC sued Money3 Loans for responsible lending breaches.
  - ◊ *"ASIC is concerned that Money3 did not properly assess these loans to determine whether the consumers could meet their repayments without causing harm. These loans were mainly provided to people on low incomes, adding to their financial distress."* - ASIC Quote

#### CASE STUDY

### Shaan's Persistent Debt

Shaan is 72 years old and is on the age pension. About 20 years ago, when she was working, she took out a credit card for \$30,000 and paid the monthly balances until about 2015, when her mother became very ill and she had to stop work. During this time the usage of the account increased, with minimal repayments, and in 2016 the debt of \$22,000 was assigned to a debt collector. Shaan was in financial hardship and she entered in to a payment arrangement to pay \$50 a fortnight, although unknown to her the interest being charged on the account was more than that. By 2018, the debt had actually increased to \$27,000 and a new payment arrangement was entered in to where Shaan agreed to pay \$100 a fortnight.

In August 2022, Shaan spoke to one of our financial counsellors who quickly identified the persistent debt issue. The client's statements revealed that the current balance was \$18,000 and that from the time the debt was assigned in 2016, Shaan had paid \$17,250 but that the debt had only decreased by about \$4,000.

We lodged complaints with the debt collector, ASIC and the Australian Collectors and Debt Buyers Association. In the circumstances, we sought a waiver of the outstanding balance of \$18,000 and the creditor agreed to this. The client was extremely relieved.

S282704

“

*“Amazing people with a genuine passion for our people and supporting their financial rights”*

*“Took me step by step through the process, and helped me understand it. Came up with solutions I would never have known about”*

*“End result was way more than I had in mind. A blessing actually”*

*‘I had no idea what to do. Your people had extensive knowledge and could explain everything to me. “I felt like I counted”.*

”

# Policy and law reform



As always, Financial Rights had a packed policy agenda this year.

A standout achievement was finally reaching one of our long term policy priority goals – the effective regulation of small amount credit contracts and consumer leases, which was realised after a 6 year community sector campaign to “Stop the Debt Trap”.



## Small Amount Credit Contracts and Consumer Leases

The passage of the Financial Sector Reform Bill 2022 provides long overdue protections from pay day loans and consumer lease debt traps. The reforms provide for vital enhancements to the national credit laws that apply to pay day loans and consumer leases. These changes will reduce the risk of excessively high repayments that lead people into a debt spiral.

As icing on the cake, the “Stop the Debt Trap” campaign was named a joint winner of the Consumers' Federation of Australia's Showcase advocacy award at the ACCC's National Consumer Congress, along with the #SaveSorryBusiness Campaign (see Page 22)



## Code improvements

A key part of our policy role is to represent the interests of consumers to sectors with self-regulatory instruments to guide conduct with customers. Developing or amending codes of practice often takes multiple years to complete. Our influence was seen in the following Codes published this year:

- The Customer Owned Banking Code of Practice was reoriented to make bank commitments clearly enforceable and removed language that placed an onus on customer, rather than banks, to act. The revised Code expanded responsible lending obligations and guarantor protections, and obliges signatories to offer greater support for customers experiencing vulnerability; and
- The new Life Insurance Code of Practice came into effect on 1 July 2023, with a raft of improvements including family violence policies and mental health commitments we successfully advocated for.



## Consumer Data Right

The Consumer Data Right (CDR) rollout was paused in June, to allow time to “bed” banking reforms. The government's intent had been to expand the CDR to superannuation, insurance and telecommunications. The pause came after strong advocacy from Financial Rights highlighting the unmitigated risks posed by scams. Despite significant government funding being made available for the implementation of CDR, we were disappointed that no funding was made available to support ongoing consumer representative participation. We then took the difficult decision to withdraw from future CDR consultations.



**Consumer  
Data Right**



## Consumer sector collaborations

*Speaking as a single voice with our consumer sector colleagues helps Financial Rights increase our impact.*

Where we share common views, Financial Rights will lead or support submissions prepared jointly with our allies on issues impacting our clients or in the public interest. Issues where we have undertaken a joint advocacy approach this year include:

- Quality of Advice Review.
- Financial Accountability Regime and Compensation Scheme of Last Resort.
- Financial Services Legislation Inquiry – Interim Report B.
- Regulating Buy Now Pay Later.
- Consumer Data Right.
- Payments System Strategic Plan.



ACCC Deputy Commissioner Catriona Lowe, Bettina Cooper, Mob Strong Debt Help and Tania Clarke, Consumer Action Law Centre

# Financial counselling in focus

Our financial counselling team not only achieves amazing results for their clients, they provide vital assistance on legal casework files working in collaboration with our legal team.

“

*Marie was very patient and understanding. She asked the right questions and provided lots of different avenues to pursue while explaining the pros and cons of each. Incredibly grateful to you, Marie, I've never spoken about my finances so openly with anyone and I almost cried saying some things out loud as they brought up unpleasant memories however you were patient, kind, and understanding through it all. Absolute superstar.*

”

This year our financial counsellors got over \$500,000 in debts waived and another \$250,000 refunded to their clients.

The outcomes they have achieved for their very vulnerable clients have been nothing short of life changing.



## CASE STUDY

### Janet's Story

Janet contacted us as she was being chased by a bank for a car loan after her ex-partner stopped making payments.

Although Janet raised DV concerns when the car loan was taken out, the bank continued to harass her for payment leading her to lodge a complaint at AFCA. After she did this the bank offered to reduce the loan balance by \$3,000, to \$17,000 but continued to hold her liable and said they could not look at the DV concerns without a police report. The AFCA case analyst then told her she had to provide an extensive list of information including statement of financial position within 7 days.

*Our client was very distressed and was unable to respond as requested.*


We helped Janet reply to AFCA's initial enquiries and discovered in the process that she had previously made herself bankrupt but didn't include this debt in the bankruptcy (as she didn't realise she should). We asked if Janet's trustee in bankruptcy would agree to include this debt in the bankruptcy. The trustee agreed and Janet was able to provide paperwork confirming this to the bank.

The bank had not been able to repossess the vehicle from the ex-partner. After our intervention they closed the account. As the loan continued to be secured over the vehicle, the bank did not necessarily have to agree to include the debt in bankruptcy, however due to the DV concerns we raised they advised that this was a commercial decision for them to assist Janet. We followed up as well to make sure there would be no negative impact to Janet's credit report.


S283156

## Top 5 Financial product types in financial counselling casework

21%   
Buy Now Pay Later

18%   
Credit cards

14%   
Personal Loans

11%   
Motor vehicle loan

9%   
Pay day loans

# National Debt Helpline live chat

Live chat with the National Debt Helpline was piloted in some States in 2020 and in May 2022 we successfully applied, in partnership with Care ACT, to operate chat 5 days per week, from 9am until 8pm, for residents of NSW, ACT and Tasmania from 1 July 2022.



**NATIONAL  
DEBT  
HELPLINE**

**1800 007 007  
ndh.org.au**

get back on track with **free** financial counselling

Total chats assigned to NSW:

**2,848**

## Top issues collected from Chats:

1. Credit – debt collection
2. Housing – rent
3. Housing – mortgage
4. Requires financial hardship
5. Credit – credit cards



# Federal court bankruptcy service

This entire financial year we have had a financial counsellor sitting in on the bankruptcy list in the Federal Circuit Court on Tuesdays and Thursdays.

Being made bankrupt is extremely distressing. In some cases, bankruptcy will not make a big practical difference in a person's life and the financial counsellor can explain what will happen and reduce some of the person's anxiety. In other cases bankruptcy can be devastating. With the financial counsellor's help, the debtor may be able to devise a strategy to pay the debt, challenge it or negotiate a compromise. The financial counsellor will then appear in court and seek an adjournment to put the strategy into action.

We currently have 5 financial counsellors participating in this service.

## Our Activities

111 total Bankruptcy services connected to our Federal Court visits:

- 4 information
- 66 financial counselling advice
- 20 legal advice
- 21 tasks

Tasks include speaking on behalf of a client in Court or help with statements of financial position. Some legal advice included preparation of last minute affidavits.

## Our Impact

We know we have helped at least 8 clients avoid bankruptcy. For many more our financial counsellors have provided some balance in the court and given respondents some dignity and time, to be made bankrupt with more of an understanding of the process and that this is their best option.

“

*Marie did a fantastic job explaining all involved in the process. She is a very competent and extremely caring in her position. I avoided bankruptcy*

*Without help from Miriam I would not have been able to solve the situation on my own and consequently had the best outcome. I was able to negotiate with the other party but only after advice from Miriam which was invaluable and I avoided bankruptcy. This service is of great value to others like myself, left after marriage breakdown without any financial help from ex (avoided child support) and left me with debt.*

”



# Mob Strong Outcomes



## Testimonials

“

*Wouldn't have been able to make a decision without the advice I got. They got my debt squashed so I don't have a huge debt hanging over my head. Mark and his crew are fantastic and I will always be grateful for their help at Mob Strong.*

*Yvette provided me with local service providers who can assist with my financial situation. This information was very informative and helpful. I have since booked an appointment with the contact information she provided to me. I have an upcoming appointment to see a financial Counsellor to help me with my financial circumstances. This will allow me to make practical financial choices in the future to better help me reach my financial goals.*

”

## New Mob Strong Artwork helps reach First Nations communities

The new Mob Strong artwork and logo was designed guided by the attributes of the not for profit service: providing connection, a culturally safe place, education and awareness leading to empowerment, advocacy, support and communication.

Dixon Patten, First Nations artist and designer at Bayila Creative used symbols to convey the coming together of people and community for the support that Mob Strong offers. Elements within the artwork have been chosen for their strength and growth – both aspects of Mob Strong’s work to share with their callers. The gum leaves for growth through education, the shields for protection within this culturally safe space, and the healing stones to represent the counselling work of Mob Strong.

*This artwork and the design elements within it are now being used on our website, across Mob Strong social media, in publications and in outreach.*





#### CASE STUDY

### Dale's story

Dale is a First Nations client who is married with no children. He is often unsupported as his wife travels extensively for her work and he lives quite remotely in Queensland.

Dale reached out seeking help with a car loan. He was struggling to pay the loan as he was in and out of work due to remote living and injuries. Investigation made it clear that he was on Centrelink payments when the loan was made, however he needs to keep the vehicle for transport due to the remoteness of his living arrangement. In line with Dale's wishes to keep the car, an arrangement was reached based on paying off the loan amount only and a new payment schedule issued, reducing interest fees and charges.

During the course of casework with Dale it also became apparent that he was suffering a workplace injury that he had not spoken to Workcover. Our financial counsellor gave him details of who to call and some support. He is now getting extra support to assist in his recovery.

It also became apparent that Dale is a survivor of institutionalised child abuse and that he had not received any help regarding this, nor was he aware of the possibility of redress. Again with encouragement and support from our financial counsellor he has now reached out to appropriate services and is working towards applying for redress and accessing other appropriate support to deal with the long-internalised trauma.

S288454

#### CASE STUDY

### Rachel Story – BNPL and Mental Health

Rachel is a young First Nations woman and is on the disability support pension as a result of her serious mental health issues. She lives in community housing and is studying at TAFE. A few years ago she started using BNPL services for primarily discretionary expenses such as clothing and household items, but without getting in too deep.

Her mental health deteriorated and she was admitted to a mental health facility for many months. On her release she started using her BNPL accounts compulsively and was soon in unmanageable debt to three different BNPL providers. Her finances were already stretched on her DSP and the stress from the debts was increasing the mental health issues she already faced. We raised concerns with the providers, including concerns with their compliance with the self-regulated industry code of practice. We were pleased to assist Rachel in resolving the issues.

S286396



# #SaveSorryBusiness

## About Youpla/ACBF and the #SaveSorryBusiness Coalition

In March 2022 when Youpla went into liquidation Mob Strong joined several other organisations and created the ‘#SaveSorryBusiness’ Coalition.



This First Nations-led campaign is now supported by 130 organisations and over 21,500 Australians. This year our coalition of advocates have held over 60 meetings with regular attendees from NSW, QLD, VIC and WA.

Over the last year, with our own Bettina Cooper as the Save Sorry Business Coordinator, the campaign has pushed hard for Government to address the decades of harm Youpla left in its wake.

Our first result came on 25th July 2022 when Minister Jones and Minister Burney announced the interim Youpla Funeral Benefit Program flanked by Mob Strong senior staff, Mark Holden and Bettina Cooper, on behalf of the coalition. To date we understand that approx. 325 families have accessed this scheme with a total of \$2.6M having been accessed. In September 2022 the Benefit Program opened with the Federal government stating:

*“These are interim arrangements the Government is establishing while it investigates what further steps are required to bring resolution in relation to the Youpla Group collapse.”*

The coalition continues to campaign for this Enduring Resolution to be inclusive of all First Nations victims harmed and include culturally appropriate communications and options like money back and culturally competent funeral savings and bond providers.

## Getting the word out

In the last 12 months the coalition has

- Attended over 72 meetings with Members of Parliament, Senators and their advisors, including multiple meetings with Ministers Stephen Jones and Linda Burney.
- Participated in 21 meetings with Treasury, the National Indigenous Australians Agency and ASIC.
- Made 5 trips to Canberra with one of those trips including a Welcome to Country and Smoking Ceremony at the Aboriginal Tent Embassy hosted by a local Elder and Traditional Custodian.
- Taken 8 First Nations people directly impacted by the collapse to Canberra to meet with Parliamentarians alongside First Nations advocates.

Government meetings have resulted in ASIC agreeing to send a Commissioner and Senior staff to two of the hardest hit communities, Yarrabah and Palm Island. Mob Strong staff and members of the coalition have travelled into communities throughout the country to listen and truth tell throughout the campaign.



## Media

Media has been a tool used to enhance the campaign

29 

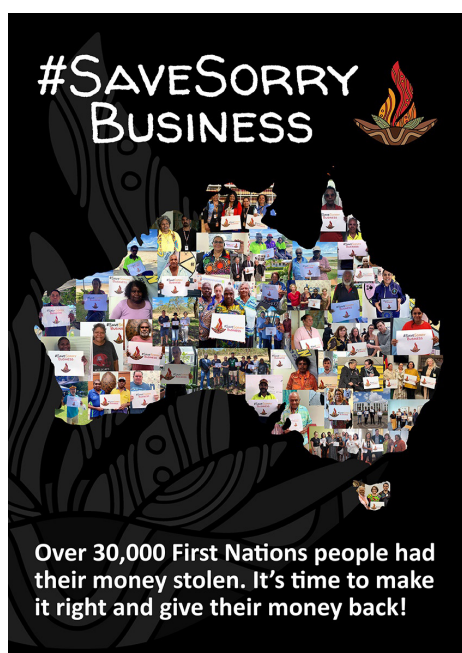
Online articles

2 

TV appearances

7 

Radio interviews



#SAVE SORRY  
BUSINESS

## National Day of Action

*In March 2023, the coalition hosted a morning tea event in the Speaker's Courtyard with 19 guests from Parliament House present including MPs and Senators from across all parties.*

We were also invited to present to the Nationals Party Room with more than 25 people present.

We also held a National Day of Healing and a National Day of Action which resulted in 2,188 supporters writing letters to Linda Burney and Stephen Jones. Many people from across the country took photos holding the Save Sorry Business poster.



### About the #SaveSorryBusiness design

The Save Sorry Business design was developed by Dixon Patten at Bayila Creative. The logo represents a smoking – an important part of ceremony for Aboriginal and Torres Strait Islander peoples. Smoking ceremonies are used for burial, celebration, healing and cleansing, and are also a gesture of goodwill, bringing people together. Smoking ceremonies can also be a way of connecting with country by speaking to and acknowledging ancestors.



# New website

This year we merged our 3 external websites - **financialrights.org.au**, **insurancelaw.org.au** and our motor vehicle accident portal **mva.financialrights.org.au** - into our main Financial Rights domain.

We took the opportunity to revise and revamp all our self-help legal information resources, expanded advice for First Nations clients, and created some new interactive tools to help people and caseworkers. A dedicated portal now provides financial counsellors and community lawyers across Australia with easy access to our information.

We are very proud of the new website, which has been designed with our clients and casework audience front of mind. Big thanks to Ucidity for helping us build it!

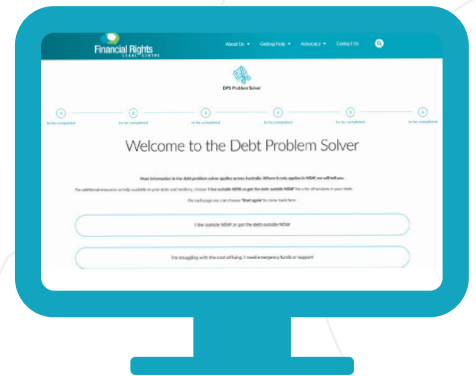


## Debt Problem Solver

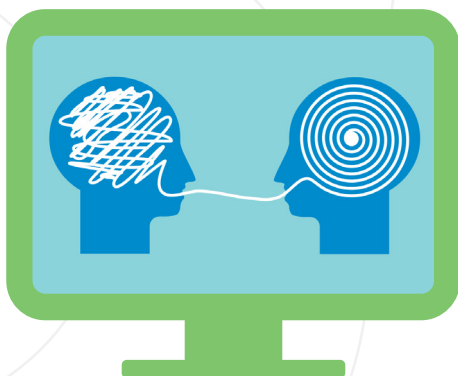
The Debt Problem Solver is a new interactive online tool for people in NSW who are in financial stress and are not sure where to start. Users get tailored legal information based on a few simple questions. It doesn't record or store personal data, and gives helpful tips on how to raise a dispute and where to get more help.

From its launch in March to 30 June 2023 the Debt Problem Solver has already been used by over 1,200 unique users across 1,700 sessions.

We look forward to tracking and analysing how the Debt Problem Solver grows, with users able to reach the information 24 hours a day, 7 days a week. We collect feedback information from the tool and to date have received only positive ratings for the tool, together with a community lawyer commenting that they have used the tool to assist a client work their way through a debt issue to find an appropriate solution. We hope that caseworkers will continue to find this tool useful when addressing financial problems with their clients.



## Plain language material



Our 50 legal fact sheets have been re-written by a plain language expert, to improve their usability. The goal of plain language is to make information clear, concise and well-organised. Each fact sheet has been re-written and organised to help users:

- Find what they need to help with their problem.
- Understand the information the first time they read it, and
- Use what they find to take action.

## Mob Strong

The Mob Strong Debt Help pages have expanded content and First Nations friendly designs.

All content has been written by our First Nations team and we provide information on energy and water, phone and internet, money problems, debt, funeral products, car problems, housing and superannuation and insurance.



## Accessibility features



The entire website, including our interactive tools, has best practice accessibility features embedded. Two green icons follow a user everywhere they navigate to; one is a globe icon which takes the user to a page with information about interpreter services in 15 different languages, and the other icon is an accessibility menu that can be opened and used on any page. Features including changing text size or spacing, changing colour contrast or saturation, hiding images or pausing animations, and a Dyslexia friendly font. We also made hyperlinks screen reader friendly, and made features bandwidth-friendly.

## Website Re-launch Celebration

NSW's Minister for Better Regulation and Fair Trading Anoulack Chanthivong helped us to formally relaunch the website at a party in June. We had over 80 people from the community sector, industry and government join us for a well-earned celebration.





# Insurance Claims Handling

Giving callers advice about how general insurers should be handling their claims has been a prominent part of our work through the Insurance Law Service since its inception in 2007. This year however claims handling issues were a particular focus for a few reasons.

First, the number and severity of extreme weather events Australians are experiencing has become extraordinary, and the ILS is taking more and more disaster-related calls from people experiencing poor claims handling.

Second, this year ASIC has ramped up its focus on general insurance claims handling now that it has new oversight powers as part of the Financial Services Royal Commission reforms. Claims handling was previously excluded from the definition of ‘financial service’ in the Corporations Act 2001. This has given our caseworkers another avenue to pursue action on systemic problems affecting our clients.

## Extreme Weather Events – driving our advice and casework in claims handling

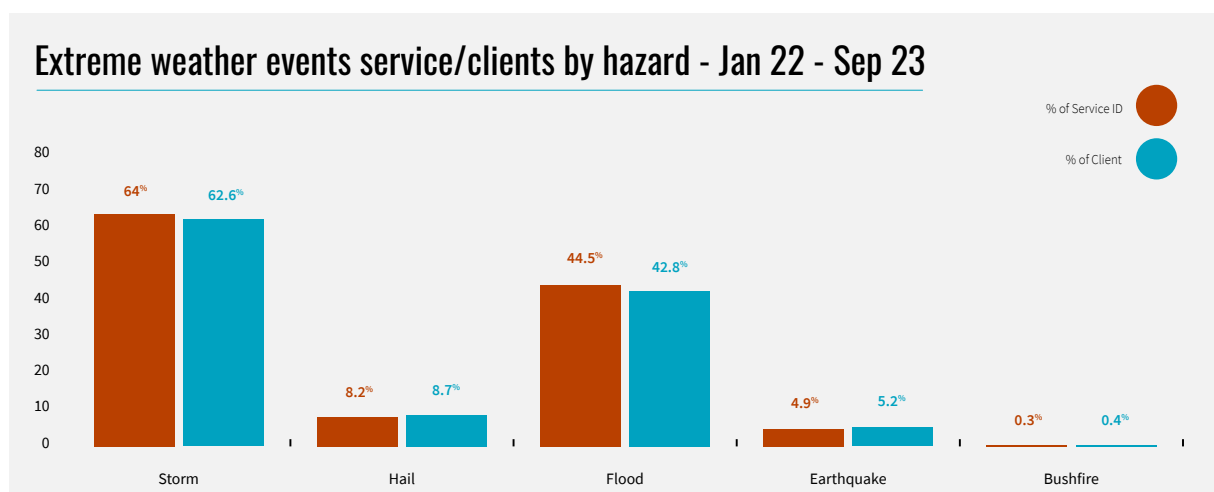
As part of a broader project tracking major flood events in 2022 we found that over 2022-23 the Insurance Law Service provided 866 services to 596 clients impacted by extreme weather events. Poor claims handling remains the most common reason why consumers contact Financial Rights for advice or assistance after an extreme weather event.

Poor claims handling was raised as an issue in 41.9% of all flood and storm insurance services (or by 38.5% of clients) - almost two in five clients impacted by extreme weather events.

It's also good to remember that “poor claims handling” can be a bit of a catchall phrase for many different specific concerns that consumers have, such as:

- Delays for assessment.
- Delays for repairs.
- Poor communications.
- Bullying or pressure from insurers.
- Poor quality assessor and expert reports.
- Over-reliance on exclusion clauses (defect, maintenance and wear and tear).

Complaints about the overuse of exclusion clauses (maintenance, defect, wear and tear) accounted for **29%** of our flood and storm services.



## CASE STUDY

### Arthur's Story

Arthur made a claim on his home building insurance policy in August 2022 after an unprecedented hail storm in July 2022. The hail damaged his roof and tiles and water entered the building. Arthur had lived in this property for over 20 years and had never had water enter before.

The insurer's assessors wrote a report that asserted that his roof was in a poor condition and maintenance and defect related issues were directly responsible or a contributing factor to the damage.

Arthur insists that his roof was well maintained. He had major work completed on the roof in December 2017 and further maintenance work completed in May 2021. He holds receipts for this work as evidence. Arthur asserts that if these were maintenance/defect issues the roofer who completed maintenance work in 2021 would have identified them. In addition, Arthur has a handyman who cleans the gutters regularly as they are used to collect water for use around the property.

S284800

## Regulation and oversight of general insurance claims handling

We have raised many complaints about poor claims handling with ASIC, the General Insurance Code Governance Committee (CGC) and with the Insurance Council of Australia. Our advocacy is beginning to have an impact.

- The CGC released a report into claims handling focussing on claims denied for wear and tear issues. They found that too many insurers are relying on maintenance or wear and tear exclusions to deny claims. Their analysis revealed more than half of the claims denials in the sample examined were based on maintenance or wear and tear exclusions. And, alarmingly, nearly half of these were later overturned in favour of the consumer upon review without any additional information, suggesting the systemic problems with the initial assessment process.
- ASIC undertook an investigation of 218,000 claims lodged and identified five areas where insurers can and should make immediate claims handling improvements – consumer communications, project management, identifying vulnerable consumers and complaints, particularly the resourcing of claims and complaints handling.
  - ◊ ASIC also found that overly broad and open-ended obligations such as wear and tear clauses could amount to unfair contract terms.



# Buy Now Pain Later

For too long, buy now pay later companies have been exploiting loopholes in credit laws to sell people into unaffordable debt, increasing the risks of overselling, overconsumption and over-commitment.



We see countless examples of clients on the National Debt Helpline and Mob Strong Debt Help line with multiple accounts and multiple purchases stacked on top of each other – leading to significant problems with managing their finances.

## CASE STUDY

### Patricia's story

Patricia is an almost 70-year old Aboriginal Elder. Her sole income is Centrelink's Aged Pension and after her rent and other expenses are taken into account, she has almost no surplus income each fortnight.

Patricia rang Mob Strong Debt Help seeking our assistance. She had multiple debts with multiple BNPL providers, the aggregate total of which is just under \$13,000. Financial Rights was able to obtain Patricia's bank statements which showed significant usage on essentials with hundreds of transactions which were difficult to identify and analyse - a complexity exacerbated when spread and staggered across days, weeks and months. It was almost impossible to trace where Patricia's money was going or for her to plan for the repayments being debited on a near daily basis.

Rather than financial empowerment, those experiencing financial stress or distress reliant on BNPL to make ends meet, have significant hurdles placed before them to obtain a better understanding of their financial situation. This reduces any sense of control and undermines their ability to effectively manage their money.



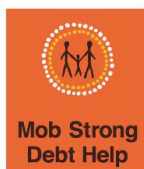
Because BNPL loans have been designed to evade consumer protections that apply to other credit products, Financial Rights has joined the #CloseLendingLoopholes coalition made up of 22 consumer organisations including Australia's leading consumer advocates, charities, community groups, legal centres, family violence organisations, and financial counselling practitioners.

# Close Lending Loopholes

Over 300 BNPL  
services completed  
this financial year

29 Financial Rights  
Media mentions  
relating to BNPL

This campaign was instrumental to the Government's decision to hold a public review of Buy Now Pay Later regulation. Financial Rights led the drafting of the #CloseLendingLoopholes submission, with input from the broad coalition. In it we argued that BNPL is a credit product and should be regulated in the same way as other credit products, including credit cards and personal loans. Since then Financial Rights, with our consumer colleagues, has been working closely with Treasury to help contribute to the development of ground breaking reforms.



# Operational achievements

## Our people

Our employees are individuals with a passion for social justice. Dedicated to alleviating poverty, disadvantage and financial exclusion. Through education, assistance, counselling and advocacy, our employees empower disadvantaged individuals to manage their finances and assert their rights.



## Talent and Development

We remain steadfast in our commitment to invest in the development of our people. This year, a key focal point was the targeted investment in elevating the capabilities of our people leaders. We provided leadership training to all our people leaders, a strategic move aimed at fostering effective leadership and empowering our team to excel in their roles.

## Recruitment success

This year, our organisation achieved remarkable growth, expanding our employee headcount by an impressive 17% to reach a total of 41. This was realised in the face of a challenging and tight labour market.

To support our recruitment efforts we implemented a new cloud-based applicant tracking system within our HR infrastructure. This streamlined essential processes such as job posting, resume screening, scheduling and communication with candidates. Seamless integration with key job boards ensuring improved efficiency in our talent acquisition efforts.

## Employee engagement and wellbeing

We are committed to fostering a positive workplace culture. Staff engagement as measured by our quarterly happiness survey is trending upwards. This year we introduced bi monthly staff massages as part of our ongoing efforts to enhance employee wellbeing and we are delighted to see our team embracing this initiative.

Feedback from our inaugural survey:

“

*“I love the variety of work I get to do in my role, and the people I get to do it with. And I love seeing us make a difference. It's not easy, but really rewarding and motivating.”*

*“Supportive staff and management. The organisation has great ethics for the work we do.”*

*“Great team and supervisor!”*

”

# Technology

## Cybersecurity

As technology becomes integral to our operations, standardisation and a robust cybersecurity posture are paramount for a flexible and secure work environment. This year we delivered a number of cybersecurity initiatives aimed at increasing staff awareness and enhancing technology protections. As part of our employee induction program, all new staff members received cybersecurity training, complemented by mandatory annual cybersecurity training for all employees. These initiatives are strategically designed to mitigate the risk of cyberattacks stemming from human error.

## Technology support

In the upcoming financial year we will be moving our first line technology support from internal to external management through a technology managed service provider. This move promises several benefits including quicker response times, scalability, enhanced cybersecurity support and the flexibility to allocate our internal technical resources to higher value projects.

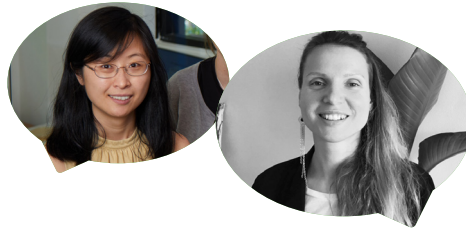
## HR anywhere anytime

Over the next 12 months we are shifting our document management from a traditional server directory storage system to Microsoft Sharepoint. The transition creates several benefits including an enhanced user experience for our staff, streamlined IT infrastructure, cost savings, simplification of IT infrastructure, centralised accessibility, version control, improved security and collaborative workflows.





# Our staff



## Maree Attard

Solicitor

## Almond Cafarella

Information Communications  
and Technology Manager

## Amanda Cameron

Community Engagement and  
Financial Capability Worker

## Amy Colquhoun

Solicitor

## Bettina Cooper

Mob Strong Financial  
Counsellor and Strategy Lead /  
Save Sorry Business Campaign  
Coordinator

## Karen Cox

Chief Executive Officer

## Jennifer Daley

Casual Financial Counsellor  
(ACBF)

## Julia Davis

Senior Policy and  
Communications Officer

## Jason Drane

Mob Strong Financial  
Counsellor

## Marie Druon

Financial Counsellor

## Mike Dunkley

Financial Counsellor

## Jane Foley

Acting Director of Casework

## Gerda Freimane

Operations Assistant

## Konara Gena

Financial Counsellor

## Mark Holden

Mob Strong Senior Solicitor and  
Policy Advocate

## Louise Jansson

Senior Solicitor

## Miriam Jay

Financial Counsellor

## Lynda Johns

Financial Counsellor

## Grace Joseph

Financial Counsellor

## Alexandra Kelly

Director of Casework

## Khai Der Lau

Solicitor

## Jennifer Lewis

Acting Director of Mob Strong

## Alice Lin

Director of Advice

## Drew MacRae

Senior Policy and Advocacy  
Officer

## Annabel McConnachie

Community Legal Education  
Officer

## Peter Nicholson

Financial Counsellor

## Helen Rees

Financial Counsellor

## Gregory Russell

Financial Counsellor

## David Ryan

Finance and Data Manager

## Claire Shidiak Khoury

Senior Solicitor

## Samantha Short

Mob Strong trainee financial  
counsellor

## Lara Song

Senior Solicitor

## Lody Stewart

Financial Counsellor

## Nicola Sutton

Office Manager and Company  
Secretary

## Yvette Taylor

Mob Strong Financial  
Counsellor

## Francesco Terranova

Solicitor

## Peter Thompson

Financial Counsellor

## Destiny Valencia

Solicitor

## Jane Wilburn

Senior Solicitor

## Sarah Wilson

Policy and Communications  
Officer

## Rebekah Wong

Solicitor

## Marianna Zauanders

Senior Solicitor

## Maria Zografos

Chief Operations Officer

# Acknowledgments and company details

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## Board

Erin Turner, Chair  
Dave McMillan, Deputy Chair  
Chris McKendrick, Treasurer (until February 2023)  
Natalie Pozdeev, Secretary  
Francis Vierboom, Ordinary Member

## Aboriginal advisory committee

Nathan Boyle  
Robynne Quiggin  
Aunty Joy Reid (until September 2022)

## Pro bono support

K and L Gates  
HWL Ebsworth  
Minter Ellison  
Glenn Fredericks  
Jim Johnson  
Sonia Tame  
Hall and Wilcox  
Australian Government Solicitor  
Justice Connect Pro Bono Portal

## Pro bono training providers

Knowmore  
Australian Financial Complaints Authority  
Small Business Debt Helpline  
General Insurance Code of Practice Committee  
Marrickville Legal Centre  
Seniors Rights  
Bush Money Mob  
Women's Legal Service  
Centre for Women's Economic Safety

## Contact details:

Financial Rights Legal Centre  
Level 1, 80 Cooper St. Surry Hills NSW  
PO Box 538 Surry Hills NSW

Administration: (02) 9212 4216 Fax: (02) 9212 4711  
ABN: 40 506 635 273  
Office Hours: 9:30am – 5:00pm weekdays  
Email: [info@financialrights.org.au](mailto:info@financialrights.org.au)

## Services:

National Debt Helpline:  
**1800 007 007** 9:30am – 4:30pm weekdays

Credit and Debt Legal Advice Line (NSW):  
**1800 844 949** 10am-1pm Weekdays

Insurance Law Service  
**1300 663 464** 10am-1pm Weekdays

Mob Strong Debt Help  
**1800 808 488** 9:30am – 4:30pm weekdays

All advice hours are Eastern Standard Daylight  
Savings Time

Websites:  
**[financialrights.org.au](http://financialrights.org.au)**

## Funding acknowledgements

Financial Rights acknowledges the financial support for our core services provided by the Financial Counselling Services Program administered by the NSW Department of Finance and Services (Fair Trading) and the Community Legal Centres Program of the State Department of Justice and the Federal Attorney-General's Department, and the Community Legal Services Program operated by the Federal Attorney-General's Department. We particularly note the significant increase in funding from the Federal Attorney-Generals Department to fund our Insurance Law Service in this period to enhance our ability to respond to people impacted by extreme weather events and family violence.

We acknowledge funding from the Financial Counselling Foundation for Mob Strong Debt Help and our Federal Court financial counselling service. We acknowledge important project funding by Ecstra Foundation, for supporting some of our policy work and Mob Strong Debt Help. We also acknowledge Financial Counselling Australia for their coordination and funding of the National Debt Helpline Live-Chat service.

We have also been fortunate enough to be the beneficiary of residual remediation funds passed on by industry participants. This only occurs where it is not practical to compensate affected customers directly, either because they cannot be located or because the amount per customer is negligible.

# Financials

Income	Actual
<b>Revenue from Government</b>	<b>\$3,131,249</b>
<b>Commonwealth</b>	
Attorney General - Community Legal Services Program	1,754,389
<b>State</b>	
Legal Aid NSW, Community Legal Centres Program	207,521
NSW Fair Trading, Financial Counselling Program Services	1,066,036
Legal Aid NSW - Domestic, Family and Sexual Violence Funding	103,303
<b>Sector Grants*</b>	<b>\$959,833</b>
<b>Other Income</b>	<b>\$691,790</b>
<b>Total Income</b>	<b>\$4,782,872</b>

\* Sector Grants include funds from ECSTRA Foundation, Financial Counselling Australia, Financial Counselling Foundation, and the Indigenous Consumer Affairs Network. Other Income includes Residual Remediation funds where it is impractical to return funds to injured parties

Expense	Actual
<b>Service and Program Delivery</b>	<b>\$3,597,086</b>
Salaries, on costs Training	3,461,528
Travel	63,266
Program and Planning	72,292
<b>Administration and Infrastructure</b>	<b>\$403,961</b>
Premises Costs	227,427
Depreciation	41,207
Finance and Accountability	16,563
Insurances	15,408
Office Overheads	103,355
<b>Resources</b>	<b>\$119,316</b>
Library and Resources	29,075
Communications	90,241
<b>Total</b>	<b>\$4,120,363</b>

The complete audited financial statements for 2022-2023 can be found on our website.



# Staff





**Financial  
Rights**  
LEGAL CENTRE

**Financial Rights Legal Centre**

Tel (02) 8204 1386

PO Box 538

Surry Hills NSW 2010

[www.financialrights.org.au](http://www.financialrights.org.au)