

























Consumer action law centre

Our Purpose:

to make life easier for people experiencing vulnerability and disadvantage in Australia

Our Vision:

a just marketplace, where people have power and business plays fair



Consumer Action is located on the land of the Kulin Nations. We acknowledge all Traditional Owners of Country throughout Australia and recognise the continuing connection to lands, waters and communities. We pay our respect to cultures; and to Elders past, present and emerging.

WARNING:

Aboriginal and Torres Strait Islander people are advised that this document may contain the names and images of people who have since passed away.

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Our Values:

FAIRNESS

we act with integrity and pursue fair outcomes

REFLECTION

we use our specialist skills, ongoing learning & reflective practice to deliver excellent services and effective campaigns that create impact

RESPECT

we care about, collaborate with, and respect our clients, colleagues, partners and others we interact with

COURAGE

we act boldly and courageously in pursuing our vision

Our Priorities & Ambitions for 2021-2025

Assist and . empower people

We will provide legal assistance and financial counselling that contributes to positive outcomes for individuals and broader systemic change. We will evaluate and review our services to ensure they make a difference. We will partner with First Nations peoples, organisations and communities to develop pathways to legal services and financial counselling that meet their needs.

Partner with the **2.** community sector

Financial counsellors, community lawyers and other community workers support the most vulnerable in Victoria. We will help them help their clients, and learn from them, through engagement, training and legal assistance.

Advocate for **3.** a fair system

We will tackle the systemic consumer issues that make life harder for people experiencing vulnerability, including by advocating for fair business practices and law reform. We will develop evidence-based policy positions that are informed by the lived experiences of our clients. We will partner with our clients and other community organisations to support their advocacy for change.

Enhance systems, 4. expertise and technology

We will develop systems and processes, including technology and data capability, to continuously improve the services we provide. We will test new approaches and scale up innovations where they work for the people we help and staff.

5. Strengthen our **5.** internal culture

We will build a team culture that is collaborative, respectful and promotes wellbeing, and that adapts to the changing needs of the communities we serve. In particular, we will challenge discrimination and promote equity, diversity and inclusion. We will ensure our work is aligned and integrated to maximise organisational impact.

Our *Impact Framework* articulates the change we want to make for people and society. You can find our *Impact Framework* at: <u>consumeraction.org.au/impactframework</u>

A Word from the CEO and Chair

Gerard Brody, CEO and Victoria Marles, Chair





The 2020-21 year has been a tumultuous one for Consumer Action and the broader community.

The impact of the COVID-19 pandemic has affected us all. We are again experiencing an extended lockdown as we pen this, the cumulative impact of which is having an emotional and physical toll. However, we have been impressed by and thankful for the resilience of Consumer Action staff, who have continued to create impact and make life easier for so many people experiencing vulnerability despite the trying environment.

A key focus of the Centre's work this year has been our engagement with consumer advocates from across the sector to campaign to save our world-leading responsible lending laws. In September 2020, the Federal Government announced that it wanted to repeal the laws. The team worked quickly to defend these important consumer protections, explaining their everyday benefit for our clients, and reminding the community that the Financial Services Royal Commission recommended to maintain these laws, and improve their enforcement. It has been pleasing that the campaign has to date largely succeeded, and the draft legislation has not been able to proceed through the Senate.

In 2020, we also conducted our bi-annual stakeholder survey. This survey, seeking feedback from partner organisations, regulators, dispute bodies, government agencies and others, provides insights to inform our work. It helps us understand where we are succeeding or could be making improvements. We were pleased to receive some very strong results with:



say that we leverage clients stories in advocacy well or very well

Following the survey, the Centre embarked on the renewal of its Strategic Plan -the current plan was set to conclude on 30 June 2021. This involved deep consultation with all staff and the board.

We are very pleased to present our new plan for 2021-2025. Our vision 'a just marketplace, where people have power and business plays fair' and our purpose 'to make life easier for people experiencing vulnerability and disadvantage' remain. We have taken the opportunity to update our values, including the value of 'reflection'. Reflective practice is really core to being an impact-led organisation and the value statement emphasises that our specialist skills, ongoing learning



say that they perceive us as good or very good compared to other advocacy bodies



say that our advocacy has a strong or very strong influence on resolution of systemic consumer issues

and reflective practice is intended to deliver excellence in services and effective advocacy.

The plan sets out five priorities including two new internal priorities. One to enhance our systems, expertise & technology; and the other to strengthen our internal culture. These priorities, as well as those around assisting and empowering people, partnering with the community sector and advocating for a fairer system, will help guide our work plans for the years to come.

Finally, we'd like to acknowledge and thank the board directors for their guidance and stewardship through this year.



Our financial counsellors and lawyers rely on our responsible lending laws every day in their work to assist people experiencing vulnerability and disadvantage. These laws provide critical protections and redress for people who are sold unaffordable loans by lenders and brokers. Yet on 25 September 2020, Treasurer Josh Frydenberg announced that the Federal Government intended responsible to repeal lending protections.

announced The decision, with no warning or prior consultation, was greeted by consumer representatives with shock, especially as it contradicted the very first recommendation of the Financial Services Royal Commission. As the implications of the news spread, the focus of the consumer advocacy sector turned to fighting the proposed changes. As a result, together with our partner organisations, we developed a vigorous campaign that became a major focus of our advocacy activities from late 2020 and throughout 2021.

The impact of the potential changes

The Government's legislation, if passed, would impact people in three main ways:

- Legal rights for borrowers would be weakened by removing a person's right to take legal action for compensation for a breach of responsible lending standards.
- A swathe of criminal and civil penalties would be eliminated, particularly for banks, thereby reducing incentives for lenders to comply with good lending standards.
- 3. Credit assessment processes would be severely weakened. In particular, lenders will no longer be required to understand the borrower's requirements and objectives for a loan or properly verify expenses, increasing the risk that inappropriate loans would be provided.







1,130 media stories mentioning 'Consumer Action' and 'responsible lending'





The campaign

Consumer Action worked closely with consumer advocates around Australia to co-ordinate and collaborate on the campaign. We worked with partner organisations to present at community worker briefings to provide updates on the campaign, including technical insights into the detail and impact of the proposed caseworker changes from а perspective. Action Consumer played a pivotal role in encouraging and organisations prominent individuals to sign an open letter to parliamentarians against the proposed changes. The open letter was officially launched on 24 November 2020, with over 125 organisations and 90 prominent individuals signing on with more than 20,000 signatures from the public.

We initiated a call to action, asking supporters to contact their MPs and Senators. Since then, the coalition of organisations campaigning to protect responsible lending laws has significantly grown. In collaboration with other organisations, we organised a virtual briefing for MPs and the media, hosted a briefing for supporters and workers, and created a campaign kit to support other organisations to do their own advocacy including template letters, briefing papers and key messages. Our Banking Royal Commission clients also sent letters to the Treasurer against the proposals, which we were able to use effectively in the media and our campaigning.

4-1 \$5-10 \$17

Our media releases and opinion pieces helped to galvanise public opinion against the proposed changes, and this work was underscored and made much more powerful by the voices of clients who have experienced the impact of irresponsible lending (see Lauren's story in the spotlight). Altogether, 16 Consumer Action clients (including those from the Banking Royal Commission) agreed to do multiple interviews, leading to dozens of stories syndicated hundreds of times on all major TV, radio and in print and online networks. Between late September 2020 and late June 2021 there were 1,120 media stories mentioning 'Consumer Action' and 'responsible lending'.

SAVING SAFE LENDING

Engaging with parliamentarians

The legislation was sent to the Senate Economics Legislation Committee in December 2020 for Consumer further consideration. Action co-ordinated a joint consumer submission and attended Senate Inquiry hearings in February. The Senate Committee report was released on 12 March 2021, and the Government-majority committee recommended the Bill be passed, but there were strong dissenting reports from other parliamentarians.

Other community legal centres in Victoria also engaged in advocacy on Save Safe Lending, securing support from their local MPs. For example, Barwon CLC engaged with their local MP Libby Coker and explained the value of responsible lending laws to their clients. In another example, Hume Riverina CLC met with Independent MP Helen Haines, who said in Parliament:

"Social justice, and legal and welfare organisations in my electorate... have called on me to vote to strengthen, instead of repeal, safe lending laws. Hume Riverina Community Legal Service and Upper Murray Family Care tell me: We already help people in our rural and regional communities who rely on emergency food relief because they can't make ends meet and others who are homeless because they are unable to afford rent as well as their loan repayments. We also see people being chased by debt collectors, and the extreme stress and anxiety this causes. We believe a change will lead to more debt, more bankruptcies, and more home repossessions. Clients we have been assisting have voiced their disappointment with

the move to roll-back the laws.

Soon crucial crossbench senators indicated that they supported the need to save our safe lending laws. By the end of the May 2021 Parliamentary sitting period, the Government had still not managed to pass their Bill.

Feb 2021 - 28 days

TWEET HIGHLIGHTS

Top Tweet carried 4,940 impressions

Whether It's our own or someone else's we all have our stories of debt stress. This is why it's critical we #cavecafelending laws.

Today we'll be sharing people's **#debtdisaster** stories to let Parliament know just what's at stake. Can you share yours? pic.twitter.com/PMhzdkgBvM

I hear from people skipping meals, while others are on the verge of homelessness due to unaffordable debt.

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TWEET HIGHLIGHTS

Dec 2020 - 31 days

Top Tweet earned 7,000 impressions "It's just a short-term fix to make the recovery lock better than it really is" Dr Hewson said. "It doesn't make sense. [The government] is banking on hope." #debtdisaster #bankingre bit.ly/3elDrkg

SAVE

Consumer Action Law Centre | Impact Report 2020-21

ING

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Recent developments

The Bill remains on the Senate Notice Paper and could be voted on in the Senate in future parliamentary sitting periods. Until that time, we will continue to work with our campaign partners to demonstrate the importance of our safe lending laws and ensure we are prepared for the potential reappearance of the Bill.

IN THE SPOTLIGHT Lauren tells her story

I'm proud to say I've been given a second chance

Lauren (name changed) found herself in a debt spiral after irresponsible lending from banks. After digging herself out of debt she agreed to tell her story to help warn others, and in doing so boosted the impact of the responsible lending campaign.

How did you feel when you were first approached about telling your story in the media?

I felt so apprehensive... It felt like quite a big leap to open up and share with others details about a really difficult time in my life. I still held onto a lot of shame and guilt about finding myself in such financial hardship and the thought of talking to others about it made me feel uncomfortable, especially when thinking about opening up and being vulnerable about my experiences with the public.

What has been the biggest challenge? What has been the biggest surprise?

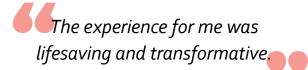
The biggest challenge and reward has simultaneously been repeating the story over and over again. At the beginning it was quite a challenge to think back to a difficult/traumatic time in my life and to find the right words to articulate what I had experienced. But after time, I began to refine and take ownership of my story, which ended up being quite healing and gave me a sense of closure that I had not expected.

How did you find the media's interactions with you?

Everyone was guite neutral in their approach and asked simple questions. The most confronting question I was asked was if it was an 'overzealous shopping spree' that had put me in this position. Even though this experience was liberating in a sense that I had to learn how to own my story, it was difficult to try and encapsulate how my debt was accumulated, what was going on in my life at the time, and just how difficult it was to deal with it emotionally and logistically, in such short soundbites. The media tends to oversimplify a really complex and personal situation. For me, debt isn't just a number at the bottom line, it's a really complex story of how you managed to sink so far down, and it's a personal story for each person as to how they ended up there.

What could we have done to help you prepare better for the media?

In the future, a harder prep interview for beginners might be useful, and although we did do a few of these, having the probing and tough questions asked of you in a practice environment may have prepared me more for some of those left of centre







questions. I also took it upon myself to reach out and ask for debriefs after each interview, as this was really important to me as part of the healing process. It's quite difficult to open up and be vulnerable with an audience/ strangers, and afterwards checking in with Consumer Action and Financial [Counselling] Australia helped to alleviate some of the anxiety I had about the process.

Would you recommend speaking in the media to other people who we have helped?

Certainly.

Any other thoughts you might have?

After almost two years since working with Consumer Action and wrapping up my case, I'm proud to say I've been given a second chance. The experience for me was lifesaving and transformative. I've been able to get back on my feet, I have some savings for the first time in over 15 years, my financial literacy is ever evolving and growing, and I give back to the community where I can. I'm really grateful for all of the assistance and support Consumer Action has given me, because I would not be where I am today without it. As tough as it was to go through an experience like this, it's been good to share my story with others in the hope that it will make a difference and help others.

WINNING: Claude's advice lifts huge weight off Cheryl's shoulders

"I was bawling my eyes out", Cheryl said when she finally spoke to Claude about her gruelling battle with debt collector Panthera. It had been two years trying to negotiate a payment plan, but Panthera made it a terrible ordeal getting a judgement on her credit score in addition to ongoing threats and harassment.

After Cheryl's original bank debt of \$5k was acquired by Panthera, it quickly ballooned to \$20k. III health in the family meant she was unable to pay. Finally, Cheryl offered to settle the debt for \$6.5K but Panthera demanded \$9.5K and threatened to put a caveat on her house.

"That's when I lost it and I told them I would rather kill myself than lose my home," Cheryl said.

Why did she wait so long before coming to the National Debt Helpline for advice?

"These debt collectors are so convincing, they make it sound like there is nothing else you can do...it's psychological warfare," she said.

Claude advised Cheryl to make an AFCA complaint, action which immediately resulted in Panthera settling.

Claude's calm advice "...was amazing, I feel like a huge weight has been lifted off my shoulders," Cheryl said. Not only did Panthera remove the judgement on her credit rating they also settled for \$5K, less than she had offered only a few days before.

"I consider myself a strong person, but they were able to grind me down. I hate to think what these debt collectors have done to other people. They are relentless and unscrupulous," Cheryl said.

I feel like a huge weight has been lifted off my shoulders.







EMPOWERED PEOPLE



client services delivered in response to aggressive debt collection

Mis-selling and poor customer service

lead to regulator complaints, refund, and goodwill payment

Our client Colleen is guardian and administrator for her elderly father who suffers from dementia and has informed us that her father does not have capacity to make decisions about legal matters.

Colleen's father was mis-sold a mobile phone by Optus and faced significant hurdles in reaching a resolution. He had tried to visit a Telstra store to make a payment on his existing plan but mistakenly ended up in an Optus store. Optus then signed him on to a new plan. Colleen tried to cancel it but faced hurdles

"They made me drive him down there on his 80th birthday," she told The Age. "He collapsed in the store because we were waiting so long."

Despite having promised a refund, Optus commenced debt collection.

We complained to the Telecommunications Industry Ombudsman (**TIO**) after we too encountered delays trying to resolve the matter (including obtaining documents). We supported the client to share her story to The Age.

Following publication of our client's story on the newspaper front page, Optus provided Colleen and her father with a written apology for its management of the matter, a refund of the \$120 paid by her father on the account

and confirmed there was no outstanding balance (the previous balance was just over \$59). Optus also made a goodwill payment.

In addition to the refund, waiver, goodwill payment and an apology, our client was empowered by sharing her story publicly. We complained about Optus's conduct to the regulators (ACMA and the ACCC) and the TIO and we published our client's story in our report on telco issues during COVID *The Trouble with Telcos*. We also connected our client with a financial counsellor.







as a result of our complaints

National Debt Helpline

Specific Issue	Frequency
Inadequate hardship assistance	25.26%
Irresponsible lending	20.08%
Failure to identify/account for vulnerability	10.17%
Failure to offer URG	4.89%
Unfair advantage taken of client	4.79%

Legal Consumer Line

Specific Issue	Frequency
Consumer guarantees breach	20.40%
Contract breach	13.68%
Misleading or deceptive conduct	7.66%
Irresponsible lending	5.67%
Billing dispute	5.61%

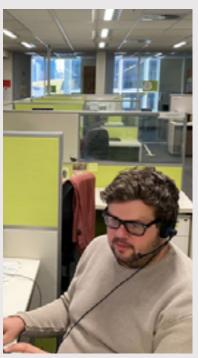
Ill health & elder abuse:

Undeterred, Kane guides to a sensational win

Callers to the National Debt Helpline often present a combination of interlocking problems all of which are very hard to solve. Through our integrated practice project, Senior financial counsellor Kane Johnson helped a client with debilitating health and elder abuse issues to deal with a car loan for which the client was listed as joint borrower while the perpetrator received all the benefits, including sole use and ownership of the car.

Eventually, the perpetrator sold the car and after paying off the loan spent the remainder on items for himself and the rest on gambling. The elder abuse was very nasty, resulting in multiple police attendances.

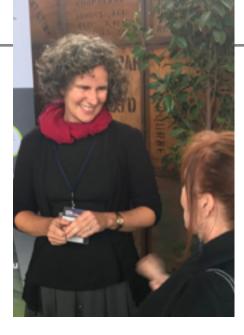
At first, the client was very concerned about taking any action. Kane worked very hard to build trust and rapport, helping to obtain a waiver of a debt of just under \$4,500. Even better, in the joint car loan matter Kane was able to employ his sensational negotiation skills, (including a fabulous letter of demand dealing with complex arguments showing there was no benefit to our client).



Our assistance was life-changing for someone under severe health and mental stress. This case reveals the brilliant work by Kane and the integrated joint practice teams combining our financial counselling and legal expertise.

55 T integrated practice

matters led by financial counsellors





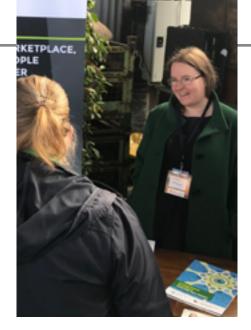
\$1,929,259 saved for legal practice clients

National Debt Helpline

Financial Difficulty Type	Frequency
Credit card debt	27.43%
Other	18.81%
Personal loans (incl. informal)	14.81%
Utilities - electricity	14.76%
Housing arrears - mortgage	13.28%

Legal Consumer Line

Product/Service	Frequency
Consumer services	30.64%
Cars	10.82%
Consumer goods	10.82%
Credit - Other	4.04%
Credit - Car Loan	3.50%







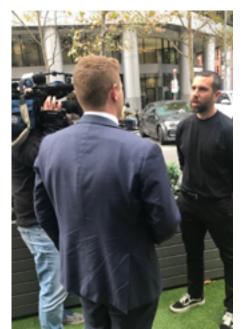




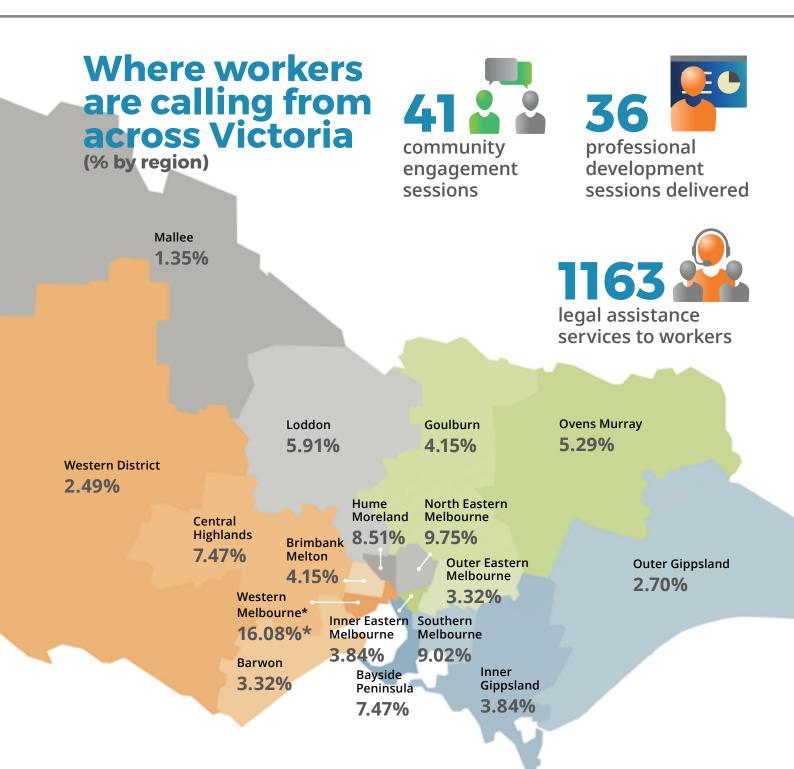


#WINNING









EFFECTIVE SECTOR

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Training workshops raise awareness of family violence

Consumer Action's Family Violence Project (funded through the CLC Family Violence Fund) delivered online training workshops during the year to family violence workers. The training was collaborative, involving presenters from across the organisation. Engagement with family violence services has enabled us to reach a large number of workers. At one session alone there were 121 attendees!



67% increase in Family Violence workers accessing legal worker adviceline service (2019/20 to 2020/21 FY) (your) presentation made me feel that Consumer Action is very willing to help clients/workers and encouraged referrals.



Feedback from that session included the following comments:

It was a very informative... and broke down how different debts can be addressed. It's good for case workers to be able to explain possible outcomes for different debts to a client before sending them to a financial counsellor or Consumer Action as there's a perception with some clients that financial counsellors can just 'get rid of all debts' which isn't the case - and upon finding this out they get annoyed and feel the service wasn't helpful.

I haven't had a reason to contact a service like yours but I wouldn't hesitate to do so after listening to the webinar. Informative, easy to understand and well presented.

Very informative, (your) presentation made me feel that Consumer Action is very willing to help clients/workers and encouraged referrals, great understanding of FV and barriers victim-survivors face.

Thought it was well presented and online handouts are essential and simple for clients to understand.

The comments also revealed what community workers don't know about our service — e.g., one comment was 'It was fantastic to learn what a financial counsellor actually does.'

In February, our project also supported our lawyers to deliver training to advanced financial counsellors on addressing family violence matters throughout credit and consumer law. This training involved a collaboration with JobWatch and Social Security Rights Victoria with a joint case study to provide practical and integrated guidance on approaching such difficult issues. In addition to attracting fabulous feedback from the financial counselling sector, the training was a terrific opportunity for us to build important stakeholder relationships and learn about potential referral avenues for other legal issues.

Additionally, as part of our involvement with the Economic Abuse Reference Group, we have participated in meetings with Equifax regarding a pilot program to facilitate the speedy removal of credit default listings of victims and survivors of family violence when they are assisted by financial counsellors and community lawyers.

Legal Worker Line

Product/Service	Frequency
Credit - Personal loan	13.19%
Consumer services	12.78%
Credit - Car Ioan	9.72%
Credit - Other credit	9.31%
Credit - Payday loan	6.11%

Specific Issue	Frequency
Irresponsible lending	15.97%
Unconscionable conduct	8.75%
Misleading or deceptive conduct	7.08%
Contract breach	5.83%
Inadequate IDR	5.69%

'Consumer Champions' monthly meetings help bolster sector

In 2017 Consumer Action participated in a project to build relationships with two regional community legal centres, Barwon and Hume Riverina, with the goal to share expertise in consumer law, as well as credit and debt. This involved training, file reviews, oneto-one mentoring and advice. During 2020-21 we continued to work with the original two centres and our other key partners at WEstjustice and the Victorian Aboriginal Legal Service. We meet monthly with these and other CLC lawyers to catch up and share information about legal problems they've seen, client stories, curly questions and opportunities for advocacy. Our internal professional development program was also made available to these partners, and we continue to build connections with other generalist CLCs interested in learning more about consumer credit and debt issues.

In April, we presented to the CLC sector on responsible lending. One of the cases we presented was of a client, a single mother of two children with mental health disabilities and a history of family violence and trauma. She had taken loans for a car and consumer goods which breached responsible lending laws. Finally, with the support of her caseworkers, the balance of the car loan was waived with the client receiving the car, and a negotiated settlement for the consumer loans led to them being made manageable.

The relationships we have built with these CLCs have led to some amazing outcomes for clients. In 2019 and 2020 alone, Barwon and Hume Riverina CLC's assisted clients in waiving more than \$400k debt each! Katie Fraser, Director of the Service Development and Partnership team at Consumer Action, said that the regular meetings have achieved some concrete outcomes.

"Sharing information is always useful, even for its own sake, but now participating CLCs have increased capacity to identify issues and undertake consumer, credit, and debt work, meaning that they can provide better access to justice for people who are vulnerable and disadvantaged."

The participating CLCs hail from diverse locations all over Melbourne and Victoria, including Albury Wodonga and Geelong.

"Many people who are highly vulnerable and have a lot of legal issues are unlikely to contact Consumer Action for the support they need, so this is a win for them," she said.



Simon Crase, Community Development manager at Hume Riverina Community Legal Service, says: 'The CALC-HRCLS relationship showcases how legal services who work together, and share purposes and goals, can achieve life-changing outcomes for vulnerable clients.'

With enhanced knowledge, generalist CLCs can now provide better wrap around legal support to people who are experiencing multiple legal issues.

And from Consumer Action's perspective, having regular contact with these "Consumer Champions" is helping to build a deeper understanding of the multiple legal and other needs of people who are vulnerable and disadvantaged.

Barwon CLC, for example, sought advice from Consumer Action for the development of their first online eLearning course for community workers, based on the way we have created our Thinkific courses, another collaborative and positive result to emerge from 'Consumer Champions'.

"The meetings help highlight emerging issues across the state and build relationships between specialist civil lawyers in generalist centres," Katie said. "It's a real 'community of practice'."

'Consumer Champions'

- increases capacity for CLCs to identify issues and undertake consumer/credit/debt work
- increases access to justice for people who are vulnerable and disadvantaged and who are unlikely to contact a phone advice service like Consumer Action, and/or are unlikely to receive the support they need from Consumer Action
- allows generalist CLCs to provide wraparound legal support to people who are experiencing multiple different legal issues, such as family violence
- enhances Consumer Action's understanding of the multiple legal and other needs of people who are vulnerable and disadvantaged
- highlights emerging issues across the state
- \checkmark

informs and engages community lawyers in our key campaigns

builds relationships to create a `community of practice.'

Solar panel door-knocking ban a win for State's consumers

The energy transition is underway with Victorians installing rooftop solar panels in ever-increasing numbers. The variety of installations and range of products on the market to generate and manage electricity will only grow in coming years, and like any industry experiencing a boom (and where Government subsidies are available), you see a fertile crop of new energy technology companies popping up which include, unfortunately, some unscrupulous operators.

For years, Consumer Action's energy policy work has focused on measures that would safeguard consumers in these new markets. We have published multiple reports featuring our clients' stories of poor experiences with new energy products or services. We have long advocated for policy reforms to address misconduct and harm.

Case study

Having access to CALC's specialist legal advice helped greatly in a situation where a family close to losing their home was able to keep it against the odds. In trying to resolve a possible irresponsible lending matter, HRCLS lawyer Raissa Butkowski called on CALC's specialist knowledge for assistance.

She "Working says, collaboratively with Katelyn law Jones, a specialist from CALC, was a fantastic experience. Katelyn shared her specialist expertise HRCLS, involvement helped turn an almost impossible win for a client into a reality. Katelyn was always friendly, touched base on a weekly basis, and was never too busy to answer questions or provide her legal expertise."

While regulatory change can sometimes take time to bear fruit, we had a significant win this year. After years of advocacy, in late May 2021 we welcomed the Victorian Government's announcement that it would ban door-to-door sales of solar panels through the Solar Homes Program.

Door-to-door sales often involve high pressure sales tactics and can result in individuals agreeing to purchase goods or services that are unsuitable or unaffordable. We have seen this in different industries in the past and solar is just the latest product doing the rounds.

Along with the Victorian Government's solar announcement, a raft of other measures were introduced into Parliament to stop door knocking by traditional energy companies and increase penalties for wrongful disconnection.

Gerard Brody publicly thanked the Hon. Lily D'Ambrosio MP, Victoria's Minister for Energy, Environment and Climate Change, and Minister for Solar Homes. Mr Brody said that the Minister "...listened to the stories of people who came to us for help, people whose lives have been made worse by their energy retailer, or who had been ripped off by a solar cowboy.

"These new laws should mean fewer Victorians will experience wrongful disconnections or intrusive doorknocking or cold-calling," he said.

As part of the new legislation, penalties of up to \$1 million will apply to energy retailers who wrongfully disconnect customers in need, and to retailers who provide false or misleading information to the Essential Services Commission.





60 submissions

More to be done as solar market grows

Despite this progress, the work is not all done. Companies outside the state government's rebate program (about 20% of solar installations) will still be able to door-knock unsuspecting households, often coupled with unregulated credit products to fund the purchase. This proportion will inevitably grow and expand to other products like batteries. We also know that cold calling and lead generation is another problematic area in this industry.

Consumer Action strongly supports the increasing uptake of solar and other new energy technology. Strong consumer protections are needed to ensure all Victorians have confidence in the solar industry, and to encourage further take up of renewables. Consumer Action will continue our work to ensure that all Victorians can benefit from the transition to renewable energy.

FAIRER SYSTEM

Addressing unmet consumer, credit and debt legal need in Victorian Aboriginal communities

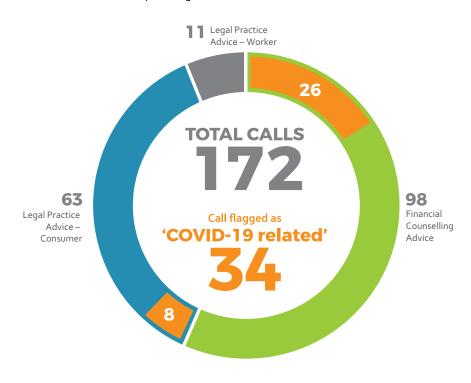
'The project has opened Consumer Acton's eyes to a whole other area of disadvantage' Samantha Rudolph.

Consumer Action's partnership with the Victorian Aboriginal Legal Service (VALS) celebrated its third year in 2021. Both organisations marked this milestone with the launch of the third VALS Integrated Project Report: Consumer issues in Victorian Aboriginal Communities during 2020 on 10 June 2021. This coincided fortuitously with the announcement of renewed funding for the Project from the Victorian Department of Justice and Community Services' Integrated Services Fund, administered by the Federation of Community Legal Centres, for the next three years.

The genesis of the Project can be traced back to the 2013 Civil and Family Law Needs of Indigenous People in Victoria report, published by James Cook University's Indigenous Legal Needs Project. In early 2018, Consumer Action's Koori Engagement Manager convened the Koori Justice Action Group, which identified that the priority issues detailed in the 2013 Indigenous Legal Needs Report were still current. In response to this research, the Project has significantly improved the way both VALS and Consumer Action engage with Victorian Aboriginal communities in relation to consumer, credit, and debt issues.

Siobhan Doyle, Senior Lawyer at VALS said the Project helps people in the community understand how they can get legal assistance with their consumer law issues.

"Prior to the commencement of the project VALS assisted very few people in this area of law. Now that we have the funding and expertise, consumer law is one of our major practice areas. It is an area where we can show our



Calls to Consumer Action advice services from Victorians who identified as Aboriginal and/or Torres Strait Islander between 1 January – 31 December 2020



clients that the legal system can be used by them to improve their situation rather than our client's common experience of it being used against them to take away their rights and freedoms.

"I am proud that during the two years the project has run VALS has been able to obtain compensation, refunds and waivers of \$179,000," she said.

Samantha Rudolph, Consumer Action's Aboriginal Policy Officer said one of the unintended benefits of the project has been to help change Consumer Action 'for the better'.

"People inside Consumer Action have realised that it's important to give Aboriginal people a voice as the Project has opened Consumer Action's eyes to a whole other area of disadvantage... to be able to work with VALS to access their expertise and they are able to do the same in reverse, it's a win-win situation," she said.

2020 was a tough year for the project team which worked to adapt community engagement, casework, policy, and campaigning in response to the unfolding COVID-19 crisis.

Samantha, who wrote the latest project report, said it describes the process of how the partnership has changed its engagement with community in response to the COVID-19 pandemic, trying new approaches including a revamped website, social media and online training to augment ongoing legal and financial counselling services.



Samantha said the many case studies in the report illustrate how consumer issues can impact on people's lives in community, how financial counsellors and community lawyers can help, and why engaging with community and giving access to these services are vital.

The report also makes several recommendations to empower and support Victorian Aboriginal communities including better access to culturally appropriate services and making community outreach and legal education a priority for regulators, governments, and industry as we emerge from the COVID-19 crisis.

"There were 150 people at the virtual launch, which shows the project is becoming influential and being taken seriously in Government with Victoria's Minister for Consumer Affairs the Hon Melissa Horne MP attending and making very supportive and encouraging comments.

"Feedback from the launch and the report was excellent, with contact made from energy and telecommunications regulators as well as several parliamentarians requesting a meeting," Samantha said.

Debt vultures have wings clipped

Over the years our Centre has assisted many people who have sought help from a debt management firm with their debt or credit report problems, only to end up in an even worse position from dreadful advice or eyewatering upfront fees. We call these firms 'debt vultures' because they prey on people's desire to be free of debt. While the clever advertising and promises of a 'life free from debt' or a 'clean' credit report sound appealing at first, the reality can be very different.

Since 2016, Consumer Action has led a campaign to stop debt vultures. We have collaborated with consumer advocates, academics, regulators, ombudsman and industry representatives calling for regulation of debt management firms.

Five years later, the Government finally made regulations to licence debt vultures – this was a huge win!

From 1 July 2021, firms charging fees for debt management or credit repair services must apply for an Australian Credit Licence. This means firms need to act 'efficiently, honestly and fairly,' and must meet 'fit and proper person' requirements in order to be granted a licence. These firms are also required to be members of the Australian Financial Complaints Authority, which offers customers free external dispute resolution services.

"For far too long, debt vultures have had free rein to do their worst. These licensing reforms are a great first step to improve access to justice and finally close the regulatory loophole these firms have exploited," said Cat Newton, Senior Policy Officer at Consumer Action. These reforms are timely, with more people experiencing financial difficulty due to the rolling impacts of Covid-19. In December 2020, a report commissioned by Consumer Action from Quantum Market Research showed that between 1.4 to 1.9 million Australians paid a debt management firm in 2020, a number that consumer advocates expect to rise in 2021 as temporary COVID-19 support measures are withdrawn.



What are the next steps we are pushing for?

"Licensing alone won't prevent harm – more must be done to ensure these firms give competent, unbiased and holistic debt advice," said Cat. "The next step is to introduce tailored reforms such as a best interests' duty, a ban on upfront fees, and to extend the reforms to all forms of debt, including energy and telco bills."

In the long fight against debt vultures, there is no doubt that the new regulations mean their wings have been clipped.







Our FCs in the media: A bigger public face builds knowledge and profile

As COVID lockdowns became an everyday fact of life during 2020-21, our financial counsellors received many requests from print, radio, and TV journalists to talk about the type of inquiries they were hearing and what practical advice they give when people call for help.

The result was a healthy clutch of media stories throughout the year, covering a wide range of topics, showcasing the incredible advice skills of our financial counsellors and the help they give to our callers. Influential shows such as A Current Affair, ABC Radio National's The Law Report, and Life Matters featured

both our financial counsellors and clients — often together — talking about their experiences to do with, for example, irresponsible lending and debt vultures.

Working with media is not easy as it's an acquired skill requiring practice, hard effort, and nerves of steel. Media work is an 'above and beyond' task, and while it undoubtedly helps to promote the Consumer Action financial counselling practice and the National Debt Helpline across Australia, plus our other services to the wider public," it also does a lot more..." says Penelope Hill, Director of Financial Counselling.



"Talking to the media builds presentation and communication skills and deepens a financial counsellor's knowledge of the issues they discuss.

"And for our financial counselling practice as a whole, it reminds us of our policy priorities and emerging issues in the public eye which we need to keep front of mind," she says.



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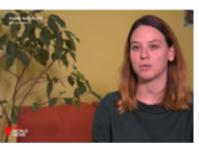














The COVID experience: Claude's first year as a financial Counsellor at Consumer Action



Claude Von Arx joined Consumer Action in August 2020 smack bang in the middle of the Melbourne COVID lockdown. Hailing from a career in international finance he had decided to follow what has always been a lifelong passion social justice — and switched to study the Diploma in Financial Counselling at RMIT.

Working from home in a new job presented obvious challenges but beginning his career as a financial counsellor during COVID gave Claude deeper insight into the complex issues facing callers. "The resiliency of people who have been on the edge for the long term, on Jobseeker or Disability Support Pension, the way they budget and get by amazes me considering their income levels are so low."

"Since COVID, there were a lot of people who were living on the edge but didn't realise it, and it didn't take much to tip over the edge and put them in the hardship category," he says.

Did the RMIT course prepare him enough for what he faced? "The course was great and the content good," he says, but "...you could do this job for ten years and there would still be things you don't know, and if you expect to know everything at some point you are probably in the wrong profession."

What's it like working on the National Debt Helpline?

"It's pretty intense...you do get some distressing calls, and all you've got is the voice as you don't get to see clients faceto-face. Every story you hear makes you wonder how many hundreds of others are out there, who just didn't know about this service?" he says.

A big part of the role is learning to build rapport quickly. Once that is established you find you can "get much more from them and they get much more from us..."

"Learning how to listen, using tone is really important particularly if someone is distressed. You want to use a calm tone to bring the person back to a level where they can trust.

"The range of people that call us is amazing, you never know who is calling you next, that's a challenge, but it keeps you very engaged."

Talking about what has surprised him most about the role he says "...the power of good, honest, accurate information and what a massive change that can have on someone's life and their family's life... If they had only known some very minor information a couple of years earlier, they could have avoided a lot of the suffering and distress."

Reflecting on his switching careers he says "...it's the best and most challenging job I have ever had." And advice for anyone wanting to become a financial counsellor? "You have to be clear about what you are committing to... and you need to have an insatiable appetite for continuous learning."

> It's the best and most challenging job I have ever had.

ENHANCED SYSTEMS

DemandARefund 'Small actions with massive impacts'

Bikash began an internship with Consumer Action in February 2020 just before the start of COVID. He had completed his first year in a Master of Business Analytics and was exploring opportunities to gain experience. Our Demand A Refund (DAR) tool which helps people get refunds from junk insurance providers was the perfect project to challenge his many analytical abilities. DAR had already helped people demand a massive \$31 million from their insurers. Now Bikash was tasked with analyzing backend data and working with the interface to take it to the next level of usability.

"My internship was a learning process where I had my supervisor, Kaitlyn,

Demand A

helping me at every step from giving advice to identifying my mistakes". Now, he says, "...the same work is fun."

Bikash's internship ended in June 2020, but he continued with the project as a consultant data analyst. "It's satisfying to work as an analyst after putting in the hard work to learn skills and knowledge," says Bikash.

What does Bikash's work on DAR involve? "As an analyst, I've tried measuring the size of the junk insurance industry, which I found to be massive and dates from 1989. I searched for the primary reasons why people buy such insurances in the first place and found pressure from salesmen, sales tactics, lack

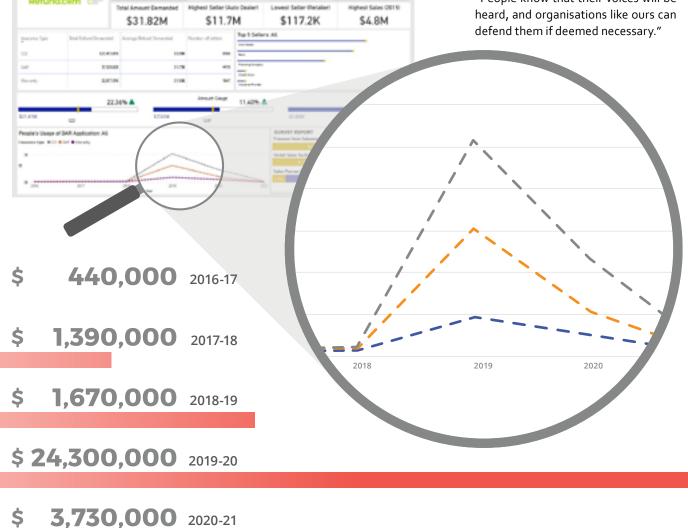
knowledge, and misleading of information are the main reasons. I've also tried to predict how people are going to react in the coming months or years towards these insurance products.

"Although crunching the numbers is used for finding multiple insights, the end goal is always the same. How to stop these deceitful practices," Bikash says.

Compared to the previous interface, the new version developed as a result of what we learned from the data analysis is more powerful. It additional information provides from consumers that is useful to gather even more insights for further analysis.

Bikash is proud of the work he has done on DAR which he describes as an example of "...small actions with massive impacts".

"People know that their voices will be



Why do we need to measure our impact? Katia Sanderson explains

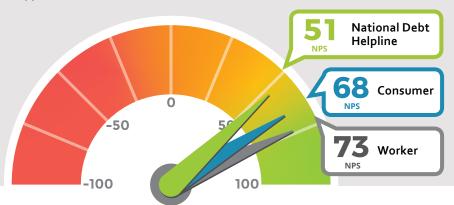
"If you don't measure it, how do you know it happened?" That is one answer to the question of why we need to monitor and measure what we do. But as consumer advocates we know it is not that simple. In the policy area for example, getting change to regulations or legislation can take years. Sometimes it doesn't happen at all.

"'Impact' is the change we are trying to create for people, says Katia Sanderson, Consumer Action's Manager of Impact, Monitoring and Evaluation. How then, does she measure 'change'?

"Traditionally we have reported on numbers of calls, cases, but numbers on their own don't tell us very much. The fact we have delivered a service doesn't tell us whether the person has understood the advice, or if the advice addressed the issue they sought our assistance for, or what happened next. "So we use indicators which are signs or evidence that we are providing effective assistance to clients and creating systemic change, which will have flow-on effects for others in the community." Importantly, "...monitoring and evaluation are only useful if we take notice of what the results tell us," Katia says.

An example of where evidence leads to change is the SMS survey we send to clients after they use our telephone advice services.

"For the most part, the feedback is excellent, showing that callers know more and feel more confident after seeking advice. Occasionally, however, clients say they had difficulty connecting with the financial counsellor or lawyer who answered their call. What we do is review the case notes and then staff have the opportunity to learn based on client feedback and their own reflections."





What about measuring the success of a campaign?

"Some of our campaigns last for years, and don't achieve the systemic change we are seeking. Do we then say our work has failed? That we have not created any change or added value? I don't accept that," she says.

Assessing a campaign's effectiveness is often a result of the goals set out in the project plan.

"Better articulated and well-informed goals plus good documentation to get an idea of what happened and when can help a lot," Katia says.

Importantly our reporting regime is structured around the 'impact framework', which is positively received by the Board and our funders. The work we do is, in fact, making a difference

"Key elements to the framework are learning, being reflective and open to feedback."

NPS for Jan-June 2021

The NPS is an index ranging from -100 to 100 that measures the willingness of respondents to recommend a product or service to others. The NPS is widely used as a proxy for gauging overall client satisfaction and trust, and it has enjoyed significant take up by purpose-driven organisations. The score itself is calculated by subtracting the percentage of 'detractors' (respondents who give a score of o-6) from the percentage of 'promoters' (respondents who give a score of 9-10). A score of more than zero is achieved when promoters outnumber detractors, and the score increases as the proportion of promoters grows.

COVID-19 Transitions How the operations team coped with the 'most complex of knots to untangle'

With the advent of COVID-19 Consumer Action responded by mobilising staff to work from home and within 2 weeks managed to transition all teams to this new dynamic. But the brave new world of 'WFH' has presented ongoing challenges, and in the time since COVID arrived the operations team (**Ops**) has been hard at work to ensure our technological systems and platforms remain stable and fit for purpose.

"One of the most complex of knots to untangle had been ensuring our telephone advice lines remained active and available to the Victorian public we service during this almost unprecedented crisis," said the Ops Team's Param Dhillon. "It was during the discovery process that we realised we needed to bring ICT support capacity fully in-house in order to ensure we are ready to respond to any disaster or crisis."

Importantly, enabling organisational control of our technological infrastructure was recognised as crucial, as was reducing reliance on external contractors. The planned work would contribute towards the longer-term resilience and security of our in-house servers, both from a hardware and software point of view.

"It was infrastructure that was close to or past the point of being covered under service agreements, warranties, ongoing upgrades and support," Param said.

"We leveraged our not-for-profit discount and existing relationship with Microsoft deciding to maximise the use of their Azure cloud services. The first hurdle of this transition was that our main in-house server was not compatible with any system we could migrate to and this would become a recurring issue across the months ahead.

"On a practical level, we wanted to ensure that our telephone advice lines were the best quality possible, with every advice line staff member now having to use soft phones (which rely on internet and in our case a secure remote connection), that the security of sensitive data is as secure as it can be - without being prohibitive or obstructionist - and we wanted to be able to support both staff and the organisation with a resilient business continuity plan," he said.

Over the course of roughly a year, Ops transitioned all staff to laptops, recreated our secure access system in the cloud, moved all staff to soft phones, and improved the quality of our remote connections. "We also created a policy for internal support expectations and passwords, researched alternative soft phone and queuing systems, researched and installed a new printer, created a virtual machine for the new print management system, created a new in-house server, decommissioned the old one, and removed the need for staff to 'remote in' to their desktop computers at work and decommissioned those desktop computers.

"All whilst providing remote support to 55+ staff in their own home offices during this very busy time," Param said.

Consumer Action's infrastructure upgrade was supported with a Response & Recovery Grant from the Ecstra Foundation.



Leda and Sally: our amazing lawyer secondees during COVID



Leda Yazgin started on a six-month secondment at Consumer Action in August 2020 but ended up staying for nearly a year. "I loved it so much I decided to extend!" she jests, and while the fact she enjoyed her time with us is undeniable, COVID also had something to do with it.

"Working with clients has been the absolute favourite part of the job, I love it and appreciate the organisation trusting me to work with them..." she says.

Leda's legal role at her 'daytime job' is very different, but she says she will return with, "...so much more knowledge, wisdom and power to address the matters that I work on ... hopefully add a bit more value to the team, do a bit more of the ACCC work and bring in the consumer advocacy perspective."

Her advice to future secondees and interns thinking of working at Consumer Action is to "...think holistically...about how a case has many different layers and can go in multiple directions. Every client can be a catalyst for so many different things".

"The law is there, the law is powerful but the point is, who benefits?"



Sally's focus at Justice Connect is preventing homelessness for women and she came on board during one of the lulls in lockdown.

"I thought joining Consumer Action would provide a great opportunity to build my understanding of the financial issues my clients face. Financial insecurity and economic abuse are huge drivers of women's homelessness," she says.

She was familiar with Consumer Action through the sector and campaigns, but didn't really understand how we operated dayto-day in terms of casework etc. "I now appreciate how wide Consumer Action's impact is; running the gamut from online resources all the way up to high-impact strategic litigation; how many people are helped to selfadvocate, and how many workers are supported to assist their clients. "And I learned way more about responsible lending and insurance law than I knew before and gained a new appreciation for how cool the consumer guarantees are. It was insightful to see another integrated practice model in action and appreciate how strategically the different arms of CALC work together."

The biggest surprise during her secondment was in fact the weekly casework meetings. "I had heard legend of them before I came but I had no idea what a delightful mix of democracy and comedy they would be."

Her advice for people considering a secondment at Consumer Action is: "Absolutely go for it. The people are just a wonderful, brilliant bunch."

now appreciate how wide Consumer Action's impact is; running the gamut from online resources all the way up to high-impact strategic litigation; how many people are helped to self-advocate, and how many workers are supported to assist their clients.

			\$	%
Income:		GOVERNMENT FUNDING	4,510,922	72.38%
Our Revenue in	2020-21	Victoria Legal Aid Community Legal Services Program (State)	1,914,529	30.72%
		Consumer Affairs Victoria Financial Counselling Program (National Debt Helpline)	1,054,386	16.92%
		Consumer Affairs Victoria Consumer Advocacy and Assistance Program	861,442	13.82%
		Victoria Legal Aid Community Legal Services Program (Commonwealth)	362,076	5.81%
		Consumer Affairs Victoria Financial Counselling Program (Legal Support)	318,489	5.11%
		SECTOR GRANTS	1,487,800	23.87%
		Consumer Affairs Victoria - Energy	540,544	8.67%
		Financial Counselling Australia	425,000	6.82%
		Federation of Community Legal Centres	196,014	3.14%
		Financial Counselling Foundation	127,500	2.05%
		Energy Consumers Australia	120,562	1.93%
		Standards Australia	69,089	1.11%
	1	Federal Court	9,091	0.15%
Total Income:	\$6,232,656	OTHER REVENUE	233,934	3.75%
		Consultants & sitting fees	73,420	1.18%
		Rental income	69,217	1.11%
		Refunds & Reimbursements	68,034	1.09%

Interest Donations

Expenses:

How We Spent Our Funding in 2020-21



SERVICE AND PROGRAM DELIVERY	5,088,877	84.75%
Staff salaries, superannuation, on-costs and training	4,869,584	81.10%
Program and planning expenses	214,476	3.57%
Travel	4,817	0.08%
ADMINISTRATION AND INFRASTRUCTURE	597,878	9.96%
Depreciation	279,989	4.66%
Office overheads	155,626	2.59%
Premises costs	138,578	2.31%
Finance and accounting	23,685	0.39%
RESOURCES	72,761	1.21%
Library, resources and subscriptions	40,254	0.67%
Communications	32,507	0.54%
OTHER EXPENSES	244,962	4.08%

0.23%

0.15%

%

14,139

9,124

\$

Total Expenses: \$6,004,478 Surplus/Deficit: \$ 228,178

> The complete audited Financial Statement for 2020-21 can be found at: consumeraction.org.au/impactframework

STAFF

Ali Creighton Ally Stuart Alycia Gawthorne Amanda Storey Amber Johnston Amber Willimott Anna Meulman Anya Appanna Barbora Ježek **Brigette Rose** Cat Newton Cat Miller **Claire Tacon** Claude Von Arx Denise Lawry Dianne Dejanovic

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Martin Gill

Leda Yazgin Lisa Grealy Lisa Michelle Silvers Liz Bitar Lucas Rutten Luke Lovell Mark Pearce Megan Goodwin Nicholas Anderson Nila Martin Param Dhillon Patrick Sloyan Penelope Hill Philippa Heir

Lara Kuhn

Preethi Vergis Regina Godfredson Rex Punshon Riley Hogan Sally Kenyon Samantha Rudolph Sarah Brown-Shaw Shae Robbins Sheena Colquhoun Shungu Patsika Skye Forster Su Robertson Sumeet Kaur Tom Abourizk Ursula Noye

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Carolyn Bond

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Minister for Consumer Affairs the Hon. Melissa Horne MP

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Quantum Market Research

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