

Gary_sullivan @clc .net au

Tim McCoy Award

(Posthumous) nomination for Jan Pentland

We wish to nominate Jan Pentland for the 2009 Tim McCoy Award, for:

- lifetime achievement, and
- bankruptcy law reform.

We would be happy for a recognition of Jan's work at the Tim McCoy dinner in whichever way the trustees feel is appropriate. While an award could be made to Australian Financial Counselling and Credit Reform Association (AFCCRA), the peak body for financial counselors to contribute to their lobbying work, we would be also be happy to have mention of Jan - with the prize awarded to another group.

Jan Pentland demonstrated many of the qualities for which Tim is remembered.

Jan died in August this year,

Jan was on the Board of Consumer Action Law Centre, and its predecessor Consumer Credit Legal Service for over 12 years - most of that time as Chair. Jan was best known for her tireless work in the financial counselling sector, lobbying for increased funding for financial counselling and the national peak body and campaigning for law reform – particularly in the area of bankruptcy.

Lifetime Achievement

Financial counselling was Jan's passion and underpinned her advocacy. Jan cared deeply for the individuals she helped, but she could always see the need to change the system as well.

Jan worked with community workers, industry, regulators and Government to improve the lives of low income consumers.

Jan worked on the AFCCRA Council - some of those years as Chair – and continued to lobby for funding despite it being defunded in 1996. Her voluntary hours were countless. Jan's work was crucial to Government's decision to refund AFCCRA in the last budget.

Jan was tireless in her lobbying for more funding for financial counselling services. Government listened. Government doubled the funding for the Commonwealth Program in the last budget.

Jan has been the driving force behind the AFCCRA conference and the Financial Literacy and Inclusion Forum. Jan worked to ensure funding for indigenous workers to attend and to give them a chance to meet together. Jan played a key role in the development of AFCCRA's Reconciliation Action Plan.

Jan was a strong advocate for close working relationships between community legal centres

and financial counsellors. She believed that financial counselling work could be enhanced by the input from lawyers and engaging with others involved in campaigns. This is why Jan devoted considerable time to supporting Consumer Action Law Centre.

However, much of Jan's work was not undertaken in the public eye. Over 20 years, Jan supported and mentored new financial counsellors, and those with life experience who were taking their first steps toward community work. As one person noted "Jan saw potential in me that I struggled to see in myself. Her amazing qualities inspired me and helped me to improve myself and develop confidence in my abilities."

Bankruptcy Law Reform

Jan fought for a number of Bankruptcy law reforms over a number of years, and she achieved some success.

In the early 2000s, Jan worked with Gary Sullivan at West Heidelberg CLC, helping individual clients and lobbying government to have gambling removed as an offence under the bankruptcy act. This law prevented some individuals who had incurred debts as a result of a gambling problem from taking advantage of bankruptcy due to fear of prosecution. While eventually receiving some confirmation that these provisions would only be applied in extreme circumstances, this penalty still remains.

In November 2005, Jan wrote a report "Debt Agreements, Remedy or Racket", which raised problems with bankruptcy debt agreements, and focused on problems with the conduct of debt agreement administrators and the way that fees were charged. Individuals were often pressured to enter these agreements, even when they were inappropriate.

In July 06, the Attorney General Phillip Ruddock announced major changes to the debt agreement regime, including additional regulation of debt agreement administrators and the structure for charging fees – the key issues raised in Jan's report.

In November 2007, Jan's report "Homes at risk: using bankruptcy to collect small debts", was published. This report highlighted the problems faced by consumers (particularly those who had some equity in their home) who were sent bankrupt for small amounts, and were then "sold up" to pay for tens of thousands of dollars in trustee's fees.

The second recommendation in that report was that "the minimum debt on which a creditor's petition can be issued be increased from \$2,000 to \$10,000."

This recommendation was championed by consumer advocates, and lobbying by Jan and others has borne fruit. Just this week on the 28th October, to howls from debt collectors, the Attorney-General Robert McClelland introduced a Bill that increases the minimum amount for which a creditor can petition for bankruptcy from \$2,000 to \$10,000 – exactly the recommendation made in the report.

Jan wouldn't have wanted to claim these victories on her own - and certainly many other people were involved. But there is little doubt that Jan drove these campaigns, reminded us all constantly of the issues and made sure that the issue remained in the public arena.

Carolyn Bond

Consumer Action Law Centre

Gary Sullivan

West Heidelberg Community Legal Centre