

# Towards a more effective and sustainable community services system

A joint submission on behalf of Victoria's community legal centres



## **Introduction**

This is a joint submission of the Federation of Community Legal Centres (Federation), Women's Legal Service Victoria, Eastern Community Legal Centre and Gippsland Community Legal Service.

The Federation is the peak body for 51 Victorian community legal centres (CLCs) that provide free legal services to the public. CLCs help clients who face economic and social disadvantage and have nowhere else to go.

Of the 51 Victorian CLCs, twenty-six provide generalist legal services within specific catchment areas and 25 CLCs are specialist centres, working on specific issues or with specific client groups. Of the twenty-six generalist centres, six are located in regional Victoria.

This joint submission benefits from our peak body's sector-wide perspective, as well as specific input from CLCs representative of each type of centre within our sector. For brief descriptions of our organisations see Appendix 1.

## **Ambit of the Discussion Paper**

There is a lack of clarity as to whether the CLC sector is included in the ambit of the discussion paper. We are community service organisations (CSOs) by definition in the discussion paper, and there is reference in the paper to the Service Sector Reform project being a whole-of-government initiative. However there is no mention in the discussion paper of legal services or non-profit organisations funded by the Department of Justice or the particular issues faced by these organisations and their clients.

For the purpose of our submission, we have assumed that the CLC sector is intended to be included in the ambit of the project.

## **CLCs as a best practice model**

Community Legal Centres (CLCs) already operate as a best practice model. They are adaptable, flexible and responsive to the legal needs of the community. The operation of both generalist and specialist CLCs provides both breadth and depth in the legal services available to the community. Most CLCs already operate a tripartite model of direct service delivery, law reform and policy work, and legal education. As such the work of many CLCs has long been both preventative and responsive. CLCs have embraced the opportunity to establish partnerships with other non-legal organisations, often collaborating at a high level.

However, the minimum funding required for a CLC to be viable over the medium to long term is \$500,000 per annum, if they are to meet the ever-increasing needs of the wider community.

## **Our feedback**

We endorse the submission of our legal assistance sector partner, Victoria Legal Aid.

Our additional feedback addresses each of the three broad themes that are identified in the discussion paper (p9) as being reflective of the potential pathways for change in the community services system.

## **Improving Outcomes**

### **Early advice, problem solving and collaboration**

The work of CLCs is already consistent with many of the proposed reforms/best practice set out in the discussion paper. CLCs are independent, non-profit organisations, which focus on providing early advice, problem solving and working with other agencies to address the legal, financial, social and health problems of clients.

### **Empowering clients and preventing legal problems**

CLCs' work for clients has never been the "ambulance-at-the-bottom-of-the-cliff". Rather than promoting learned helplessness, CLC work aims to empower clients, with the understanding that access to justice means more than access to lawyers. In helping their clients, CLCs come face to face with barriers to justice on a daily basis. Over their 40 year history, CLCs have recognised that genuine access to justice for clients requires not only individual legal assistance, but also community legal education that seeks to prevent legal problems from arising, and law reform work that seeks to change unjust laws or practices and address root causes of disadvantage.

Whilst prevention work is just as important as crisis work, prevention work requires resources that generalist CLCs often do not have. When prevention work is funded, the funding is short-term and considered a finite project. Most generalist CLCs do not have the ability to employ a worker to engage in prevention work. This is one of the reasons why the mix of generalist and specialist services in our sector is so important; generalist CLCs can work closely with specialist CLCs to input regional experiences of systemic issues to the broader prevention work undertaken by specialist CLCs.

## **Strategic mix of services**

### *Responding to Victorian community need*

The strategic mix of services offered by CLCs are an effective and efficient way of securing justice. CLCs are responsive, flexible and innovative, and are strongly connected with the community. This distinguishes CLCs from other legal providers and enables us to respond effectively to the needs of the Victorian community. For example: tenancy law workshops, the consumer Do Not Knock Campaign, promotion of early intervention and prevention e.g. motor vehicle accident disputes (advice and support to resolve out of court), bulk debt projects, other community development and community legal education, law reform and policy work addressing determinants of social disadvantage.

### *Responding to the needs of specific communities*

CLCs have a proven track record of targeting specific communities using appropriate strategies, such as Money Help (Consumer Action Law Centre), the Z-card project aimed at raising awareness of young people concerning debt (St Kilda Legal Service and Consumer Action Law Centre), Sisters' Day Out run by Aboriginal Family Violence Prevention and Legal Service, the website 'Bursting the Bubble' constructed by Domestic Violence Resource Centre, and the use of internet technology to provide legal advice to young people (Youthlaw) and to women experiencing family violence (WLSV).

Many generalist CLCs have built niche legal areas of practice as a way to address the specific needs of particular groups in their community. For example the Footscray CLCs advice clinic for members of the African community, Darebin CLC's Aboriginal outreach program, and Broadmeadows and ECLC's successful family violence programs. These programs and projects all involve legal education, and sometimes professional development for non-legal workers in the area. All of these programs are focussed on a broad empowerment model and represent innovative ways to address need and build capacity.

Generalist CLCs are required to address a large variety of legal issues over a diverse demographic. At ECLC, both offices are situated in the eastern region. However, the inner east communities are very different from those who access the Boronia office. At Box Hill, for example, the ECLC staff use interpreters (generally of Asian languages) at least twice a day, whilst the Boronia staff are likely to use an interpreter once a month.

Whilst all CLCs work closely with their communities, the community demographic catchment of generalist CLCs change often over time due to socio-economic changes or migration

settlement patterns. Generalist CLCs must be, and have been, responsive to their communities and able to change with their communities. For example, the Ringwood region has seen an influx of community members who have recently arrived as refugees from Burma. ECLC has had to learn quickly how to engage with this new community in order to best address their legal needs. ECLC has been able to achieve this due to its strong partnerships with the local Migration Information Service and refugee networks.

### **A highly efficient model**

Ensuring the sustainability of CLCs is extremely cost efficient. An independent economic cost-benefit analysis of community legal centres found that, on average, CLCs have a cost benefit ratio of 1:18; that is, for every dollar spent by government on funding CLCs, these services return a benefit to society that is 18 times that cost<sup>1</sup>.

### **Innovating for efficiency and effectiveness**

The Federation has developed a number of initiatives to enhance the effectiveness and efficiency of the Victorian CLC sector, including leadership development and human resources training for managers, and the inauguration of the CLC Law Graduate Scheme in 2010. These initiatives need funding in order to expand them and thereby build capacity to deliver access to justice, particularly for Victorians in rural and regional areas.

### **What next for CLCs?**

Recent research highlights the need for the following:

- more accessible free legal services
- expanded and more targeted community legal information and education
- further close collaboration with non-legal professionals as gateways to legal services
- improving coordination between legal services
- improving coordination between legal services and non-legal services to address connected legal, health, financial and social issues<sup>2</sup>.

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<sup>1</sup> *Economic Cost Benefit Analysis of Community Legal Centres* (2012), prepared for NACLCL by Judith Stubbs & Associates.

<sup>2</sup> Denniss R, Fear J & Millane E, *Justice for all: Giving Australians greater access to the legal System*, The Australia Institute (2012); *Law and Justice Foundation of NSW, Legal Australia-Wide Survey: Legal Need in Australia* (2012).

## **Outcomes-based measurement**

We agree that a shift to assessment of outcomes rather than outputs is needed. However, this relies on better data collection and analysis, and more rigorous evaluation of outcomes. This may be undertaken by the CLC once properly funded by government, or, in some cases (e.g. comprehensive databases and accessible de-aggregated data available in response to queries on demand – a current deficit that is a growing problem re family violence and disability to name but two areas), undertaken directly by government. We cannot simply place a requirement for outcome-based measures onto CLCs without providing comprehensive support to produce these in a meaningful way.

## **Improving how the system is funded**

### **Prevention ‘versus’ crisis funding**

‘Government funding needs to become focused on investment in prevention rather than expenditure on crisis management’ (discussion paper p7) .Both are important. It makes no sense not to assist clients needing legal help at a late (and often desperate) stage, in addition to investing in prevention. Using the analogy of transport accidents, while road safety campaigns and stringent driving tests are essential, no policymaker would contemplate making this the priority at the expense of crash barriers, improved roads, prosecution of traffic violations, ambulance transport or rehabilitation facilities.

Not to fund legal crisis management is also inconsistent with ensuring access to justice for all (c.f. discussion paper p11 re ‘enhancing access to universal services’). At present, most Victorians cannot afford legal help for anything except the most basic legal issues<sup>3</sup>. As the diagrams in Appendices 2 and 3 show, failure to access affordable legal help can exacerbate disadvantage and suffering, and ultimately increases costs to the community.

### **Early intervention**

Generalist CLCs play an important role in providing early advice and legal issue identification, but this is reliant upon a client being able to seek assistance early. People generally only know to seek assistance early if they have received this information via their

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<sup>3</sup> Community Law Australia, *Unaffordable and Out of Reach: The Problem of Access to the Australian Legal System* (2012) [http://www.communitylawaustralia.org.au/wp-content/uploads/2012/07/CLA\\_Report\\_Final.pdf](http://www.communitylawaustralia.org.au/wp-content/uploads/2012/07/CLA_Report_Final.pdf); Law and Justice Foundation of NSW, *Legal Australia-Wide Survey: Legal Need in Australia* (2012); Australian Council of Social Service, *Australian Community Sector Survey 2012 National Report* (2012); Community Law Australia, *Hard to Help: Impacts of underfunding on community legal centres helping ordinary Australians to access justice* (2012) <http://www.communitylawaustralia.org.au/wp-content/uploads/2012/11/CLA-Hard-to-Help-Survey-Report-Nov-2012.pdf>

non-legal supports (such as their teachers, doctors, support workers etc.). Partnerships and collaborations beyond the legal assistance sector are therefore a critical part of the CLC model.

### **Client-directed funding**

The challenge of client-directed funding for community legal services is that clients are partly in the position they are in because they often cannot identify their legal needs, or whether they even have any, and they cannot negotiate the system i.e. they don't know where to go.

### **Reducing red tape**

We agree with the discussion paper's observation that we need to reduce red tape and move away from compliance toward performance. The fragmented nature of CLC funding and reporting requirements in Victoria is inefficient.

We also need better coordination between government funders, and streamlining of compliance requirements, in order to reduce the burden on CLCs – e.g. association incorporation requirements through CAV, and new ACNC requirements as most CLCs have charity status.

### **Impact of short-term project grants**

CLCs receive funding from a variety of government and non-government sources. In 2011/2012 total CLC income was approximately \$40 million. Just under half of this came through the Community Legal Services Program (Commonwealth & State). A substantial proportion of funds necessarily come from short-term project grants, which has negative implications for workforce turnover, because staff are not able to be given certainty of employment.

### **Impact of funding shortages**

CLCs focus on assisting disadvantaged Victorians. Due to funding shortages, over 80 per cent of the people helped by CLCs receive under \$26,000 a year in income. However, many people who need help, but who can't afford a lawyer, miss out. Unlike the Australian health and education systems, there is no universal safety net for legal help.

As noted above, community legal centres are a good source of early advice. They assist people to identify what the legal issue is, what can be done about it and then direct them to get the ongoing help they need. However, due to funding shortages, it can be difficult for

smaller CLCs to provide in-depth ongoing assistance in all situations where this is needed. Often people receive limited assistance, which falls far short of the help they need and that they would receive if the community legal sector was adequately funded.

### **Funding best practice**

Best practice is not cost-neutral, at least in the short to medium term, regardless of how much we improve the way we do things e.g. by reducing any duplication and red tape. For all the reasons above, CLCs need sustainable minimum baseline funding of at least \$500,000 per annum, coupled with annual indexation.

## **Improving how the system operates**

### **Whole-of-government buy-in**

If we are genuinely committed to increasing integration and breaking down silos, we must start with whole-of-government buy-in. For example, 'law and order' policy and practice works at cross purposes to early intervention and support e.g. issuing and enforcing infringements against people with an intellectual disability. There is also no point in setting an integration standard for CSOs that government itself does not adhere to. As the discussion paper says (p5), 'Reform is the joint responsibility of all service providers.'

### **Collaboration between Government and CSOs**

Increased integration also requires improved and more regular mechanisms for discussions and collaboration between government and CSOs, as opposed to, for example, in the family violence area where these have decreased in recent years.

### **Collaborations and partnerships**

It is important to emphasise the complementary roles in our sector of generalist centres with local knowledge, and specialist centres that provide more intensive client assistance and collaborate to support generalists, together with our partnerships with external CSOs and other organisations. This fosters client trust, and builds knowledge of specific issues e.g. the legal needs of African newly emerged communities, taxi driver legal problems, the sexual assault clinic run between Springvale Monash Legal Service and South Eastern Centre Against Sexual Assault, the medico-legal partnerships being developed by North Melbourne Legal Service and Loddon Campaspe Community Legal Centre.



CLCs have excellent networks and partnerships which assist in identifying issues that could benefit from early intervention or prevention. However, partnerships do not evolve of themselves. Strong partnerships require ongoing commitment and resources. CLCs are not necessarily funded to form partnerships, but they do so recognising that strong partnerships between CSOs build communities.

### **Service hubs and shared back-of-house functions**

Re Pathway 10 (p21): although some CLCs are small, the above points are some reasons why it is important that such CLCs are not subsumed into larger organisations. However, there may be ways to share at least some administration across centres. This happens already to some extent e.g. with sharing of part-time finance officers.

The idea of some kind of hub is also attractive. This is something CLCs already do well and increasingly so. Most CLCs either deliver non-legal services in addition to legal services, or are co-located with non-legal service providers such as health services or financial counselling. But we can also think more creatively. For example, it need not literally always be a physical one-stop shop where the CLC is located – a hub could operate like Melbourne's Drill Hall where all services visit at the same time, or via use of Skype or other creative technologies.

### **Case manager to make the links**

Another possible innovation that could be considered would be: instead of clients having to run around with multiple referrals and access points, workers could be funded, who would be responsible for coordinating all of the multi-agency responses to a client's needs, across government departments and CSOs. This could operate as a type of case management where the worker would not do the actual support but would be the first point of contact and make sure that everyone else provides what the client needs. This would provide not so much a one-stop shop model, but would be more like providing a shopper for the client, where the shopper joins up all the services (and not just Department of Human Services ones) for the client.

### **CLC Accreditation**

As the discussion paper (p21) notes, CSOs experience various operational pressures. The CLC sector is rising to these challenges via the National Association of Community Legal Centres Accreditation Scheme, which has been developed to provide an industry based certification process for CLCs to support and give recognition of best practice in service

delivery. The NACLC Accreditation Criteria and the evidence requirements by which CLCs will be assessed for certification incorporate the current Community Legal Services Program Service Standards and the requirements of the NACLC Risk Management Guide. Full members of State and Territory Associations of CLCs must comply with the NACLC Accreditation Criteria. The NACLC Accreditation Scheme, overseen in Victoria by the Federation of CLCs, has been designed to form the basis of a sector-led continuous quality improvement program, supporting CLCs to better deliver access to justice services to disadvantaged Victorians.

The NACLC Accreditation Scheme is an important support mechanism to maintain an effective and sustainable CLC sector and deliver a vital community service at a high standard. The accreditation process has been well received by Victorian CLCs who are facing an ever increasing demand for services with access to limited funding and higher accountability expectations from funders.

### **Recruitment and retention**

CLCs are also facing challenges in staff recruitment and retention. It is essential that award-based increases to CLC salaries as a result of the Fair Work Australia pay equity case are fully funded, and not used as a rationale for reducing funding for other aspects of CLC programs.

Rural, regional and remote CLCs (RRRs) have particular difficulty in recruitment and retention. For example, recruiting to Bairnsdale is notoriously difficult with all of Gippsland Community Legal Service (GCLS), Victoria Legal Aid and Aboriginal Family Violence & Prevention Legal Service struggling to recruit to their offices in Bairnsdale. The main impediment is the distance from Melbourne, and connection to the base office and the wider legal community for ongoing support. The other significant issue is the salaries offered to CLC lawyers.

### **Other challenges in RRR areas**

In addition to the issues with recruitment and retention addressed above, RRR CLCs also face numerous additional challenges.

RRR CLCs cover a very broad geographical area, raising issues concerning the tyranny of distance and access to justice. There are many different community needs within each sub-area and few staff. For example, GCLS has 2.8 lawyers for an area that covers 18% of the State. There are also 6 local government areas in Gippsland and each one is very different.

Another good example of the value of CLCs is the Murray Mallee CLC where there is no VLA office for over 300 km. Whilst many services can be offered by telephone (and perhaps eventually Skype), people are needed on the ground, at the front line as well. These telephone, Skype etc. services should complement and expand on the work already being done, rather than replacing it.

Other legal and support agencies (including the courts and police) are struggling with the same issues. The whole justice system in RRR areas is under considerable pressure.

### **Shaping policy and funding allocation**

CLCs should be able to be more innovative in delivering desired outcomes (discussion paper p8). However, CLCs should also be able to help shape policy, and funding allocation itself needs to be more collaborative and at an earlier stage of the budget cycle.

As set out in the joint submission to this consultation made by agencies working in the family violence area<sup>4</sup>:

If service sector reform is to be implemented effectively across sectors and participating departments, it will be essential that planning and budget provision is integrated rather than conducted separately by departments. This was one of the successes of the integrated family violence reforms. This will require active central agency support in an increasingly competitive and constrained budget environment.

Joint planning and budget provision by departments is a good start but government must consider whether the limitations of its current processes facilitate or stifle innovation, collaboration and the development of models that truly put clients at the centre. Approaches such as participatory budgeting<sup>5</sup> (which has occurred in Brazil for some time) should be considered. At the very least, government should ensure that it:

- has special processes for whole of government budget bids that encourage openness and quell competitiveness between departments.

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<sup>4</sup> Domestic Violence Victoria as lead agency with seven other statewide or peak organisations including Federation and Women's Legal Service Victoria 'Joint Submission to the Community Service Reform Project' submitted on 27 March 2013

<sup>5</sup> Cabannes, Y (2004) 'Participatory budgeting: a significant contribution to participatory democracy', Environment and Urbanization, Vol 16, No 1, pp.27-46.

The fact that funds currently have to be allocated department by department makes this a challenge.

- can involve CSOs in the development of budget bids and in the subsequent high-level program design. Currently the cabinet-in-confidence status of these processes means that the organisations on the ground (or the peak bodies which represent them) cannot be engaged to ensure that what is funded is actually what is needed.

## Conclusion

The joint partners to this submission are committed to the provision of services to the people of Victoria, and in particular to the most vulnerable and disadvantaged members of society. We endorse the words of the Minister that it must be a priority “to ensure we have a vibrant effective and efficient sector that continues to make a real difference in the lives of many thousands of Victorians”.

The CLC sector exemplifies many of the reform proposals considered in the discussion paper, including through its partnerships and collaborations within and outside the sector, its empowerment approach and its flexibility to address the changing needs of Victorians through prevention, early intervention and resolution.

## Contacts

### **Dr Chris Atmore**

Senior Policy Adviser  
Federation of Community Legal Centres  
Level 3, 225 Bourke Street  
Melbourne VIC 3000  
T 03 9652 1506  
E [policy@fclc.org.au](mailto:policy@fclc.org.au)

### **Joanna Fletcher**

Chief Executive Officer  
Women’s Legal Service Victoria  
Level 3, 43 Hardware Lane  
Melbourne VIC 3000  
T 03 9642 0877  
E [joanna@womenslegal.org.au](mailto:joanna@womenslegal.org.au)

## **Appendix 1 – Joint Submission Partners**

### **Federation of Community Legal Centres**

The Federation is the peak body for 51 Victorian community legal centres (CLCs) that provide free legal services to the public. CLCs help clients who face economic and social disadvantage and have nowhere else to go. Of the 51 Victorian CLCs, 26 provide generalist legal services within specific catchment areas and 25 CLCs are specialist centres, working on specific issues or with specific client groups. The Federation provides information and referrals to people seeking legal assistance; conducts law reform and policy work to improve the justice system; and works to build a stronger and more effective community legal sector.

### **Women’s Legal Service Victoria**

Women’s Legal Service Victoria (WLSV) is a statewide specialist CLC providing free and confidential legal information, advice, referrals and representation to women in Victoria. WLSV specialises in issues arising from relationship breakdown and violence against women. In addition to delivering services to women, WLSV develops and implements preventative family violence programs and influences the development of legal policy and law reform. WLSV also provides education, training and professional development on the law and related areas.

### **Eastern Community Legal Centre**

Eastern Community Legal Centre (ECLC) is a generalist CLC located in the Eastern region of Melbourne and serving the Cities of Whitehorse, Boroondara, Manningham, Maroondah, Knox and the Shire of Yarra Ranges.

In addition to providing direct legal services to clients located in those areas, ECLC also undertakes Community Development activities that empower clients, workers and the general community, raise awareness and provide education through projects and partnerships, workshops, media, events and publications.

### **Gippsland Community Legal Service**

Gippsland Community Legal Service (GCLS) is a generalist CLC with a main office in Morwell and a second office in Bairnsdale. GCLS provides free community legal services to people who live, work or study in the Gippsland region (including BawBaw, Latrobe, Wellington, East Gippsland, South Gippsland and Bass Coast). GCLS also undertakes community legal education and law reform and policy work.

## **Appendix 2 – Family violence and the importance of integrated legal help**

This diagram provided by Eastern Community Legal Centre shows how the work of CLC family violence duty lawyers, together with legal advice and assistance outside the court, is about early intervention, response and prevention.



**Negative Court Experience**

**Disempowered**

**Case Scenario**  
Kate had been in a relationship with David for 7 years, they had two children Kane (5yo) and Ben (4yo). David was both psychologically and physically violent and this had started having a negative effect on the children. Kate was extremely fearful of ending their relationship but decided to approach the Court in order to make an application for an I/O.



**Positive Court Experience**

**Empowered**

**Victim/Survivor**

**Perpetrator**

Kate approached the Court to make an I/O application. She was booked in for an appointment 10days later. Kate attended her appointment, her application was lodged and heard by a Magistrate who granted her an Interim I/O.

Kate felt quite unsafe about accessing the Court to attend her hearing. Kate communicated this to the Court staff on the day of her application and they let her know that there would be security personnel present.

Kate was feeling extremely fearful of ending her violent relationship and was struggling to cope with the situation. She had been isolated from her friends and family and felt that she had nobody to turn to.

David's partner had recently left him because of his violent behaviour and had taken the children with her. David was served with an Interim I/O by the Police and informed of a hearing date for him to attend Court.

Kate attended the Court for her I/O hearing and felt completely overwhelmed by the legal process and the information that was given to her. She felt pressured to make decisions that would have a huge impact on her future.

When Kate arrived at Court her ex-partner was already there and was staring at her as she walked in. For the rest of the day she was intimidated by his presence and the snide remarks he was making which made her feel unsafe.

Kate went to her GP who prescribed her medication to calm her and help her sleep. She tried to speak to a friend of hers who was more concerned about the children missing out on a relationship with their father.

David attended Court on his hearing day and was struggling with a range of emotions. He did not understand the process and felt overwhelmed. The Magistrate issued with an I/O that prevented him from seeing his children.

Kate feels disempowered and uninformed in pursuing her legal rights, in ensuring her safety and the safety of her children.

Kate does not have confidence in the legal system taking her safety seriously.

Kate feels disempowered in ending her violent relationship which is having a negative impact on her health and ability to cope.

David felt frustrated and confused by the legal system and process and was finding it difficult to cope.

Kate feels empowered and informed in pursuing her legal options in ensuring her safety and the safety of her children.

Kate is confident in the legal system taking her safety seriously.

Kate feels empowered in ending her violent relationship which is having a positive impact on her health and ability to cope.

David understood the legal system and process and that he was accountable for his behaviour.

Kate sought legal advice before her I/O hearing which increased her understanding of the legal process, her legal rights and options. She was aware of how her decisions might impact her future.

When Kate arrived at Court she was met by a Court worker who guided her to a separate space so that she would not be exposed to the perpetrator. The Court took her safety seriously and responded accordingly.

Kate linked in with a family violence service to support her through her crisis. She was later referred to a counselling service for longer term support and assisted in submitting a VOCAT application.

David attended Court and was struggling with a range of emotions. He was referred to a MBC worker who provided him with information and support through the process and the opportunity for longer term support.

Kate approached the Court to make an I/O application. She was booked in for an appointment 10days later. She was referred to get legal advice and was presented with information and brochures to assist her.

Kate felt quite unsafe about accessing the Court to attend her hearing. Kate communicated this to the Court staff on the day of her application and they were able to implement increased safety strategies to help Kate feel safe.

Through her contact with the Court and the legal service Kate was provided with information about family violence services that could support her through her experience.

David's partner had recently left him and had taken the children with her. David was served with an Interim I/O by the Police and informed of a hearing date. He was given some information and referred to a legal service.

**Appendix 3 – Debt and the value of CLC help (provided by the National Association of Community Legal Centres)**



**PROBLEM:**  
 Joanne works part-time in the packing section of an auto parts warehouse and lives with her two children in a rented flat. After her partner left her five months ago she became the sole breadwinner for her family. The reduced income means that she has taken out two loans at high interest rates and borrowed more on her credit cards in order to make ends meet. But she is having trouble juggling her rent and payments on her loans and credit cards. She recently received a letter of demand from a debt collection agency.

