

The Ministerial Council on Consumer Affairs

Taking Action, Gaining Trust

A National Indigenous Consumer Strategy

Action Plan 2005 – 2010



Mid Term Strategy Report

September 2005 - March 2008

Ministerial Council on Consumer Affairs

The Ministerial Council on Consumer Affairs (MCCA) consists of all Commonwealth, State, Territory and New Zealand Ministers responsible for fair trading, consumer protection and credit laws. The role of MCCA is to consider fair trading and consumer affairs matters of national significance and, where possible, develop a consistent approach to these issues.

On 1 September 2005 all Australian members of MCCA signed a Statement of Commitment for the development and implementation of the National Indigenous Consumer Strategy Action Plan 2005–2010. The Action Plan demonstrates MCCA's shared responsibility for ensuring that Australia's performance in Indigenous consumer affairs is continually improved and beneficial outcomes for Indigenous consumers are achieved.

Commonwealth, State and Territory consumer agencies have committed to;

- the promotion of basic consumer rights recognised by the United Nations for Aboriginal and Torres Strait Islander people in Australia;
- improving market outcomes for Aboriginal and Torres Strait Islander consumers; and
- ensuring Aboriginal and Torres Strait Islander consumers have equal access to the services each agency provides.

The members of MCCA as at 31 December 2007 included:

Hon Judith Tizard MP (Chair) Minister for Consumer Affairs New Zealand	Mr Simon Corbell MLA Attorney General Australian Capital Territory
Hon Chris Bowen MP Assistant Treasurer Minister for Competition Policy and Consumer Affairs	Hon Linda Burney MP Minister for Fair Trading New South Wales
Hon Tony Robinson MP Minister for Consumer Affairs Victoria	Hon Kerry Shine MP Minister for Justice Queensland
Hon Sheila McHale MLA Minister for Consumer Protection Western Australia	Hon Jennifer Rankine MP Minister for Consumer Affairs South Australia
Hon Steven Kons MHA Minister for Justice and Workplace Relations Tasmania	Hon Chris Burns MLA Minister for Justice and Attorney General Northern Territory

Acronyms

ACCC	Australian Competition and Consumer Commission
ACTOFT	ACT Office of Fair Trading
ASIC	Australian Securities and Investments Commission
CA	Consumer Affairs (NT)
CAFT	Consumer Affairs and Fair Trading (Tasmania)
CAV	Consumer Affairs Victoria
CDEP	Community Development Employment Project
COAG	Council of Australian Governments
DEWHA	Department of the Environment, Water, Heritage and the Arts
DEWR	Department of Employment and Workplace Relations
DOCEP	Department of Consumer and Employment Protection (WA)
DOJ	Department of Justice (NT)
DTFTWID	Department of Tourism, Fair Trading and Wine Industry Development
FaCSIA	Department of Families, Community Services and Indigenous Affairs
ICAN	Indigenous Consumers Assistance Network
ICU	Indigenous Consumers Unit
MCCA	Ministerial Council for Consumer Affairs
MTA	Motor Trades Association
NGO	Non-Government Organisation
OCBA	Office of Consumer and Business Affairs (SA)
OFT	Office of Fair Trading (NSW)
ORATSIC	Office of the Registrar of Aboriginal & Torres Strait Islander Corporations
OIPC	Office of Indigenous Policy Co-ordination
QOFT	Queensland Office of Fair Trading
SCOCA	Standing Committee of Officials of Consumer Affairs

The word Indigenous used throughout this document refers to Aboriginal and Torres Strait Islander people.

The term Consumer Agencies used throughout this document refers to Consumer and Fair Trading Offices, the Australian Securities and Investments Commission, the Australian Competition and Consumer Commission and Commonwealth Treasury.

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Introduction

This is the mid term report on the implementation of the *Taking Action, Gaining Trust* National Indigenous Consumer Strategy Action Plan 2005-2010. The action plan was endorsed by the Ministerial Council on Consumer Affairs and prepared by the Standing Committee of Officials of Consumer Affairs ("SCOCA") working party representing all Commonwealth, State and Territory Government consumer agencies. SCOCA participated in and convened a number of workshops in 2002-2003 in response to concerns about the disadvantages experienced by Indigenous consumers. In 2004 a consultation document was released and consultations conducted around Australia. The National Indigenous Consumer Strategy Action Plan was launched in September 2005. The objectives of the action plan are to:

- improve Indigenous consumers' knowledge of their rights and obligations under consumer protection laws and achieve greater Indigenous access to consumer protection programs.
- improve the behaviour of traders, through education and compliance activity, to reduce detriment experienced by Indigenous consumers; and
- promote effective engagement and partnership between consumer protection agencies, Indigenous organisations, business and other government agencies to improve consumer outcomes for Indigenous people.

The action plan identifies actions under eight key priority areas:

- Employment of Indigenous staff in consumer agencies
- Advocacy of Indigenous consumers' interests
- Housing
- Financial management and banking
- Motor vehicles and boats
- Trading practices
- Arts industry
- Managing Indigenous community organisations.

Consumer agencies recognise that changes are required to the way they conduct business with Indigenous consumers so as to ensure that their services are equitable and effective. Consumer agencies also recognise that the rules that regulate traders and service providers need to be fair and responsive to the needs of Indigenous people; that cultural and operational changes are required within consumer agencies to respond to the needs of Indigenous consumer enquiries; and, that employment of Indigenous staff in key positions in consumer agencies needs to occur.

Progress in implementing the action plan will continue to be monitored, evaluated and reported on an annual basis.

National Priority 1 – Employment of Indigenous Staff in Consumer Agencies

Action 1.1	Responsibility	Timeline
<p>Employment of Indigenous officers in consumer agencies as a priority in accordance with employment plans, with the purpose of increasing the long term or permanent representation of Indigenous staff. Employment plans should take into account service delivery issues such as language barriers, geography, agency responsibilities and population distribution. Consumer agencies should identify and use existing public sector guidelines for the employment of Indigenous people, if there are no existing guidelines, identify others that can be adapted.</p>	<p>Consumer agencies to undertake their own recruitment and retention exercises and policies relating to the employment of Indigenous people.</p>	<p>Consumer agencies to develop employment plans by June 2006.</p> <p>Maintenance and implementation of plans is ongoing.</p>

Progress – Implementation ongoing

Indigenous people employed in consumer agencies are employed in various Indigenous specific positions (Community Education and Liaison Officers, Customer Service Officers, Tenancy Officers, CDEP Indigenous Contact Officer, Principal Project Officer, Indigenous Graduate positions). Indigenous people are also employed in mainstream positions and at times might not be easily identified as Indigenous employees.

All State and Territory consumer agencies are entities within larger departments. As a result, the development of employment plans is a matter for the broader department, not the individual consumer agencies. While work on Indigenous employment plans is underway in several jurisdictions, only the Northern Territory (as part of the Department of Justice) and New South Wales (as part of Department of Commerce) had an endorsed Indigenous employment plan in place by June 2006.

Individual agencies have also taken action to increase their number of Indigenous employees. For example, during its period as lead jurisdiction for the action plan, DOCEP in Western Australia has increased its number of permanent Indigenous staff from zero to three. Two of these employees are directly engaged in the development and delivery of Indigenous consumer education strategies.

The ACCC is actively investigating options to increase the number of Indigenous project officers employed in the organisation. In June 2007 the ACCC finalised its Indigenous Employment Plan, a targeted plan, designed to increase the number of Indigenous Australians with experience working in the ACCC either on contract, secondment or as ongoing employees. The Plan will also facilitate the representation of Indigenous employees at a senior level.

The ACCC will develop its profile by providing the opportunity for State/Territory and Commonwealth public servants or Indigenous staff from related non-government organisations, to work on a range of high value projects at the ACCC.

ASIC's National Indigenous Graduate Program has recruited four Indigenous graduates over the last three years and has also employed an Indigenous person as a Remote Areas Campaign Officer. ASIC's employment plan was finalised in December 2007 and awaiting approval by the ASIC Commissioner. ASIC's Indigenous staff have played a key role in the preparation of the plan. In 2008 ASIC intends to employ a consultant to advise ASIC on ways to increase Indigenous employment and improve its service to Indigenous consumers.

OCBA's Education and Information Services Branch has recruited an Indigenous cadet and a further four National Indigenous Sponsorship Agreements are being sought from within divisions of the SA Attorney General's Department.

The Queensland Office of Fair Trading (QOFT) has been the subject of a Machinery of Government change and is now part of the Department of Justice. That Department currently has 56 Indigenous employees. The former Department created a position for a Coordinator Indigenous Operations and increased the number of Indigenous employees from six to ten 2006. It also implemented a number of strategies to increase and retain the representation of Indigenous staff at all salary levels which include:

- the continuation of a Reference Group for Indigenous employees to raise and discuss issues;
- continuing the internal mentoring program offered to Indigenous employees to assist with retention rates;
- inviting participation by Indigenous staff on the Wal-Meta Leadership Programs;
- targeting Indigenous applicants for traineeships; and
- reviewing positions to identify specified ATSI positions.

The OFT Aboriginal Action Plan commenced in 1998 and currently employs 35.6 Indigenous staff. NSW continues to implement the seven key areas of this Plan: Regional Aboriginal Service Program; education material, media and promotional activities; community partnerships; Aboriginal Employment Strategy; Aboriginal Tenancy Program; Registry of Co-operatives and Associations Aboriginal Service Program; and the National Partnerships Project. Under the Aboriginal Action Plan the OFT presently employs a Co-ordinator of Aboriginal Programs, eleven Aboriginal Customer Service Officers located in various localities across NSW. Koori staff answer enquiries on the Koori Info (Tenancy) Line in OFT's contact centre. These are all Indigenous identified positions. Indigenous staff are encouraged to transfer into mainstream positions. The role of Aboriginal Customer Service Officers is defined and accepted as providing culturally appropriate services with an emphasis on face to face program delivery, by taking services and programs to the community in addition to those provided by Fair Trading Centre staff and by raising awareness of mainstream staff to Aboriginal issues. Programs utilised include the Elsa Dixon Program Aboriginal traineeships and the NSW Public Sector Indigenous Cadetship Program. The OFT is part of the Department of Commerce, which also has an Aboriginal Employment Strategy and part of the NSW Government's Aboriginal Employment in Practice for the NSW Public Sector. The Consumer Trader and Tenancy Tribunal is currently employing an Aboriginal identified Deputy Registrar within the Tribunal.

CAV currently employs two permanent Indigenous staff within its Indigenous Consumers Unit, which was established in 2003. Layun Nguttay is a specific guide that has been developed to deal with cultural issues facing managers of Indigenous staff and provides practical advice and assistance in the recruitment and retention of Indigenous staff. Wur-cum barra is the Victorian Public Sector Indigenous Employment Strategy for the Victorian government and aims to improve diversity and responsiveness to Indigenous issues by increasing Indigenous employment across the public sector.

Highlight – NT Indigenous Employment and Career Development Strategy

In March 2006 the Department of Justice’s Indigenous Employment and Career Development Strategy (IECDS) was endorsed and an Indigenous Employment Officer permanently appointed with primary responsibility for the implementation of the strategy and its promotion to new and existing staff. The aim of this strategy is to address the under representation of Aboriginal and Torres Strait Islander people within the Department by providing a range of appropriate recruitment, career development and retention initiatives. The intended outcomes of the strategy are to:

- increase the numbers of Indigenous men and women recruited into the Department;
- provide adequate representation of Indigenous people at all levels within the Department to enable effective contribution to policy and decision making affecting Indigenous people;
- develop effective evaluation and reporting systems developed to assist in the implementation of the strategy; and
- increase cultural diversity throughout the Department.

Action 1.2	Responsibility	Timeline
Consumer agencies should also seek to work with non-government organisations with Indigenous staff to assist with service delivery.	Consumer agencies in partnership with non-government organisations.	Ongoing.

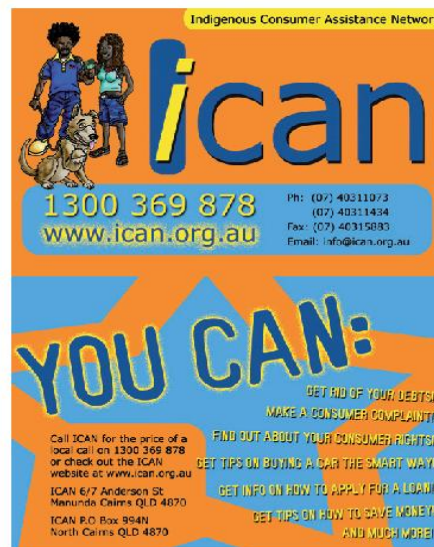
Progress – Implementation ongoing

All consumer agencies have reported a significant range of programs for working with non-government organisations to assist in service delivery.

In particular, a strong working relationship is being developed with the Indigenous Consumer Assistance Network (ICAN) in Cairns. ICAN provides consumer advice and assistance to Indigenous consumers across Australia. The network has an active steering committee with representatives from: the Indigenous Coordination Centre (ICC) - Cairns Region, National Indigenous Consumer Strategy (NICS), QOFT, ASIC and ACCC.

The ACCC, as a member of the Australasian Consumer Fraud Taskforce (ACFT), has developed a partnership arrangement with ICAN to raise Indigenous consumer awareness of scams during the ACFT's annual Scams Awareness Month campaign. ICAN provided tremendous support for the 2006 and 2007 campaigns and the ACCC looks forward to ICAN's continued involvement in the upcoming 2008 campaign.

ICAN also secured membership on the ACCC's Consumer Consultative Committee (CCC) for a two year term from December 2007 following the ACCC's recent review of the CCC. The ACCC expects that this will further enhance its knowledge of the issues facing Indigenous people. The ACCC also sits on the Indigenous Consumer Assistance Network (ICAN) steering committee.



(ICAN flyer courtesy of ICAN)

In 2006 the ACTOFT distributed ICAN Posters and a one-page flyer to organisations throughout the Canberra region and to organisations including the Aboriginal Justice Centre, Winnunga Nimmityjah Aboriginal Health Clinic and Gugan Gulwan Youth Aboriginal Centre. 1200 mini-footballs featuring ACT OFT and ICAN messages were distributed to Indigenous youth and their parents at the 2 June 2006 Reconciliation Day rugby match at the Boomanulla Oval, Canberra. Cathy Freeman attended and signed the footballs for children. These footballs were also distributed during NAIDOC week celebrations at Cairns in July 2006.



(Mini-football courtesy of ACTOFT)

A number of agencies also have a close relationship with Croc Fest, an Indigenous youth festival held at various locations around the country. DOCEP, OFT and ASIC, either jointly or individually attended a majority of the festival sites in 2006 and in 2007 OFT was a sponsor of the event in Dubbo.

DOCEP, ASIC and QOFT manned a joint stall with ICAN at NAIDOC in Cairns on 7 July 2006. The aim was to provide greater awareness of the NICS and to deliver a consistent consumer message to Indigenous people.



ICAN/Consumer Protection stall at NAIDOC Week Cairns 2006: Margaret Osmond (formerly of ICAN), Robyn Bishop (ICV Volunteer with ICAN), Rachel Burroughs (QOFT) and Carmen Daniels (ICAN). Photo courtesy of ASIC.

The range of relationships formed by individual consumer agencies is very broad, however, some partnerships include: metropolitan and regional Indigenous community groups, the Motor Trades Associations Australia, Royal Automobile Associations, tenancy advocates, financial counselling providers, Indigenous housing advocates, elders groups, local Aboriginal land Councils, Aboriginal community workers, interagency groups and Aboriginal employment agencies and sporting associations.

Some specific examples include the work being carried out in South Australia by OCBA within the Pitjantjatjara Yankunytjatjara-ku Council of Australian Governments (COAG) Indigenous trial site. This involves working with government and non-government organisations to deliver improved and increased service delivery, training and employment opportunities to the Anangu Pitjantjatjara Yankunytjatjara (APY) lands. OCBA works with the existing agencies and programs to deliver increased services and broaden consumer awareness to communities in the APY lands.

CA in the Northern Territory has an ongoing working relationship with Anglicare, the North Australian Aboriginal Justice Agency and non-government organisations contracted to provide financial literacy and money management training for the MoneyBusiness Program partnered by the Department of Families, Community Services and Indigenous Affairs (FaCSIA) and the ANZ Bank.

CAV has in place a cooperation agreement with the Victorian Aboriginal Legal Service and is dedicated to ensuring that its consumer protection message is delivered as effectively as possible. A strategy for doing this is through the "Koori's Know Your Rights" road shows where a number of justice-related government agencies provide targeted messages to the community as well as an avenue for face-to-face complaint/enquiry service. 3KND radio (Melbourne's first Aboriginal radio station) and staff from the Indigenous Consumers Unit at Consumer Affairs Victoria work closely together to bring the 'Koori Consumer Yarn Time' segment to Koori Consumers on the airwaves and is broadcast across the Metropolitan Melbourne region. The aim of the Indigenous Consumers Unit is to increase awareness and protection of Consumer rights for Aboriginal and Torres Strait Islander people across the state of Victoria. 3KND were amongst the winners at the, Consumer Affairs Victoria awards at a ceremony in Melbourne on the November. The station was awarded the 'Honourable mention' in the Media category – for a media organisation or journalist, whether from press, radio, television or online services that demonstrated a commitment to consumer protection. CAV is developing a credit and debit resource kit for Indigenous students with the assistance of the Victorian Aboriginal Education Association Inc., Indigenous educators, schools and Indigenous secondary students. CAV engages with NGOs, local, state and Commonwealth departments in delivering consumer and tenancy services.

The Office of Fair Trading Queensland had appointed a Coordinator Indigenous Operations prior to the recent MOG change, to provide consumer advice, consumer education materials and facilitate participation in community workshops. It also established referral procedures between Legal Aid Queensland and the Office's call centre provider, Smart Services Queensland, to improve the way consumer enquiries from vulnerable consumers, including indigenous consumers, are handled. QOFT has been attempting to obtain funding for a partnership with ICAN, without success.

DOCEP is has an agreement with the Aboriginal Legal Service of WA (Inc.) to meet twice yearly to discuss mutual issues, joint development of publications and delivery of consumer education. DOCEP has undertaken widespread consultation with Indigenous staff working in non-government agencies that deliver services to Indigenous Western Australians. Funding has been provided from the consumer credit penalty fund to a number of non-government agencies to develop and deliver programs. Community Education Officers participated in the following Indigenous community events - Survival Concert/Day (26 January 2006), Croc Fest in Halls Creek and Meekatharra, Perth suburban NAIDOC Events at Ashfield Reserve and Curtin University. Participation in general community events included: University orientation days (February 2006), Wheatbelt Careers Expo Northam (March 2006), WACOSS Conference (May 2006), Mirrabooka Shopping Centre display (May 2006), Kununurra Agricultural Show (July 2006) Dowerin Field Day (August 2006), Esperance Agricultural Show (October 2006) and Seniors Expo Perth (October 2006).

OFT delivers programs to a very broad range of non-government organisations with Indigenous staff on all consumer issues. Some of these include: CDEP participants, Aboriginal Hostels, Aboriginal Community Working Parties, Elder's Groups, local Aboriginal Land Councils, Aboriginal community workers, inter-agency groups and Aboriginal employment agencies. Three monthly Indigenous newsletters are produced and distributed to all Aboriginal community, Government and non-government organisations throughout NSW. OFT sponsors the NSW Koori Rugby League Knockout Players of the Series perpetual trophies for men's and women's teams, major community events during NAIDOC Week community celebrations and Yabun (Survival Day), Fair Trading advertisements on an Indigenous radio station (2CUZ FM) at Bourke that covers western NSW, sponsors the development and publication of an Aboriginal resource manual for the Mid North Coast and a major Indigenous art competition on the NSW central coast. OFT also attends Croc Fest and conducts an interactive Money Stuff programs for senior high school students. For 2007 OFT reported attending 266 events attended by an estimated total of 5,028 participants.

Highlight – ASIC working with the Indigenous Consumer Assistance Network (ICAN)

ASIC has developed close working relationships with a number of Indigenous organisations to assist in the identification of issues facing Indigenous consumers and to deliver outcomes. For example, ASIC has found that Indigenous consumers are often reluctant to complain directly to a Government agency. ASIC works with intermediary bodies and advocates, such as ICAN, who have established links to communities to facilitate the complaints process. Through community consultations ICAN identified a large number of Indigenous consumers in Cape York, many on Centrelink benefits or CDEP, that were experiencing financial hardship in repaying personal loans provided through the Commonwealth Bank. ICAN highlighted the matter to the national media and referred the matter to ASIC. ICAN then worked with ASIC to obtain statements and supporting material from affected consumers. On 19 January 2006, after the conclusion of the investigation by ASIC, the Commonwealth Bank announced a review of its lending practices to remote Indigenous communities and approximately 550 personal loans made to remote Aboriginal borrowers. Approximately 400 loans were written off and a further 70 were reduced. ASIC's Indigenous staff played an important role in identifying affected consumers and assisting them to have their loans reviewed by the bank.

Action 1.3	Responsibility	Timeline
Consumer agencies to provide cross cultural awareness training for non-Indigenous managers and staff inline with a plan that requires it to obtain promotion/employment in future.	All Australian SCOCA members.	June 2006 as part of employment plan.

Progress – Implemented and ongoing

All consumer agencies have reported that they have cultural awareness training programs delivered in varying forms or in the process of being finalised to sectors within consumer agencies.

Cultural Awareness training is provided to ACCC Infocentre staff on a needs basis. The training is designed to assist staff to provide information and advice to Indigenous callers and also enable staff to better understand Indigenous culture and issues. Similar training is planned for relevant managers, who directly deal with Indigenous persons and organisations. The ACCC is currently reviewing its cross cultural training program to include writing for an Indigenous audience.

Cultural awareness training is delivered to OCBA staff in South Australia with several staff participating in Indigenous orientation trips and to the APY lands.

Cultural awareness training has been provided to the majority of QOFT staff in Regional and Central Offices with ongoing training provided on a needs basis. Following the MOG change, there is enhanced access to structured cross cultural awareness training.

In the Northern Territory a pilot program was conducted and feedback has been obtained from participants for consideration of future programs. Department of Justice has now committed to provide training for all staff.

In the ACT cultural awareness training for ACTOFT Unit managers focussed on educating staff to recognise cultural diversity and practical advice when dealing with Indigenous consumer complaints.

All staff in OFT participated in cultural awareness training in 1999. Training is now provided on a needs basis and all new employees undergo awareness training in relation to the Aboriginal Action Plan and the role of the Aboriginal Customer Service Officers. A cultural awareness “Do’s and Don’ts” protocols document has been developed as well as a policy document regarding Indigenous “Welcome to Country” that all employees must adhere to when conducting educational information sessions. Cultural awareness activities involving the Aboriginal community are organised during Reconciliation Week by Aboriginal Customer Service Officers and non-Indigenous staff have the opportunity to participate in local Aboriginal events during NAIDOC Week.

In Tasmania CAFT continues to provide cultural awareness training to staff.

In Victoria, cultural awareness training is available to all Department of Justice staff and approximately 90% of CAV staff have completed the training.

Highlight – Cultural Awareness Training in Western Australia

Since the introduction of the National Indigenous Consumer Strategy, Indigenous Education Officers, Wayne Bynder and Tammy Solonec, of DOCEP (WA), have developed and delivered a comprehensive four-hour Indigenous cultural awareness program tailored to meet the specific needs of Consumer Protection staff. The program has been delivered to over 270 Consumer Protection staff, including all senior management, lawyers, investigators, call centre staff and regional officers. The program was also provided to all the Department's Labour Relations advice line staff.

In response to interest in the program by other agencies, the program has been demonstrated to other agencies in Western Australia, including the Department of Indigenous Affairs, the Western Australian Police Service, the Department of Education and Training, the Disability Services Commission and Catholic Education.

Course elements include: understanding culture, Indigenous diversity, post-colonial Indigenous history and contemporary issues for Indigenous Western Australians.

The program aims to: raise awareness of Indigenous culture and increase the understanding of cross-cultural issues in the workplace; enable participants to gain an understanding of issues of importance to the Indigenous community; and develop sensitivity to and understanding of Indigenous Australians.

Action 1.4	Responsibility	Timeline
Consumer agencies to seek alternative funding for employment of Indigenous officers where necessary and appropriate.	All Australian SCOCA members.	Ongoing.

Progress – Implementation ongoing

Consumer agencies in New South Wales, Queensland and Western Australia reported that they had accessed alternative funding for Indigenous positions. Sources of external funding included the Commonwealth CDEP and Wage Assistance program; the National Indigenous Cadetships Program; the Queensland "Breaking the Unemployment Cycle" Traineeships Program and the New South Wales Elsa Dixon Program. The extent of the use of these alternative funding sources was variable.

All other consumer agencies reported that they were aware of, or would investigate, alternative funding opportunities and would access them where appropriate.

Action 1.5	Responsibility	Timeline
Establish a national Indigenous consumer officers' network to enable Indigenous staff employed by consumer agencies to share ideas and work collaboratively.	SCOCA and consumer agencies.	Network established by September 2005.

Progress – Implemented

A national Indigenous consumer officer's email network was established following the Indigenous Consumer Officers Forum in Canberra on 1-2 September 2005. The network is coordinated by the Executive Officer of the National Indigenous Consumer Strategy. Indigenous officers contribute information for distribution within the email network including job advertisements, media releases and general consumer protection issues. The list of Indigenous officers is updated regularly. OFT has its own Aboriginal and Torres Strait Islander Officers Network.

Highlight – NSW Aboriginal Officers' Network

An Aboriginal and Torres Strait Islander Officers' Network has operated within OFT for many years. OFT is now a part of the larger NSW Department of Commerce and the concept of an Aboriginal Officers' Network has now been adopted by Commerce. Indigenous officers meet three times per year for one day on each occasion. One of these meeting days is nominated as the Statewide Indigenous Network Conference. The Director-General of Commerce and the Commissioner for Fair Trading also attend these meetings.

Within OFT all Aboriginal Customer Service Officers meet three times per year (following the Commerce Network Meetings) with the Co-ordinator of OFT's Aboriginal Action Plan, Assistant Commissioner, Customer and Property Services and Director, Customer Services. This is an opportunity to discuss cultural and consumer issues, identify possible policy changes and to work closely with Education and Information Services Branch to identify resources required to perform their roles, review current resources and develop new ones needed within the Indigenous community.

These meetings are an invaluable support mechanism for indigenous staff within OFT and Commerce.

Action 1.6	Responsibility	Timeline
Consumer agencies to simplify complaint procedures to meet the needs of Indigenous consumers.	All Australian SCOCA members.	Ongoing.

Progress – Implementation ongoing

Actions to simplify complaint procedures for Indigenous consumers have been undertaken by a number of consumer agencies. In some cases procedures have been simplified or Indigenous complaints are directed to a dedicated contact point or Indigenous Liaison Officers/Customer Service Officers from call centres. In addition, many agencies provide support for all consumers who wish to make a complaint but who have difficulties with the established mainstream processes.

The ACCC has an Indigenous Services Hotline (1300 303 143) and ACCC staff record all calls received which relate to Indigenous issues in its complaints database. A report is generated from the database on a regular basis and analysed to determine what follow-up action may be required on a case by case basis. The ACCC's Regional Outreach Managers (ROMs) also undertake ongoing rural and regional liaison with Indigenous persons and organisations. The aim is to increase Indigenous consumer awareness of the ACCC and its activities and to gather information and complaints on Indigenous issues.

ASIC also has an Indigenous 1300 telephone number (1300 365 957) that is diverted to an Indigenous staff member in the Consumer Protection Directorate. CAV has a dedicated 1300 hotline for Indigenous consumers and tenants and is answered by staff of the Indigenous Consumers Unit. The Northern Territory has an Indigenous Liaison Officer who assists Indigenous consumers on a case-by-case basis. Western Australia's Indigenous Consumer Education Officers also assist Indigenous consumers in making complaints. The ACT has appointed a specific contact officer for Indigenous consumers and verbal complaints are accepted if there is difficulty in putting complaints in writing. OFT (NSW) has simplified its complaints procedures by having Aboriginal Customer Service Officers take face-to-face complaints when visiting Indigenous communities and organisations. Procedures have also been adopted for complaints to be taken over the telephone by all Customer Service Officers.

In addition, all consumer agencies have adopted an enforcement guide developed jointly by the ACCC and the ASIC: *A Guide to Enforcement: Indigenous Consumer Matters*. One of the functions of this guide is to better identify issues facing Indigenous consumers and make it easier for Indigenous consumers to complain to Government agencies.

The Indigenous Consumer Assistance Network (ICAN) also provides information through its website (www.ican.org.au) on Indigenous consumer issues and contact details for each consumer agency in Australia. In addition, ICAN will take complaints directly and assist in directing the complaint to the appropriate consumer agency.

National Priority 2 – Advocacy of indigenous Consumers' Interests

Action 2.1	Responsibility	Timeline
Identify regulatory agencies other than consumer agencies that have responsibility for laws that affect consumers and develop relationships to influence policy.	All Australian SCOCA members.	Ongoing.

Progress – Implementation ongoing

Consumer agencies have established diverse working relationships with non-government organisations, State and Federal agencies. Both the ACCC and the ASIC have formal memoranda of understanding in place with State and Territory consumer agencies. Individual consumer agencies also have established relationships with Commonwealth agencies, such as the Department of the Environment, Water, Heritage and the Arts and the Office of the Registrar of Aboriginal and Torres Strait Islander Corporations. At a State and Territory level consumer agencies have established a wide range of networks with government housing agencies, family and children service agencies, Aboriginal legal services, liquor licensing, transport, justice, residential tenancy, gaming regulators, Aboriginal departments, Ombudsmen, Workcover, taxation and anti-discrimination bodies.

Action 2.2	Responsibility	Timeline
Promote the Indigenous Consumer Education website nationally.	Australian Government to continue to host and maintain the National Indigenous consumer website.	Ongoing.

Progress – Implementation delayed

The ACCC completed an audit of the content and structure of a partially developed Indigenous-specific consumer education website which was transferred to the ACCC from Treasury in 2005. The ACCC transferred the contents of this website in addition to other available Indigenous consumer educational material, to the Department of Consumer and Employment Protection (DOCEP) in December 2006 for the purpose of developing a NICS website.

DOCEP has the creation of a national website for the National Indigenous Consumer Strategy as a high priority for 2007/2008. This website will contain links to all consumer agencies and their Indigenous consumer education websites. The ACCC website will include links to the NICS website once operational.

Action 2.3	Responsibility	Timeline
<p>Consumer agencies to develop ongoing relationships with Indigenous policy and representative organisations to:</p> <ul style="list-style-type: none"> • increase awareness of consumer issues in those organisations; • increase consumer protection agencies' awareness of Indigenous issues; and • develop effective referral processes. 	<p>All Australian SCOCA members, in partnership with other government and non-government organisations, in particular the Commonwealth Office of Indigenous Policy Coordination.</p>	<p>December 2005 and ongoing.</p>

Progress – Implementation ongoing

Ongoing working relationships to increase awareness of consumer issues and awareness of Indigenous issues and developing effective referral processes are carried out through working relationships with the Indigenous Consumer Assistance Network (ICAN), the Department of the Environment, Water, Heritage and the Arts (DEWHA), Office of Indigenous Policy Coordination (OIPC), State and Territory Indigenous agencies, Indigenous Coordination Centres, the Registrar of Aboriginal and Torres Strait Islander Corporations (ORATSIC), Aboriginal legal services, Council of Australian Government projects, Indigenous radio stations, and various Indigenous organisations.

The ACCC presented at the June 2007 meeting of the Public Relations Advisory Council (PRAC) to inform ombudsman schemes about the objectives of the NICS Action Plan and the ACCC's role in its implementation.

Highlight 1: WA Consumer Protection Indigenous Survey

In 2004 and 2005 Indigenous Community Education Officers of DOCEP undertook extensive consultations with Indigenous consumers and Indigenous advocates and service providers for the purpose of:

- identifying the main consumer issues facing Indigenous Western Australians;
- gaining an understanding of the current provision of consumer protection services to Indigenous consumers in Western Australia;
- gaining feedback on proposed Departmental initiatives in regard to Indigenous consumer protection; and
- raising awareness of the Department and its services amongst Indigenous consumers and advocates.

A total of 140 Indigenous advocates and service providers in metropolitan and regional Western Australia were interviewed for over an hour. A report on the results of this consultation process was published in mid-2007. The process has proved instrumental in raising awareness of the Department's services and those provided by non-government agencies and in identifying areas for focus by the Department, and partnership opportunities for future action.

Highlight 2: Aboriginal Building Companies Compliance Program

OFT, in conjunction the Australian Taxation Office and Workcover NSW conducted a Ministerial launch of an OFT initiated compliance program for Aboriginal building companies. The program is being delivered to all Aboriginal construction companies and builders throughout NSW. It aims to increase both knowledge of and compliance with various legislative requirements in order to assist the companies to become sustainable business entities.

Action 2.4	Responsibility	Timeline
Consumer agencies to review their enforcement policies and processes to take into account the development of the "Best Practice Enforcement Guide".	All Australian SCOCA members.	Review of enforcement policies and processes by December 2006.

Progress - Implemented

A Guide to Enforcement: Indigenous Consumer Matters was completed by the ASIC and the ACCC and approved by SCOCA on 15 March 2006. All consumer agencies have reported that they have adopted this guide. This document is not publicly available and is for restricted use by SCOCA agencies.

Highlight – ASIC/ACCC Guide to Enforcement: Indigenous Consumer Matters

A Guide to Enforcement: Indigenous Consumer Matters is a comprehensive guide for consumer protection agencies on how to strengthen relationships with Indigenous communities; better identify issues facing Indigenous consumers; and how to obtain and present evidence from Indigenous consumers to support enforcement or compliance action against alleged wrongdoers.

The guide recognises that investigating complaints from Indigenous consumers can pose a number of unique difficulties for consumer agencies. Much of this is associated with the fact that Indigenous consumers are culturally disadvantaged by conventional court practice and the interviewing methods used by enforcement agencies. For effective investigations and compliance activities involving Indigenous complainants or affected parties, sensitive techniques and investigative methods are often needed. The guide identifies those sensitive techniques and methods by reference to a range of successful matters and develops a set of good practice principles for agencies, their investigators and compliance officers.

Action 2.5	Responsibility	Timeline
Consumer agencies to support appropriate levels of funding for advocacy organisations supporting Indigenous consumers and to work with advocacy organisations to improve their capacity for advocacy work (e.g. secondments, CDEP).	All Australian SCOCA members in partnership with other appropriate government agencies, in particular the Office of Indigenous Policy Coordination.	Ongoing.

Progress – Implementation ongoing

All consumer agencies continue to work with a range of advocacy organisations, most particularly in the area of financial management and tenancy issues.

Consumer Affairs supports the Tenants Advice Service, established in 2007 which is funded through the Department of Justice. It provides advocacy services to Indigenous and other tenants.

ACTOFT continues to dialogue with Indigenous agencies and has developed a strong working relationship with the Aboriginal Justice Centre.

OFT administers funding for four Aboriginal Tenants Advice and Advocacy Services (TAAS) across NSW to support Indigenous consumers (tenants). Joint activities are conducted with TAAS targeting local land councils and CDEPs in order to improve their capacity for advocacy work with Indigenous consumers. Aboriginal Community Service Officers travel to rural and remote areas to provide face-to-face service to Aboriginal organisations and individuals, especially CDEP organisations, and participate on Koori Radio.

CAV currently funds seven community-based organisations in six regions throughout Victoria to provide vulnerable and disadvantaged consumers with advocacy services. These advocacy services work closely with CAV regional offices.

QOFT will continue to identify funding sources to engage in a more meaningful way with ICAN and other advocacy groups.

The ACCC is currently evaluating the possibility of contributing to research projects in consultation with the consumer organisations that make up its Consumer Consultative Committee.

Highlight - WA Consumer Credit Penalty Fund

DOCEP has, through the Consumer Credit Penalty Fund, funded Centrecare Incorporated (Goldfields Office) to conduct a project called “Charting Strategies for Success in the Indigenous Domestic Economy” (\$21,507); Gosnells Community Legal Centre to conduct a project called “Our Strong People (Financial Counselling)” (\$143,085); Jacaranda Community Centre to conduct a project called “Indigenous Financial Well Being” (\$77,000); Sussex Street Community Law Service to conduct a project called “WA Consumers Community Access Project” (\$132,732); and Women’s Health Care Association to conduct a project called “Money Matters – Financial Counselling and Credit Information Program for Women”. DOCEP has also commenced a program of free seminars for Perth based consumer advocacy groups (including those with an Indigenous client base) with the aim of building capacity of these groups.

National Priority 3 – Housing

Action 3.1	Responsibility	Timeline
Develop a program for the delivery of discrimination awareness training in partnership with anti-discrimination agencies, for real estate agents, landlords, public housing providers, tenancy advocates and non government organisations.	State and Territory consumer agencies (acknowledging that in some jurisdictions responsibility for tenancy lies with other government agencies).	July 2006.

Progress – Implementation ongoing

In most jurisdictions the issues of both anti-discrimination training and housing are not within the formal jurisdiction of consumer agencies. Nevertheless, anti-discrimination training in relation to housing issues has been developed across most States and Territories and programs have been conducted in conjunction with anti-discrimination agencies, residential tenancy agencies and housing agencies. Neither the ACCC nor the ASIC have any direct role in relation to this action statement.

CAV has initiated a research project to investigate discrimination in the private rental market facing indigenous tenants in Victoria.

The Australian Housing and Urban Research Institute (AHURI) was engaged to undertake a literature review, including both primary and secondary source material, relating to indigenous people and the private rental market in Australia with particular reference to material concerned with Victoria.

The AHURI Report provides an excellent digest of the available and relevant literature which has identified a wide range of factors that contribute to difficulties experienced by indigenous people in the private rental market. AHURI has delineated five categories of recommendations which AHURI state “should be seen as a number of ideas flowing from the research, which may be the basis for further discussion”.

Highlight – NSW Anti-discrimination Training

OFT conducts an ongoing program with Anti Discrimination Board (ADB) participation, for real estate agents, private landlords and Aboriginal communities respectively. At these programs the ADB either presents their own information or it is presented on their behalf by OFT. These programs are a set component when conducting Regional/Community Access Programs or where tenancy discrimination is identified. Recent programs have been conducted in Toronto, Wyong, Wauchope, Helensburg, Young, Bega, Merimbula, Cowra, Blacktown, Canterbury, Mittagong and Nowra. The Co-ordinator Aboriginal Programs and Regional Managers also visit real estate agents in particular towns and talk to managers about discrimination concerns raised by the Indigenous community.

Action 3.2	Responsibility	Timeline
Recognising that legislation is a matter for governments, State and Territory consumer agencies responsible for tenancy laws will seek to ensure as far as they can that legislation regulating real estate agents includes penalties for non compliance with anti-discrimination laws, including revocation of real estate licences.	State and territory consumer agencies responsible for tenancy laws to make appropriate recommendations to government.	Ongoing.

Progress – Implemented

Those consumer agencies with responsibility for tenancy laws have reported that non-compliance with anti-discrimination laws is a potential ground for disciplinary action against real estate agents in those jurisdictions.

Action 3.3	Responsibility	Timeline
Agencies responsible for anti-discrimination laws to adopt education programs to educate Indigenous consumers about their rights and responsibilities in relation to discrimination and about avenues for resolving complaints.	State and Territory consumer agencies, in partnership with agencies responsible for anti-discrimination laws.	July 2006.

Progress - Implemented

All consumer agencies reported that they are aware of anti-discrimination training offered by anti-discrimination agencies in their States and Territories.

Action 3.4	Responsibility	Timeline
Agencies responsible for tenancy laws to ensure simple information on key rights and obligations under lease agreements is provided to Indigenous tenants prior to a tenancy.	State and Territory consumer agencies responsible for tenancy laws.	Ongoing.

Progress – Implementation ongoing

While all consumer agencies responsible for tenancy laws reported that they produce information in plain English for tenants, few reported having produced tenancy information specifically for Indigenous tenants.

The ACT and Western Australia have begun negotiations to develop material specifically for Indigenous tenants with the Tenants Advice Services in both those jurisdictions. DOCEP, in conjunction with the Western Australian Department of Housing and Works and the Tenants Advice Service WA developed a three part series of publications for Indigenous tenants, *Renting a Place in WA*, which was launched by the WA Minister for Consumer Protection in October 2007. The North Queensland Tenants Union funded by the Residential Tenancies Authority and Department of Housing developed a series of fact sheets translated into Creole for Torres Strait Islander tenants. OFT (NSW) views tenancy as a priority and has numerous Indigenous publications relating to tenancy issues. A manual, *How to be a Good Landlord*, has been developed for Aboriginal housing providers.

Action 3.5	Responsibility	Timeline
Agencies responsible for tenancy laws to ensure access to dispute resolution and conciliation processes that are relevant to Indigenous consumers.	State and Territory consumer agencies responsible for tenancy laws.	Ongoing.

Progress – Implementation ongoing

Several jurisdictions already have in place alternative dispute resolution mechanisms for all tenants.

In South Australia, Residential Tenancies Tribunal hearings are conducted with a minimum of formality and Indigenous interpreters are provided at no cost to the consumer. The Queensland Residential Tenancies Authority Dispute Resolution Service provides Regional Conciliators for face-to-face conciliation.

The Consumer, Trader and Tenancy Tribunal (CTTT) in NSW employs Aboriginal staff, including an Aboriginal Registrar for Conciliation and for the cost of a local telephone call can be contacted from anywhere in NSW. OFT Aboriginal Customer Service Officers often provide dispute resolution services on tenancy matters. OFT has a dedicated free Koori Tenancy phone line which is answered by an Aboriginal person. The Aboriginal Tenants Advisory and Advocacy Services have a free phone line. OFT and CTTT members conduct information sessions to Aboriginal tenants and landlords about the Tribunal process including mediation.

Tasmania is reviewing applicable legislation and relevant dispute resolution and conciliation processes.

CAV has a Dispute Resolution Branch that provides access and support to all Victorians with consumer and tenancy issues. The Indigenous Consumers Unit has been trained in dispute resolution techniques.

Action 3.6	Responsibility	Timeline
States and Territories to recognise that independent advocacy for tenants is necessary and encourage relevant agencies to provide appropriate funding for community based advocacy services to promote tenancy rights and obligations.	All Australian SCOCA members.	Ongoing.

Progress – Implementation ongoing

The Northern Territory Department of Justice funds the Tenants Advice Service through the Property Agents Licensing Fidelity Fund.

DOCEP funds the Tenants Advice Service through the Rental Accommodation Fund. OCBA provides this service for tenants including information, advice and dispute resolution for landlords, tenants and real estate agents. In QLD funding is provided to the Department of Housing for a state-wide Tenant Advice and Advocacy Service. OFT administers funding provided to four community based Aboriginal Tenants Advice and Advocacy Services. These services attend CTTT hearings involving Aboriginal tenants.

Action 3.7	Responsibility	Timeline
Consumer agencies to provide better and more targeted information to Indigenous consumers about assistance available to purchase homes; including development of a “How To” guide to buying a home and resourcing the non government sector to deliver information about assistance available to purchase homes.	All Australian SCOCA members.	Ongoing.

Progress – Implementation delayed

No consumer agency reported any progress on this action statement. Consideration is being given to a joint State and Territory project to develop one generic publication for Indigenous consumers on buying a home, however, before progressing further consideration will be given to the need for such a publication given that a number of such publications already exist.

The QOFT has developed an online Home Buyers Guide which was launched in February 2007. The guide is for first homeowners generally but is more specifically targeted towards people who are vulnerable in this market. The aim of the tool is to help people understand the process of buying a home. The tool includes advice on what to consider before and during the real estate purchasing process, provides step-by-step instructions for assessing the various mortgage and loan options and includes a budget planner to help people work out what they can afford. Phase 2 of this project which commenced in late 2007 will tailor the tool more specifically to indigenous consumers.

Highlight – Victoria and FACSIA

In Victoria, a proportion of Indigenous community housing is provided by local Indigenous Community Housing Organisations (ICHO), who may be funded directly by the Commonwealth or other State government agencies. In this regard, the state legislation that governs rental accommodation for Victoria is the *Residential Tenancies Act 1997*.

In 2006, the Indigenous Consumers Unit at CAV (VIC) conducted a presentation to FaCSIA staff (Indigenous Housing) in Melbourne, raising awareness of CAV and its services to the community focusing on general consumer issues, tenancy and the various responsibilities under the *Residential Tenancies Act 1997* (the Act). As a funding agency for Indigenous housing organisations, it was an opportunity to provide staff with an awareness of obligations set out under the Act and the relevance to FaCSIA as a funding agency for housing provision.

Following this presentation, CAV was then invited to present at a 2 day Indigenous housing conference coordinated by FaCSIA for the various FaCSIA funded Indigenous housing organisations. CAV's Indigenous staff provided interactive information sessions to participants based on landlord/tenant obligations, impact of compliance under the Act and general governance issues. The workshop presentation provided an opportunity for workers to express their concerns, highlight good practice examples and benefit from sharing experiences through group activities.

Action 3.8	Responsibility	Timeline
States and Territory consumer agencies to encourage utility providers to explore capacity to pay issues when they enforce debts; and to explore other payment options for consumers.	State and Territory consumer agencies in partnership with other government agencies responsible for utilities.	Ongoing.

Progress – Implementation ongoing

Several State and Territory consumer agencies reported they had commenced negotiations with utility providers in relation to this action statement. In Western Australia, the State Government has funded the WA Council of Social Service Inc to work with utility consumers and providers. NSW has an ongoing relationship with the Energy and Water Ombudsman (EWON), especially its joint delivery of "Good Service" forums to Indigenous communities.

Payment for rent, gas, electricity and water through Centrepay direct debit facility is an option for many Indigenous people. The introduction of power cards to communities is a point for discussion in some areas.

Queensland has privatised the Electricity Industry to deliver choice to consumers and has established an Energy Ombudsman. QOFT has been instrumental in ensuring most energy retailers have policies and assistance programs in place to assist consumers who are experiencing difficulty in paying their bills.

Energy retailers in Victoria are required to have processes in place to assist consumers who cannot pay for basic utilities. Some of the options available are waiver of part of the debt, setting up payment plans, and home audits (including making repairs and/or installations) to assist in reduction of energy bills.

In order for those most in need of this support to benefit from the policy, they must be aware it is available. Victorians unable to pay energy bills may contact a financial counselor but also a range of community and welfare agencies. The Victorian Government allocated funding to CAV to train financial counselors and community and welfare agency volunteers to ensure they can assist clients access appropriate assistance schemes and access the energy retailers hardships schemes.

Roll out of the training program to over 1500 financial counselors and emergency relief volunteers is now underway. Training will also be provided to CAV's officers working directly with consumers and tenants.

The Consumer Utilities Advocacy Centre (CUAC) was established by the Victorian Government in 2002 to ensure that the interests of Victorian electricity, gas and water consumers – especially low income, disadvantaged, rural and regional, and Indigenous consumers – are effectively represented in the policy and regulatory debate.

It provides a forum for regulators, policy makers and community members to meet to exchange information and to debate both energy and water policy and operations of retailers. It also actively represents consumers in a range of policy forums.

CUAC has a grants program that assists organizations prepare submissions for regulatory or policy reviews and also facilitates and undertakes a significant research capability. Utilities issues pertaining to indigenous consumers are specifically mentioned in CUAC's constitution. CUAC has funded a comprehensive community based research project to identify and quantify the issues and problems that indigenous consumers experience in accessing gas, electricity and water services across Victoria.

Highlight - WA Consumer Utilities Project

The Western Australian Government funds the WA Council of Social Service Inc (WACOSS) to provide the Consumer Utilities Project. This project involves WACOSS working with consumers and consumer representative organisations to achieve reform in the provision of utilities for Western Australians. Through the project, WACOSS advocates for policy changes by government and utilities providers, including on capacity to pay issues and alternative payment options for consumers. The project also operates a telephone hotline to provide advice and assistance on:

- complaint mechanisms;
- financial hardship; and
- how to proceed with a complaint (including referrals to appropriate agencies).

Action 3.9	Responsibility	Timeline
Recognising that legislation is a matter for government, State and Territory consumer agencies responsible for tenancy laws seek to ensure as far as they can that residential tenancy laws apply to all Indigenous tenants.	State and Territory consumer agencies, where necessary in collaboration with other government agencies that fund tenancy services.	Ongoing.

Progress – Implementation ongoing

Both Western Australia and Tasmania reported that their Residential Tenancies Acts were under review and that this issue would be covered by the review. South Australia reported that its current legislation applied to all Indigenous tenants. NSW and Victoria’s residential tenancy laws cover all tenants.

Highlight – Victoria and rental increases

The Indigenous Consumers Unit within CAV received a complaint from several community housing tenants. The complaint related to the amount of the rental increase, the processes used by the landlord to implement the increase and the completion of repairs and maintenance.

This dispute had occurred over several months and had caused communication between tenants and landlord to deteriorate substantially. The ICU attended a general information meeting to inform the tenants of their rights and responsibilities under the Residential Tenancy Act and had begun conciliating the matter. A subsequent meeting was held with CAV, the funding body, Housing Portfolio members, housing staff and tenants. The rights and responsibilities of the tenants and the Board as the landlord under the Residential Tenancy Act were explained to all parties. After some discussion an agreement was reached and the issues resolved by all parties. CAV also provided mediation to assist in rebuilding relationships between the tenants and the housing staff.

National Priority 4 – Financial Management and Banking

Action 4.1	Responsibility	Timeline
Agencies to commit funding to ensure existing and future consumer and financial education programs will be developed and delivered in a culturally and appropriate way.	SCOCA Working Party on Consumer and Financial Literacy as well as each Australian SCOCA member.	Ongoing.

Progress – Implementation ongoing

CAV's Indigenous Consumers Unit is managing a project to develop and implement an educational resource kit for Koori youth in the area of credit debt with funding from the Consumer Credit Fund.

OFT, in consultation with Indigenous staff, has developed an Aboriginal specific financial literacy pilot program and refers clients to financial counselling services, Insolvency & Trustee Service Australia (bankruptcy), Community Justice Centres and Aboriginal Legal Aid.

QOFT's *Indigenous Fair Go Strategy* focuses on general consumer and financial issues facing Indigenous Queenslanders, including general consumer issues such as financial matters (contracts, credit, book up and bank charges), returns, refunds and warranties. Indigenous consumers are also one of three key target groups in its new Social Marketing strategy.

DOCEP has created two Indigenous Community Education Officer positions and has a process of ongoing consultation with Indigenous people and their organisations. A planned outcome of its Indigenous Consumer Education Program is the development and delivery of culturally appropriate consumer and financial education programs.

OCBA is working with TAFE and the Department of the Premier and Cabinet to develop culturally appropriate training tools for governance training and pursuing opportunities to expand the delivery of *Spendwell* consumer education program and website in the Anangu Pitjantjatjara Yankunytjatjara (APY) lands with existing trainers. Partnerships are developing with ORATSIC, DEWR, Department of Premier and Cabinet and FaCSIA. OCBA has commenced planning how it will work with Anangu organisations to obtain feedback on how Anangu are affected or disadvantaged for purchasing unsuitable and/or overpriced vehicles under finance arrangements. The Consumer Education and Financial Services Project (a COAG initiative for the APY lands) is looking at establishing essential banking services, financial counselling, budget advice and appropriate consumer education programs in partnership with the Australian Government, South Australian Government, Anangu organisations and the financial services sector. Key stakeholders met with Reconciliation Australia's National Indigenous Money Management Agenda (NIMMA) Project Manager, Deslin Foster, to discuss common issues and NIMMA's objective to develop collaborative and creative options to enhance Indigenous peoples' money management skills and access to appropriate financial services and products. Particular focus is in the area of financial literacy training, financial counselling, consumer affairs and the provision of banking services to the APY lands.

Consumer Affairs Indigenous Liaison Officer was a member of the expert panel that developed the Money Business training modules for use in training participants and to provide workshops in MoneyBusiness sites. The implementation of the Marvin computer animated educational program will enable development of culturally appropriate consumer and financial education programs.

The ACCC provided input into the Financial Literacy Foundation's publication *Understanding Money: Good practice in developing financial literacy initiatives with Indigenous Australians*.

Highlight – ASIC Financial Literacy Program

ASIC has a long term goal of raising standards of financial literacy across the community so that Australian consumers can make informed decisions about their finances and spot and avoid financial scams and rip-offs. In promoting financial literacy, ASIC has a particular focus on addressing areas of most need and producing and adapting resources and information to assist the most vulnerable groups within the community. ASIC's Indigenous staff have been involved in developing *Money Talks*, a series of radio segments featuring Indigenous Australians of all ages talking about everyday money matters in a casual and engaging way. In developing *Money Talks*, ASIC consulted with community members, those working with Indigenous communities and other government agencies. The radio segments use real life examples of money problems identified by ASIC's Indigenous staff as areas where money problems often arise for Indigenous consumers.

Action 4.2	Responsibility	Timeline
<p>SCOCA to establish Indigenous banking/financial issues liaison group. This group will work with banking and other credit providers including the Australian Bankers Association, Credit Union Services Corporation of Australia, Australian Association of Permanent Building Societies, the Australian Financial Conference, the Reserve Bank and Australian Prudential Regulation Authority to promote the development of:</p> <ul style="list-style-type: none"> • special rural, regional and remote policies to be adopted by banks, building societies and credit unions; • culturally appropriate services for Indigenous customers; and • education initiatives to enhance the financial literacy of Indigenous consumers, having regard to the recommendations of the Consumer and Financial Literacy Taskforce. 	SCOCA	December 2005.

Progress – Implemented

SCOCA agreed to merge the proposed liaison group with Reconciliation Australia's National Indigenous Money Management Agenda (NIMMA) Project which is regarded as covering similar issues to those intended to be covered by the proposed Indigenous banking/financial issues liaison group. SCOCA is represented on NIMMA and will assist in and monitor the implementation of NIMMA's recommendations. SCOCA will at the conclusion of the NIMMA Project determine if there is an identified need to establish an ongoing SCOCA sponsored Indigenous banking/financial issues liaison group.

Highlight – Reconciliation Australia's National Indigenous Money Management Agenda

In 2002, Reconciliation Australia brought together representatives from Indigenous organisations, government agencies, major financial institutions and international experts for a two-day conference in Alice Springs to discuss access to basic banking services and money management opportunities for Aboriginal communities. The conference led to the establishment in 2005 of a project to develop and implement a National Indigenous Money Management Agenda (NIMMA).

The NIMMA project involved the development of a positive partnership approach between Indigenous communities, financial service providers and government agencies on Indigenous banking issues driven by Reconciliation Australia. It sought to involve the financial sector in contributing towards improving the lives of Indigenous people through enhancing Indigenous people's money management skills.

An Indigenous Banking Reference Group was established to provide advice and input into the NIMMA project. The group includes all major banks, Indigenous leaders and representatives from the financial services sector and government agencies, including ASIC and a number of State and Territory consumer affairs agencies.

The NIMMA project report is due to be launched in early 2008.

National Priority 5 – Motor Vehicles and Boats

Action 5.1	Responsibility	Timeline
<p>Recognising that legislation is a matter for governments, State and Territory consumer agencies will seek to ensure that:</p> <ul style="list-style-type: none"> • legislation provides for a common safety/roadworthy or defect certificate to be provided when vehicles are offered for sale; • legislation provides for warranties to be linked to kilometres/age rather than price of vehicle; • civil as well as criminal enforcement options are available for breaches of laws regulating motor vehicle dealers and sales; • legislation requires vehicles under a statutory warranty to be assessed and repaired at the trader's expense and that there is no obligation on the consumer to return the car to the trader; and • legislation requires dealers to display prices (full prices including dealer delivery) on cars offered for sale. 	<p>State and Territory consumer agencies to make recommendations to governments for legislation, or amendments to legislation, where necessary.</p>	<p>Ongoing.</p>

Progress – Implementation ongoing

The ACCC has issued guidelines for the motor vehicle industry which cover conduct prohibited under the Trade Practices Act 1974, including misleading and deceptive conduct, the use of qualifications and disclaimers in pricing, price representations generally and bait advertising. The ACCC actively monitors advertising in this industry and has re-issued the “*Don't get Tricked: Buying a Car*” poster.

Tasmania's *Fair Trading Act 1990* and the *Fair Trading (Code of Practice for Motor Vehicle Traders) Amendment Regulations 2000* are under review. Queensland's *Property Agents and Motor Dealers' Act* covers the above requirements except displaying full prices on vehicles offered for sale.

The *Sale of Motor Vehicles Act 1977 (ACT)* and *Motor Car Traders Act 1986 (Vict)* cover the requirements in this action item.

WA is yet to address the requirements.

The NSW act covers the first three requirements. In NSW a motor dealer must be given first option to repair a vehicle's defects under a statutory warranty. Unless otherwise agreed, the vehicle must be returned to the dealer for assessment and repair. It is a requirement in NSW that prices must be displayed for second hand vehicles however this is not required for new vehicles and demonstrators.

Highlight

Queensland's transport legislation provides for a common safety/roadworthy certificate to be provided at point of sale for cars. Under the *Property Agents and Motor Dealers Act 2000* (PAMDA) warranties are linked to kilometres/age rather than price of a vehicle or boat.

For vehicles older than 20 years and sold for restorable purposes, a dealer can sell the vehicle without a warranty if the purchaser elects to waive the statutory warranty.

PAMDA deals with statutory enforcement options for breaches of laws regulating motor vehicles, dealers and sales.

PAMDA deals with statutory warranties for "used" cars and the Trade Practices Act 1974 (TPA) deals with warranties for "new" cars.

Used cars under PAMDA must be returned to the warrantor/trader for repair if the vehicle is located less than 200 kilometres from the warrantor/trader.

Amendments to PAMDA passed in Parliament provide that if a vehicle under statutory warranty requires repairs, is located more than 200 kilometres from the place of purchase, the vehicle is to be taken to the nearest qualified repairer. However the motor dealer (as warrantor) may nominate another qualified repairer, in which case, the warrantor is responsible for the delivery costs of the vehicle to that repairer.

PAMDA does not require dealers to display full prices on cars offered for sale.

Queensland Transport's Northern Region Road Safety section is working to educate Indigenous communities on issues surrounding the sale of motor vehicles in remote communities.

Action 5.2	Responsibility	Timeline
Joint action between consumer agencies, Police, and road transport authorities to develop compliance plans to deter unlicensed dealing and the sale of unroadworthy cars.	State and Territory consumer agencies in partnership with Police and road transport authorities.	June 2006.

Progress – Implementation ongoing

DOCEP has established an unlicensed motor vehicle dealing section that works in conjunction with the Police, the Department of Planning and Infrastructure (transport) and the Motor Trades Association and has undertaken a number of successful prosecutions for unlicensed dealing. OFT implements regular compliance programs against unlicensed dealers which results in a number of successful prosecutions each year. It recently undertook an online compliance program against unlicensed motor dealers including regional areas.

Highlight – OCBA (SA) Partnerships regarding Motor Vehicles

OCBA in conjunction with SA Police and Department of Transport, Energy and Infrastructure and other agencies is developing compliance plans to deter unlicensed dealing and the sale of un-roadworthy vehicles from South Australia to Aboriginal communities in Central Australia. The purpose of this project is to ensure that vehicles being sold in the Pitjantjatjara lands are sourced from reputable dealers and checked for suitability and roadworthiness. A sequentially numbered certification label has been designed which may be affixed to vehicles that have successfully passed a roadworthy inspection, for easy identification.

Action 5.3	Responsibility	Timeline
Develop a best practice enforcement guide that will include information about effective enforcement of laws that should be protecting Indigenous consumers.	ASIC/ACCC with support from all Australian SCOCA members.	December 2006.

Progress - Implemented

A Guide to Enforcement: Indigenous Consumer Matters was completed by the ASIC and the ACCC and approved by SCOCA on 15 March 2006. All consumer agencies have reported that they have adopted this guide.

Action 5.4	Responsibility	Timeline
Form partnerships with industry, including the Motor Trades Association, to develop initiatives such as community based mechanics and remote area policies for the sale, servicing and financing of motor vehicles and boats.	State and Territory consumer agencies in partnership with industry.	Ongoing.

Progress – Implementation ongoing

Agencies reported that they had or were developing working relationships with Motor Trades Associations.

QOFT have an established relationship with the Motor Trades Association Queensland with the intent to develop practical solutions initially in use and maintenance of motor vehicles.

CA has a longstanding cooperative agreement with the Motor Trades Association (NT). The Motor Trades Association provides a conciliation service for complaints against their members. CA regularly refers such matters.

OFT in a joint program with the NSW Roads & Traffic Authority developed “Kooris and Cars” which is aimed at Indigenous youth and covers issues such as driver licenses, buying a car, mechanical inspections and finance. OFT also conducts a “Revved Up” program for senior school students covering similar issues. The NSW Police Service is frequently invited to participate in this school-based program.

Highlight - OCBA and Motor Trades Association

OCBA met with the Motor Trades Association (MTA) to explore the possibility of working in partnership with existing MTA Indigenous apprentices to provide second hand vehicle selection awareness training to communities. In principle agreement has been achieved.

OCBA and the Motor Trades Association are also involved in a project calling for expressions of interest from car dealerships willing to provide information on the web to four key communities. The dealers would arrange for warranties to be carried out on approved vehicles under the certification process. SA Police would be involved in testing vehicles for roadworthiness.

OCBA is also working with DEWR and TAFE on a proposal to educate and train key community people on consumer rights and vehicle maintenance aiming at a possible trial in one rural and one remote community.

OCBA commenced discussions with Service SA to look at ways to disseminate information in Central Australia.

OCBA is currently investigating the viability of establishing a car yard that is external to the APY Lands but stocks vehicles for commercial sale that are appropriate and suitable for use on the APY Lands. It is envisaged that at a later stage, a mechanical workshop could be linked to the car yard to undertake warranty and general repair work, service fleet and government vehicles and to provide include Indigenous traineeships and apprenticeships. A consultant is being contracted to investigate suitable locations, the cost to establish the car yard, potential business partnerships and structures and the market given the impact of OCBA’s work in restricting the current flow of inferior/unsuitable vehicles to the APY Lands. This project would provide a source of suitable vehicles to the APY Lands, minimise current problems associated with purchasing and maintenance of cars and in the longer term offer training and employment opportunities for local Anangu.

National Priority 6 – Trading Practices

Action 6.1	Responsibility	Timeline
Compliance and enforcement activity by consumer agencies to penalise inappropriate behaviour by traders.	All Australian SCOCA members.	Ongoing.

Progress – Implementation ongoing

Each consumer agency has reported that they have an ongoing program of compliance and enforcement activity across their entire range of responsibilities.

For example, the objective of the OFT Compliance Program is to target compliance activities across NSW in order to penalise inappropriate behaviour by traders. The program is output focused and seeks to address priority compliance issues by strategically planning targeted enforcement and other initiatives. Annual compliance plans are implemented. These plans set priorities, targets and outlines programs for compliance action. Joint OFT/ASIC action in 2006 has effectively stopped the unscrupulous behaviour of three door-to-door traders supported by a finance company who targeted Indigenous communities. Centrepay also ceased the inappropriate use of their services for direct payments by these companies. As a result OFT is presently consulting with Centrepay for the sharing of trader information to enhance Centrepay's applicant screening process.

Highlight - Commonwealth Bank Indigenous loans matter

ICAN became aware of a large number of financial hardship cases in Far North Queensland Indigenous communities resulting from personal loans obtained by residents in those communities. ICAN alerted ASIC to the situation. ASIC, OCBA (SA) and CA (NT) conducted a joint investigation into the lending practices of the Commonwealth Bank in Indigenous communities in South Australia, Far North Queensland and the Northern Territory. The agencies were concerned about the eligibility criteria used by the bank to assess loans, as a number of borrowers were over-committed and unable to afford the repayments. The only income for many borrowers was Centrelink payments or CDEP. The agencies worked with various Indigenous community groups to identify affected consumers and gather evidence.

In total approximately 550 affected Indigenous consumers were identified, predominantly in remote parts of Queensland, South Australia and the Northern Territory.

The majority of the loans were for \$20,000 or less to purchase second-hand vehicles, many of which became unroadworthy in a short period of time. The Commonwealth Bank agreed to implement new lending procedures and assessment criteria for remote communities to assess whether any of the borrowers were experiencing hardship in meeting loan repayments. This process concluded in 2006 and led to significant relief for many disadvantaged Indigenous consumers, with 400 loans written off and a further 70 reduced. Through this process a total of \$5.2m relief was provided to disadvantaged Indigenous consumers. The bank also agreed to fund a dedicated financial counsellor for a period of three years.

Senior staff from the Commonwealth Bank, ASIC and ICAN travelled to the Western Cape York community of Pormpuraaw in November 2006 to meet senior community leaders, and also consumers who had been provided loans by the bank. The visit entitled, *Walk a Mile – Banking and Personal Finance in Remote Communities Forum* provided bank staff with a greater understanding of the banking and personal finance issues facing residents in remote communities.



Car graveyard in Pormpuraaw, Queensland. Photo courtesy of ASIC

Action 6.2	Responsibility	Timeline
All consumer agencies should adopt a uniform policy that does not endorse the retention of Personal Identification Numbers (PIN) or other information (re passwords for internet banking) by traders.	All Australian SCOCA members.	December 2005.

Progress - Implemented

All consumer agencies have endorsed the proposed uniform policy opposing the retention of PINs or other similar information by traders, other than in exceptional circumstances.

The policy is set out in the ASIC publication: *Dealing with book up: a guide* and its companion publication: *Dealing with book up: key facts*. The policy is also reflected in the QOFT publication *Getting a fair go when spending your money: Advice from the Office of Fair Trading, or Fair Go Guide* as it is often referred to and the ACCC publication, *FairStore*, released in July 2006 and distributed to community stores catering to Indigenous consumers.

ICAN provides consumer assistance via a call centre to Indigenous communities and was supported by QOFT through the provision of consumer education materials and participation in their Steering Committee Meetings.

Highlight – NT Book up Code

The Federal Government Intervention has changed the amount of funds available to consumers and stores via book up. The Northern Territory Government is considering appropriate action on book up in light of these changes.

Action 6.3	Responsibility	Timeline
Through the SCOCA Indigenous Banking and Financial Issues Liaison Group explore ways to discourage traders holding customer PINs as a condition of credit, including the possibility of a prohibition in EFTPOS contracts on traders holding PINs. Breaches of the provision could result in traders losing their EFTPOS capacity.	SCOCA Indigenous Banking and Financial Issues Liaison Group.	Ongoing.

Progress – Implemented

ASIC and the CA organised a forum in November 2005 with the support of the banking industry which led to changes in the industry which saw this action item fully implemented.

Book up practices, particularly in the Kimberley region, was a focus of attention for DOCEP in 2007. DOCEP chairs the Book up Steering Committee in WA. Membership includes DOCEP, ASIC, ACCC, Financial Counsellor's Resource Project and Consumer Credit Legal Service. This group meets on a monthly basis.

OCBA is involved in significant work in this area in consort with other government agencies and the banking industry.

CA, DOCEP and ASIC are involved in discussions with Centrelink on the use of its Centrepay service to assist with budgeting and as a possible form of security of book up.

The ACCC has adopted this policy which is reflected in its FairStore publication, released in July 2006. This publication continues to be distributed to community stores catering to Indigenous consumers. The ACCC also published FairStore for consumers in December 2006 to educate Indigenous consumers about their rights and obligations when dealing with community stores.

Highlight – ASIC/NT Book up and banks negotiations

On 16 & 17 November 2005 ASIC and CA (NT) jointly conducted the *Book Up Forum* in Alice Springs for community groups and banks. The forum provided representatives from the banking industry with a better understanding of book up in Indigenous communities and the potential disadvantages for consumers where a trader retains the PIN of a customer. At the forum all the major banks agreed to amend the standard conditions of EFTPOS agreements with merchants to prohibit a merchant from requesting and/or retaining a PIN of a customer without the authorisation of the bank. These changes brought the merchant's obligations into line with the contractual obligations on a customer not to disclose their PIN. A follow up meeting to the *Book Up Forum* was held on 13 September 2006, which reported that all major banks had implemented the changes to their EFTPOS agreements with merchants.

Action 6.4	Responsibility	Timeline
Promote the use of ASIC's "Dealing with Book Up: A Guide" which contains ideas and strategies for communities and traders to manage book up.	All Australian SCOCA members.	Ongoing.

Progress - Implemented

ASIC released its publication *Dealing with book up: a guide* on 15 December 2005. All consumer agencies have agreed to promote the ASIC publication and its companion publication: *Dealing with book up: key facts*. Financial support for the production and distribution of the *guide* was provided by DOCEP, QOFT, OCBA and OFT (NSW). The *guide* was officially launched at a number of events around the country and all agencies provided assistance in distributing it through their networks to relevant communities and bodies around the country. The *guide* was launched by the West Australian Minister in Kalgoorlie on 15 December 2005 and by the NSW Minister in Broken Hill on 25 July 2006. The QLD Commissioner for Consumer Affairs assisted in a launch of the *guide* and *key facts* in Cairns on 7 July 2006 in conjunction with the re-launch of the QOFT *Fair Go* strategy.

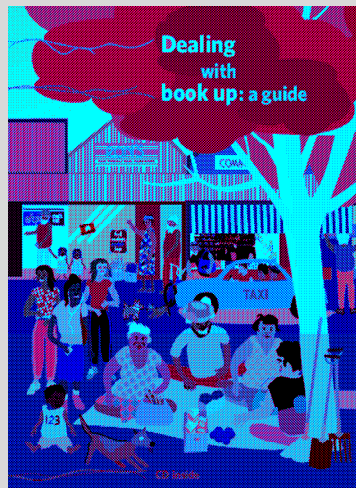
The ACCC's *FairStore* guide promotes the use of these publications while the *FairStore* consumer flyer includes guidance for Indigenous consumers on the use of book up.

CA's Indigenous Liaison Officer has resolved a number of book up disputes resulting with money returned to consumers. These traders were provided copies of the guide and given advice about how to manage book up fairly (in the absence of regulation).

OFT conducts information sessions to rural and remote Indigenous communities and promotes good book-up practices with both consumers and traders. Copies of *the guide* have been given to all Aboriginal Customer Service Officers and Indigenous organisations.

Highlight – ASIC Publication:

Dealing with book up: a guide



The guide is a good example of agencies and the private sector working together to pool resources to address an important issue facing Indigenous consumers. On 15 December 2005 the WA Minister for Consumer and Employment Protection, and Indigenous Affairs launched ASIC's publication, *Dealing with book up: a guide* in Kalgoorlie.

The guide is a comprehensive resource for anyone working on developing responses to book up in Aboriginal communities. The guide contains numerous case studies of what communities have done to control or eliminate book up, suggestions for alternatives for managing money together with information about the law relating to book up. The guide also provides information on who can provide assistance with specific problems with book up. The guide was produced with assistance and contributions from DOCEP (WA), OFT (NSW), QOFT (QLD) and OCBA (SA). The guide was well received around the country and a second reprint was produced in 2006. A summary companion document to the guide, *Dealing with book up: key facts* was produced by ASIC and released nationally by ASIC on NAIDOC (7 July 2006). Financial contributions were received from the Australian Bankers' Association and DOCEP (WA) to produce and distribute key facts.

Action 6.5	Responsibility	Timeline
Ongoing monitoring of door-to-door and itinerant traders including coordinated action between agencies to address emerging problems.	All Australian SCOCA members.	Ongoing.

Progress – Implementation ongoing

All consumer agencies reported that they continue to monitor door-to-door and itinerant traders through out their respective jurisdictions. All consumer agencies also reported a continuously improving level of co-operation between jurisdictions, based around the operations of the Fair Trading Officers Advisory Committee (FTOAC).

In 2007, ASIC, together with other agencies commenced working with Centrepay to have door-to-door traders removed from the Centrepay register. OFT's joint action with ASIC regarding door-to-door sales in regional NSW has stopped the unscrupulous behaviour of certain traders.

Due to recent media publicity concerning unscrupulous funeral funds targeting Aboriginal people OFT is presently conducting a minimum of 22 information sessions statewide on funerals including information relating to arranging a funeral, contracts, funeral directors, funeral funds and when things go wrong. DOCEP and ASIC investigated Aboriginal funeral plans sold in Western Australia.

The actions against Mr Ramon Keshow by both the ACCC and DOCEP referred to below reflects a high level of inter agency co-operation.

Highlight – ACCC/WA action against Mr Ramon Keshow

In September 2004, the ACCC instituted proceedings in the Federal court in Darwin against a trader from Perth, Mr Ramon Keshow, for alleged unconscionable conduct and misleading and deceptive conduct in the promotion and supply of educational materials to Indigenous communities in the Northern Territory. On 21 July 2005, the Court ordered Mr Keshow pay compensation to eight Indigenous women totalling \$26,530. In May 2006, the Court banned Mr Keshow and any of his servants or agents from entering Northern Territory Indigenous communities to conduct his business after finding that he had engaged in unconscionable conduct.

During the course of their investigation of Mr Keshow, the ACCC identified that he had also been active in Western Australia and the ACCC provided relevant information to the DOCEP. DOCEP commenced its own investigations and took compliance action against Mr Keshow and related entities for unlawful trading practices targeting Indigenous consumers. As a result, compensation orders were obtained for Indigenous consumers in Western Australia; Mr Keshow's bank accounts were closed and he was banned for 10 years from using periodic payment forms and automatic bank account deduction authorities and from entering any Indigenous community or approaching any Indigenous person in Western Australia for the purpose of selling them goods or services. DOCEP continues to monitor activities by traders targeting, in particular, remote Indigenous communities. The establishment of a full-time office in Kununurra has allowed a new focus on trading practices in the Kimberley region.

Action 6.6	Responsibility	Timeline
Promotion of the ACCC's <i>FairStore</i> as best practice so that traders and communities have a benchmark for fair trading in remote communities.	ACCC to continue to set the standards through <i>FairStore</i> . State and Territory agencies to liaise with the Commonwealth Office of Indigenous Policy Coordination and Indigenous Coordinating Councils to promote store management.	Ongoing.

Progress – Implementation ongoing

The ACCC will continue to set the standard for fair trading through the promotion and distribution of its *FairStore* publications. A road trip throughout the Northern Territory was conducted in September 2006 by the ACCC's Darwin Regional Outreach Manager to promote the *FairStore* publications and conduct general outreach initiatives.

Through the implementation of the QOFT Indigenous *Fair Go* strategy, six retail stores in Indigenous communities in remote areas in Queensland signed up to the previous *StoreCharter* policy (the predecessor to *FairStore*).

OFT has produced an educational manual to educate Indigenous communities on book up practices. OFT has also previously promoted *StoreCharter* throughout NSW.

Highlight – ACCC's *FairStore* Guide



(*FairStore* cover courtesy of ACCC)

FairStore is a guide for owners and operators of retail stores serving Indigenous communities in rural and remote areas of Australia. The ACCC released *FairStore* in July 2006 to help businesses and their staff comply with fair trading and other relevant laws and to encourage best practice in this area. *FairStore* aims to meet these objectives by raising awareness through education and with the support of government agencies, industry and business groups, Indigenous organisations and consumer groups. *FairStore* has replaced the *StoreCharter* publication. The ACCC also published *FairStore – for consumers* in December 2006 to inform Indigenous consumers about their rights and obligations when dealing with community stores.



Action 6.7	Responsibility	Timeline
Consumer agencies to collaborate with communities and private sector to improve store management in regional areas.	ACCC to continue to set the standards through FairStore. State and Territory agencies to liaise with the Commonwealth Office of Indigenous Policy Coordination and Indigenous Coordinating Councils to promote store management.	Ongoing.

Progress – Implementation delayed

The ACCC will continue the production and distribution of its *FairStore* trader and consumer publications to establish best practice in the area of store management. In March 2007 the ACCC commenced a campaign to distribute copies of its *Best and Fairest* compliance training package to Indigenous Coordination Centres (ICCs) throughout Western Australia. The package is designed to help businesses comply with the TPA and will inform the activities of ICCs when they conduct corporate governance and trade practice compliance training for Indigenous business owners. The ACCC intends to role out this initiative across Australia following evaluation of this pilot project.

OCBA works with others to provide education to metropolitan, rural and remote sectors in an ongoing manner per electronic media, radio, press and community talks. OCBA has provided some equipment and training to project officers engaged by Nganampa Health who manage the Mai Wiru Stores Policy (a COAG endorsed Indigenous Initiative) in relation to weights and measure matters.

In rural and remote areas of NSW OFT carries out this function as part of compliance inspections, eg, Wilcannia, Lake Cargelligo and Condobolin. Inspectors ask storeowners about account systems/book up and suggest best practice models if they are in operation.

CA and ASIC are members of the “book up” group in the Northern Territory. The group has been briefed by the CEO of the Arnhem Land Progress Association Inc. (ALPA) who has extensive experience with remote retailing and is a member of the new “Outback Stores” board. Discussion has occurred on an access card system to be used by ALPA’s 10 stores in the Northern Territory. The ALPA does not permit book up in any of its stores. The card can be programmed through the point of sale technology to only pay for essentials.

Action 6.8	Responsibility	Timeline
Consumer protection agencies to provide relevant and appropriate information for Indigenous consumers on warranty rights and obligations.	All Australian SCOCA members.	Ongoing.

Progress – Implementation ongoing

In December 2006 the ACCC published a flyer titled *Know how to complain: Stand up for your consumer rights*. The ACCC also released a new suite of warranties and refunds publications in August 2007. The ACCC will review these publications to determine if they effectively deliver the intended messages to Indigenous consumers and whether there is a need to produce versions of these publications that specifically target Indigenous consumers.

Information on this topic is included in QOFT’s Indigenous *Fair Go* strategy.

OFT provides relevant and appropriate information for Indigenous consumers on warranty rights and obligations through information sessions to communities/organisations and promotional materials.

CA produced a series of posters, videos and TV commercials as part of the Michael Long Indigenous Consumer Awareness Campaign. They include key messages around “Keep your Receipts”, “Keep your Pin Number Safe” and “Don’t Buy a Rubbish Car”. A DVD with three short stories on these topics has been produced. These were reproduced as TV Commercials which are accessible on the Indigenous Issues page of the Consumer Affairs website:

<http://www.consumeraffairs.nt.gov.au>



Action 6.9	Responsibility	Timeline
Identify appropriate matters for enforcement to improve marketplace behaviour.	All Australian SCOCA members.	Ongoing.

Progress – Implementation ongoing

Agencies have undertaken a number of significant enforcement actions to improve merchant and trader behaviour towards Indigenous consumers. Many of these are detailed in the SCOCA production, *A Guide to Enforcement: Indigenous Consumer Matters* prepared by ASIC and the ACCC.

The ACCC monitors marketplace behaviour that impacts on Indigenous consumers, carefully assesses any matters involving allegations of breaches of the TPA for enforcement action and will pursue market participants responsible for such breaches.

Highlight – ACCC / NT action against VIPtel – Indigenous consumers receive refunds for mobile phone contracts

In July 2007, the Australian Competition and Consumer Commission took action against EDirect Pty Ltd trading as VIPtel Mobile. On February 12, 2008, the Federal Court in Darwin declared that VIPtel Mobile had engaged in multiple breaches of the *Trade Practices Act 1974* during telemarketing calls across Australia. More than 150 customers with no network coverage will receive refunds and will be able to cancel contracts with no penalty as a result of a court enforceable undertaking which accompanied the Court outcome.

The ACCC took action as a result of complaints which originally came from remote Indigenous communities in the Northern Territory in relation to misleading and deceptive conduct in the sale of mobile service plans. The telemarketing calls, which originated in India, were often received by Indigenous customers for whom English was a second language. Many customers were signed up to long term contracts that ranged in cost from \$900 to \$2,300 while living in places without network coverage. One customer in a remote Indigenous community was told that he should try standing on his roof to obtain a signal in circumstances where the nearest reception was 230 kilometres away.

Other claims made by VIPtel included calls to any mobile or landline would be charged at the cost of a local call, customers would pay no more than a capped monthly fee and network coverage was available Australia-wide.

VIPtel was ordered to broadcast a community service announcement in Indigenous communities to educate consumers about telemarketing calls, to pay the ACCC's costs and court enforceable undertakings to the ACCC to provide refunds to affected consumers.

Justice Reeves stated in his judgment: "The likelihood of detection of these sorts of breaches is slight, particularly in remote areas of Australia, and for that reason the full force of the law should be brought to bear in circumstances where, as in this case, the authorities have managed to detect such breaches."

The ACCC acknowledges the assistance of NT Consumer Affairs, and the Money Business office on Elcho Island in this matter.

National Priority 7 – Arts Industry

Action 7.1	Responsibility	Timeline
Acknowledge that misleading and deceptive conduct in relation to Indigenous art is a responsibility of consumer agencies.	All Australian SCOCA members.	Ongoing.

Progress - Implemented

All consumer agencies have given this acknowledgement. ASIC does not have any direct role in relation to this National Priority.

The ACCC actively monitors this industry and will vigorously pursue allegations of misleading or deceptive conduct related to the sale of Indigenous art and craft.

Action 7.2	Responsibility	Timeline
Undertake education campaigns with consumers, communities, artists, dealers, retail outlets, auction houses, galleries and manufacturers to alert them to their protections and obligations under the law. This might include adopting pre-packaged training, such as the Artists in the Black initiative.	All Australian SCOCA members.	Ongoing.

Progress – Implementation delayed

Working relationships have been formed with key art bodies such as Viscopy Ltd, National Association for the Visual Arts Ltd and Arts Law Centre of Australia who delivers the Artists in the Black program. This program includes a series of workshops and resources that inform artists about their rights and are delivered at metropolitan and regional centres. Discussions have been held with these agencies and regarding input into the Inquiry into Australia's Indigenous visual arts and craft sector. DOCEP funded the first delivery of the Artists in the Black program in regional Western Australia in 2004 and provided non-financial assistance to a follow up visit by ArtsLaw in 2006.

The ACCC is working with DEWHA and others stakeholders on this issue. The ACCC will continue to liaise with Indigenous stakeholders to discuss their rights in this area and deal with any enquiries or complaints as they arise. The ACCC has developed two new fact sheets dedicated to Indigenous art and craft issues outlined in the highlight below.

Arts NT are currently implementing an Indigenous Arts Strategy and employed a manager to implement the strategy. CA has ongoing relationship with Arts NT.

Highlight – New fact sheets to inform Indigenous art and craft sector participants

SMALL BUSINESS

Unconscionable conduct in the Indigenous art and craft sector

Know your rights and how to protect yourself—a guide for artists and art centres assisting artists

Negotiating with commercial acquirers of art (dealers) is a part of being an artist or running an art centre. The process of negotiation is essential for a competitive art industry.

However, the nature of the Indigenous art and craft sector means there may be a power imbalance between some dealers and the artist or art centre.

The Trade Practices Act 1974 (the Act) limits how far dealers can go in their negotiations with artists and art centres. In particular the Act contains both a broad prohibition of unconscionable conduct, as determined through the decisions of the courts over time, and more specifically unconscionable conduct between people in a business relationship (for example, a dealer and an artist).

What is unconscionable conduct?

Unconscionable conduct is not a fixed concept. It is generally defined as conduct which is so unreasonable that it goes against good conscience. Conduct against conscience is determined by the specific circumstances of each case. Over time, judges have attempted to quantify exactly what unconscionable conduct encompasses with some broad definitions:

- where one party to a transaction is at a special disadvantage in dealing with the other party because of illness, ignorance, inexperience, financial troubles, financial need or other circumstance affecting his ability to continue his own interests and the other party unconscionably takes advantage of the opportunity
- in overbearing case of conscience, unfair, holding and flagrant behaviour
- actors showing no regard for conscience or that are irreconcilable with what is right or reasonable
- unconscientious exploitation of another's inability, or diminished ability, to conserve his or her own interests
- advantage taken of an innocent party who... is unable to make a worthwhile judgment as to what is in his best interest.

The Act also lists a number of factors the court may consider in determining unconscionable conduct in business transactions (for example, between a dealer and an artist):

- the relative bargaining strengths of the artist and the dealer
- whether the artist was required to comply with conditions not reasonably necessary to protect the legitimate interests of the dealer
- whether the artist was able to understand any documentation used
- whether the dealer used undue influence or pressure or unfair tactics
- the price and terms on which the artist could have sold the same or equivalent artwork elsewhere
- the extent to which the dealer's conduct was consistent with dealings with other artists
- whether the dealer met the requirements of an industry code and, if industry codes, the artist reasonably believed the dealer would abide by that code
- the extent to which the dealer failed to disclose any information and any risks arising from the conduct that might affect the artist
- the extent to which both the artist and the dealer acted in good faith.

Importantly, these factors are not intended to be exhaustive, and the court may take regard to any other factors it considers relevant. The court will determine whether the conduct is unconscionable by having regard to all the circumstances, having regard to these factors but the weight they are given to unconscionable conduct.

How can artists avoid being treated unconscionably?

Many circumstances increase the risk of artists being treated unconscionably. For example, agreeing to purchase art for dealers when the artist has little or no opportunity to negotiate or does not understand the:

- terms of payment
- timeframes for finishing the artwork
- quantity of artwork required.

However, being in these positions does not necessarily mean the artist is being treated unconscionably.

To protect themselves artists should:

- get advice from a third party before agreeing to produce artwork
- know how much their art might be worth
- ask the dealer about how much they will be paid
- ask the dealer when they will be paid
- ask the dealer how they will be paid
- get an agreement in writing
- before accepting non-cash payments, check the value of those payments and whether they will cost them anything
- before accepting cash in hand, check how much they could get for their art. If they used a dealer or an art centre selling on commission.

Australian Competition & Consumer Commission

Your consumer rights

Indigenous art and craft

Thinking of buying Indigenous art?

Check the provenance (where it came from) and don't be misled. Whether it is a souvenir or collector's piece, knowing what to look for and asking the right questions can help ensure you get what you pay for.

There are a few simple steps you can take to help protect yourself and ensure that you are buying genuine Indigenous art.

Protect yourself—what to look for and what to ask

- Ask the seller:
 - the name of the artist and their language group or homelands
 - the title of the work and when and where it was created
 - the details of any story it tells or other cultural information.
- Read the labelling carefully. 'Aboriginal style' or 'Indigenous style' does not necessarily mean the item has been produced by an Indigenous person.
- A photo of an Indigenous person holding a painting, or even sitting beside a work in progress, does not guarantee provenance or that the artwork was created by that person.
- Ask whether the artwork was created by one artist or collaboratively by two or more artists. If it was collaborative, who were the other artists?
- Does the seller have a good reputation either in the art industry generally or in the Indigenous art industry?

In September 2007, the ACCC distributed copies of two new fact sheets on Indigenous art and craft at the Desert Mob Symposium in Alice Springs. The ACCC subsequently distributed these publications to art centres and galleries throughout Australia. The aim of these publications is to ensure that Indigenous artists, art centres, dealers and buyers of Indigenous art are aware of their rights and obligations under the TPA. ***Your Consumer Rights: Indigenous art and craft*** provides consumers or potential consumers of Indigenous art and craft with a checklist to help them verify the authenticity of artwork before they make a purchase. ***Unconscionable Conduct in the Indigenous art and craft sector*** is aimed at small businesses that trade in Indigenous arts and craft. It provides an outline of how unconscionable conduct is defined under the TPA and various steps that artists can take to protect themselves from being treated unconscionably.

Action 7.3	Responsibility	Timeline
Identify a lead agency to develop a national Indigenous Arts Charter in order to improve marketplace behaviour and voluntary compliance with the law. The charter would be a 'best practice' document for all parties in the industry.	ACCC to liaise with the Commonwealth Department of Communication, Information Technology and the Arts, Office of Indigenous Policy Coordination to identify a lead agency to develop a charter.	July 2006.

Progress – Implementation deferred

Reports by industry and consumer groups of widespread unethical practices in the Indigenous arts and craft sector led to the establishment of a Parliamentary Inquiry into the Indigenous Visual Art and Craft Sector in August 2006. The ACCC made a number of submissions to the Inquiry and participated in the associated public hearings. The ACCC was also a member of the interdepartmental committee (IDC) on Indigenous art and craft issues chaired by the Department of the Environment, Water, Heritage and the Arts (DEWHA) (formerly the Department of Communications, Information Technology and the Arts) to formulate a response to the Inquiry.

A key recommendation of the Inquiry was the development of the Indigenous Australian Art Commercial Code of Conduct (IAACCC) to cover commercial dealings involving Indigenous art. The IAACCC is a joint initiative of the National Association for the Visual Arts (NAVA), Desert and the Association of Northern, Kimberley and Arnhem Aboriginal Artists (ANKAAA) (the Reference Group). The ACCC commenced consultation with the Australia Council, DEWHA and the Reference Group soon after the release of the Senate Inquiry Report. Substantial progress has been made on the development of the IAACCC and the ACCC continues to provide ongoing guidance to the reference group on the development and implementation of the code.

Prior to the Senate Inquiry, the ACCC had commenced consultation with DEWHA on a draft Arts Charter project. However, due to the development of the IAACCC the ACCC does not anticipate any further work to be carried out on the development of the Arts Charter.

Highlight – Indigenous Australian Art Commercial Code of Conduct (IAACCC)

NAVA Code

The National Association for the Visual Arts Ltd (NAVA) produced a National Indigenous Art Commercial Code of Conduct Discussion Paper in November 2006. Reference Group members held discussions with NAVA regarding the code of conduct and possible impact for the National Indigenous Consumer Strategy and possibilities for coordinated action in the future.

Action 7.4	Responsibility	Timeline
Monitor the structure of the industry and anti-competitive behaviour involving artists, dealers, auction houses, galleries and art centres.	ACCC and State and Territory consumer agencies.	Ongoing.

Progress – Implementation delayed

The ACCC continues to monitor the industry, any emerging industry initiatives (such as the IAACCC) and related research and actively investigates instances of anti-competitive behaviour.

In the early months of 2007, at the request of the Senate Inquiry Committee responsible for examining the Australian Indigenous visual arts and craft sector, the ACCC pursued lines of inquiry, contacted submission authors and conducted meetings with art centre representatives in Central Australia and the Top End to identify potential breaches of the TPA. Investigative work is still underway into a number of these matters.

DOCEP is currently researching the Indigenous arts industry in WA to determine possible issues and courses of action.

Arts Queensland (AQ) is involved in addressing issues relating to Indigenous art development and marketing through its input into 'Art Trade'. A 'code of conduct' was finalised and a label for the participating galleries developed along with a communication strategy. AQ is currently implementing a range of initiatives across the Arts to boost Aboriginal and Torres Strait Islander Arts across the sectors. \$10.73M will be invested over 4 years across the communities of Far North Queensland. AQ is developing an over-arching Aboriginal and Torres Strait Islander Arts Strategy; developing in partnership with the Torres Strait Regional Authority, a specific Arts and Craft Strategy for the Torres Strait Region; working with the Department of the Environment, Water, Heritage and the Arts (DEWHA), the Australian Council and Umi Arts Ltd to deliver services for Aboriginal and Torres Strait Islander artists and arts workers of the Far North Queensland, Torres Strait and Gulf regions; and is working in partnership with the Department of State Development, Trade and Innovation, Indigenous Business Development and the Queensland Indigenous Arts Marketing Export Agency (QIAMEA) to address a number of issues relating to supply, marketing, export quality, contracts etc.

CA will work in conjunction with Arts NT to identify anti-competitive behaviour in the Territory and take action where appropriate.

Highlight – Senate inquiry into the Indigenous Visual Arts Sector

In August 2006 the Commonwealth Minister for the Arts and Sport announced an Australian Parliamentary inquiry into the Indigenous visual arts and craft sector to examine and make recommendations on strategies and mechanisms to strengthen the sector. The inquiry was undertaken by the Senate Standing Committee on Environment, Communications, Information Technology and the Arts. The Committee's terms of reference were to inquire into:

Australia's Indigenous visual arts and craft sector, with particular reference to:

- the current size and scale of Australia's Indigenous visual arts and craft sector;
- the economic, social and cultural benefits of the sector;
- the overall financial, cultural and artistic sustainability of the sector;
- the current and likely future priority infrastructure needs of the sector;
- opportunities for strategies and mechanisms that the sector could adopt to improve its practices, capacity and sustainability, including to deal with unscrupulous or unethical conduct;
- opportunities for existing government support programs for Indigenous visual arts and crafts to be more effectively targeted to improve the sector's capacity and future sustainability; and
- future opportunities for further growth of Australia's Indigenous visual arts and craft sector, including through further developing international markets.

The Committee reported to the Australian Parliament in June 2007.

National Priority 8 – Managing Indigenous Community Organisations

Action 8.1	Responsibility	Timeline
<p>Agencies responsible for laws that govern community-based organisations to develop:</p> <p>(a) culturally appropriate guide/training manuals and advice to assist Indigenous organisations to interpret the law and comply with legal obligations; and</p> <p>(b) guides and information for funding bodies to understand the laws applicable to Indigenous organisations and to assist them to address issues and reduce risks associated with funding such organisations.</p>	<p>State and Territory consumer agencies and ASIC (for all actions) in partnership with other appropriate agencies such as the Office of the Registrar of Aboriginal Corporations.</p>	<p>December 2005 and ongoing.</p>

Progress – Implementation ongoing

While all of the consumer agencies with responsibility for incorporated associations produce some form of explanatory material, limited action has been taken to date to ensure that culturally appropriate material is available for Indigenous consumers and no agency has as yet produced a guide for funding bodies as outlined in the action statement.

The Commonwealth Office of the Registrar of Aboriginal Corporations has been replaced by the Office of the Registrar of Aboriginal and Torres Strait Islander Corporations (ORATSIC). ORATSIC provides a range of materials for corporations formed under the Commonwealth's *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. Several jurisdictions are negotiating with ORATSIC with a view to undertaking joint capacity building exercises.

DOCEP and the WA Department of Indigenous Affairs are negotiating possible joint action on governance issues for Indigenous incorporated associations.

QOFT (as part of its *Fair Go Strategy*) have conducted governance training for Indigenous associations and co-operatives in Brisbane, Townsville and Cairns. QOFT produced a *Good Business Guide* for co-operatives and associations, and revised the annual returns form. The *Good Business Guide* has been distributed to all Indigenous Incorporated Associations.

Capacity building and training was provided to Indigenous organisations incorporated under the NT Associations Act.

OFT has a range of Indigenous specific material on incorporated associations and compliance with legal obligations. Indigenous staff conduct information sessions to interested Indigenous community groups regarding incorporated associations and work closely with the NSW Registry of Co-operatives and Associations. The Registry has a toll free phone line for easy access by Aboriginal people.

Tasmania currently provides guides and fact sheets in relation to Incorporated Associations. These documents are continually assessed.

OCBA in partnership with Premier and Cabinet and TAFE, is developing an electronic training resource using Marvin software. It is envisaged key community members (eg local TAFE staff) will be trained in the use of this resource to assist with the delivery of governance education and information. Meetings have been held between OCBA and ORATSIC in the past to share information relating to: State and Commonwealth legislation, training methodologies, resource requirements, support mechanisms, challenges and lessons learnt and future directions. The OCBA website now has a register section which enables viewing of Association's constitutions. On this register can be found details provided by a representative of the relevant association. This enables members of associations to search and download documents on how their associations should be run and managed. The first documents available include the constitutions of a group of Aboriginal associations in remote South Australia. Others will be added later.

Governance Training - Consumer Affairs Victoria and ORATSIC

CAV developed a partnership with the Office of the Registrar of Aboriginal and Torres Strait Islander Corporations (ORATSIC), Aboriginal Affairs Victoria and Swinburne University to deliver accredited governance training to board members and senior staff of Indigenous organisations in Victoria. CAV manages enquiries and complaints raised by members of organisations registered under the *Associations Incorporation Act 1981* and the *Co-operatives Act 1996*. CAV is separately developing additional training for community members to improve their understanding of governance particularly around the roles and responsibilities of members, staff and committee members, understanding the constitution or rules, dispute resolution and conduct of AGMs and board elections.

Action 8.2	Responsibility	Timeline
Provide assistance and advice to Indigenous organisations on the options for incorporation to ensure it meets the needs of its members and the community.	State and Territory consumer agencies and ASIC (for all actions) in partnership with other appropriate agencies such as the Office of the Registrar of Aboriginal Corporations.	Ongoing.

Progress – Implementation limited

While all of the consumer agencies with responsibility for incorporated associations provide some general advice on the benefits of incorporation, only New South Wales provides specialist advice to Indigenous organisations on the options for incorporation.

DOCEP provides ongoing advice to individuals and organisations on options for incorporation under the Western Australian Associations Incorporation Act and Companies (Co-operative) Act. However, in conjunction with the Department of Indigenous Affairs, greater focus was applied to this issue in 2007.

As a member of the Governance Working Party with the Aboriginal Task Force (part of Premier and Cabinet) OCBA in working closely with other State and Commonwealth agencies to link with like minded initiatives e.g. DEWR /CDEP capacity building program (Little Fish).

QOFT provided input into the Corporations (Aboriginal and Torres Strait Islanders) Bill 2005 which replaces the Aboriginal Councils and Associations Act 1976.

Highlight – NSW Aboriginal Formations Officer

An Aboriginal Formations Officer is located at OFT Registry of Co-operatives and Associations at Bathurst and provides assistance and advice to Indigenous organisations on the options for incorporation. The Officer also meets with groups to assist with the process of establishing either an association or a co-operative.

OFT registers incorporated Associations and developed an information package with model rules to assist in the establishment of an Indigenous association.

National Indigenous Consumer Strategy Implementation Reference Group as at 31 December 2007

<p>Gary Newcombe Director Policy and Strategic Development Department of Consumer and Employment Protection Western Australia (Chair)</p>	<p>Jill Rudeforth Lawyer Australian Securities and Investments Commission Western Australia</p>
<p>Jacqueline Thorpe Director, Consumer Liaison Australian Competition and Consumer Commission Victoria</p>	<p>Paul Coles A/Director, Customer Services Office of Fair Trading New South Wales</p>
<p>Fiona FitzPatrick A/Executive Manager, Marketplace Strategy Office of Fair Trading Queensland</p>	<p>Graham Sharley Manager, Education and Information Services Office of Consumer and Business Affairs South Australia</p>
<p>Greg Smith Indigenous Liaison Officer Consumer and Business Affairs Northern Territory</p>	<p>Robynne Quiggin Independent Indigenous Representative New South Wales</p>
<p>Aaron Davis (Informal member) Indigenous Consumer Assistance Network Queensland</p>	<p>Maxine Chi Executive Officer</p>



National Indigenous Consumer Strategy Implementation Reference Group Meeting, Perth, 21 November 2006 pictured from left: Maxine Chi (NICS Executive Officer), Carmen Daniels (ICAN), Aaron Davis (ICAN), Anthony Beven (ASIC), Peter Tedford (ACCC), Robynne Quiggin (Independent Indigenous Member), Jacqueline Thorpe (ACCC) (obscured), Paul Coles (OFT, NSW), Tammy Solonec (visitor –DOCEP, WA), Graham Sharley (OCBA, SA) (obscured).

Consumer Agencies Publications and Resources

Australian Competition and Consumer Commission

Publications:

FairStore (booklet)
FairStore Consumer Flyer (fact sheet)
ACCC Referral Guide (fact sheet)
Dealing with debt: yours rights and responsibilities (brochure – ACCC & ASIC)
Debt collection guideline: for collectors and creditors (brochure – ACCC & ASIC)
A Guide to Enforcement: Indigenous Consumer Matters, November 2005 (internal document only), SCOCA, Editors ACCC & ASIC
Don't take advantage of disadvantage (brochure)
Know how to complain (Flyer) (not Indigenous-specific however it should provide benefit to Indigenous consumers. This publication is also available in audio CD or MP3 file downloadable from the ACCC website.)
Unconscionable conduct in the Indigenous art and craft sector (fact sheet)
Warranties and Refunds (booklet)
Your consumer rights: Warranties for services (flyer)
Your consumer rights: Warranties (flyer)
Your consumer rights: Refunds (flyer)
(This suite of warranty publications is not Indigenous-specific however they should provide benefit to Indigenous consumers)
Your consumer rights: Indigenous art and craft (fact sheet)

Posters:

Don't get tricked... buying a car
Don't get tricked... know the Rules

Media releases:

ACCC Concludes Aboriginal-Style Souvenir Proceedings (2004)
No Objection to Indigenous Certification Trade Mark (1999)
ACCC Accepts Undertaking from Rural Business (1999)
Federal Court Makes Orders Against Woolworths and the Arnhem Club Over Alcohol Sales (2003)
Voyages Hotels Mised Consumers About Tours to Aboriginal Land at Uluru (2003)
Salesman banned from NT Indigenous communities after ACCC court action (2005)
Misrepresentations cost Multigroup Distribution Services \$80,000 (2004)

Australian Securities and Investments Commission

Publications:

Dealing with book up: A Guide (2005)
A Guide to Enforcement – Indigenous Consumer Matters, November 2005 (internal document only), SCOCA, Editors ACCC & ASIC
Book up – Some Consumer Problems (report)
Moola Talk! (comic)
Report: Indigenous Consumer Issues in Remote and Regional Australia: A National Workshop (report).
Good practice in consumer education for Indigenous people (report)
Super and Us Mob (fact sheet)
Dealing with debt: yours rights and responsibilities (brochure – ACCC & ASIC, 2005)
Debt collection guideline: for collectors and creditors (brochure – ACCC & ASIC, 2005)
To the Max (comic)

Western Australia

Publications:

Consumer protection for Indigenous Australian consumers in WA (DL flyer).
Good Bookup, Bad Bookup (A4 booklet published for Financial Counsellors Resource Project of Western Australia Inc. funded by DOCEP 2004).
When the Repo Man Comes (A4 booklet published for Financial Counsellors Resource Project of Western Australia Inc. funded by DOCEP 2004).

Other resources:

Posters – "Renting Hassles", "Before You Sign" and "Wanna take it back?"
Calico Bags ("Been Paid Wrong? Been Ripped Off? Workplace Unsafe?" And on other side, "Buysmart").
Magnet ("Been Paid Wrong? Been Ripped Off? Workplace Unsafe?").
Note Pad (Know your rights. Been Paid Wrong? Been Ripped Off? Workplace Unsafe?).
Water Bottle ("Know your rights! Been Paid Wrong? Been Ripped Off? Workplace Unafe?")
Pen ("Know Your Rights, 1300 30 40 54, www.docep.wa.gov.au.)
Highlighters in 3 colours ("Know Your Rights, 1300 30 40 54, www.docep.wa.gov.au").
Lanyard ("Know Your Rights, 1300 30 40 54, www.docep.wa.gov.au")
Rights, Been Ripped Off? Been Paid Wrong? Workplace Unsafe?)
Rulers ("Know Your Rights. Been ripped off? Been paid wrong? Workplace unsafe?")
Rollup ("Been Ripped Off? Been Paid Wrong? Workplace Unsafe?")

Queensland

Publications:

Fair Go Guide (Getting a fair go when spending your money)
Shop Smart – Good Idea (mini brochure – Kriol (Torres Strait version))
Shop Smart – Handy tips (mini brochure – Indigenous version)
Shop Smart – Refund tips (mini brochure)
5 Kriol postcards: (1: Save your money before you start looking for a car; 2: Shop around before you buy a car, make sure you know what you're buying is good for you; 3: Before you want to buy something, make sure you save your money so you can afford it; 4: Spend your money sensibly. Think before you buy. Shop around for goods – it may be cheaper elsewhere; 5. Bank your money so you have plenty to pay your bills)
Things to Know about Credit Cards (fact sheet)
<http://www.fairtrading.qld.gov.au>

Northern Territory

Publications:

Book Up Discussion Paper (report, 2006)

Website:

<http://www.consumeraffairs.nt.gov.au>

Videos:

Make it a winner! Indigenous Consumer Justice Campaign, - "Don't Buy a Rubbish Car", "Keep Your Pin Number Safe", "Keep Your Receipts" featuring Michael Long available on Video's and DVD. Also reproduced as 3x30 second TV commercials.

Posters:

Keep your PIN number safe!
Keep your receipts!
Don't buy a rubbish car!

South Australia

Website:

<http://www.ocba.sa.gov.au/nics.html>
<http://www.b4usplashcash.ocba.sa.gov.au>
<http://www.b4usplashcahs.ocba.sa.gov.au/spendwell>

Publications:

The Smart Consumer – (currently working on simplified text version)
Autocheck – Your Guide to Buying and Maintaining a Car
Consumer Complaints

OCBA distributes publications on behalf of the ACCC and ASIC

Spendwell – CD and brochures and online consumer education

Australian Capital Territory

Publications:

Renting Book:- a guide to your rights and responsibilities
Right It – Write It – examples of letters that can be used as the basis for resolving problems or disputes with traders
Surviving and Thriving – Resource Kit for people on low incomes within the ACT and surrounding districts
Reality Check – a real estate guide for buyers and sellers in the ACT (this suite of publications is not Indigenous-specific, however, they should provide benefit to Indigenous consumers)

New South Wales

Publications:

Book up: do you know what you are paying for? (flyer)
Fair Go: How Fair Trading can help Aboriginal and Torres Strait Islander People (booklet)
Fair Go (Poster)
If you are an Aboriginal housing provider ...read this! (flyer)
Know your rights (poster)
Mad choices: the indigenous youth guide to getting a fair go (booklet)
Need credit? Well think again (flyer)
Not just surviving...thriving! (poster)
Thinking of starting a co-operative? (flyer)
Toy safety checklist (flyer)
What REVS can do for you! (flyer)
Your rights on renting (flyer)

Aboriginal fact sheets:

Book up: what to look for
Buying a car
Don't get caught out with credit
Keeping your kids safe
Renting a home
Renting information for Aboriginal housing providers
Shopping: refunds and lay-bys
Sorting out your tenancy problems
Starting a business

Other documents:

Aboriginal Cultural Protocols and Practices Policy (internal document)
Exit Questionnaire – Customer Services Division – Aboriginal and Torres Strait Islander Employees (Internal document)
Do's and Don'ts - working with Aboriginal and Torres Strait Islanders (internal document)
How to be a Good Landlord - Aboriginal Housing Providers Manual
How to be a Good Tenant (being developed)
Kooris and Cars – A joint Department of Fair Trading & Roads & Traffic Authority Project Servicing Aboriginal Communities in NSW

Tasmania:

Victoria:

Publications:

Buying a used car (fact sheet)
Buying a used car (quick tip)
Debt Collectors: Your rights in Victoria (fact sheet)
Debt Collectors (quick tip)
Know your rights when shopping (fact sheet)
Your shopping rights (quick tip)
Renting a home (fact sheet)
Renting a home (quick tip)
Using Credit (fact sheet)
Using Credit (quick tip)
Buying a mobile phone (quick tip)
Indigenous Consumers Unit - On the right track? (brochure)

Other publications relevant to agencies:

Taking Action, Gaining Trust 2005-2010: A National Indigenous Action Plan (booklet, Ministerial Council of Consumer Affairs)
Why Buy More Money Problems (report – Streetwise Communications)
Purchasing Australian Aboriginal Art: a consumer guide (brochure, ANKAAA in conjunction with the Dept of Community Development, Sport and Cultural Affairs NT et al)
Artists in the black: Contracts (brochure, Arts Law Centre of Australia)
Artists in the black: Copyright (brochure, Arts Law Centre of Australia)
Artists in the black: ICIP (brochure, Arts Law Centre of Australia)
Artists in the black: Moral Rights (brochure, Arts Law Centre of Australia)
Publications found on ACT website:
<http://www.dhcs.act.gov.au/community/ATSIA/publications.html>