

Taking Action, Gaining Trust



A National
Indigenous
Consumer Strategy

Action Plan
2005 - 2010

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Disclaimer

The National Indigenous Consumer Action Plan Working Party warrants that the information contained in this document is true and correct at the time of printing. The material contained in this plan is provided for general information. It is not intended to provide exhaustive coverage of the topic.

Case studies are based on actual facts but are intended to be illustrative and may be an amalgam of real circumstances and facts from a number of consumers. To protect the privacy of consumers the names of consumers have been changed and place names in the case studies are indicative only.

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

Contact for National Indigenous Consumer Action Plan Implementation Group

Mr Gary Newcombe
Director, Policy and Education
Consumer Protection
Department of Consumer and Employment Protection
219 St George's Terrace
PERTH WA 6000

Telephone: (08) 9282 0602

Acknowledgements

The artwork used in this document is titled "Message Stick" and was created by Mandy Davis. Message sticks were a traditional way of letting people know of a special ceremony or meeting. This design represents the message stick reaching each community.

Artworks produced by Mandy Davis are contemporary Aboriginal artworks, with a strong usage of colour and design while keeping a central focus on Aboriginal heritage. Mandy has exhibited her work throughout Australia and the US and is represented by Tobwabba Art.

The Ministerial Council on Consumer Affairs and the Standing Committee of Officials of Consumer Affairs would also like to thank the people appearing in this publication for their time and acknowledge their contribution to it.

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Statement of Commitment

As the Ministerial Council on Consumer Affairs, we have accepted responsibility for the development and implementation of the National Indigenous Consumer Strategy. This action plan demonstrates our shared responsibility for ensuring that Australia's performance in Indigenous consumer affairs is continually improved.

The action plan will focus our efforts in working together to improve outcomes for Indigenous consumers.

Commonwealth, State and Territory consumer protection agencies are committed to:

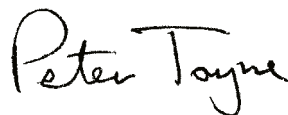
- The promotion of basic consumer rights recognised by the United Nations for Aboriginal and Torres Strait Islander people in Australia;
- Improving market outcomes for Aboriginal and Torres Strait Islander consumers; and
- Ensuring Aboriginal and Torres Strait Islander consumers have equal access to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

We are committed to working cooperatively on the issues and actions identified in the plan. We are also committed to regularly reviewing our achievements against the actions and will further develop the plan in light of these achievements.

We recognise that there are many other stakeholders who make significant contributions to improving Australia's performance regarding Indigenous consumer affairs. We invite all stakeholders to adopt or contribute to the action plan.



Hon Chris Pearce MP
Parliamentary Secretary to the Treasurer
Chair of the Ministerial Council on
Consumer Affairs
Commonwealth Government



Hon Dr Peter Toyne MLA
Minister for Justice
Attorney-General
Northern Territory Government



Hon John Kobelke MLA
Minister for Consumer and
Employment Protection
Minister for Indigenous Affairs
Government of Western Australia



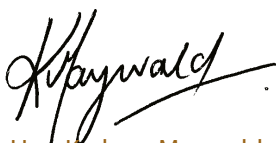
Mr Jon Stanhope MLA
Chief Minister
Australian Capital Territory
ACT Government



The Hon Diane Beamer MP
Minister for Fair Trading
Minister Assisting the Minister for Commerce
New South Wales Government



Hon Margaret Keech MP
Minister for Fair Trading
Queensland Government



Hon Karlene Maywald MP
Minister for Consumer Affairs
Government of South Australia



Hon Judy Jackson MHA
Attorney-General
Tasmanian Government



Hon Marsha Thomson MP
Minister for Consumer Affairs
State Government of Victoria

Introduction

The Ministerial Council on Consumer Affairs endorsed the development of a National Indigenous Consumer Strategy. The Standing Committee of Officials of Consumer Affairs ("SCOCA") working party, which represents all Commonwealth, State and Territory Government consumer agencies, has prepared this action plan.

The objectives 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.

SCOCA participated in and convened a number of workshops in 2002-2003 in response to concerns about the disadvantages experienced by Indigenous consumers. Subsequently the concept of a national action plan for Indigenous consumers was developed.

A consultation document on the plan was released in 2004 and consultations were conducted around Australia. Feedback on the consultation document has been incorporated into the final action plan.

The 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.

However, both the priority areas and actions identified in each of these areas are underpinned by recognition of the need for change in the way consumer agencies go about their business with Indigenous consumers. Consumer agencies need to consider changes to the way they work with Indigenous people to ensure that services they provide are equitable and effective for Indigenous consumers. In addition consumer agencies need to consider changes to the rules that regulate traders and service providers to ensure that these are fair and responsive to the needs of Indigenous people.

The action plan addresses the need for cultural and operational changes within consumer agencies. For example, using call centres as the primary means of delivering services should be reconsidered because call centres are unlikely to meet the needs of many Indigenous people. Other initiatives include employment of Indigenous people in key positions in consumer agencies, the development of partnerships with Indigenous organisations and supporting the effective management of Indigenous organisations.

Consumer agencies face challenges in investigating and enforcing laws in relation to problems experienced by Indigenous consumers. The plan identifies the development of a best practice enforcement guide as one way of dealing with these challenges. The guide will draw on the experiences of agencies that have successfully enforced laws to protect Indigenous consumers.

Progress against the actions identified in the plan will be monitored, evaluated and reported on an annual basis. Each consumer agency represented at SCOCA will report their progress on the actions and how the action plan has been promoted. SCOCA has also established a reference group, which includes non government Indigenous representatives, to monitor implementation.

Finally, it is acknowledged many Australian consumer agencies have already implemented a range of initiatives to address Indigenous consumer issues.

This action plan provides a framework for this work to continue and for agencies to share information and education materials, to collaborate in the enforcement of consumer rights and to coordinate research and policy development.

National Priority 1

Employment of Indigenous staff in Consumer Agencies

Employment of Indigenous staff in consumer agencies is fundamental for building links with communities and providing quality customer service. It demonstrates a commitment to overcoming the difficulties and barriers faced by Indigenous consumers and provides a culturally appropriate avenue for them to air their concerns and complaints. Feedback from consultations with Indigenous officers in consumer organisations and non government organisations reinforces the importance of face to face contact between Indigenous consumers and agencies responsible for consumer complaints and compliance with consumer laws.

This priority focuses on the long-term employment of skilled Indigenous people in consumer agencies to strengthen interaction, dialogue, confidence and trust with Indigenous communities and consumers.

Issues	Actions	Responsibility	Timeline
Involvement of Indigenous Australians in the development, evaluation and delivery of Indigenous consumer initiatives is fundamental to the success of those initiatives.	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.	Consumer agencies to undertake their own recruitment and retention exercises and policies relating to the employment of Indigenous people.	Consumer agencies to develop employment plans by June 2006. Maintenance and implementation of plans is ongoing.
Limited employment and retention of long term or permanent Indigenous staff within consumer agencies.	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.
Inadequate ongoing support and training for Indigenous Staff.	Consumer agencies to provide cross cultural awareness training for non Indigenous managers and staff in line with a plan that requires it to obtain promotion/employment in future.	Consumer agencies.	June 2006 as part of employment plan.
	Consumer agencies to seek alternative funding for employment of Indigenous officers where necessary and appropriate.	Consumer agencies.	Ongoing.
The need to have a national forum for all Indigenous people employed by consumer agencies.	Establish a national Indigenous consumer officer's network to enable Indigenous staff employed by consumer agencies to share ideas and work collaboratively.	SCOCA and Consumer agencies.	Network established by September 2005.
Complaint procedures are a barrier to Indigenous people making complaints	Consumer agencies to simplify complaint procedures to meet the needs of Indigenous consumers	Consumer agencies.	Ongoing.

Best Practice Initiative:

NSW ABORIGINAL ACTION PLAN

The NSW Aboriginal Action Plan recognises that Aboriginal communities prefer face to face methods of information dissemination and assistance. To improve access for Aboriginal people the Office of Fair Trading has employed 14 Aboriginal Officers in 10 Fair Trading Centres across NSW.



These Aboriginal officers are an integral part of a team, and in this regard, also provide customer services to the non-Aboriginal people, particularly in remote areas. The role of the non-Aboriginal staff is to serve the whole community including the Aboriginal community where appropriate.

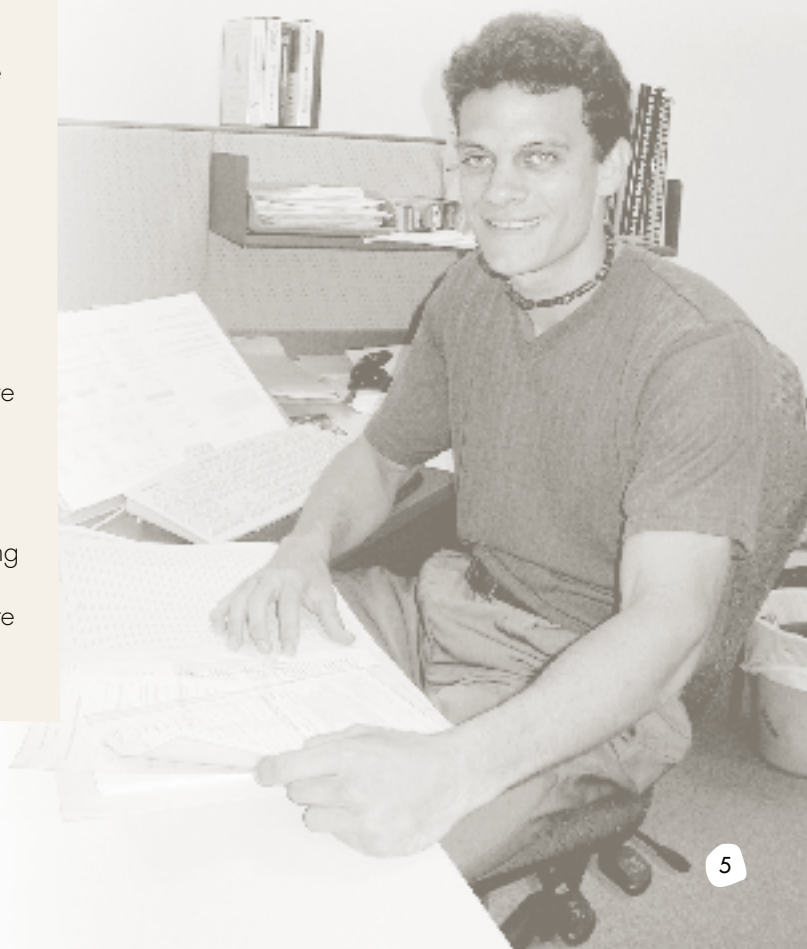
A key part of the Plan is to continue to employ more Aboriginal people in various areas and occupation levels within the Office. A commitment was made to target at least 3% participation by Aboriginal staff and to ensure their access to development and training opportunities.

Support mechanisms for Aboriginal staff were developed, including the Aboriginal Staff Support Network that enables Aboriginal staff to meet 3 times a year and have an annual Aboriginal staff conference.

Aboriginal cultural awareness training for non – Aboriginal staff was conducted in late 1998 and early 1999 and proved to be supportive of the Office's implementation of the Aboriginal Action Plan.

Consultation Feedback **HIGHLIGHTS**

- 1 Employment of Indigenous staff who get out and talk to people is essential.
- 2 Sufficient resources need to be made available to deliver on the implied promise 'help is available'.
- 3 Cross - cultural awareness training should be mandatory for all workers.
- 4 In consultation with community elders, consumer agencies should provide face to face education sessions at least twice a year for Indigenous communities in metropolitan, regional and remote areas. It is envisaged that these outreach visits would also provide an opportunity for agency staff to investigate/follow up complaints.
- 5 More community workshops are needed, ensuring that Aboriginal workers are out in the community undertaking face to face consultations. People are then able to put a face to a name.



National Priority 2

Advocacy of Indigenous Consumers' Interests

The focus of this priority is to increase awareness and consideration of Indigenous consumer issues across government and non government agencies.

Existing marketplace regulation often ignores the needs of Indigenous consumers. Consume agencies do not have direct responsibility for all laws and policies that can potentially affect Indigenous consumers and there is a need to establish partnerships between consumer agencies and service providers, such as government health and housing agencies, in order to improve outcomes for Indigenous consumers. It is also important to work proactively with Indigenous organisations to promote consumer awareness programs and reinforce consumer rights and responsibilities.

Issues	Actions	Responsibility	Timeline
Inadequate support for non government organisations to advocate for Indigenous consumers.	Identify regulatory agencies other than consumer agencies that have responsibility for laws that affect consumers and develop relationships to influence policy. Promote the Indigenous Consumer Education website nationally.	All consumer agencies. Australian Government to continue to host and maintain the national Indigenous consumer website.	Ongoing. Ongoing.
Consumer agencies do not have direct control over all laws and policies that impact upon Indigenous consumers.	Consumer agencies to develop ongoing relationships with Indigenous policy and representative organisations to: <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. 	Consumer agencies in partnership with other government and non government organisations, in particular the Commonwealth Office of Indigenous Policy Coordination.	December 2005 and ongoing.
Low level of awareness of Indigenous Australians as consumers and the problems they face.	Consumer agencies will review their enforcement policies and processes to take into account the development of the "Best Practice Enforcement Guide" 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. (eg; secondments, CDEP).	All consumer agencies. All consumer agencies in partnership with other appropriate government agencies, in particular the Office of Indigenous Policy Coordination.	Review of enforcement policies and processes by December 2006. Ongoing.

**Best Practice Initiative:
INDIGENOUS CONSUMER
AWARENESS NETWORK**

The Indigenous Consumer Awareness Network ("ICAN") in Far North Queensland works with Indigenous consumers in remote Aboriginal communities across Queensland. The Network provides consumer education and assistance through the employment of locally based consumer liaison officers, a 1300 number and a website. The role of the consumer liaison officers is to be the first point of contact for families and individuals who need confidential consumer advice. ICAN assists Indigenous consumers to deal with debts, negotiate with traders and finance companies and to lodge complaints with consumer agencies such as ASIC, ACCC and the Queensland Department of Tourism, Fair Trading and Wine Industry Development.

ICAN has a memorandum of understanding with the Queensland Government which supports the network with training and information on consumer issues for the consumer liaison officers.

ICAN is based at the Kowanyama Aboriginal Council in Cairns.

For more information phone 1300 369 878,
www.ican.org.au

A photograph showing two hands shaking over a document. The document is titled "Memorandum of Understanding" and has some text visible below the title. The hands are of different skin tones, suggesting a cross-cultural agreement.

Memorandum of Understanding

National Priority 3

Housing

This priority focuses on discrimination experienced by Indigenous people in seeking and obtaining appropriate housing, particularly in the private housing market.

Access to appropriate and affordable housing is a fundamental human right.

Issues	Actions	Responsibility	Timeline
Housing distress caused by discrimination by real estate agents and landlords.	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.
Low level of understanding of tenancy rights and obligations.	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 licenses.	State and Territory consumer agencies responsible for tenancy laws to make appropriate recommendations to government.	Ongoing.
	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.



Issues	Actions	Responsibility	Timeline
	Agencies responsible for tenancy laws to ensure simple information on key rights and obligations under lease agreements is provided to the Indigenous tenant prior to a tenancy.	State and Territory consumer agencies responsible for tenancy laws.	Ongoing.
	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.
	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 consumer agencies.	Ongoing.
Low level of ownership of homes by Indigenous Australians.	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 consumer agencies.	Ongoing.
Indigenous consumers are disadvantaged by the billing practices of utility providers, for example, lack of flexibility for repayments over time options, billing formats not informative or user friendly, billing cycles that are problematic.	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.
Some Indigenous consumers are not covered by tenancy laws.	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.

Consultation Feedback **HIGHLIGHTS**

- 1 Across Australia there are varying numbers of Indigenous households who experience 'unrequested' disconnection or restriction from energy and water supply. The major cause of disconnection and restriction is ongoing financial hardship within these households. This is due to low incomes, reliance on welfare payments, and larger numbers of household members and high levels of health problems.
- 2 Consumer agencies should develop forums with other stakeholders such as peak real estate bodies, banks, ATSI housing loans representatives etc to discuss housing options – particularly purchase.

National Priority 4

Financial Management and Banking

Financial management and access to banking services, particularly in remote areas, is widely identified as an important issue and an area that requires coordination and cooperation amongst financial services, traders and consumers. Low financial literacy increases the vulnerability and disadvantage of Indigenous consumers.

The focus of this priority is to improve financial literacy, with a particular emphasis on education of young people, and to address the lack of financial services for Indigenous people in regional and remote areas.

However, feedback provided during the development of the strategy highlighted that financial literacy alone will not prevent scams, and that compliance action by consumer agencies is also important.

Issues	Actions	Responsibility	Timeline
Low levels of financial literacy among Indigenous people, especially young people. This often leads to being trapped in a cycle of debt to traders.	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 consumer agency.	Ongoing.
There are widespread difficulties in understanding contract terms, obligations and rights.	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:	SCOCA Commissioners to take responsibility for this group.	December 2005.
Inappropriate marketplace behaviour targeted at Indigenous consumers.			
Lack of, or high cost of, banking services in regional and remote areas.	<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. 		
Government funding for financial counselling services is focused on post crisis support rather than preventative programs.			

Consultation Feedback **HIGHLIGHTS**

- 1 Financial literacy is more than acquiring knowledge and understanding of budgeting skills – people need to understand financial terms and concepts, how financial systems work etc. Programs such as Money \$tory are designed to provide this information so that people with limited literacy and numeracy skills can better understand financial information.
- 2 Consumer agencies need to be flexible and provide education/training in appropriate languages and also provide visual information (posters, videos etc) apart from just written brochures. Agencies need to actually visit communities, conduct discussion groups and involve people so that they get a real understanding of what consumer protection is all about.
- 3 Training and information for people in understanding how key cards work and how to use them eg. Video and pictorial information would be appropriate.
- 4 Information needs to be available to the consumers at the time that they enter into a contract or the transaction.
- 5 The option of establishing Indigenous-specific community banks that operates within a social economy model of local employment and community empowerment needs to be explored. These Indigenous-controlled community banks could provide no-interest loans and culturally appropriate financial services, including education in financial literacy for young people and funeral plans.



National Priority 5

Motor Vehicles and Boats

The focus of this priority is the sale of motor vehicles to Indigenous consumers. However, many of the same issues relate to the sale of boats in coastal communities.

In remote areas there is a high demand and need for mobility. The purchase of a motor vehicle or a boat is seen as a priority.

Indigenous consumers are particularly vulnerable in remote areas because of a lack of competition and enforcement of consumer protection laws regarding the sale of motor vehicles and boats.

The sale of overpriced and unroadworthy vehicles to Indigenous communities is common, especially when royalty money is distributed. Indigenous consumers also have specific problems in financing purchases both through the use of formal credit (such as loans) and informal credit such as book up.



Issues	Actions	Responsibility	Timeline
<p>Exploitative supply and sale of motor vehicles and in some cases boats, including differential pricing, overpriced and unroadworthy cars and unlicensed dealing.</p> <p>Indigenous consumers experience difficulties in asserting their rights under statutory warranties and in many cases cars purchased by Indigenous consumers are not protected by statutory warranty.</p> <p>Sale of expensive and inappropriate finance, insurance products and add ons, for example, extended warranties and rust proofing.</p>	<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>
	<p>Joint action between consumer agencies, Police, and road transport authorities to develop compliance plans to deter unlicensed dealing and the sale of unroadworthy cars.</p>	<p>State and Territory consumer agencies in partnership with Police and road transport authorities.</p>	<p>June 2006.</p>
	<p>Develop a best practice enforcement guide that will include information about effective enforcement of laws that should be protecting Indigenous consumers.</p>	<p>ASIC/ACCC with support from SCOCA.</p>	<p>December 2006.</p>
	<p>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.</p>	<p>State and Territory consumer agencies in partnership with industry.</p>	

National Priority 6

Trading Practices

The focus of this priority is to improve the trading practices of traders servicing Indigenous consumers. Key factors that exacerbate the disadvantage in this area include geographical isolation for remote consumers, lack of choice and competition, low levels of English, lack of financial literacy and access to services. These same factors also make it difficult for consumer agencies to monitor inappropriate behaviour by traders.

Lack of competition in remote communities means Indigenous consumers may experience exploitative pricing of goods and services and door to door selling of insurance, funeral plans, encyclopaedias, books, cleaning products, pay TV and other products.

Poor practices associated with book up also have a detrimental effect on many Indigenous consumers.

Due to low levels of financial literacy, and the high proportion of Indigenous people in remote areas who speak an Indigenous language as their first language, many Indigenous consumers have problems with understanding complex contracts and the financial implications of signing these contracts.

Issues	Actions	Responsibility	Timeline
There is a need for all consumer agencies to adopt consistent policy, legislation (if necessary) and enforcement in relation to unsatisfactory book up practices by traders.	Compliance and enforcement activity by consumer agencies to penalise inappropriate behaviour by traders.	All consumer protection agencies.	Ongoing.
	All consumer agencies should adopt uniform policy that does not endorse the retention of PIN numbers or other information (re passwords for Internet banking) by traders.	All consumer protection agencies.	December 2005.
Traders continue to retain the credit cards and PIN numbers of Indigenous consumers, which increases scope for fraud and exploitation.	Through the SCOCA Indigenous Banking and Financial Issues Liaison Group explore ways to discourage traders holding customer PIN numbers 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.
	Promote the use of ASIC's 'Book Up Kit' which contains ideas and strategies for communities and traders to manage book up.	All consumer agencies.	Ongoing.
Door to door & itinerant traders continue to exploit Indigenous consumers with products they cannot afford or may not need.	Ongoing monitoring of door to door and itinerant traders including coordinated action between agencies to address emerging problems.	All consumer agencies.	Ongoing.

Issues	Actions	Responsibility	Timeline
Despite the fact that many regional and remote stores are well run there is still a need to improve management practices.	<p>Promotion of ACCC's FairStore as best practice so that traders and communities have a benchmark for fair trading in remote communities.</p> <p>Consumer agencies to collaborate with communities and private sector to improve store management in regional areas.</p>	ACCC to continue to set the standards through FairStore. State and Territory agencies to liaise with the Commonwealth Office of Indigenous Policy and Coordination & Indigenous Coordinating Councils to promote store management.	Ongoing.
Lack of awareness among Indigenous consumers about warranties & lack of capacity to enforce warranties & guarantees.	Consumer protection agencies to provide relevant and appropriate information for Indigenous consumers on warranty rights and obligations.	All consumer agencies.	Ongoing.
Ongoing problems in relation to funeral schemes.	Identify appropriate matters for enforcement to improve marketplace behaviour.	All consumer agencies.	

Best Practice Initiative:

MAPURU HOMELANDS FOOD CO-OPERATIVE

Mapuru is a small home-land on the mainland south of Elcho Island in the NT. The 120 Mapuru people live by hunting and gathering everyday.

In 2004 the non-profit Mapuru Food co-operative was established to supplement foods hunted and gathered. So the community devised a plan to set up a co-operative The initial outlay was \$400, a banking account was established to order food, and the money from the sale was then banked.

In August 2004 the Co-operative won the National Heart Foundation Kellogg Local Government Award, in the Small Rural and Remote Community Project section.

Jackie Nguluwidi who is an Assistant Teacher in Charge at the learning centre runs the non-profit self-help Mapuru co-op. Jackie teaches the school kids how to order and sell all the food. Bookkeeping, banking and ordering is done on the internet. The co-op opens when people need it, often late at night. The rules were established by the community - no money, no goods, no book-up. You can self-serve, it works on trust.

"When we started this co-op it was difficult for me to read the stock list and talk English on the phone. We have now got a voice, we are now somebody. We can see opportunities for our children and economic independence. We have done it all ourselves, independent of Balanda (non-Indigenous people). Jackie also said "the co-op has increased our literacy, numeracy and enterprise learning skills and is bringing people back from the nearby township to live on their own country, where they are happier and healthier".

Consultation Feedback **HIGHLIGHTS**

- 1 It continues to be our opinion that traders should not hold consumer cards and pin numbers. This presents constant opportunities for consumers to be ripped off. We have specific instances of this happening but what is more concerning is that Indigenous consumers are beginning to think that it is a "normal" thing to do.

National Priority 7

Arts Industry

The focus of this priority is to ensure Indigenous artists have an understanding of their rights, that the industry understands its fair trading obligations, and consumers are protected from misleading representations about the authenticity of artworks and souvenirs.

The production of Indigenous art and craft is an important expression of Indigenous cultural heritage and is a generator of significant income that assists in the economic independence of Indigenous people.

Low levels of understanding about an artist's legal rights, the complexities of intellectual property and copyright law and how these interact with consumer protection require the development of targeted information and education packages. There is also a need to understand the industry better through a process of consultation and a need to better coordinate compliance activity in this area.

Issues	Actions	Responsibility	Timeline
Exploitative conduct in the commercial relationship between Indigenous artists and dealers, galleries, retailers and wholesalers.	Acknowledge that misleading and deceptive conduct in relation to Indigenous art is a responsibility of consumer agencies.	Consumer agencies.	Ongoing.
Misleading and deceptive conduct, and false representation of Indigenous art and craft at the point of sale.	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.	Consumer agencies.	Ongoing.
Authorship, authenticity and intellectual property issues in relation to production, sale, re-sale, licensing, royalties and reproduction of Indigenous arts.	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 and Policy Coordination to identify a lead agency to develop a charter.	July 2006.
Problems arising from the potential for anti-competitive marketplace conduct.	Monitor the structure of the industry and anti-competitive behaviour involving artists, dealers, auction houses, galleries and art centres.	ACCC and consumer agencies.	Ongoing.

Best Practice Initiative: **ARTISTS IN THE BLACK**

In 2003 the Arts Law Centre of Australia, based in Sydney received funding from the Australia Council to provide enhanced legal services for Indigenous artists, their organisations and communities.



As part of this funding, Arts Law has developed a project entitled Artists in the Black. The project recognises there are more than 6,000 Indigenous artists in Australia and that the arts play a fundamental role in Indigenous culture. The project aims to empower Indigenous people through access to information and advice about their legal rights so that the arts may contribute to providing an economic base for Indigenous communities and their artists.

The main aims of the Artists in the Black project are to increase:

- access by Indigenous artists, art organisations and Indigenous communities to legal advice on arts law issues;
- access by Indigenous artists, arts organisations and Indigenous communities to information by way of educational materials about their rights;
- understanding and awareness of Indigenous artists, arts organisations and Indigenous communities through an education program; and
- the ability of Indigenous creators and their communities to receive economic benefits from the creative work they produce.

The Artists in the Black project will use Indigenous project officers to develop culturally relevant educational material and to deliver that material, and legal advice, through a series of regional and metropolitan workshops.

The first series of Artists in the Black seminars were conducted in regional Western Australia from 13 September to 23 September 2004.



Consultation Feedback **HIGHLIGHTS**

- 1 Market power issues arise when Aboriginal art is sold through back door deals with regional "middle men" for very small prices and then sold at a much higher rate at galleries in cities. Some galleries are clearly exploiting Aboriginal artists.
- 2 Concerns need to be addressed for the sake of the artists, Indigenous culture and history, communities, and for the sake of consumers, so that they can be confident of their investment/purchase. Infringement of copyright is an ongoing concern across the whole community.

National Priority 8

Managing Indigenous Community Organisations

This priority focuses on improving the management of Indigenous community organisations that provide goods and services to Indigenous consumers.

Indigenous people participate in, and are involved with, a variety of Indigenous organisations. These organisations include business enterprises, corporations, associations and other incorporated bodies. Such organisations are often designed to represent diverse interests at a state, regional, local and family level. The structures of community organisations present an opportunity for active engagement with a population of diverse geographical, political, cultural and economic interests.

Traditionally, the role of consumer agencies has been to regulate Indigenous community organisations to ensure compliance with legislation. However, members and directors of Indigenous community organisations have stated that they would like to receive greater assistance and encouragement to develop the relevant skills and good corporate management practices needed for the long term viability and success of their organisations. This will involve the provision of education and training, advice and assistance in relation to the incorporation and management of their organisations, the preparation and filing of documents, and general compliance with the law. It is important that any assistance takes into account Indigenous cultural values and practices associated with the management of an organisation.

Many Aboriginal organisations experience difficulties in complying with the regulatory regimes under which they are incorporated. This is often due to poor literacy of managers/directors, short-term funding cycles, cultural issues and inexperience. Non-compliance with legal requirements can lead to default, internal and external disputes, and prosecution of the organisations management and even deregistration. These difficulties are further highlighted by comments made by the Registrar of Aboriginal Corporations estimating that 67% of Aboriginal corporations incorporated under the *Aboriginal Councils and Associations Act 1976* (Cth) are non-compliant with the reporting requirements of the Act.¹

Issues	Actions	Responsibility	Timeline
Poor compliance and management of Indigenous community organisations as a result of lack of culturally appropriate relevant advice and information to assist Indigenous organisations.	Agencies responsible for laws that govern community-based organisations to develop: (a) culturally appropriate guide/training manuals and advice to assist Indigenous organisations to interpret the law and comply with legal obligations; and (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.	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.	December 2005 and ongoing.
Identifying appropriate legislation under which to incorporate an Indigenous organisation.	Provide assistance and advice to Indigenous organisations on the options for incorporation to ensure it meets the needs of its members and the community.		

Best Practice Initiative:

REGISTRY OF CO-OPERATIVES AND ASSOCIATIONS ABORIGINAL SERVICES PROGRAM

The New South Wales Office of Fair Trading's Registry of Co-operatives and Associations Aboriginal Services Program has provided an Aboriginal Senior Formations Officer to broaden awareness of the co-operative structure in Aboriginal Communities and develop and maintain networks with Aboriginal organisations. The officer assists existing Aboriginal co-operative and incorporated associations to understand obligations under the respective legislation, assists them to return to self management from administration and assists new co-operatives through the formation process.

Aboriginal specific publications have been produced and include, Co-ops – a flexible alternative (poster), Thinking of starting a co-operative? (flyer), a specific checklist for co-operatives and a fact sheet that assists Aboriginal co-operatives and communities to understand the compliance requirements imposed by the Co-operatives Act 1992.

The Application for Registration of a Co-operative has been amended to invite new co-operatives to identify themselves in accordance with specified EEO groups and an Aboriginal identification field has been included in the Registry of Co-operatives database.

Consultation Feedback **HIGHLIGHTS**

- 1 Indigenous organisations need greater support and commitment from consumer agencies in order to fulfil their individual advocacy support service to Indigenous communities.



Consumer Agencies

NEW SOUTH WALES

New South Wales Office of Fair Trading

The Office of Fair Trading safeguards consumer rights and advises business and traders on fair and ethical practice. Unfair practices are investigated and prevented and a licensing system helps to ensure unqualified or inappropriate people do not work in a range on NSW industries.

Office Address:
1 Fitzwilliam Street
PARRAMATTA NSW 2150

Mailing Address:
PO Box 972
PARRAMATTA NSW 2124

Telephone: (02) 9895 0111
Telephone: 13 32 20 (To contact your nearest Office)
Facsimile: (02) 9895 0222
Website: www.fairtrading.nsw.gov.au

QUEENSLAND

Queensland Office of Fair Trading

The Office of Fair Trading resolves disputes, investigates complaints, and carries out audits to ensure business complies with legislation, including the Fair Trading Act, Sale of Goods Act and Disposal of Uncollected Goods Act. The Office also provides proactive education for business on fair trading issues, including refunds, product safety, warranties, advertising, customer service, credit, business names, weights and measures. Consumers can obtain a free Shop Smart Kit to assist them to understand their consumer rights when retail shopping.

Office Address:
21st Floor
State Law Building
50 Ann Street
BRISBANE QLD 4000

Mailing Address:
GPO Box 311
BRISBANE QLD 4000

Telephone: 1300 658 030
Telephone: (07) 3246 1500
Telephone: 13 14 50 (Translating Service)
TTY: (07) 3246 1558
Facsimile: (07) 3246 1589
Email: BrisbaneOFT@dtft.qld.gov.au
Website: www.fairtrading.qld.gov.au

WESTERN AUSTRALIA

Department of Consumer and Employment Protection

The Department of Consumer and Employment Protection promotes consumer protection and fair trading in Western Australia. The Department provides information and advice, helps resolve disputes, investigates complaints, prosecutes unscrupulous traders, licenses a range of activities and develops legislation for Government.

Office Address:

219 St Georges Terrace
PERTH WA 6000

Mailing Address:

Locked Bag 14
CLOISTERS SQUARE WA 6850

Telephone: 1300 30 40 54 (General Information and Advice)

Telephone: (08) 9282 0777

Facsimile: (08) 9282 0777

Email: consumer@docep.wa.gov.au

Website: www.docep.wa.gov.au

TASMANIA

Tasmanian Office of Consumer Affairs and Fair Trading

The Consumer Affairs and Fair Trading Office provides advice and information to consumers, investigates potential breaches of legislation, and enforces product safety standards.

Office Address:

Level 3
15 Murray Street
HOBART TAS 7001

Mailing Address:

GPO Box 1244
HOBART TAS 7001

Telephone: 1300 654 499

Facsimile: (03) 6233 4882

Email: consumer.affairs@justice.tas.gov.au

Website: www.consumer.tas.gov.au

AUSTRALIAN CAPITAL TERRITORY

ACT Office of Fair Trading

The Office of Fair Trading promotes fair trading to protect consumer in the ACT. It provides information to consumers on how to avoid potential problems, and assists with complaints made against businesses trading in the ACT. The Office also offers businesses an advisory service that explains the fair trading framework within which they should operate.

Office Address:

Level 4
12 Moore Street
CANBERRA ACT 2600

Mailing Address:

GPO Box 158
CANBERRA ACT 2601

Telephone: (02) 6207 0400
Facsimile: (02) 6207 0424
Email: fair.trading@act.gov.au
Website: www.fairtrading.act.gov.au

SOUTH AUSTRALIA

South Australian Office of Consumer and Business Affairs

The South Australian Office of Consumer and Business Affairs provides a fair trading advisory service and dispute resolution service for consumers.

Office Address:

Consumer Affairs Branch
Level 4
9197 Grenfell Street
ADELAIDE SA 5001

Mailing Address:

GPO Box 1719
ADELAIDE SA 5001

Telephone: (08) 8204 9777
Telephone: 131 882
Facsimile: (08) 820 9769
Email: metro.cab@agd.sa.gov.au
Website: www.ocba.sa.gov.au

NORTHERN TERRITORY

Office of Consumer and Business Affairs (NT)

The Office of Consumer and Business Affairs is the Government agency responsible for administering the Consumer Affairs and Fair Trading Act. The office monitors business compliance of the Act and advises consumers of their rights under the Act. Consumer Affairs officers assist with negotiation, mediation and dispute resolution processes with respect to fair trading issues.

Office Address:

1st Floor, Minerals House
66 The Esplanade
DARWIN NT 0801

Mailing Address:

GPO Box 1722
DARWIN NT 0801

Telephone: (08) 8999 1999
Telephone: 1800 019 319 (Toll Free)
Facsimile: (08) 8999 6260
Email: consumer@nt.gov.au
Website: www.caba.nt.gov.au

VICTORIA

Consumer Affairs Victoria

Consumer Affairs Victoria provides consumer with advice, conciliation services and information on a range of issues including real estate, leasing, contracts, mobile phones, motor vehicles and other consumer issues. Consumer Affairs Victoria has a dedicated Indigenous Consumers Unit.

Office Address:

Level 2
452 Flinders Street
MELBOURNE VIC 3000

Telephone: 1300 558 181
Facsimile: (03) 9627 6007
NRS: (03) 9620 1942
TIS: 131 450
Email: consumer@justice.vic.gov.au

Australian Securities and Investments Commission (ASIC)

ASIC is the consumer protection regulator for financial services. In this role ASIC protects investors, superannuants, depositors, insurance policy holders and those obtaining credit from businesses. ASIC also regulates and enforces laws that promote honesty and fairness in financial products and services, in financial markets and in Australian companies.

Office Address:
In every State & Territory
Capital City.

Mailing Address:
GPO Box 9827
In your capital city

Check the ASIC website or your local phone book for details

Telephone: 1300 300 630
Email: infoline@asic.gov.au
Website: www.fido.gov.au

Australian Competition & Consumer Commission (ACCC)

The Australian Competition and Consumer Commission (ACCC) is a national law enforcement agency and was set up in 1995 by the Commonwealth Parliament to protect the rights of consumers and business. The ACCC has identified Indigenous consumers as part of its 'vulnerable consumers' campaign, thus giving complaints from Indigenous consumers investigation priority. The ACCC applies the Trade Practices Act (1974) without fear or favour, with the aim of achieving universal compliance with it.

Mailing Address:
Consumer Liaison
ACCC
PO 520J
MELBOURNE VIC 3000

Telephone: 1300 303 143 (ACCC Indigenous Info line)
Website: www.accc.gov.au

Other Useful Contacts and Resources

Artists in the Black - Arts Law Centre of Australia

Office Address:
43 – 51 Cowper Wharf Road
WOOLLOOMOOLOO NSW 2011

Freecall: 1800 221 457
Fax: (02) 9358 6475
Email: artslaw@artslaw.com.au

National Indigenous Consumer Education.

A website is currently being developed and will be auspiced by ACCC.

Acronyms

ACC	Aboriginal Coordinating Council
ACCC	Australian Competition and Consumer Commission
ACTOFT	ACT Office of Fair Trading
ASIC	Australian Securities and Investments Commission
CABA	Consumer and Business Affairs (NT)
CAFT	Consumer Affairs and Fair Trading (Tasmania)
CAV	Consumer Affairs Victoria
CDEP	Community Development Employment Projects
DOCEP	Department of Consumer and Employment Protection (WA)
DOJ	Department of Justice (NT)
ICU	Indigenous Consumers Unit
MCCA	Ministerial Council for Consumer Affairs
NGO	Non Government Organisations
OCBA	Office of Consumer Affairs and Business Association (SA)
OFT	Office of Fair Trading (NSW)
OIPC	Office of Indigenous Policy Coordination
QOFT	Queensland Office of Fair Trading
SCOCA	Standing Committee of Officials of Consumer Affairs

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

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



Northern Territory Government



Department of Consumer and Employment Protection
Government of Western Australia



ACT OFFICE OF FAIR TRADING



OFFICE OF FAIR TRADING
NSW Consumer Protection Agency
Department of Commerce



Queensland Government
Department of Tourism, Fair Trading and Wine Industry Development



Government of South Australia



Office of Consumer and Business Affairs



Tasmania



Consumer Affairs Victoria



AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION