

**COAG Legislative and Governance Forum
on Consumer Affairs**



taking action, gaining trust
A National Indigenous Consumer Strategy

Action Plan 2010–2013

Annual Report 2012

@State of New South Wales through NSW Fair Trading 2013

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Introduction

This is the Annual Report for the 'Taking action, gaining trust' National Indigenous Consumer Strategy Action Plan 2010–2013. The original National Indigenous Consumer Strategy Action Plan 'Taking action gaining trust' was prepared by the former Standing Committee of Officials of Consumer Affairs (SCOCA) working party representing all Commonwealth, State and Territory Government consumer agencies and endorsed by the former Ministerial Council on Consumer Affairs (MCCA). The Action Plan was launched in September 2005.

A National Indigenous Consumer Strategy Reference Group (the NICS Reference Group) consisting of representatives of Australian SCOCA agencies was established to monitor and co-ordinate implementation of the Action Plan.

The objectives of the 2005–2010 Action Plan were 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 the detriment experienced by Indigenous consumers
- Promote effective engagement and partnership between consumer protection agencies, Indigenous organisations, business and other government agencies to improve consumer outcomes for Indigenous people.

These objectives remain relevant. However, as a result of SCOCA's March 2009 recommendations, the NICS Reference Group held a workshop in Sydney in June 2009 to develop a new Action Plan to take the Strategy forward for a further three years.

This new refined Action Plan identifies actions under three key priority areas:

1. Trading practices
2. Housing
3. Consumer literacy

The new Action Plan also makes provision for jurisdictions to:

- evaluate communication initiatives and to identify and document best practice
- enhance complaint processes to encourage and accommodate Indigenous consumer needs
- focus on unfair contract terms and contract legislation relevant to Indigenous consumers
- continue and enhance referral protocols between consumer protection agencies.

The NICS Reference Group reports to Consumer Affairs Australia and New Zealand (CAANZ), formerly SCOCA, annually on each priority area and the achievements of jurisdictions concerning the priorities.

National Priority 1 – 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 geographic isolation for remote consumers, lack of choice and competition, low levels of English, lack of financial literacy and restricted access to services. These same factors also make it difficult for consumer agencies to monitor inappropriate behavior by traders.

Constantly changing marketplaces will present challenges to consumer agencies in the future. Consumer agencies and the legislation they administer will need to change to reflect these challenges. However, the main product areas warranting the current focus for this priority area are: the arts, financial services, motor vehicles, funeral funds and telecommunications. These product areas may also change over time.

Issue 1.1 Door-to-door sales

Door-to-door and itinerant traders remain an area of concern with the use of high pressure selling practices that target Indigenous consumers.

Progress

New South Wales

NSW Fair Trading continues to work closely with the Australian Securities and Investments Commission (ASIC) and the Australian Competition and Consumer Commission (ACCC) in monitoring the behaviour of door-to-door salespeople particularly white goods traders in southern and western NSW. Fair Trading is the lead agency, with the ACCC, for the National Indigenous Compliance Project (see Highlights).

Northern Territory

NT Consumer Affairs undertakes an ongoing remote community visitation program which raises consumer awareness concerning door-to-door trading activities. They inform residents about their consumer rights and provide a mechanism for consumers to lodge complaints associated with door-to-door selling.

NT Consumer Affairs has produced and adapted resources to assist in disseminating information throughout remote communities. In particular the South Australian booklet “talk about shopping” has been adapted and used throughout the Northern Territory to highlight issues relating to door-to-door sales among Indigenous consumers.

Tasmania

In November 2011 Consumer Affairs and Fair Trading (CAFT) launched the “Do not knock” campaign which featured the ‘Do not knock’ sticker which was widely promoted and distributed through a range of intermediaries. In targeting Indigenous consumers, the stickers were provided to local Indigenous organisations such as the Tasmanian Aboriginal Legal Centre (TALC). The TALC is the prime source of information for the Indigenous community when seeking general legal advice, including advice on specific enquiries and consumer issues.

CAFT is seeking to build a cooperative relationship with other local Indigenous organisations to provide appropriate and relevant consumer information to the Tasmanian Indigenous community.

Queensland

The Queensland Office of Fair Trading (OFT) launched the short consumer film *Do you know your consumer rights?* in December 2011 at the Indigenous Consumer Assistance Network (ICAN) offices in Cairns. The film illustrates how to deal with common consumer issues facing Queensland's Indigenous communities, specifically geographic isolation, lack of choice and competition, and restricted access to services.

Do you know your consumer rights? is designed to help Indigenous Queenslanders overcome these challenges. It provides advice around issues like buying faulty items, buying items that do not last a reasonable amount of time and what to do when approached by door-to-door traders.

The film also provides information about consumer guarantee and refund rights, while encouraging consumers to contact the OFT in the event of a dispute. The film features Indigenous talent and is set in remote Queensland locations to better connect with Indigenous consumers.

To view *Do you know your consumer rights?* visit www.fairtrading.qld.gov.au or www.youtube.com/fairtradingqld

The video has had over 1,060 views on OFT's YouTube channel and since it was promoted to members of the Education and Information Advisory Committee (EIAC) in late 2011, Consumer Affairs Western Australia has modified the film for use in that state.

Western Australia

Consumer Protection WA was a very active participant in the national campaign to educate Indigenous consumers about the issues surrounding door-to-door trading.

The "Don't Come Knocking" song and video were launched as a part of WA NAIDOC celebrations at Curtin University on 4 July 2012. Acting Commissioner for Consumer Protection David Hillyard spoke at the event expressing concern about unscrupulous door-to-door and telemarketing tactics being used by salespeople. The event was filmed by WestTV and was broadcast on the channel's Undercurrent program.

Consumer Protection WA worked to ensure discussion of door-to-door issues were covered by metropolitan and regional media outlets including Goolari Radio in Broome, The Mulga Mail, WA's Indigenous newspaper, and Noongar Radio in Perth.

'Do not knock' stickers were developed and, along with the 'Don't Come Knocking' CD, were mailed to all WA's community based Aboriginal Corporations. This information was also distributed through Consumer Protection WA's regional offices and associated community outreach programs.

South Australia

Consumer and Business Services (CBS) continued to distribute two DO NOT KNOCK stickers for consumers who do not wish to be approached by door-to-door sales people.

The stickers are aimed at all South Australians, but they have been distributed to Aboriginal consumers via organisations such as the Aboriginal Legal Rights Movement, The Kura Yerlo Centre, regional local councils and to financial counselors.

Australian Capital Territory

The ACT Office of Regulatory Services continues to promote the Indigenous Consumer Guide, which was updated in May 2012. The guide contains a section on consumer rights and responsibilities in relation to door-to-door trading. The guide also provides a template letter for cancelling a door-to-door sales agreement or contract.

Australian Securities and Investments Commission

ASIC recognises that door-to-door sales and associated incentive based referral systems, are used to target Indigenous consumers and are an important marketing tool in business models adopted by rent-to-buy and consumer lease providers in particular. ASIC receives regular intelligence and reports of misconduct to this effect.

Across ASIC's outreach and financial literacy activities we routinely include education around door-to-door sales including the prohibition on unsolicited sales of financial products, the 'do not call' register, broader consumer rights, salesperson obligations and the right to report misconduct. ASIC collaborates with the ACCC and state and territory agencies in relation to regulation of door-to-door sales in accordance with the ACL. ASIC regularly publishes information on the Indigenous pages of the MoneySmart website and other agencies resources to provide consumers with information and tools to manage door-to-door sales people.

Victoria

Throughout 2011-12, Consumer Affairs Victoria (CAV) participated in national compliance and education activities to identify and prosecute travelling con men under the Australian Consumer Law (ACL). The national campaign commenced with a joint CAV and New South Wales Fair Trading cross border activity in Albury and Wodonga. Ministers from each jurisdiction launched the campaign by signing a Memorandum of Understanding to implement a coordinated approach towards travelling con men.

As part of the campaign, CAV conducted over 70 activities, including targeted sessions for the Indigenous community to increase understanding and awareness about the risks associated with travelling con men, engaging with door-to-door salespeople and general rights under the ACL.

Last year, CAV also supported the Consumer Utilities Advocacy Centre (CUAC), a specialist consumer organisation that represents Victorian energy and water consumers in policy and regulatory processes. In December 2011, CUAC launched the report *Wein, Paen, Ya Ang Gin: Victorian Aboriginal Experiences of Energy and Water*, which explores challenges faced by Victorian Aboriginal consumers, and recommends solutions to those challenges. The report was funded by the Consumer Credit Fund, which was administered by CAV. It is available on the CUAC website at http://www.cuac.org.au/index.php?option=com_docman&task=doc_download&gid=217&Itemid=30

Highlights – New South Wales

National Indigenous Consumer Protection Project

NSW Fair Trading's commitment to the National Indigenous Consumer Protection Project (NICPP) has resulted in the development of a National Indigenous Compliance Program (NICP).

The primary focus of the NICPP has been to address door-to-door trading practices that breach the provisions of the ACL, however, if breaches of unfair contract terms and misleading, deceptive and unconscionable conduct provisions of the ACL are identified; they will be addressed where required.

As part of the NICPP three Aboriginal officers from Fair Trading's Customer Services Division were recruited to the Compliance and Enforcement Group as Aboriginal Assistant Investigators for the second phase of the Project. These officers have been working closely with experienced Investigators targeting traders particularly in the 'rental' areas. These traders have been identified for education and further action (i.e. service of statutory notices to obtain their 'customer databases' for contact regarding any concerns Indigenous consumers may have with the trader).

A number of community information seminars in regional and rural Aboriginal communities have been delivered and various forms of evidence are being obtained by the Aboriginal Assistant Investigators such as copies of contracts, advertisements or brochures, photographs, bank statements, witness statements and consumer complaints.

A final operation report will be completed by Compliance and Enforcement at the conclusion of the Program in 2013.

Highlights – Australian Competition and Consumer Commission

In 2011 and 2012 the ACCC undertook a Door-to-Door Energy Sales Project, established to address systemic issues in the door-to-door energy sales industry by developing a range of compliance and enforcement initiatives. This project targeted certain groups of consumers including Indigenous consumers.

As part of this project the ACCC commissioned a research report to assist regulators and interested stakeholders, including consumer advocates to improve consumer experiences with door-to-door sales practices. The ACCC also implemented an information awareness raising campaign to help consumers engage confidently and exercise their rights when engaged by door-to-door sellers.

Highlights – ACCC-commissioned door-to-door research

The ACCC-commissioned research report *Research into the door-to-door sales industry in Australia* (compiled by research consultants Frost & Sullivan), provided important insights into:

- the scale and scope of the door-to-door sales industry in Australia
- products and services commonly sold door-to-door, and the main traders involved
- benefits and disadvantages of the door-to-door sales channel
- sales agents' selling techniques and targeting of specific consumers
- compliance issues.

Stage 1: 'Knock! Knock! Who's There?' postcard door hanger

In January 2012 the ACCC developed a postcard providing consumers with a snapshot of their key rights when dealing with door-to-door sales agents. This practical resource is designed to be hung near the inside front door of one's home.

In total 30,000 copies were distributed through the Avant Card network and via intermediaries.

Stage 2: 'Knock! Knock! Who's There?' consumer guide, brochure and sticker

The ACCC has developed a guide for consumers and intermediaries, providing a detailed summary of the door-to-door sales provisions and other Australian Consumer law (ACL) protections as well as self-help tips and a cooling-off period cancellation form. This publication is available online, with limited printed copies available for targeted distribution to intermediaries.

A brochure has also been developed that provides a brief overview of consumers' rights. The brochure complements the guide with key messaging consistent across the publications. This is the primary publication distributed to consumers and has been offered to stakeholders for broader distribution.

The ACCC has also designed a 'Do Not Knock' sticker to help consumers avoid unwanted door-to-door selling. This sticker has been made available with the brochure outlined above.

These materials were launched in conjunction with the report on 17 August 2012 at the ACCC/AER CCC-CCG meeting.

Stage 3: Disadvantaged and vulnerable consumers

The third stage of the campaign focused on assisting potentially disadvantaged and vulnerable consumers from non-English speaking backgrounds understand their rights and the consumer brochure has been translated into 14 different languages.

Highlights – Western Australia

Don't Come Knocking

Consumer Protection WA drafted scripts for the national radio campaign and developed and distributed a music CD and an associated music video clip of the song 'Don't Come Knocking'.

The song was developed in collaboration with the Perth based ABMusic Pty Ltd and it addresses high pressure selling practices that target Indigenous consumers. The music video was uploaded to YouTube.

The song was written and produced by ABMusic students: Anaiwan Beal, Japeth James and Rebecca Spratt and performed by Candice Dempsey with didgeridoo played by Michael Fuller. This music video was also posted on the Consumer Protection WA and ACCC websites for consumers to view.

Issue 1.2 Marketing

There continues to be a strong focus on consumer awareness relating to misleading or deceptive conduct in the promotion of goods and services, including:

- **telemarketing**
- **motor vehicles**
- **telecommunication products.**

Progress

New South Wales

NSW Fair Trading conducts regular compliance programs targeting unlicensed motor dealers in metropolitan, rural and remote areas. These compliance programs often result in a number of successful prosecutions each year.

During 2012, compliance programs have been conducted in Wagga Wagga, Cobar/Nyngan, Tweed Heads, Port Stephens, Broken Hill, Kogarah, Grafton, Forster-Tuncurry, Nowra, Gunnedah, Narrabri, Dubbo, Sydney's Northern Beaches, Singleton, Goulburn, Gunning and Yass.

Northern Territory

NT Consumer Affairs has conducted 38 remote community visits throughout the Northern Territory over the past year, conducting presentations for Elders, school students and the wider Aboriginal community. These sessions whilst covering various topics, focus strongly on telecommunication products and second-hand motor vehicle sales. These presentations are designed to raise awareness of the products and provide the participants with tools to identify and ask appropriate questions regarding the product prior to purchase.

NT Consumer Affairs continues to provide information from the Michael Long campaign (ceased in July 2012) which has provided remote community residents with a constant message concerning their rights when purchasing motor vehicles.

Queensland

The Queensland Office of Fair Trading (OFT) has reviewed and updated all Indigenous specific pages on its website during the reporting period.

OFT has also continued to work cooperatively with its partner, the Indigenous Consumer Assistance Network (ICAN), to manage consumer issues as they arise. Of particular interest have been issues relating to motor vehicle statutory warranties and new Australian Consumer Law consumer guarantee provisions.

Western Australia

Community feedback from meetings, talks, events, expos, outreach work and key stakeholders has demonstrated that most people are interested in information on how to deal with motor vehicle and telecommunications product issues.

The 'Do not call' publication, Telecommunications Industry Ombudsman information and a new fact sheet in the Consumer Protection Ask Us branded material on mobile phones have been broadly distributed. These publications have been well received in the community.

Indigenous consumer issues continue to be a focus of Consumer Protection WA's Kimberley Regional Office in Broome, which conducts an extensive outreach program. During visits the Senior Regional Officer meets with a wide range of community stakeholders and traders, with a particular emphasis on motor vehicle, telecommunications, banking and credit and book-up issues.

South Australia

In July 2012 two officers from CBS visited Coober Pedy, Marla and Mintabie to monitor trading practices (e.g. warranties, refund signs, two price advertising, lay-by and price scanning). Officers also checked businesses for compliance with second-hand vehicle sales and liquor and gambling legislation. Overall the officers visited 32 stores, one hotel and a homestead. No significant fair trading breaches were found; only one price scanning breach at a store which was remedied on the spot. A verbal warning was given to the store owner.

CBS presented an interview with Radio Adelaide's Paper Tracker program on door-to-door sales and telemarketing.

CBS continued to promote its online video about consumer rights when purchasing a second-hand vehicle. Several scenes are based on an Indigenous person's experience in purchasing a car. The video has received more than 1300 views to date.

Australian Capital Territory

The ACT Office of Regulatory Services continues to promote the Indigenous Consumer Guide which was updated in May 2012. The guide contains specific advice in relation to purchase and repair of motor vehicles, mobile phones and updated information around the Australian Consumer Law.

Australian Securities and Investments Commission

ASIC proactively monitors advertising to detect potentially misleading or deceptive marketing, including a recent focus on advertising in rural areas.

Advertising, sales practices and marketing have been identified in intelligence and reports of misconduct in relation to motor vehicle finance and salary packaging, funeral expense policies and insurance, rental goods, credit contracts offering water coolers, photograph packages and others. Regulatory action is taken where appropriate.

Victoria

In February 2012, CAV was the lead agency of an Energy Marketing campaign. The campaign:

- was a key objective of the Energy Marketing Working Group (EMWG), which included representatives from government, industry and consumer advocacy groups across the state
- involved educating consumers on their rights when dealing with energy salespeople (door-to-door and telemarketers) and highlighted how they can obtain help and advice
- focused on people at home during the day (elderly, young families and carers) and vulnerable and disadvantaged consumers (people with disabilities, mental illness, those with language and literacy limitations)
- included a range of energy marketing presentations for the Indigenous community, which were delivered at Indigenous cooperatives and community groups throughout the state.

The campaign generated 8 newspaper articles and 5 radio stories which helped to raise awareness of consumer rights, and how consumers can obtain help and advice.

Highlights – Northern Territory

After conducting a presentation in a remote community a consumer advised that he adopted the process he learnt which saved him from purchasing a 'rubbish' car saving himself a significant amount of money in repair costs.

Highlights – New South Wales

In June 2012, during the Port Stephens Regional Access Program, Fair Trading's local Aboriginal officer visited the Worimi Local Aboriginal Lands Council. The Worimi coordinator raised concerns that many Aboriginal community members were suffering greatly as a result of signing up to expensive contracts promoted by salespeople cold calling via door knocking and over the phone. Some locals were disadvantaged as they did not understand the terms of the contract.

The Fair Trading officer was alarmed by these issues and instigated the issuing of a media release warning local Aboriginal people not to sign contracts without understanding the terms and conditions and to contact Fair Trading for assistance. The Minister for Fair Trading visited the Port Stephens area the next day and gave a number of media interviews highlighting the warning.

Highlights – Western Australia

Motor Vehicle Radio Series

During 2012 work commenced on a project specifically aimed at empowering Indigenous consumers with knowledge about purchasing and repairing motor vehicles. This project will see the production and presentation of an eight-part radio series to be broadcast on local and regional Aboriginal radio stations. This project will provide Indigenous consumers with a wide range of information set in a story format about buying the best car for them and their families as well as seeking out and dealing with a motor vehicle repairer. This series will include advice from Consumer Protection WA staff as well the personal accounts of Indigenous consumers themselves, with a focus on consumers' own experiences.

This series will go to air in 2013 in partnership with Aboriginal radio stations Noongar Radio 100.9FM (Perth), Radio Goolarri (Broome), Warringarri Media (Kununurra), Radio Mama (Geraldton/Carnarvon), Tjuma Pulka - 96.3FM (Kalgoorlie) and the Broadcasting in Remote Aboriginal Communities Scheme (BRACS) which can reach over 40 remote communities. Other facets of this project will include fact sheets with the *Ask Us* branding and station give-aways including car safety products and other promotional items.

Consumer Protection WA will make this radio series available to other jurisdictions on request.

Highlights – Australian Securities and Investments Commission

ASIC identified a number of credit providers advertising rent-to-buy arrangements, despite contract documentation providing the consumer with no right or obligation to buy. In many of these instances, consumers have not understood the nature and content of the contract. ASIC has undertaken reviews on the conduct of a number of entities and has active surveillance activities concerning this conduct. ASIC has engaged with businesses and in some cases the advertisements have been withdrawn. ASIC has also progressed a number of matters to formal investigation and possible regulatory action.

Highlights – Australian Competition and Consumer Commission

On 6 September 2012 the ACCC instituted court proceedings against EDirect Pty Ltd trading as VIPtelMobile. The Federal Court penalised EDirect Pty Ltd, trading as VIPtel Mobile, \$2.5m for telemarketing and 'voice' contracting with 350 customers from remote and regional communities across Australia who had no network coverage where they live.

EDirect made misleading and deceptive representations to customers stating that they had verified that there was coverage at the customers' nominated address when they had not done so and there was no such coverage.

This was repeat conduct by EDirect as the Federal Court gave Judgment against them in 2008 for telemarketing phone services into no coverage areas. The complaint which prompted the ACCC's intervention came from the remote North Queensland Indigenous community of Aurukun where customers were having automatic deductions made from their bank accounts for a phone service unavailable in their community. The ACCC's investigation revealed EDirect telemarketed phone services through the Optus network.

Recent Australian Consumer Law actions in the telecommunications sector have included issuing infringement notices totalling in excess of \$260,000 and a \$3.61 million judgement against Optus for misleading and deceptive conduct.

Whilst EDirect is now in liquidation the ACCC successfully negotiated the payment of over \$100,000 in consumer refunds from both EDirect and the company which took over the EDirect's assets.

The ACCC continues to work closely with other regulators and stakeholders in inquiries and reviews of the industry with the aim of improving consumer protection in relation to telecommunications products and services within this industry.

Issue 1.3 Debt collection

There is a continued effort in educating consumers about the use of harassment and coercion by lenders in recovering outstanding debts.

Progress

New South Wales

NSW Fair Trading continues to support national initiatives and programs in relation to debt collection.

Northern Territory

NT Consumer Affairs continues to support national initiatives and programs however do not regulate or have direct involvement in this area.

Queensland

The Queensland Office of Fair Trading (OFT) has conducted significant investigations resulting in noteworthy enforcement actions.

A Cairns money lender and his company were convicted and fined \$17,500 in late June 2012 in the Cairns Magistrates Court for obstructing and misleading an OFT inspector.

In May 2012 Ivan Michael Wikaire entered into a conduct deed to repay \$10,827 to members of the Yarrabah community after he gave loans in cash to people after entering into verbal contracts.

Mr Wikaire did not require borrowers to sign contract documents and sometimes kept borrowers' debit cards or used Centrelink Centrepay forms to ensure repayment. Mr Wikaire also exceeded the maximum 48% annual percentage rate for credit contracts. Mr Wikaire paid \$20,000 to the consumer credit fund.

Lawrence James Sullivan and Same Day Money Pty Ltd were each charged with one count of obstructing an inspector and one count of supplying false or misleading information. OFT found interest rates and fee information on the contracts provided by Mr Sullivan had been altered to conceal the true amount Same Day Money was charging consumers. The court also heard Same Day Money had subsequently agreed to provide redress totalling \$321,709 to 268 affected borrowers as part of a conduct deed entered into with the OFT.

This amount includes refunding interest charged in excess of the interest rate cap, amending illegal contract terms in existing contracts, and not pursuing unpaid debts resulting from illegal contract terms. Mr Sullivan was convicted and fined \$7,500, and Same Day Money Pty Ltd was fined \$10,000.

Western Australia

In 2012 Consumer Protection WA coordinated the redevelopment and reprint of the 'My Money Book' booklet. Developed with the Sussex Street Community Law Service, the booklet is aimed at assisting Indigenous consumers to be able to make sound decisions about the financial management of their money. The booklet helps them to take action to reduce personal debt, communicate with creditors and debt collectors, and seek information and advice on consumer, financial and legal matters.

Financial counsellors use the booklet during community education sessions intended to help people to take control of their finances. On occasions when the service is struggling to meet the demand from clients the booklet is also used to help clients to make some early decisions on their financial matters as they wait for an appointment.

The Consumer Protection WA's Indigenous Community Education Officers have created a database of financial counsellors in Western Australia. The database is used by officers to offer guidance to consumers regarding accessing a local financial counsellor.

Australian Capital Territory

The ACT continues to support national initiatives and programs in relation to consumer protection and education.

Australian Securities and Investments Commission

ASIC continues to assess information and complaints about harassment and coercion in recovering debts from Indigenous consumers and takes regulatory action where necessary. Recent examples have included businesses misleading consumers to deliver their vehicle to a car yard while arrears are paid and then repossessing the vehicle to obtain the debt.

Together with the ACCC, ASIC is in the process of reviewing the debt collection guide (Regulatory Guide 96), and are planning to consult on proposed changes in 2013.

Australian Competition and Consumer Commission

The ACCC continues to closely monitor reports relating to debt collection and will, where necessary, undertake enforcement action. The ACCC is presently reissuing its debt collection guidance material and will release this publication (jointly with ASIC) in 2013.

Victoria

Victoria continues to be supportive of national initiatives and programs in relation to debt collection.

Highlights – Australian Securities and Investments Commission (ASIC)

Following commencement of proceedings by ASIC, the Federal Court of Australia has recently found that one of Australia's largest debt collection companies, ACM Group Limited, harassed and coerced debtors and engaged in widespread and systemic misleading and deceptive conduct when recovering money. This is a significant outcome since ACM is a major debt purchaser, collecting debts incurred with major banks and large companies.

Issue 1.4 Book-up

Concerns with PIN security, differential pricing, fees and charges, and poor book keeping practices.

Progress

New South Wales

NSW Fair Trading works closely with the Australian Securities and Investments Commission in relation to book up practices and continues to promote best practice to traders. Aboriginal officers also distribute the Commission's *Dealing with Book up: Key Facts* publication during their outreach activities.

Northern Territory

NT Consumer Affairs continues to assist Indigenous consumers in increasing their awareness and understanding of book-up practices and Personal Identification Number security. This is undertaken through presentations in remote communities. Any complaint or issue raised is then referred to the appropriate government agency for further action.

Queensland

The Queensland Office of Fair Trading (OFT) has had a major enforcement result in 2012 with Townsville man Vincenzo (Vincent) Scuderi agreeing to no longer trade with Indigenous consumers and to donate \$10,000 to a local Indigenous charity after he was found to be charging more than 2,000% interest per annum on illegal loans to local communities.

The Office of Fair Trading (OFT) investigated Mr Scuderi following reports about illegal loans and unconscionable business practices.

It found that despite not having a financial services licence, Mr Scuderi had been running an illegal lending operation in the Townsville area, with an estimated 20 to 30 people affected by his unfair business practices.

These included charging interest rates well in excess of Queensland's 48% cap (in some cases an annualised rate of up to 2,600% was charged); obtaining borrowers key cards and personal identification numbers (PINs) to withdraw repayments directly from their accounts; not accounting to borrowers for the transactions he made on their accounts; and not providing contracts or statements.

The OFT's investigation showed Mr Scuderi generally charged twice the amount that was borrowed with full repayment required within a fortnight of the loan, potentially leaving consumers with an even bigger cash flow problem than they started with.

As a result of the investigation, Mr Scuderi entered into an enforceable undertaking with the OFT that prevents him from:

- supplying goods or services to Indigenous consumers
- taking possession of other people's bank cards and PINs unless appointed or authorised by law
- providing credit or loans to any person in Queensland unless he obtains an Australian credit licence from the Australian Securities and Investments Commission.

As part of this agreement Mr Scuderi donated \$10,000 to the Community Emergency Support Centre at Deakin Park in South Townsville.

Western Australia

Consumer Protection WA continues to be made aware, from time to time, of concerns about book-up arrangements in regional and remote WA. These matters remain difficult to investigate, as they often relate to establishments, both privately and community run, that have a monopoly on services, which results in consumers being reluctant to lodge formal complaints.

Nevertheless, on-going investigations are underway in relation to one matter involving allegations of refusal to serve petrol to an Indigenous consumer until the book-up fuel account of others in their particular remote community was paid in full.

Australian Securities and Investments Commission

ASIC is actively progressing two surveillance activities and one investigation of traders offering book-up as a result of intelligence and reports of misconduct from consumers and other stakeholders.

ASIC continues to provide information to and liaise with book-up providers, consumers and Indigenous organisations on best practice book-up. Where breaches of legislation administered by ASIC are identified ASIC will conduct a surveillance to determine further action.

ASIC has revised and reprinted its guide to best practice book up titled *Dealing with Book-Up: Key Facts* publication. This publication now includes the latest legal and practical information about book up for consumers, community organisations and traders.

It has been made available in PDF form on the Indigenous section of the MoneySmart website and ASIC conducted a national mail out of the publication for consumer advocates and other stakeholders.

The *ePayments Code* (revised EFT Code) released in 2011 has also been relied upon by ASIC in efforts to improve conduct.

The code requires agreements between subscribers and merchants to prohibit the merchant from holding a consumer's PIN as part of a book-up arrangement. This provision is intended to reduce the practice of traders holding PINs and cards, and accessing consumer's accounts by EFT transfers or ATM deductions at the traders' discretion.

Australian Competition and Consumer Commission

The ACCC has continued its work revising the FairStore publication to reflect the Australian Consumer Law and the National Consumer Credit Regime. The publication (now a joint publication with ASIC), aims at providing guidance to businesses serving Indigenous and remote communities on their obligations under Australia's consumer protection and credit laws, including how these provisions apply to the practice of book-up. The revised publication features sections highlighting Product Safety laws and the correct management of customers using a Basics Card and will be released in 2013.

Highlights – Northern Territory

NT has seen a reduction in traders offering book-up since the introduction of the Basic Card.

Highlights – Australian Capital Territory

On 13 March 2012, Office of Regulatory Services officers attended a NSW event to provide information to the local Indigenous community. Officers interacted with over 50 people, providing information about fair trading and work safety. They also provided attendees with an avenue to claim their birth certificates under the Closing the Gap commitment. Birth certificates assist with financial dealings.

Highlights – Australian Securities and Investments Commission

Following extensive surveillance and investigation, regulatory action is being pursued in relation to a book-up provider in South Australia. Two other surveillance activities of book-up providers in remote Western Australia and Queensland are currently a priority for ASIC.

National Priority 2 – Housing

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

Access to appropriate and affordable housing is a fundamental human right. Tenancy is a major issue for most consumer agencies.

Whilst some agencies may not have primary responsibility for residential tenancy, they should take action where they can. Recognising that the responsibilities for this area are diverse, it will still require advocacy and referral by consumer agencies to assist Indigenous tenants.

Issue 2.1 Discrimination

Distress over housing and accommodation caused by discrimination by real estate agents and landlords.

Progress

New South Wales

NSW Fair Trading regularly conducts joint information sessions with the NSW Anti-Discrimination Board (ADB) to Real Estate Agents and private landlords as part of its Community and Regional Access Programs.

Fair Trading's Aboriginal officers also participate in the Good Service Forum outreach program. A number of state government and statutory authorities participate in the forums which target vulnerable Aboriginal communities to inform them of services offered by each agency.

Fair Trading has the ability to accept tenancy discrimination complaints from Aboriginal community members who believe they have been discriminated against in the marketplace on behalf of the ADB.

Fair Trading's Co-ordinator Aboriginal Programs is also a member of the ABD's Aboriginal Advisory Committee.

During 2012 Fair Trading has been working to formalise a long standing partnership with the ADB by means of a Memorandum of Understanding between the two agencies in order to enhance anti-discrimination and consumer protection services to Aboriginal communities.

Northern Territory

NT Consumer Affairs continues to supply tenancy information as part of the educational activities conducted throughout the Northern Territory. Any issue or complaint referring to discrimination is referred to the NT Anti Discrimination Commission.

Queensland

The Queensland Office of Fair Trading (OFT) does not have legislative responsibility for this Priority however procedures are in place to ensure where complaints of this nature are received they are referred to the appropriate agency. Conciliation of complaints regarding residential tenancy agreements are often conducted in concert with the Residential Tenancies Authority.

Western Australia

Consumer Protection WA has continued to work with the Department of Housing to prepare for the roll out of amendments to the WA *Residential Tenancies Act 1987* to Indigenous community housing.

The extension of the *Residential Tenancies Act* to Indigenous community housing will provide new rights to tenants but also create significant new obligations for Indigenous housing providers. The amendments are expected to come into operation in the first half of 2013.

Each year, agents and property managers are required to complete compulsory professional development activities as part of their license obligations. CPD activities may take the form of training courses, seminars, workshops and distance education courses.

Only activities approved by Consumer Protection WA can attract CPD points and each year ethics, fair trading practices and information on tenants' rights are included in these sessions. Metropolitan and regional participants are involved.

Australian Capital Territory

The ACT Office of Regulatory Services continues to promote the Indigenous Consumer Guide which was updated in May 2012. The guide contains specific advice in relation to renting and moving house. The Guide also contains information about discrimination and provides contact details for the ACT Human Rights and Discrimination Commissioner.

Victoria

CAV continued to work with the Victorian Equal Opportunity and Human Rights Commission to address discrimination. The CAV website includes an area of information on discrimination, with information on the rights of tenants, landlords and owners:<http://www.consumer.vic.gov.au/housing-and-accommodation/renting/leases-and-notices/discrimination-in-renting>

Highlights – Western Australia

Housing Options Kit

Consumer Protection WA worked in partnership with Shelter WA to develop and distribute a housing information kit which will assist disadvantaged West Australians to either buy or rent a home or find crisis accommodation.

The Housing Options Kit was compiled by East Perth-based Shelter WA, an independent community organisation which is committed to assisting low income earners in WA to obtain affordable and appropriate housing.

Consumer Protection WA funded the production and distribution of the kit.

In launching the kit, Commissioner for Consumer Protection Anne Driscoll noted that with the cost of buying and renting homes in WA increasing, it is important that consumers have the assistance and information available to help them make the right decisions to obtain accommodation that suits their short-term or long-term needs and circumstances.

The kit provides information on what financial assistance and rebates are available and what things to consider when choosing the location of a home or the type of accommodation that is required. The kit also covers areas such as crisis and supported accommodation as well as giving advice and tips on renting and purchasing a home.

Issue 2.2 Tenancy rights and responsibilities

In some jurisdictions Indigenous tenants do not have the same rights as other tenants. Many Indigenous tenants are unaware of their rights and responsibilities and, in many cases, Indigenous housing providers are unaware of their obligations as housing providers.

Progress

New South Wales

NSW Fair Trading funds four community based Aboriginal Tenants Advice and Advocacy Services in Newcastle, Dubbo, Batemans Bay and Leichhardt. These services provide advice and advocacy at Consumer Trader and Tenancy Tribunal hearings involving tenancy matters.

NSW Fair Trading coordinates *Joint Aboriginal Housing Service* forums, a program that includes various Aboriginal housing services responsible for providing social housing and support for Aboriginal tenants. Agencies work together and share resources and clarify information during a single information session.

Aboriginal staff regularly travel to rural and remote communities to provide face-to-face services to Aboriginal communities and Aboriginal organisations in relation to tenant and landlord rights and responsibilities.

Northern Territory

NT Consumer Affairs disseminates information through community education sessions/ displays to remote Indigenous tenants about their tenancy rights and responsibilities and the complaint process, under the *Residential Tenancies Act*.

A booklet called “*A Guide to Renting in the Northern Territory*” is handed out during presentations and is readily available during community visitations.

Tasmania

Consumer Affairs and Fair Trading (CAFT) is responsible for the administration of the *Residential Tenancy Act 1997* and provides a number of services under this Act including:

- advice and information to tenants (approximately 40% of all calls to our advisory service are tenancy related)
- secure, third party repository for security deposits (bonds)
- dispute resolution processes on completion of a tenancy where the parties cannot agree on distribution of the bond.

There are no specific tenancy initiatives for Indigenous consumers but tenancy matters generally continue to represent a key area of focus for CAFT across both our education and compliance functions.

Queensland

The Queensland Office of Fair Trading (OFT) does not have legislative responsibility for this priority however procedures are in place to ensure where complaints of this nature are received they are referred to the appropriate agency.

Western Australia

As part of the education campaign to accompany the implementation of amendments to the *WA Residential Tenancies Act 1987*, Consumer Protection WA’s Indigenous Community Education officers have developed an information presentation for Indigenous tenants living in public housing in Western Australia.

A 12-month roll out of the amendments has been planned and information sessions will be delivered in partnership with representatives of the real estate industry, tenant advocates and community legal centres in Western Australia.

Most of these sessions will be presented in regional and remote locations in Western Australia that have been identified by the Department of Housing and Consumer Protection WA.

South Australia

Workshops presented to Indigenous consumers from the APY Lands (as mentioned under issue 3.2) also included a segment on the rights and obligations of both tenants and landlords.

Australian Capital Territory

The *Residential Tenancies Act 1997* applies to all tenancy agreements and occupancy agreements in the ACT.

The ACT Office of Regulatory Services continues to promote the ‘Renting Book’ a guide for all tenants in the ACT on their rights and obligations.

The Office has also created Indigenous specific FAQs sheets in relation to Rental Bonds in consultation with the ACT Aboriginal Justice Centre.

Victoria

CAV continued to deliver advice and services through community forums and local community cooperatives, to Indigenous youth and members of Incorporated Associations, in order to educate and support both groups in dealing with property rental issues.

Highlights – Northern Territory

Remote housing in numerous communities throughout the Northern Territory is changing to formal tenancy arrangements under new lease agreements. NT Consumer Affairs manages the *Residential Tenancies Act* within the Northern Territory and is working to ensure these new tenants are aware of their rights and responsibilities under the Act.

Issue 2.3 Utility billing

Disadvantage and discrimination occurs as the billing and disconnection processes for overdue utility accounts do not take Indigenous cultural issues into consideration. For example, there appears to be a lack of flexibility for repayment options and the billing cycles are often problematic.

Progress

New South Wales

Fair Trading's Aboriginal officers participate in the *Good Service Forum* outreach program, which includes participation by statutory bodies such as the Energy and Water Ombudsman NSW. The Forums target vulnerable Aboriginal communities and provide face-to-face service delivery to regional and remote locations within NSW.

In 2012 Forums were held in Newcastle, Singleton, Parkes, Cowra, Condobolin, Forbes, Nowra, Moruya, Richmond, Katoomba, Wagga Wagga, Albury and Deniliquin.

Northern Territory

The majority of remote communities throughout the Northern Territory use a power card system therefore are not subjected to inflexible billing practices.

Queensland

The Queensland Office of Fair Trading (OFT) does not have legislative responsibility for this priority however procedures are in place to ensure where complaints of this nature are received they are referred to the Queensland Energy and Water Ombudsman.

Western Australia

Consumer Protection WA has previously worked with the WA Economic Regulation Authority (ERA) to develop financial hardship policy guidelines for utility providers in Western Australia. These guidelines help retailers develop compliant, user-friendly and practical policies that can guide their interactions with consumers.

Like most States the Western Australian Government provides a range of rebates, subsidies and grants to help residential customers meet their energy costs. Most rebates and subsidies however are only available to customers who have one or more concession cards.

In addition to the government assisting residential customers financially, it is acknowledged that energy providers can play a positive role in avoiding the disconnection of supply to customers who are experiencing financial hardship.

During 2012 these guidelines were reviewed to better assist the electricity and gas sectors in dealing with financial hardship and ensure community members with financial difficulties are less likely to have their supply disconnected.

Australian Capital Territory

While the ACT Office of Regulatory Services does not have responsibility in relation to this priority area, the Office is able to direct clients to appropriate agencies for advice and support.

Victoria

CAV provides funding for 37 community based financial counselling services providing face-to-face information, support and advocacy to vulnerable and disadvantaged Victorians in financial difficulty. More than 40,000 free, independent and confidential financial counselling sessions were delivered in 2011-12.

CAV also supports Indigenous communities by providing assistance and referrals to the Energy and Water Ombudsman (EWOV).

EWOV provides a wide range of information and assistance for the community, including fact sheets on:

- high water bills
- concessions
- payment assistance for utility bills
- the rights and responsibilities of consumers who are facing disconnection.

National Priority 3 – Consumer Literacy

Issue 3.1 Financial literacy

This priority focuses on the lack of:

- understanding of how to manage money, in particular budgeting, insurance and savings
- understanding of fees and charges associated with loans and financial services e.g. internet, penalty fees and defaults
- retention of records
- knowledge of financial obligations.

Progress

New South Wales

NSW Fair Trading provides financial grants to community based organisations and individuals through its *Financial Counseling Services Program*. These grants assist with the delivery of Financial Counseling services by accredited Financial Counselors and consumer legal caseworkers, training of Financial Counselors, and public education in the management of personal finances.

Currently grants for Aboriginal specific Services in Blacktown, Penrith, Campbelltown, Dubbo, Newcastle, the Illawarra, Moree, Tamworth and Broken Hill are being provided to assist those in the Aboriginal community experiencing problems with debt.

Fair Trading also funds the administrative costs of the *No Interest Loans Scheme* (NILS©), which is run by local community groups such as Neighbourhood Centres and charitable organisations. The Scheme offers loans for essential household goods and medical equipment at no interest.

A typical loan is for between \$600 - \$1,200 to purchase essential household goods such as a washing machine, fridge or medical appliances. In NSW, a number of Aboriginal organisations are providers of this Scheme.

Northern Territory

NT Consumer Affairs conducts a broad range of community education sessions which include handing out financial literacy information/material, including the “Out of Credit” DVD.

The Michael Long (ceased July 2012) campaign helped to inform residents about the importance of keeping receipts. Any issues relating to complaints on financial services are directed to ASIC as the national body.

Tasmania

Consumer Affairs and Fair Trading (CAFT) has provided copies of the educational DVD “Out of Credit” to the state government’s Office of Aboriginal Affairs and the Tasmanian Aboriginal Legal Centre and encouraged these bodies to distribute the DVDs to individuals and organisations within the Tasmanian Indigenous community.

Queensland

The Queensland Office of Fair Trading (OFT) recognises the importance of well informed consumers and traders to ensure a safe and fair marketplace. Well informed consumers and businesses are also less likely to fall prey to fraud or undesirable marketplace practices and are more likely to comply with marketplace rules.

In 2011-12 education and information activities conducted by the Office of Fair Trading included:

- over 2,260 visits to traders at their business premises to provide information about the Australian Consumer Law
- through the OFT's call centre, Smart Service Queensland, the provision of over 29,000 hours of direct telephone talk time with members of the public and more than 304,590 script encounters, on fair trading matters
- 6 regional road shows
- 230 presentations about fair trading matters to nearly 7,700 people
- connecting with nearly 13,400 people by attending community events, conducting information booths
- more than 1.2 million visits to the fair trading website involving 4.3 million individual page views
- more than 10,600 visits to the youth focused Get Out There! website and over 54,200 individual page views
- supplying over 212,000 brochures to consumers and traders
- participating in National Consumer Fraud Week focusing on raising awareness about the ways in which scammers try to deliver scams, participating in a social media campaign with handy tips and distributing postcards
- holding the Buy Smart Competition, which has been conducted annually since 2002. The competition is designed to increase student understanding of financial literacy and consumer issues by getting students to research a consumer issue then develop a way to share their new-found knowledge with a targeted audience.

Western Australia

A mini guide for Indigenous consumers in WA has been developed and distributed by Consumer Protection WA. This mini guide has a focus on services provided by Consumer Protection WA, including how to use the Contact Centre and the use of court procedures.

Additional factsheets in the Ask Us series have been developed to assist Indigenous Consumers in relation to estimates and quotes and on buying big ticket items.

Indigenous Community Education Officers continually reinforce the message to retain records when attending community events, speaking at public forums or delivering information sessions.

Australian Capital Territory

The ACT Office of Regulatory Services continues to promote the Indigenous Consumer Guide which was updated in May 2012. The guide contains specific advice in relation to consumer rights and responsibilities in relation to credit. The revised guide also includes updated information around the Australian Consumer Law.

The ACT continues to support national campaigns and initiatives in relation to this priority area.

Australian Securities and Investments Commission

Improving financial literacy of Aboriginal and Torres Strait Islander consumers is one of the priorities of the Indigenous Outreach Program. It is achieved through the provision of financial literacy training and workshops to Indigenous community organisations and stakeholders, outreach trips delivering education to consumers, the development of publications and other MoneySmart materials, and delivering public messages through radio and other means.

ASIC's Financial Literacy Education and Outreach team also delivers education and outreach to Indigenous stakeholders about the *National Consumer Credit Protection Act 2009*.

ASIC has continued to add information to the consumer information website, MoneySmart, which includes substantial material for Indigenous consumers. MoneySmart's homepage indicates links to its Indigenous specific material with Aboriginal and Torres Strait Islander flags. MoneySmart covers a broad range of topics including budgeting, saving, credit cards and loans, superannuation, investments, banking and insurance. The website includes electronic versions of all ASIC's Indigenous publications including *Super and Us Mob*, *Paying for Funerals*, *Moola Talk* and the book-up publications *Dealing with Book-Up: A Guide* and *Dealing with Book-Up: Key Facts*.

ASIC is in the process of developing a suite of fact sheets about credit, insurance and superannuation which are designed to provide basic key facts about these financial services and products. ASIC is also in the process of updating Indigenous publications *Super and Us Mob* and *Paying for Funerals*.

ASIC's Indigenous Outreach Program developed a 'welcome' video, introducing ASIC's Indigenous Outreach Program and providing information on our role. It has been posted on the Indigenous MoneySmart landing page.

ASIC is in the final stages of developing new Indigenous style MoneySmart branding for use across all Indigenous publications and MoneySmart materials.

ASIC has participated in radio interviews for regional and remote radio including the Kimberley and the Torres Strait Islands. These allowed the provision of information directly to consumers about the role of the Indigenous Outreach Program and how people can access information and assistance on financial services issues. ASIC also worked in partnership with the Arnhemland Resource Development Service to deliver messages in Yolgnu Matha to communities in Arnhemland through the Yolgnu Radio in relation to unclaimed money. The messages were part of the campaign to unite Indigenous consumers with unclaimed money.

ASIC has also developed three radio infomercials as part of a national MoneySmart advertising campaign on superannuation, buying a car and credit. They were aired on 28 radio stations in capital cities and nationally in regional, rural and remote areas in June 2012.

ASIC's MoneySmart teaching (www.teaching.moneysmart.gov.au) initiative is currently being trialled in schools nationally including Indigenous schools in Alice Springs.

ASIC conducts financial literacy community of practice meetings monthly. External stakeholders are invited to attend and participate. Indigenous financial literacy issues have been highlighted in this forum including research on financial exclusion presented by Chris Connolly from the Centre of Social Impact.

See further information in issue 3.2 Consumer Rights outlining ASIC's outreach activities.

Victoria

CAV provides funding to a range of generalist financial counselling programs which include services for Indigenous communities in metropolitan and regional areas. Examples of these services include:

- provision of financial literacy workshops to a range of local community groups, including Aboriginal men's groups and women's residential services
- regular visits to local co-operatives to promote the use of the financial counseling service and provide financial literacy information to clients.

Highlights – Australian Securities and Investments Commission

ASIC has collaborated with the Territory Insurance Office (TIO) to run an audio-poster advertising campaign in the Northern Territory about taking care when using ATMs. The posters allow consumers to press a button for messages about using ATMs and have been developed in 11 different Aboriginal languages for use throughout the Northern Territory. The Arnhem Land Progress Association and Outback Stores have agreed to display the posters in 44 stores throughout the Northern Territory.

Issue 3.2 Consumer rights

Lack of awareness and knowledge of consumer rights and responsibilities, including the:

- **right to complain**
- **right to refuse**
- **understanding of warranties.**

Progress

New South Wales

NSW Fair Trading's Aboriginal officers regularly conduct programs designed to encourage the Aboriginal community to become well informed consumers and access Fair Trading's alternate dispute resolution service.

Regional Access Programs are also conducted throughout NSW by Customer Service and Compliance and Enforcement staff. Aboriginal officers contribute to these Programs by providing information sessions to the Aboriginal community in relation to their consumer rights and responsibilities.

Aboriginal officers prepare a quarterly newsletter, *Fair Go*, covering topical issues and highlighting upcoming Fair Trading events including the promotion of Fair Trading's services. *Fair Go* has a wide circulation to Aboriginal communities throughout NSW.

Fair Trading continues to sponsor consumer rights segments and advertisements on 2CUZ FM in Bourke.

Northern Territory

The NT Consumer Affairs Indigenous Liaison and Education Officer's main focus is to disseminate information and raise the awareness of Indigenous people's understanding of their rights under the Australian Consumer Law (ACL) throughout the Northern Territory. This has a strong focus on their right to complain, refuse and the understanding of warranties and guarantees.

The main method used to deliver this message is through community engagement and education whilst providing displays and participating in expos and community events. An essential element is to develop resources that are best suited to the literacy levels of the recipients.

"The *Consumer*" is a magazine produced quarterly, which also has an Indigenous focus to assist in raising the awareness of the individuals rights under the ACL.

NT Consumer Affairs also participates in a radio segment that addresses remote community concerns and raises awareness of the ACL. This radio segment reaches 29 remote communities throughout the top end of the Northern Territory.

Tasmania

Consumer Affairs and Fair Trading (CAFT) is building relationships with the peak Indigenous organisations to increase the flow of information to the Indigenous community and raise awareness amongst Indigenous consumers of their rights and responsibilities. The Tasmanian government web portal includes a link to the NICS website.

While CAFT has not developed any local publications specifically for an Indigenous audience, there are a range of general consumer publications which may be of interest or relevance to Indigenous consumers.

In 2013 CAFT will continue to tap into the information provided through the NICS Reference Group to identify areas of interest or concern for Indigenous consumers and to develop and distribute relevant information to the Indigenous community in Tasmania.

Queensland

The Queensland Office of Fair Trading (OFT) launched the short consumer film *Do you know your consumer rights?* in December 2011 at the Indigenous Consumer Assistance Network (ICAN) offices in Cairns. The film illustrates how to deal with common consumer issues faced by Queensland's Indigenous communities, specifically geographic isolation, lack of choice and competition, and restricted access to services. The film provides information about consumer guarantee and refund rights, while encouraging consumers to contact the OFT in the event of a dispute. The film features Indigenous talent and is set in remote Queensland locations to better connect with Indigenous consumers.

Western Australia

Consumer Protection WA has developed a range of materials under a common brand of *Ask Us* to educate Indigenous consumers about common consumer rights issues.

The new fact sheet series, online advert, along with a limited amount of merchandise including a pocket guide and a wallet sized magnifier have been produced. These new materials were launched as a part of WA NAIDOC celebrations in July 2012 at Curtin University.

Acting Commissioner for Consumer Protection David Hillyard spoke at the event and the event was filmed by WestTV and was broadcast on the channel's Undercurrent program.

Consumer Protection WA has used the *Ask Us* branding to discuss Indigenous consumer issues. With the implementation of the branding, there has been an increase in coverage in metropolitan and regional Indigenous media outlets including Goolari Radio, The Mulga Mail, and Noongar Radio.

South Australia

Interactive workshops were delivered to small groups at the Ngura Wiru Winkiku Cultural Centre at Port Adelaide. The sessions were attended by Aboriginal consumers from the APY Lands who are now living in Adelaide for health and family reasons. The sessions covered a variety of consumer rights topics.

The *Talk About Shopping* series of booklets, targeting Indigenous consumers, continued to be distributed across South Australia, with assistance from Service SA, Aboriginal Affairs and Reconciliation Division and the Legal Services Commission. The booklets cover topics such as getting a loan, buying a car, and general advice about shopping, guarantees, refunds etc.

The CBS website has a section specifically for Aboriginal consumers, which features information in a variety of formats (including songs, videos and online brochures). The website is promoted to Aboriginal consumers at events and education sessions.

Australian Capital Territory

The ACT Office of Regulatory Services has a number of consumer publications including an Indigenous Consumer Guide to promote understanding of consumer rights and responsibilities.

The Office also works collegiately with Indigenous and consumer groups to distribute publications and to educate in regard to Indigenous consumer issues.

Australian Securities and Investments Commission

ASIC's Indigenous Outreach Program conducts trips to Indigenous communities, meeting with stakeholder organisations and consumer advocates, individual consumers and industry. During these trips we raise awareness about financial services and products including consumers' rights. We also provide information about ASIC's role and the Indigenous Outreach Program, the processes for exercising rights and reporting misconduct. We make necessary referrals to other government and non-government agencies where appropriate.

Examples of outreach trips include:

- Newman and Nullagine, Western Australia
- Kimberley region, Western Australia
- Metropolitan Perth (stakeholder liaison with government and non-government agencies)
- Perth (National Indigenous Legal Conference)
- Katherine (Indigenous Superannuation roundtable)
- Alice Spring, NT (Money Management Workers Conference)
- Palm Island and Townsville (MoneySmart week activities)
- Melbourne (Launch of My Moola)
- Preston (Victorian Aboriginal Legal Services Elders Group)
- Mildura, Wentworth and Dareton
- Dubbo (CentreCare meeting of Financial Counsellors)

- Dubbo, Trangie, Warren, Gilgandra, Narromine (Financial Literacy Roadshow organised by CentaCare Wilcannia/Forbes)
- Wollongong, NSW (MoneySmart week activities)
- Armidale, NSW (Aboriginal Regional Women's Gathering)
- Outreach trips with the Good Service Mob throughout NSW with other government and non-government agencies to:
 - Newcastle region
 - South Coast
 - Albury-Wagga Wagga region
 - Western Sydney
 - Canberra (Indigenous Financial Services Network meeting).

The Indigenous Outreach Program also monitors an Indigenous helpline for Indigenous consumers where we provide information, assistance and referrals.

ASIC's Indigenous Outreach Program team participates in the Indigenous Financial Services Network and local consumer networks in each state and territory.

Through our Reconciliation Action Plan, ASIC has a focus on building the knowledge of ASIC staff in relation to Aboriginal and Torres Strait Islander cultures and rights issues.

Examples of this work have included building Indigenous focused pages for ASIC's intranet, hosting events with external presenters including constitutional change by Megan Davis and a synopsis of *Driscoll v Tomarchio* by WA Dept Commerce General Counsel.

Australian Competition and Consumer Commission

Tiwi Islands Facebook Page

There is a high usage of the Facebook social networking sites by Indigenous consumers in a range of northern remote communities. The ACCC is developing a Facebook page to be trialed on the Tiwi Islands and will be subsequently assessed as to whether it could be usefully rolled out to other communities where Facebook is widely used. It will provide a new entry point for complaints to the ACCC, provide a mechanism for directly communicating with Tiwi Islander consumers and provide a means of testing whether the new simplified consumer protection messages are able to be understood by Tiwi Islander consumers. A series of consumer protection messages on major issues have been drafted.

New Indigenous Consumer Protection Films

The ACCC has contracted CAAMA productions to produce five short films to deliver consumer protection messages to Indigenous Australians living in remote communities in a form that they will understand and which will better equip them to prevent contraventions of the ACL occurring. The style of the films will be humorous, colloquial and hopefully highly accessible.

The themes of the films will be:

- A welcome and introductory message from a senior Aboriginal person
- Tips for protecting your rights to consumer guarantees
- Product safety – choking hazards for children under 3
- Protecting your interests in dealing with telemarketers of mobile phone services
- Protecting your interests in dealing with door-to-door salespeople.

Victoria

CAV participated in the national Indigenous Consumer Protection Project run throughout July 2012. CAV promoted the Project through a news alert, and distributed the kit of resources to a range of community and consumer advocates, including Indigenous groups, for ongoing reference. CAV also used the campaign material at other *Business as usual* activities aimed at Indigenous communities.

CAV provided funding to the Consumer Action Law Centre to identify and report on significant consumer issues, and provide casework advice and training to financial counsellors, community lawyers, advocates, and other community workers, including disability and social workers.

The Consumer Action Law Centre is now working with the Victorian Aboriginal Legal Service to explore opportunities to build the capacity of its field officers to respond to the consumer needs of community members.

Highlights – Victoria

CAV continued its *Working Together Forums*, which bring key consumer and community groups together to share knowledge, build networks and identify opportunities to work together to help the vulnerable and disadvantaged. It also keeps CAV informed of emerging issues. The Victorian Aboriginal Legal Service is a long-standing member of the forum.

Highlights – Northern Territory

NT Consumer Affairs was invited to attend a festival held in Ramingining which saw over 800 people from various remote Arnhem Land communities attend and receive valuable information on their rights under the ACL.

Under agreement with Consumer and Business Services South Australia we have revised and developed a resource material that has been utilised by Indigenous Australians, whose English is their second or subsequent language to better understand their rights and responsibilities under the ACL.

Highlights – Australian Securities and Investments Commission

The first ever national MoneySmart week was held in September 2012. It was an initiative of the members of the Australian Government Financial Literacy Board and used ASIC's MoneySmart branding. It was an opportunity to raise awareness of the support, assistance and tools available to consumers including those produced by MoneySmart.

Highlights – Australian Competition and Consumer Commission

If it's not right Use Your Rights, Repair Replace Refund!

The Indigenous component of the consumer guarantees campaign commenced on 5 February 2012. The Indigenous component consists of both above the line activities including a national radio campaign (refer to the radio script below), and also below the line activities including the creation of Indigenous specific campaign collateral (2 x fridge magnet and poster) to be distributed to Indigenous organisations nationally.

Additional longer term, targeted awareness raising and education activities will be run through the ACCC, state and territory agencies, community stakeholders and to reach Indigenous audiences through trusted face-to-face and community channels.

The ACCC has also relied on engagement with state and territory consumer protection agencies to sustain the campaign by spreading the messages through grass roots communication and, where appropriate, web and social media communication.

Indigenous radio script -

Script created by Universal McCann and spoken by an Indigenous talent.

“Attention shoppers!

When you buy goods and services, they have to be right!

So, if you buy something and it's no good, you can ask for it be repaired or replaced, or in some cases get a refund.

If you have any trouble getting a repair, replacement or refund, call the Indigenous Infoline on 1300 303 143, or go online to australia.gov.au/consumerrights.

Remember, if it's no good, use your rights.

Authorised by the Australian Government, Canberra. Spoken by ...”

Indigenous specific campaign collateral

Carbon Media was commissioned by the ACCC to create Indigenous specific campaign collateral in the form of a poster and two fridge magnets. To date the ACCC have distributed over 9000 fridge magnets and over 700 posters.

Culturally appropriate consumer guarantees related articles were also written upon request, and presentations to remote Indigenous communities were arranged.

An ACCC Consumer Rights Facebook Page was developed for information sharing for both general and also Indigenous consumers. The development of a Consumer Guarantees focused Facebook site has facilitated access to general information and services to Indigenous consumers.

Highlights – Australian Capital Territory

On 13 March 2012, ORS officers attended a NSW event to provide information to the local Aboriginal community. Officers interacted with over 50 people, providing information about fair trading and work safety. They also provided attendees with an avenue to claim their birth certificates under the Closing the Gap commitment.

Issue 3.3 Contracts

Lack of understanding of rights and responsibilities, terms and conditions and implications of entering into contracts.

Progress

New South Wales

NSW Fair Trading Aboriginal officers promote the Australian Consumer Law and provide information regarding contracts, door-to-door sales and marketing to Aboriginal consumers during their outreach activities.

Northern Territory

During remote community visits and displays, the ACL resource material "A Guide to the Unfair Contract Terms Law" is made available for the participants.

Queensland

The Queensland Office of Fair Trading (OFT) conducts a variety of activities to educate consumers about contracts. For example in June 2012 an OFT Cairns team member travelled to Hope Vale in response to community concerns raised about door-to-door sales, particularly sales tactics and the nature of products sold. According to an email from the Government Coordination Officer, the presentation was "well-prepared, informative and extremely well-received and the ... was able to answer stakeholder questions professionally and concisely." Members of the community who missed the meeting will benefit from OFT materials distributed to the Hope Vale police station and the Indigenous Knowledge Centre and the Village Opportunity.

OFT has also been involved in a nation-wide operation regarding on-going trader education and sampling of contracts surrounding contract terms. Targeted traders' internet terms and conditions were assessed against Australian Consumer Law provisions to ensure compliance, resulting in over 1,150 national consumer agreements being modified as well as signage, receipts and other forms of internet/hard copy advertising.

Western Australia

Addressing the lack of understanding of contractual rights remains a key focus area for Consumer Protection WA's Indigenous Community Education Officers when meeting with community groups in metropolitan and regional WA and when engaging with media representatives.

In 2012 regional visits were made to Wagin, Kalgoorlie/Laverton, the Murchison region and Broome.

Australian Capital Territory

The ACT Office of Regulatory Services continues to promote the Indigenous Consumer Guide which was updated in May 2012. The guide contains specific advice in relation to contracts. The Guide also has a number of template letters for when a consumer wishes to exercise their rights under a contract.

Australian Securities and Investments Commission

ASIC is conducting a number of surveillance activities in relation to financial services contracts including credit contracts, rent-to-buy contracts, consumer leases, vehicle leases, and insurance contracts.

The issues in these matters range from consumers not understanding the complex contract documentation, unfair contract terms, lack of disclosure as required by the National Credit Code, oral representations conflicting with documentation, and lack of understanding of the nature of the arrangements.

ASIC's Indigenous Outreach Program regularly provides information and assistance to consumers and other stakeholders about consumer rights under contracts including the right to lodge a report of misconduct with ASIC in relation to financial services, financial products or credit contracts.

In publications and outreach trips, ASIC routinely includes key messages to consumers advising them not to sign anything they do not understand.

Victoria

CAV continued to develop links with local Indigenous communities through local Regional Aboriginal Justice Advisory Committees (RAJAC) and Local Aboriginal Justice Action Committees (LAJAC) forums. The Committees and forums enable CAV to respond to consumer issues raised by community members (including contract issues) and improve the community's understanding of consumer rights and responsibilities.

Issue 3.4 Complaint processes

Lack of awareness of the process of complaint, the lack of skills to complain and the lack of culturally sensitive complaint processes.

Progress

New South Wales

NSW Fair Trading has simplified complaints procedures that allow Aboriginal officers to receive consumer complaints face-to-face when visiting Aboriginal communities, attending community events, and conducting information sessions.

Procedures have been implemented for complaints to be taken over the phone from disadvantaged people by all of Fair Trading's Customer Service staff. This procedure has significantly simplified the complaint process for Aboriginal consumers.

Fair Trading provides the Aboriginal community with convenient access to information, particularly for those in regional and remote areas, via a dedicated Aboriginal enquiry line.

Northern Territory

NT Consumer affairs has developed and fostered strong relationships with remote and regional communities especially with the Elders. This relationship has enabled us to inform and educate the Elders to understand their rights and responsibilities under the ACL. This includes an understanding of complaint processes.

The knowledge gained by the Elders encourages residents to approach these individuals to gather more insight and awareness of the complaint process in a culturally appropriate manner.

NT Consumer Affairs provides presentations for the Elders in remote communities both to disseminate consumer information but also to gather details of current concerns within the community. Our future presentations are then tailored to address the issues which have been raised by the community and also the Elders.

If a complaint is raised by a resident during a presentation the issue is immediately raised with the trader and hopefully resolved. This prompt action and hopeful resolution of the problem encourages other residents to also raise complaints.

Tasmania

CAFT is working to build relationships with the peak Indigenous organisations in Tasmania to raise awareness of the services provided including complaint handling processes. CAFT sees these organisations as playing a vital role as a conduit between Indigenous consumers and our office.

Many consumers, particularly those who for a variety of reasons are at risk of social exclusion, are unaware of the services provided by CAFT or how to seek the help of CAFT. However when things go wrong these people often turn to other individuals or organisations with whom they have an existing relationship for advice and assistance. As such, CAFT is focusing on enhancing its relationships with these intermediaries so that they can refer people to CAFT or assist them with the process of making a complaint.

Queensland

The Queensland Office of Fair Trading (OFT) through continuing to work cooperatively with the Indigenous Consumer Assistance Network (ICAN) strives to improve access to Fair Trading services including complaint lodgment. ICAN provides consumers with access to complaint processes which are local and culturally appropriate. The complaint information is then, with the consumer's permission, provided to OFT for investigation.

Through its website, OFT provides access to an online complaint form providing consumers with a simple and easy way to lodge complaints. Complaints lodged in this way can also be made anonymously if the consumer wishes.

Through its counter services, if a consumer attends in person assistance and advice can be given on how to lodge a complaint or referral to other services can be made.

Through its 13 QGOV (13 74 68) telephone contact centre, if a caller identifies as Indigenous the call is put through to a Senior Fair Trading Officer (SFTO) for personalised advice (rather than stock answers provided from a previously devised script) to allow for additional questions and time to be provided to the complainant.

The SFTO will complete a complaint form on behalf of the consumer, ensuring all the demographic information is captured before appropriate action (e.g. conciliated or referred to investigation) is completed. The SFTO will continue to be the conduit of information between OFT and service delivery partners.

Western Australia

The *Ask Us* brand is a Consumer Protection WA community education initiative that aims to increase awareness and understanding of consumer rights and responsibilities within Aboriginal communities.

A new factsheet series, online advertisement, song and video along with a limited amount of merchandise including a pocket guide and a wallet sized magnifier have been developed under the *Ask Us* brand. This new branding was launched as a part of WA NAIDOC celebrations at Curtin University in July 2012.

The *Ask Us* branding is all about strengthening the commitment to educating the Indigenous community with a view to encouraging more interaction between Indigenous consumers and consumer Protection WA and increasing the number of complaints being lodged by Indigenous consumers.

Australian Capital Territory

The ACT Office of Regulatory Services, Advice and Complaints Unit provides information and advice in relation to consumer complaints and concerns. Officers within this unit have undertaken cultural awareness training to enable them to provide appropriate support to Indigenous clients throughout the complaint resolution process.

Where an Indigenous consumer is unable to lodge a formal complaint in writing, officers will accept verbal submissions and support a complainant in the formal complaint process.

Australian Securities and Investments Commission

During outreach trips ASIC routinely provides information about how to contact ASIC including through its Indigenous helpline, how to provide reports of misconduct and when consumers might consider doing so. ASIC consistently informs stakeholders, including consumer advocates and financial counselors, to report misconduct to ASIC for consideration and raise awareness of the right to complain to ASIC regarding financial services and financial products including credit. During outreach trips ASIC also receives complaints from consumers and intelligence from consumer agencies relating to companies and individuals working in the financial services and products area.

ASIC's Indigenous helpline provides access to the Indigenous Outreach Program staff who provide assistance, information and referrals in a culturally sensitive way. Indigenous consumers and advocates can contact the Indigenous Outreach Program in relation to financial services and products, referrals, requests for publications and outreach and reports of misconduct.

ASIC also refers consumers, consumer advocates advisers to other agencies including fair trading and consumer protection agencies, external dispute resolution agencies and legal services where necessary.

ASIC has presented to key stakeholders including NSW LegalAid, Money Management Workers conference, regional meetings of financial counselors to raise awareness of ASIC's role in consumer protection and to provide information about how ASIC deals with complaints and reports of misconduct.

Australian Competition and Consumer Commission

ACCC Indigenous Hotline

The ACCC has recently implemented a new message for the ACCC Indigenous Infoline.

The new script reads:

“Welcome. You have called the Australian Competition and Consumer Commission’s Indigenous Hotline. Your call is important to us and someone will be with you as soon as possible. You may also find our website helpful www.accc.gov.au. We usually record calls to help train our staff. If you don’t want your call recorded please let us know. In the meantime hang on we won’t be long.”

Use of 1300 numbers

The ACCC continues to try to find a solution to this issue. In the interim it is possible to identify calls from mobiles to the Hotline if the number is displayed, so Infocentre staff taking those calls are encouraged to obtain the mobile number from the caller as soon as the call is answered and then to call the caller back.

Publicising the Hotline

Options are currently being explored (fridge magnets, school kits, digital advertising, social media, advertising in Indigenous media such as radio and newspapers, and getting the message out through sporting groups, community organisations, Land Councils and mining companies).

Victoria

CAV provided face-to-face contact with the community through outreach services and regularly attended Indigenous associations’ Annual General Meetings. CAV also worked with other relevant agencies to simplify the complaint and referral services.

CAV’s Indigenous Helpline has been renamed as the Koori Helpline, and is now staffed by a team of experienced Enquiries Officers who have undertaken specialist training in Koori Cultural Awareness to assist callers.

Highlights – Northern Territory

During one community visit in the Arnhem lands an Elder raised a complaint about his washing machine which had broken down shortly after purchase. He had been told by the trader he was not entitled to a remedy due to his location. After the Elder was informed of his consumer rights he again approached the trader, indicating that the machine had broken within a short period from purchase and that he wanted a replacement. On this occasion he received a new washing machine.

Highlights – Australian Securities and Investments Commission

ASIC presented to key stakeholders including NSW Legal Aid, the Money Management Workers conference and regional meetings of financial counselors to raise awareness of ASIC’s role in consumer protection and to provide information about how ASIC deals with complaints and reports of misconduct.

Issue 3.5 Knowledge of consumer agencies and services

Lack of awareness and knowledge of the existence of services provided by consumer protection agencies.

Progress

New South Wales

Fair Trading has eleven Aboriginal Customer Service Officers who provide face-to-face educational programs to Aboriginal communities, community workers and Aboriginal organisations regarding the services provided by Fair Trading as well as conducting regular outreach services to rural and remote areas.

During 2012, Fair Trading's face-to-face service delivery to Aboriginal communities resulted in 262 information sessions being delivered to 10,889 people.

Northern Territory

NT Consumer Affairs has increased the number of community visits to remote communities throughout the Northern Territory thus making its service known to a wider community. NT Consumer Affairs provides messages for a radio segment which reaches 29 remote communities. This segment explains the services and role of NT Consumer Affairs within the community.

NT Consumer Affairs also distributes information folders to various Government and non Government agencies and organisations servicing Indigenous Territorians which contains samples of the consumer resources available online. The folders also contain information regarding the role of NT Consumer Affairs and includes contact details.

Tasmania

CAFT is working to build relationships with the peak Indigenous organisations in Tasmania to raise awareness of the services provided.

Many consumers, particularly those who for a variety of reasons are at risk of social exclusion, are unaware of the services provided by CAFT or how to seek the help of CAFT. However when things go wrong these people often turn to other individuals or organisations with whom they have an existing relationship for advice and assistance. As such CAFT is focusing on enhancing its relationships with these intermediaries so that they can refer people to CAFT as appropriate and/or promote its services.

CAFT is also embarking on a project to build a distinct visual identity and increase its profile within the community. The launch of this will be supported by promotional and educational campaigns.

Queensland

The Queensland Office of Fair Trading (OFT) has sought opportunities to engage with programs pertinent to Indigenous consumers via avenues such as Legal Aid Queensland, the Queensland Department of Aboriginal and Torres Strait Islander and Multicultural Affairs, Queensland Police Service Community Safety and Crime Prevention Branch, Queensland Police Service Police Liaison Officer program, the Regional Legal Assistance Forums (RLAF), Directors-General 'Champion of communities' program and Queensland Government Agent Program.

The goal of these presentations is to identify and explain to service providers how OFT can assist their clients. Presentations open communication channels at a local managerial level, helping OFT receive intelligence on undesirable trader behaviour or local issues.

Western Australia

The *Ask Us* brand is a Consumer Protection WA community education initiative that aims to increase awareness and understanding of consumer rights and responsibilities within Aboriginal communities.

A new factsheet series, online advertisement, song and video along with a limited amount of merchandise, including a pocket guide and a wallet sized magnifier, have been developed under the *Ask Us* brand. This new branding was launched as a part of WA NAIDOC celebrations at Curtin University in July 2012.

This material has been distributed to a wide range of Aboriginal community organisations and the initiative has been promoted through regular coverage in metropolitan and regional media, including Indigenous media outlets, such as Goolari Radio, The Mulga Mail, and Noongar Radio.

Consumer Protection's Indigenous Community Education officers work to increase the awareness of the role of Consumer Protection WA through community meetings and regional visits. In 2012 regional visits were made to Wagin, Kalgoorlie/Laverton, the Murchison region and Broome. These regional trips include visits to community organisations, key stakeholders and local media outlets.



South Australia

CBS joined with other consumer protection agencies (including the ACCC and ASIC) to host information stalls at three events organised specifically to celebrate Aboriginal culture in both metropolitan and regional areas. The role of each agency was promoted and consumer rights materials were distributed in two Aboriginal languages as well as simple English.

Australian Capital Territory

The ACT Office of Regulatory Services continues to promote the Indigenous Consumer Guide at all relevant events. They also promote other support services to ensure Indigenous communities are aware of what services are available and comfortable in accessing them.

Australian Securities and Investments Commission

During outreach trips ASIC's Indigenous Outreach Program raises awareness of consumer agencies and services, refers consumers to appropriate agencies and shares any intelligence relevant to other agencies.

ASIC regularly liaises with stakeholders to update its knowledge about consumer agencies and services.

ASIC attends conferences, workshops and roundtables in order to increase awareness of ASIC's role in consumer protection and the role of the Indigenous Outreach Program amongst Indigenous consumers and stakeholders working in communities.

Australian Competition and Consumer Commission

In 2012, the ACCC continued to establish effective networks to increase awareness among Indigenous consumers about consumer issues. This project included a focus on raising awareness about the ACCC and its role in protecting Indigenous consumers. The outreach activities outlined under issue 3.2 included a strong emphasis on educating Indigenous consumers about their rights under the Competition and Consumer Act 2010, and how the ACCC can help them if something goes wrong.

Victoria

CAV has contributed to the four key action areas of the Victorian Department of Justice's Koori Inclusion Action Plan *Mingu Gadhaba: Beginning Together*. The key action areas are:

- Systemic Koori inclusion – implementing organisational change to create a shared responsibility for Koori outcomes
- Data and service improvement – making evidence based decisions to increase the cultural responsiveness of programs and services
- Koori employment and economic participation – supporting participation and employment by putting in place relevant training, policies, programs and procedures to meet the needs of Koori staff
- Communication, engagement and partnerships – increasing Koori community knowledge of and engagement with justice services.

To improve access to services, CAV continued to find new and innovative ways to reach consumers. The CAV website and social media tools became key channels for disseminating information throughout 2011-12, examples include:

- The new website, launched in early 2012, was a strong element of all education strategies
- Use of Twitter and YouTube is expanding, along with the introduction of a CAV Facebook account
- Through the use of the website and social media channels, CAV is able to spread messages about travelling con men, scams and other important consumer issues to a wider range of consumers, including the Indigenous community.

Highlights – Northern Territory

NT Consumer Affairs provides messages for a radio segment which reaches 29 remote communities throughout the Territory. This segment explains the services and role of NT Consumer Affairs within the community.

Highlights – New South Wales

Fair Trading promotes its brand and services through sponsorship of various events such as the NSW Aboriginal Rugby League Knockout, the Central Coast and New England art competitions, held in Gosford and Armidale respectively during Reconciliation Week, and NAIDOC celebrations.

Two major initiatives of Fair Trading are the annual Dubbo NAIDOC Week Indigenous Family Fun Day, which is coordinated and funded by Fair Trading and Fair Trading's 'Fair Go' partnership program.

The Dubbo Indigenous Family Fun Day is considered the major NAIDOC Week activity by the Aboriginal and non-Aboriginal community in Dubbo. In 2012 over 1,000 community members and school students participated in the event. Several government and non-government organisations were also in attendance to provide information and advice regarding their services.

Fair Trading's Fair Go partnership program was developed to broaden the initiatives undertaken under the Fair Trading Aboriginal Action Plan. It involves working in partnership with the Aboriginal media, community organisations and other service providers in NSW to actively promote consumer rights and identify issues experienced by the community.

The aims and objectives of Fair Go are to:

- Build long term partnerships with Aboriginal community organisations and the media
- Increase awareness and education of consumer rights and responsibilities through strong partnerships with the Aboriginal community
- Improve Fair Trading's service delivery to Aboriginal community partners.

Centacare Wilcannia-Forbes is Fair Trading's newest Fair Go program partner. The Partnership agreement was signed before a gathering of community members and dignitaries in late November 2011. Centacare provides money management, mental health, youth and family support services to both Aboriginal and non-Aboriginal communities in western NSW. The partnership is an effective way to assist and educate consumers in the western area of the state. Fair Trading has also funded Centacare \$45,000 to conduct a feasibility study for the establishment of a food co-operative in Wilcannia, a remote area. If feasible, Centacare will receive another \$45,000 to help establish the co-operative.

Highlights – Western Australia

Ask Us

Consumer Protection WA developed and implemented a new branding for its Indigenous consumer program based on the term and concept of *Ask Us*.

The *Ask Us* brand was developed following consultation with the Indigenous community in WA, which strongly suggested that the emphasis should be placed on positive messages and empowerment rather than focusing on problems.

The *Ask Us* branding is all about strengthening the commitment to educating the Indigenous community with a view to encouraging more interaction between Indigenous consumers and consumer Protection WA and increasing the number of complaints being lodged by Indigenous consumers.

The Mulga Mail

The Mulga Mail (formerly Yamaji News) is WA's only Indigenous newspaper and is one with a State-wide circulation.

Since September 2011, Consumer Protection WA has had a monthly column in The Mulga Mail, appearing under the byline of Teena Forrest-Benavides, one of Consumer Protection WA's Indigenous Community Education Officers.

To date, the column has covered the following subjects:

- Renting a place
- Choosing a mobile phone
- New consumer laws
- Indigenous consumers and high pressure sales
- Australia-made claims
- Motor vehicle repairs and off road vehicle safety
- Product safety
- Over-servicing in the motor vehicle repair industry
- Remote community issues
- Online shopping
- Unfair contract terms

Highlights – Australian Securities and Investments Commission

ASIC presented to the Money Management Conference in Alice Springs, attended by approximately 150 money management workers and financial counselors. ASIC provided information about its role and the assistance available to workers and consumers through the Indigenous Outreach Program.

Highlights – Australian Competition and Consumer Commission

ACCC action results in \$25,000 product safety campaign for remote Indigenous communities.

Product safety in remote Indigenous communities in the Northern Territory will benefit from a \$25,000 consumer education campaign following ACCC surveillance and enforcement action. G & R Wills Holdings Pty Ltd will implement the campaign as part of a court enforceable undertaking provided to the ACCC after the company supplied unsafe baby walkers and strollers.

ACCC chairman Rod Sims said this is a serious breach of product safety standards impacting on children in remote Indigenous communities.

As well as the undertaking, the supplier has also paid three infringement notices, issued by the ACCC, attracting a combined penalty of \$19,800. A number of unsafe baby walkers and strollers have also been removed from sale. The ACCC found that more than 1,300 baby walkers supplied by G & R Wills breached mandatory product safety standards.

Since the introduction of the mandatory standard for baby walkers in 2002, data shows that the number of injuries has declined. In addition to the non-compliant baby walkers, two different models of strollers wholesaled by G & R Wills failed to meet mandatory safety requirements by not having the required warning labels. G & R Wills has undertaken to contract a media organisation to produce and broadcast bi-lingual product safety information bulletins designed for parents of young children living in remote NT Indigenous communities. As part of the undertakings, G & R Wills will also develop a trade practices compliance program and will refrain from engaging in similar conduct in the future.