

National Indigenous Consumer Strategy



Action Plan

Taking action, gaining trust

A National Indigenous Consumer Strategy

Action Plan 2017–19

March 2017



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Legislative and Governance Forum on Consumer Affairs

The Legislative and Governance Forum on Consumer Affairs, formerly the Ministerial Council on Consumer Affairs (MCCA), consists of all Australian, state, territory and New Zealand Ministers responsible for consumer policy. The role of the Legislative and Governance Forum on Consumer Affairs is to consider consumer affairs and fair trading matters of national significance and, where possible, develop a consistent approach to these issues.

On 1 September 2005 all Australian members of the then MCCA signed a Statement of Commitment for the development and implementation of the National Indigenous Consumer Strategy Action Plan 2005–10.

The Action Plan demonstrated MCCA's shared responsibility for ensuring that Australia's performance in Indigenous consumer affairs is continually improved and beneficial outcomes for Indigenous consumers are achieved.

Through the Legislative and Governance Forum on Consumer Affairs, commonwealth, state and territory consumer agencies remain committed to:

- the promotion of basic human rights recognised by the United Nations for Indigenous people in Australia
- building awareness, knowledge and confidence for Indigenous people to exercise their consumer rights
- improving access to consumer protection services utilising effective outreach and engagement and
- improving market outcomes for Indigenous consumers.

In 2002–03 the then Standing Committee of Officials of Consumer Affairs (SCOCA), now Consumer Affairs Australia and New Zealand (CAANZ), participated in and convened a number of workshops in response to concerns about the disadvantages experienced by Indigenous consumers. Subsequently the concept of a national plan was developed which became known as the National Indigenous Consumer Strategy.

The Strategy has been implemented in all states and territories and positive progress has been undertaken by all consumer agencies. The Strategy and related Action Plan were revised in 2009 to cover the period 2010–13 and in 2014 to cover the period 2014–16. This document is the fourth iteration of the 'Taking action, gaining trust' National Indigenous Consumer Strategy and contains the Action Plan for 2017–19.

Acronyms

ACCC—Australian Competition and Consumer Commission

ASIC—Australian Securities and Investments Commission

ATSILS—Aboriginal & Torres Strait Islander Legal Services

CAANZ—Consumer Affairs Australia and New Zealand

EIAC—Education and Information Advisory Committee

MCCA—Ministerial Council on Consumer Affairs

NATSILS—National Aboriginal & Torres Strait Islander Legal Services

SCOCA—Standing Committee of Officials of Consumer Affairs

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

The term consumer agencies used throughout this document refers to consumer and fair trading offices, the Australian Securities and Investments Commission, the Australian Competition and Consumer Commission and Commonwealth Treasury.

Statement of Commitment

As the Legislative and Governance Forum on Consumer Affairs, we have accepted responsibility for the development and implementation of the National Indigenous Consumer Strategy.

This strategy demonstrates our continued shared responsibility for ensuring that Australia's performance in Indigenous affairs is continually improved. The Strategy will focus our efforts in working together to improve outcomes for Indigenous consumers.

Australian, state and territory consumer agencies are committed to the following strategic directions:

- the promotion of basic consumer rights recognised by the United Nations for Indigenous people in Australia
- to build knowledge, confidence and awareness for Indigenous people to action their consumer rights;
- to improve access to consumer protection services and
- to improve market outcomes for Indigenous consumers.

We have developed an Action Plan and are committed to working cooperatively on the issues and actions identified in the plan. We are also committed to regularly reviewing our achievements against the actions and will further develop the plan in light of these achievements. We recognise that there are many other stakeholders who make significant contributions to improving Australia's performance regarding Indigenous consumer affairs. We invite stakeholders to adopt and implement the Action Plan.

<p>The Hon. Michael McCormack MP Commonwealth Minister for Small Business</p>	<p>The Hon. Matthew Kean MP Minister for Innovation and Better Regulation New South Wales</p>	<p>The Hon. Marlene Kairouz MP Minister for Consumer Affairs, Gaming and Liquor Regulation Victoria</p>
<p>The Hon. Guy Barnett MP Minister for Building and Construction Minister for Resources Tasmania</p>	<p>The Hon. Bill Johnston MLA Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement Western Australia</p>	<p>The Hon. Natasha Fyles MLA Attorney-General and Minister for Justice Minister for Health Northern Territory</p>
<p>The Hon. Yvette D'Ath MP Attorney-General and Minister for Justice and Minister for Training and Skills Queensland</p>	<p>Mr Shane Rattenbury MLA Minister for Justice and Consumer Affairs Minister for Corrections, Education and Road Safety Australian Capital Territory</p>	<p>The Hon. John Rau MP Deputy Premier Minister for Consumer and Business Services South Australia</p>

Introduction

This Action Plan represents the fourth iteration of the Taking Action, Gaining Trust National Indigenous Consumer Strategy (NICS), and will cover the period 2017–19.

The NICS Reference Group consisting of representatives of Australian consumer protection agencies was established to monitor and coordinate implementation of the Action Plan. The NICS group now includes some independent members as strong advocates for Indigenous consumer rights. This reference group continues to take responsibility for the National Indigenous Consumer Strategy and has established an effective collaboration when dealing with issues of mutual concern.

The NICS Reference Group met in Sydney on 1 and 2 November 2016 to review and renew the objectives for the Strategy's Action Plan for 2017–19. The following three priority areas were identified for the Action Plan:

Addressing key consumer issues for Indigenous communities:

- Trading practices
- Scam practices
- Housing
- Consumer directed care environments
- Motor vehicles
- Financial Service.

Building agency capacity specific to Indigenous consumer issues.

Promoting the NICS Action Plan, priorities and activities, and broader Indigenous consumer issues.

Statement of Principles

Consumer agencies recognise that:

- the rules that regulate traders and service providers need to be fair and responsive to the needs of Indigenous people
- cultural and operational changes are required within consumer agencies to respond to enquiries from Indigenous consumers in the most effective way
- employment of Indigenous staff in key positions in consumer agencies needs to occur
- education in Indigenous communities on the provisions of the Australian Consumer Law will continue to be a priority to ensure indigenous consumers are empowered with knowledge of their rights and responsibilities when purchasing goods and services
- it is important for consumer agencies to continue to advocate on behalf of Indigenous consumers; and although jurisdictions have differing priorities, the Action Plan will be a template for action to improve Indigenous consumer awareness.

The priority areas and actions identified in the Strategy's new Action Plan recognise that consumer agencies need to continually monitor and adapt the way they deliver their services to Indigenous people.

Continuation of the NICS Reference Group as a forum for information sharing will ensure best practice in education and compliance strategies for Indigenous consumers.

Progress in implementing the Strategy's Action Plan will continue to be monitored, evaluated and reported on an annual basis.

It should be noted that the NICS Action Plan represents a set of national priorities and areas of coverage, as such there will be specific areas in which individual agencies will have neither a mandate nor responsibilities and therefore it is not expected that all action items will be equally met by all agencies.

Priority 1: Addressing key consumer issues for Indigenous communities

This priority area specifically considers the Indigenous consumer issues that need to be the focus of NICS activities.

The 2017–19 NICS Action Plan will focus on:

- Trading practices
- Scam practices
- Housing
- Consumer Directed Care environments
- Motor vehicles
- Financial Services.

Priority 1.1: Trading practices

Trading practices remains a key issue priority as there is a continuing need to address problematic trader conduct, including those emanating from unsolicited sales practices, both door-to-door and telemarketing.

Developing Intelligence	Enhancing Indigenous Consumer Competency	Strategic Partnerships	Agency
<ul style="list-style-type: none"> • Utilising stakeholder consultations to direct the trading practices focus for NICS engagement. • Interrogating available intelligence and data sources such as AUSTRAC to identify issues of relevance to Indigenous consumers. • Utilising referrals from other agencies and organisations to determine issue relevance and priority. • Interrogating Fair Trading agency data on Indigenous complaints • Gaining intelligence from the Wujal Wujal QLD project. 	<ul style="list-style-type: none"> • Working with communities to develop tailored solutions to assist those consumers in dealing with problematic traders. • Developing targeted consumer education messaging relevant to Indigenous audiences. • Educating key stakeholders with particular relevance to Indigenous consumers such as Land Council's and Indigenous businesses. • Developing outcome measures for individual trading practice campaigns including both qualitative and quantitative approaches. 	<ul style="list-style-type: none"> • NATSIL/ATSIL • National Association of Community Legal Centres • ICAN • Legal Aid Bodies • Aboriginal Land Councils • Indigenous Business Chambers • Community Justice Groups • Financial Counselling Australia • Micro Financing Groups • State/Territory Police • Indigenous Media Organisations. 	<p>All agencies (ACCC and ASIC to liaise with national bodies).</p>

Priority 1.2: Scam practices

To better position member agencies to assist Indigenous consumers in dealing with scam conduct as well as improving Indigenous consumer understanding of scams and encouraging the reporting of this conduct.

Developing Intelligence	Enhancing Indigenous Consumer Competency	Strategic Partnerships	Agency
<ul style="list-style-type: none"> • Utilising the Scamwatch national information process administered by the ACCC. • Aggregating the anecdotal information received through enquiries. • Seeking ongoing information on possible scams from financial counselling agencies and other outreach agencies such as Prime Minister and Cabinet, Community Legal Education Groups, Centrelink and Housing Departments. • Interrogating data bases such as AUSTRAC to identify matters of relevance to Indigenous consumers. • 	<ul style="list-style-type: none"> • Identifying effective and efficient channels of information about current consumer scam issues relevant to Indigenous consumers and stakeholders. • Incorporating scam discussions into Indigenous outreach activities. • Continue to build liaison with Indigenous community legal services to assist in delivering outcomes to Indigenous consumers. • Providing focused knowledge and skill sharing in this area to associated stakeholders such as community justice groups, corporations, and service providers. • Undertaking education and awareness programs about scams including face-to-face scammer characteristics. • Developing resources to assist Indigenous consumers respond to scammers in face-to-face settings. • Providing positive reinforcement with Indigenous consumers who report scams when they have been scammed. 	<ul style="list-style-type: none"> • NATSIL/ATSIL • Australian Consumer Fraud Taskforce • Community Justice Groups • Financial Counselling Services • Indigenous Broadcasting Organisations • Arnhem Land Progress Association (ALPA). 	<p>ACCC All agencies.</p>

Priority 1.3: Housing

Enhance Indigenous tenants' understanding of their residential tenancy rights and responsibilities under relevant Tenancy legislation and provide awareness of Discrimination Laws, particularly in the private market.

Developing Intelligence	Enhancing Indigenous Consumer Competency	Strategic Partnerships	Agency
<ul style="list-style-type: none"> • Consulting with tenancy advice services. • Interrogating agency specific enquiry and complaints data. • Consulting with anti-discrimination and equal opportunity bodies in individual jurisdictions. • Consulting with advocacy structures such as the NSW and Victoria Tenants' Unions. 	<ul style="list-style-type: none"> • Educating tenants and key intermediaries on tenancy rights and responsibilities, and promoting access to dispute resolution and advocacy. • Educating Indigenous housing providers on their obligations and responsibilities within relevant Residential Tenancy Laws. • Undertaking awareness raising activities for tenants, agents and landlords. • Appropriate referrals to relevant body of licensed agents that have contravened antidiscrimination and equal opportunity laws. 	<ul style="list-style-type: none"> • Anti-Discrimination/Equal Opportunities Organisations • Australian Human Rights Commission • Real estate institutes • Aboriginal housing organisations • State and Territorial based departments of housing • Department of Human Services (Centrelink). • 	<p>All agencies as relevant.</p>

Priority 1.4: Consumer directed care environments

With the commencement of Consumer Directed Care (CDC) arrangements through the National Disability Insurance Scheme (NDIS) and through the aged care service environment, there is a need to proactively consider the relevant consumer issues for Indigenous communities.

The Education and Information Advisory Committee (EIAC) launched an educational campaign on 2 December 2016 aimed at consumers with a disability that purchase goods and services under the NDIS. The campaign includes videos and guides that are inclusive of material in plain or simple English for consumers as well as guidance material for traders.

Developing Intelligence	Enhancing Indigenous Consumer Competency	Strategic Partnerships	Agency
<ul style="list-style-type: none"> • Consulting with the First Peoples Disability Network. • Interrogating agency specific enquiry and complaints data. • Liaising with state and territory Ombudsman and Disability Commissioners where applicable. 	<ul style="list-style-type: none"> • Providing community education around ACL rights and responsibilities to the Indigenous Disability sector. • Undertaking consumer awareness activities around unconscionable behaviour in the context of consumer directed care decisions. • Communicating the no wrong door approach to accepting written complaints and enquiries to consumers with a disability including those from Indigenous backgrounds. 	<ul style="list-style-type: none"> • National Disability Insurance Scheme • First Peoples Disability Network • National Aboriginal Community Controlled Health Organisations (NACCHO) • NDIS National complaints commissioner • State and Territory departments and agencies involved in the delivery of NDIS. 	<p>All agencies.</p>

Priority 1.5: Motor vehicles

This priority aims to improve Indigenous consumers' understanding of their rights and responsibilities relating to buying a motor vehicle, including when buying a second-hand car. Consumers have rights under the ACL and further rights under individual jurisdictional laws. Work under this priority will focus on supporting Indigenous consumers to understand and enforce their rights, and to educate dealers on their obligations.

Developing Intelligence	Enhancing Indigenous Consumer Competency	Strategic Partnerships	Agency
<ul style="list-style-type: none"> • Use agency compliance databases. • Consulting with financial counsellors and financial counselling organisations. • Liaising with the applicable Motor Trades Association in each State and Territory. 	<ul style="list-style-type: none"> • Promoting the benefits of buying a car from a licensed dealer • Undertaking awareness raising activities to increase Indigenous buyers awareness of their rights with regard to commonwealth, state and territory statutory warranties. • Educating dealers on their obligations to Indigenous buyers. • Undertaking awareness raising activities to inform Indigenous consumers about the risks associated with private purchases of second-hand vehicles. • Undertaking awareness raising activities to help consumers understand the various types of 	<ul style="list-style-type: none"> • Motor traders associations • Online trading platforms such as Gumtree/Carsales.com • Licencing Agencies in state and territory departments • Personal Property Securities Register (PPSR) • Indigenous Broadcasting Organisations • Arnhem Land Progress Aboriginal Corporation. • ICAN 	<p>ASIC</p> <p>Individual agencies (as relevant) for licensing and quality issues around vehicles.</p>

Developing Intelligence	Enhancing Indigenous Consumer Competency	Strategic Partnerships	Agency
	finance arrangements available for the purchase of motor vehicles.		

Priority 1.6: Financial services

This priority aims to increase Indigenous consumers' awareness around financial concepts and better understand credit contracts and consumer lease agreements. Work under this priority will focus on promoting the availability of lower cost financial products and educating financial service providers on barriers faced by Indigenous consumers.

Developing Intelligence	Enhancing Indigenous Consumer Competency	Strategic Partnerships	Agency
<ul style="list-style-type: none"> • Use agency compliance databases. • Consulting with financial counsellors and financial counselling organisations. • Liaising with external dispute resolution agencies. • Liaising with the Australian Bankers Association, Insurance Council of Australia and superannuation industry bodies. 	<ul style="list-style-type: none"> • Increasing consumer awareness about basic financial concepts including interest through enhanced financial capability training. • Promoting the availability of low cost financial products and services including basic bank accounts, low and no interest loans schemes. • Educating financial service providers on barriers to access faced by Indigenous consumers. • Undertaking awareness raising activities to assist consumers to better understand credit 	<ul style="list-style-type: none"> • Financial Literacy Board • Australian Bankers Association • Insurance Council of Australia • External Dispute Resolution bodies (i.e CIO/FOS) • Superannuation industry bodies including the Indigenous superannuation working group. 	<p>ASIC</p> <p>Individual agencies (as relevant).</p>

Developing Intelligence	Enhancing Indigenous Consumer Competency	Strategic Partnerships	Agency
	<p>contracts and consumer lease agreements.</p> <ul style="list-style-type: none"> • Working with superannuation funds to improve their service provision to Indigenous members. • Undertaking awareness raising activities to help Indigenous consumers better understand superannuation. 		

Priority 2: Building agency capacity specific to Indigenous consumer issues

This priority focuses on improving member agencies' capability to engage and communicate with Indigenous consumers and their advocacy groups. Consumer empowerment relies on member agencies allocating priority to, and having the capacity to both underpin and inform, Indigenous consumer protection/empowerment strategies.

Issues	Rationale/reason	Activity proposed	Agency
Organisational Leadership	<ul style="list-style-type: none"> To assist in prioritising NICS within both the planning and implementation of education engagement strategies within agencies. 	<ul style="list-style-type: none"> Allocating NICS responsibilities at an appropriate level within agencies. Identifying Indigenous consumer issues as organisational priorities. 	All agencies.
Intelligence Gathering	<ul style="list-style-type: none"> To actively engage with stakeholders as an effective means of identifying both emerging and high-level issues relevant to Indigenous consumers. To establish an ongoing evidence base to determine priority Indigenous consumer issues. 	<ul style="list-style-type: none"> Establishing a national NICS stakeholder database Implementing an annual survey of stakeholders to identify priority issues Consolidating a national NICS priorities issues report as an annual document to be shared with stakeholders Developing mechanisms to gather and analyse locality/postcode data as a means of both identifying and validating specific Indigenous consumer issues Developing stronger 	<p>ACCC</p> <p>All agencies.</p>

Issues	Rationale/reason	Activity proposed	Agency
		<p>stakeholder engagement to facilitate the identification of priority Indigenous consumer issues.</p>	
<p>Best Practice Modelling</p>	<ul style="list-style-type: none"> • To identify, record and share best practice approaches to Indigenous communication and engagement as a means of enhancing overall NICS capacity. 	<ul style="list-style-type: none"> • Developing a framework for recording and sharing best practice approaches across information dissemination and engagement with Indigenous consumers. Framework components to include; <ul style="list-style-type: none"> ○ intelligence gathering ○ intermediary partnering ○ strategic communications ○ materials development ○ education strategies ○ empowerment strategies ○ Developing case studies of successful approaches that illustrate the framework. 	<p>All agencies.</p>

Priority 3: Promoting NICS and broader Indigenous consumer issues

Promoting NICS remains an important priority within the Strategy's Action Plan. The focus of this priority is the promotion of the Strategy itself and of the Action Plan's specific areas of priority, activity and outcomes, rather than the NICS reference group as a brand.

The appropriate promotion of the work carried out under the NICS Action Plan will enhance the capacity of NICS member agencies to ensure that both Indigenous consumers and organisations have access to the current thinking and initiatives within this important area.

Successfully promoting NICS and its core information material, including an active website, will enhance Indigenous consumer awareness and skills.

Issues	Rationale/reason	Activity proposed	Agency
Promoting NICS as a strategy	<ul style="list-style-type: none"> To position NICS as the key strategy document under CAF within the Indigenous consumer area. 	<ul style="list-style-type: none"> Reporting on NICS to CAANZ. Enhancing the current NICS website so that it is able to carry more current information and act as a go to location for priority Indigenous consumer issues. Utilising the NICS website as a portal through which the various information and education resources developed for Indigenous consumers can be accessed and downloaded. Undertaking the production, promotion and distribution of a NICS newsletter three times per year. 	All agencies through Executive Officer.
Consolidating NICS education resources	<ul style="list-style-type: none"> To ensure maximum utilisation of Indigenous consumer resources across the jurisdictions providing both efficiency and effectiveness of 	<ul style="list-style-type: none"> Enhancing the NICS website as a clearinghouse for Indigenous consumer resources. Adopting a topic-based approach to hosting information. 	ACCC Other agencies as applicable.

Issues	Rationale/reason	Activity proposed	Agency
	outcomes.	<ul style="list-style-type: none"> • Organising key topic-based information into accessible toolkits for both Indigenous consumers and advocacy organisations. • Providing a single source for sharing information with stakeholders. • Developing mechanisms to gather and analyse locality/postcode data as a means of both identifying and validating specific Indigenous consumer issues. 	
Modelling education and engagement approaches	<ul style="list-style-type: none"> • To ensure that Indigenous consumer information and education activities are iterative and enhance the capacity of Indigenous consumers. 	<ul style="list-style-type: none"> • Developing case studies of successful education and engagement approaches for Indigenous consumers. • Developing templates to assist in the formulation of information and education campaigns. • Developing simple checklists against which information and education resources and processes can be validated. 	ACCC