

food
vouchers
available
here



Better book up

3

making good choices

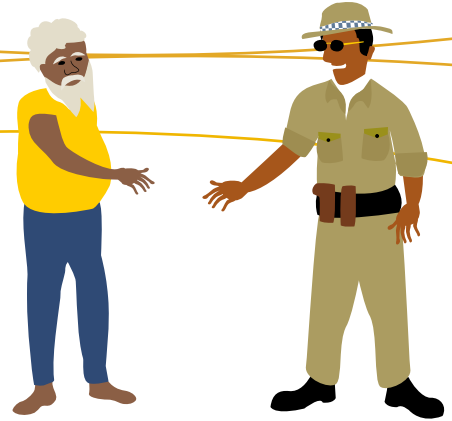


Sometimes book up works badly because there are no clear rules about how it should operate.

The trader (for example, a store manager) may be new to working in a community. They may not have run a book up system before. Or they may have been doing it the same way for a long time and need encouragement to improve their practices.

This chapter describes various ways a community can improve book up practices, phase out book up, or provide support to community members to protect their interests.

Some approaches in this chapter may not be possible for all communities. It will depend a great deal on whether the community has control or influence over the store and/or other traders in the area.



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3.1

Setting standards for traders

One way to improve book up is to identify good practices and encourage traders to comply with them—whether the store is community-owned or managed, or independently run.

As well as being concerned about book up, many communities are worried about things to do with the way their store works. They see the store and book up as integral to the broader issue of the health and well-being of community members.

Some communities have developed policies for how their stores operate. The policies might cover store management, nutrition and the quality of products sold by the store, how the store operates consumer accounts (including book up), and other important issues.

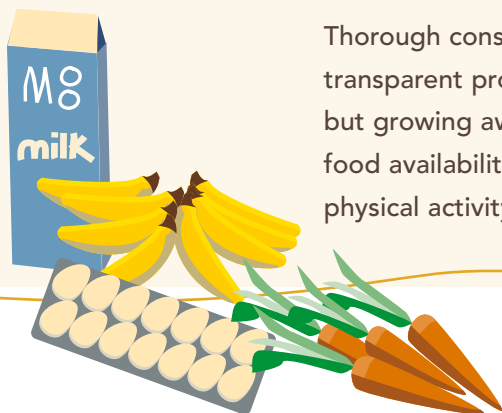


A community addresses store issues

Mukulyanytjulu Walykumunu Kanyinma, as one of the community development units of the Ngaanyatjarra Health Service, participates in a Store Policy Working Party. The Store Policy covers a wide range of issues from guidelines for best retail practice to training and employment.

The Store Policy aims to provide a framework that assures improved access to healthy food in all of the Ngaanyatjarra communities in the Central Desert Area of Western Australia.

Thorough consultation with all stakeholders ensures a transparent process to achieve not only improved nutrition but growing awareness of the connection between health and food availability, food preparation skills and opportunities, physical activity and family income management.



Aboriginal ownership of land and/or legal control of the local store gives a community the potential to implement these positive changes. Effective management of the community or the organisation running the store is essential to turn this potential into reality.

An independent trader may also be prepared to comply with rules about how book up should operate. A community could develop its own rules, or start with the rules set out in documents developed by other communities or government agencies.

Here are some resources on good practice for stores and other traders.

To find out how to get copies of any of these publications, go to:

www.moneysmart.gov.au

- * **Mai Wiru regional stores policy** for stores in the Anangu Pitjantjatjara lands sets standards for traders as part of a broader approach to improving all aspects of a store's operation > > see page 36 > >
- * **Wuduluk Community Store Procedures Manual** has helped four communities in the Jawoyn area near Katherine, NT, take charge of their stores and change the way they are operated > > see page 38 > >
- * **FairStore** is a guide developed by the ACCC for owners and operators of retail stores serving Aboriginal communities in rural and remote areas of Australia > > see page 41 > >
- * **Book-up: what to look for (FTA11)** fact sheet by the NSW Office of Fair Trading includes tips for traders on record keeping standards and information about the Consumer Credit Code, the law on unconscionable conduct and other issues > > see page 43 > >
- * **Getting a fair go when spending your money** by the Queensland Office of Fair Trading sets out what consumers should expect from traders who offer book up > > see page 43 > >
- * **Guidelines on book up for liquor licensees** set out record keeping obligations for liquor licensees in the NT who hold consumers' debit cards > > see page 44 > >
- * **Contracts for store managers** can help community organisations that operate or have influence over a store to set best practices > > see page 45 > >



Mai Wiru regional stores policy¹³

Mai Wiru is a comprehensive policy and action plan developed by Anangu living in the Anangu Pitjantjatjara lands. It sets standards for traders as part of a broader approach to improving all aspects of a store's operation.

Mai Wiru is the first regional stores policy and set of regulations for remote Aboriginal communities, and is named after the first nutrition intervention policy at Pukatja in 1985. The policy was developed under the auspices of Nganampa Health in conjunction with Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council as a result of a directive of Anangu Pitjantjatjara.

The policy covers nutrition, consumer rights, payment methods, employment, health standards, store management and policies and issues associated with transporting goods to remote areas.

¹³Published by
Nganampa Health
and NPY Women's
Council, Alice
Springs 2002



Mai Wiru recognises consumers' right to a healthy and affordable diet. It requires that products vital for healthy households (such as soap, shampoo, buckets and mops) should be affordable for Anangu. Food must be safe, of good quality and nutritional. For example:

- * foods high in sugar are not to be stocked in the stores,
- * the sale of bush tucker must be actively supported by the stores,
- * gardening implements must be available so people can start food gardens,
- * stores must be clean, all food must be kept according to health standards, and use-by dates must be marked,
- * stores must have consistent opening hours.



The policy requires stores to employ and train Anangu staff, providing proper wages and a career path. Store managers must enter into a contract with the community council, which will include compliance with *Mai Wiru*, and undertake training in community development and nutrition.

Stores must comply 'with the legal standards for business conduct in relation to consumers established by the Commonwealth *Trade Practices Act 1974*, and state and territory consumer affairs and fair trading Acts'.¹⁴

¹⁴ *Mai Wiru*, page 97, paragraph 5.1





Mai Wiru regional stores policy: book up

5.8 Where a store provides customers with some form of in-store credit (eg purchase through a book-up or book-down system), it must maintain, and provide customer access to details of their credit history and amounts owing.

5.9 Stores offering in store credit must:

- * provide itemised receipts at time of purchase and when any payments are made,
- * keep an account book that is available for inspection by the customer, an advocate acting on behalf of the customer and a relevant law enforcement or regulatory authority (eg police officer or consumer affairs official),
- * not allow third parties to access customer's accounts (eg to obtain cash advances or to purchase goods or services) unless authorised by the customer, and
- * ensure that terms and conditions relating to in-store credit be clearly displayed and explained to customers before starting a credit account. (Source: *Mai Wiru*)

Wuduluk Community Store Procedures Manual (Jawoyn project)

In the Jawoyn area near Katherine, Northern Territory, four communities working with the Fred Hollows Foundation have decided to take charge of their stores and change the way the stores operate.

The project has helped communities identify problems with their stores and implement solutions that meet the communities' needs. It provides access to resources, information and funding to achieve this.

Over the past two years, the communities have had ongoing access to advice, mentoring and training from a store manager with extensive retail experience seconded by Woolworths Limited. He has assisted the

communities to review their store management practices and implement new policies in conjunction with new community decision-making processes.

The manager has been training local Aboriginal people in shelf management, and ordering and stocking fresh foods and other produce. The model adopted has an Aboriginal store manager supported by a non-Aboriginal manager. In one store 10 people have completed a Retail Operations course.



The communities in the Jawoyn region have regained control over their stores, made decisions about store policies and documented them in a Store Procedures Manual, increased Aboriginal employment in the stores and upgraded store infrastructure. A full range of healthy food is stocked and available at cost price, and a broader range of white goods, clothing and other goods is stocked.

The Australian Government has now provided additional funding to the Remote Indigenous Community Stores Program.¹⁵ This will allow the project to be extended to communities west of Katherine and in Central Australia.

¹⁵For more info go to moneysmart.gov.au

The Wuduluk community at Wugularr (Beswick) is one of the communities involved in the Jawoyn project. The procedures manual developed by the Wuduluk Store committee includes the following policy about book up. > >



Wuduluk Community Store Procedures Manual

Book Up Policy

Any group or individual wishing to open an account at the store must first apply to the store committee.

The Community Store does not provide book up facilities for any individual in the community except for:

- 1 Pensioners—pensioner and persons with an intellectual disability are allowed a maximum book-up of \$100 over two weeks and this whole amount must be paid off before any more book-up is allowed.
- 2 Purchase Orders—are accepted from the following organisations and invoices are sent at the conclusion of each month: Council, Women's Centre, Age Care and the School.

Book Up Procedures

- * Book-up from community groups require a purchase order.
- * Community groups with book up at shop should received a monthly statement of transactions and outstanding balance.
- * Community groups should sign for goods at time of purchase. (School, Council, Sunrise and women's centre).
- * Only approved persons can book up on their own account.
- * The person whose name is on the card (ie store record card for each book up customer) must sign to verify each sale....

Book Up Sales

- * Enter sale as for cash sale.
- * Enter details on book up card and attach till receipt.
- * The customer is to sign their card to verify the sale amount.
- * Note that the Store also offers a lay-buy service for more expensive goods such as white goods. The consumer pays a deposit of 20% and then pays for the cost of the goods over a maximum of 8 weeks. They can only collect the goods once the full price is paid.

(Source: *Wuduluk Store Procedures Manual*)



FairStore

FairStore is a guide for owners and operators of retail stores serving Aboriginal communities in rural and remote areas of Australia.

This includes stores owned or operated by Aboriginal communities, governments, or private businesses (whether operated as a separate business or run as part of another business such as a pastoral lease).

FairStore's purpose is to:

- * help store management and staff comply with relevant laws, and
- * encourage higher trading standards.

FairStore aims to meet these objectives through education and awareness raising and with the support of government agencies, industry and business groups, Aboriginal organisations and consumer groups.

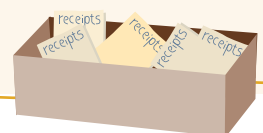
Here is an excerpt from *FairStore* that talks about book up.



FairStore: store credit or book up

If I offer a book-up service, what should I be aware of?

- * Maintain details of affected customers' account histories and amounts they owe, and give them access to those details.
- * Provide itemised receipts for purchases and payments made against the book-up account.
- * Keep a record for each customer using book-up. The record must contain clear, accurate and easily understood details (including dates) of credit provided, any service charges, payments made and the customer's current level of debt. The account details must be made available for inspection by the customer, a person acting on behalf of the customer, or officers from a law enforcement agency or regulatory authority (for example, a police officer or consumer affairs official with either permission from the customer or legal documentation [like] a warrant). *continued > >*





- * Don't allow third parties to book up against a customer's account (for example, to obtain cash advances, or to purchase goods or services) unless authorised by the account owner.
- * Provide a clear statement of the terms and conditions relating to book-up and ensure that the customer understands and accepts the terms and conditions (including any limits to the amount that may be booked up) before opening a book up account.

If I hold a customer's banking item (that is, a signed blank withdrawal form, a debit or credit card, or passbook) as security what should I be aware of?

- * Don't ask for, nor hold, blank withdrawal forms signed by the customer.
- * Don't ask the customer to provide a personal identification number (PIN).
- * Remind the customer of their obligation to the bank to keep their PIN number secure and not reveal it to anyone.
- * Hold the banking item in some form of secure storage to prevent (to the extent that it is practical) its loss, theft or use by an unauthorised person.
- * Ensure that electronic funds transfer point of sale (EFTPOS) transactions are authorised and completed by the customer, unless the customer can't because of a disability.
- * If there is no longer any debt remaining, the banking item should be returned to the customer on request. Even where there is a debt owing by the customer, you should not unreasonably refuse a customer's request to return their banking item, particularly in circumstances where you do not need it in order to protect your legitimate interests.
- * Have suitable arrangements in place to allow customers to obtain their banking items during times when the store will be closed for extended periods.

(Source: ACCC, unpublished at the time of writing, and may therefore be subject to change)

Book up: what to look for (FTA11)

This fact sheet by the NSW Office of Fair Trading includes tips for traders on record keeping standards and information about the Consumer Credit Code, the law on unconscionable conduct and other issues.

It suggests that a maximum limit be placed on book up. It also provides information for consumers. It suggests consumers take someone with them when they set up book up arrangements and get the terms and conditions of book up in writing. The fact sheet lists the kinds of terms and conditions that should be included.

**book-up
NO LIMIT**

**store
limit
\$60**

Getting a fair go when spending your money

This booklet by the Queensland Office of Fair Trading sets out what consumers should be able to expect from traders who offer book up. It also offers tips and a case study. Here is a sample.

What you should expect the trader to do

- * Give you a written agreement that states the conditions for book up and any interest or charges.
- * Display a copy of the conditions in the store so everyone knows what they're getting into.
- * Give you copies of the receipts/statements showing what you bought, when and the price you paid.
- * Keep accurate records of the total amount you owe.
- * Keep the records confidential.
- * Make arrangements for you to access your card when the store is closed.
- * Return your card to you when you request it.

(Source: Queensland Office of Fair Trading *Getting a fair go when spending your money*)

Book up
**terms &
conditions**

Guidelines on book up for liquor licensees

¹⁶ Liquor Act (NT),
Div. 2a

From 1 September 2004, it has been illegal to use book up for buying alcohol in the Northern Territory.¹⁶ Liquor licensees who sell other goods and services (for example, many corner stores) are allowed to use book up for other items.

To help enforce this law, liquor licensees who hold consumers' debit cards must meet record keeping guidelines approved by the Minister for Racing, Gaming and Licensing. We have summarised some of the guidelines here.

Record keeping guidelines on book up for liquor licensees

- * The book up agreement must be documented in writing.
- * Receipts showing the price of each item must be issued for each purchase and the consumer must sign a transaction record for each purchase.
- * All amounts booked up and all payments must be recorded in an account book.
- * Items may not be booked up on the consumer's account for another person unless the consumer has specifically authorised this in writing.
- * The store accepts liability for any loss to the customer caused by fraudulent use of the customer's card.

(Source: NT Treasury)





contract for store managers

Contracts for store managers

When this guide was being prepared, the people we consulted often talked about how important it was to have a good store manager.

Problems with bad store managers include financial mismanagement from incompetency, deliberate fraud, theft, mismanagement of stock (resulting in poorer quality produce and other goods) and hostility to customers.

On the other hand, good store managers provide good products and services, create a well-managed store, and can train local people in store management.

It is very important for community organisations to be able to attract and keep good store managers. In the past, there has been discussion about establishing a national register of good store managers or a collective recruitment service. Such a system would greatly assist with the recruitment and support of store managers.

In the meantime, store committees will need to take action to protect their own interests (for example, by thoroughly checking references when they employ new managers, and by using effective employment contracts).

The Arnhemland Progress Association offers a consultancy service on store management and can sometimes take over management of a store where a community asks it to do so. It currently manages 10 stores in the Northern Territory and two in Western Australia.

Community organisations that operate or have influence over a store could consider developing employment contracts for store managers that include a commitment to following best practices.

The Central Land Council prepared a contract of employment for store managers for the NT Department of Health and Community Services. The contract sets standards for the conduct of the store manager.

The extract from a contract on the next page covers nutrition.

> > *see pages 139–140 for some sample contract terms and guidelines relating to book up that communities can use as a basis for drawing up a store manager's employment contract.*

Store Manager's Employment Contract



1.1 The Employer's Nutrition Policy

1.2 The Employer in collaboration with the Territory Health Services Food and Nutrition Unit have developed a Nutrition Policy for the Store. The policy is set out at Schedule 5.

1.3 The purpose of the policy is to ensure a supply of healthy and nutritious food to the community in accordance with the Northern Territory Food and Nutrition Policy & Strategic Plan 1995–2000. The Manager acknowledges that he has been given a copy of the Northern Territory Food and Nutrition Policy & Strategic Plan 1995–2000 (or any document produced by the Northern Territory Health Services superseding or in substitution thereof) and that he has read and understood the document.

1.4 It is a fundamental condition of this Agreement that the Manager uses his best endeavours to implement the Nutrition policy to the fullest extent that it logistically and financially practical.

1.5 It is agreed that failure on the part of the Manager to implement the Nutrition policy to the best of his ability is a fundamental breach of this Agreement and may lead to termination of the employment of the Manager.

1.6 The Manager hereby agrees to undertake such training as is required by the Employer to ensure a full and complete understanding of the Nutrition policy. Any training required to be undertaken shall be at the expense of the Employer.

1.7 The Manager agrees to assist with the nutrition training of other employees of the Store by way of both 'on the job' training and any nutrition training provided by external agencies.

(Source: NT Department of Health and Community Services **Model Store Manager's Contract**)

3.2

Taking action against unfair traders

So far in this chapter, we have talked about ways a community might improve local trading standards for book up to avoid problems occurring.

While it's all very well setting standards for stores, they are no use unless traders put them into effect. There may be a point where a community needs to take action against a trader who is consistently breaking the law or involved in unfair practices.

Steps that a community or an individual can take include:

- * complaining to the trader (and to the community or land council, if the store is operated by the community or on Aboriginal land),
- * collecting evidence about what the trader has done, and
- * complaining to an outside government agency (for example, the state or territory consumer affairs agency, or ASIC).

Complaining to the trader

Where a store does not meet appropriate standards, the first step would be to complain to the store management, pointing out the problems that the store practices cause and attempting to negotiate alternatives. It may help to identify the people who are affected and suggest different practices that may meet the needs of consumers as well as the store.

Where a store is operated by a community-controlled organisation, the community will be able to enforce standards if it has good store management practices in place.

If the store is not operated by the community but is on Aboriginal land, it might be possible to complain to the relevant community government council (or equivalent) and/or land council. If none of these approaches works, then members of the community may need to complain to an outside government agency.



Collecting evidence

There is a great deal that individuals and communities can do to collect evidence of illegal or unfair conduct before contacting an outside agency for help. The more information people can collect, the easier it will be for a lawyer or regulatory body to give advice or help them take action.

Here are some ways of collecting evidence:

- * Write down what the trader did that has caused problems. Record the date and the names of the people affected (with their permission). A diary is useful for this purpose.
- * Gather written statements from people who have been affected. Include the date of each of the events, the contact details for the person, and attach any related documents (for example, receipts or ATM vouchers).
- * Keep a list of people who are willing to be contacted about the unfair or illegal contact. Include their contact details and perhaps a signed note saying that they give their permission to be contacted.
- * In recording what happened, always pay attention to detail. What time did it happen? Where? What exactly did people say?

Complaining to an outside agency

If a community is having a problem with a trader, it may be possible to complain to a government agency that regulates the trader's business.

State or territory consumer affairs agencies (or ASIC or the ACCC) may be willing to take action to encourage or require the store to comply with the law. If a trader continues to break the law or have unfair practices, they could be prosecuted and punished.

If the trader's conduct involves theft or fraud, this should be reported to the police.

> > see 7.1 Government, page 112 > >





ASIC
Australian Securities &
Investments Commission

Action by consumer affairs and liquor licensing agencies

In Darwin, a store routinely provided book up to over 300 people. It held consumers' cards and PIN numbers and did not keep good records. Consumers made other complaints about unfair book up practices at the store.

The Northern Territory Government and ASIC worked together to take action. Conditions were placed on the store's liquor licence at first, then its liquor licence was surrendered after a complaint. The store also agreed that it would comply with agreed book up standards. (Source: ASIC)



Removing the trader from the community

In some areas, community organisations have worked with a land council to use their ability to control who comes on to Aboriginal land. They have banned hawkers who offer book up and hold consumers' debit cards and PIN numbers.

In another community, it was decided that the store manager was ripping consumers off. People did not feel confident in complaining to the police or other authorities. However they did ask the manager to leave the community.

3.3

Limiting book up

Some communities have chosen to keep book up but to limit it in particular ways. Rules about book up could cover the following issues:

*** Who is eligible?**

In some communities, only elderly people can use book up and only on their off pension weeks. Book up debts are deducted from each pension payment so that large debts are not allowed to build up. This benefits both consumers and traders.

* **How much can consumers book up?**

Some communities have chosen to limit the amount that consumers book up. This might be \$20 or \$50 per fortnight. Debts must be cleared each pay and no book up is provided until debts are cleared.

* **What can be booked up?**

Communities may limit book up to basic items like bread, milk, fresh produce, soap, shampoo and household cleaning items.

The benefits of a controlled book up system are that consumers do not run up big debts they can't handle, traders' exposure to unrecoverable debts is limited and community resentment about book up is minimised.



Pensioners can book up basic items

Leaders in one community believe that book up is necessary for certain people in the community to be able to get the basics. The community owns the store and the local roadhouse. The community has not banned book up, but runs it this way:

- * All pensioners can book things up at the store, to a maximum of \$50 every fortnight.
- * Pension cheques are sent to the community organisation's office and the pensioner signs the cheque over to the organisation.
- * The amount booked up (that is, the amount owed to the store) is deducted from the cheque.
- * The organisation then issues a new cheque to the pensioner, which they can cash at the store.

The community management say that this model works well for a couple of reasons. It is limited to pensioners, everyone knows there's a limit on the amount per fortnight that can be booked up, and the pensioners can all see exactly how the system operates. It's open, transparent and accountable. Cards are not held as security.



store
limit
\$60

Restricted book up

One community decided to stop book up because it was creating so much debt for the store. But people found they needed the flexibility of book up to be able to get by from fortnight to fortnight, so the community reviewed its decision and re-introduced book up with some new restrictions:

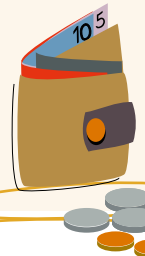
- * People can only book up for essentials such as bread, veggies, milk, tinned meat, sugar, fruit and soap.
- * There's a \$20 limit on the amount that can be booked up at any one time.
- * People can't book up cakes and lollies.
- * People can only book up on Mondays and Fridays.

Community members are now repaying their debts to the store and the overall level of debt is significantly reduced.

Book up on one Saturday a fortnight

At Areyonga in the Northern Territory, book up was banned at the community store a number of years ago. A very limited version of book up was re-introduced:

- * Consumers can book up on Saturday mornings only, and only on the second Saturday in their fortnightly payment cycle.
- * They can only book up for food and household products, not for petrol or blankets.
- * There is a general limit of \$50. This can be extended at the discretion of the store, but never to a level where the consumer will have little money on their next payday.
- * Book up transactions are all recorded in detail in the store's accounting software (MYOB v 7) and can be printed out for the consumer to see.
- * No cash advances can be made on book up.

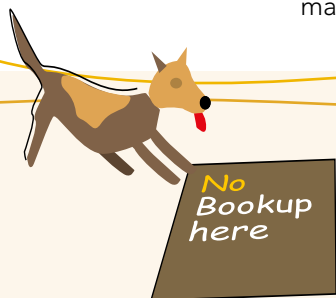




3.4 Banning book up

Some communities have simply decided that there will be no book up in the community. Reasons include:

- * Book up creates debt for the store which is very hard to recover.
- * Book up creates or encourages passive welfare dependency which is disadvantageous to both community members and the store.
- * Book up is open to exploitation or poor management.
- * Stores run as a business, and book up debts are bad for business.
- * Stores are not a replacement for banking services.
- * Book up encourages a monopoly by one store, which is bad for consumers.
- * Book up encourages a 'feast or famine' approach to financial management.



Stores that won't use book up

The Arnhemland Progress Association (ALPA) operates stores in 12 communities in the Northern Territory and Western Australia. It has a policy of no book up in the stores it operates. It sees book up as a source of debt with no benefits for either consumer or the store.

ALPA was instrumental in establishing the Traditional Credit Union (TCU) in response to Aboriginal consumers' need for savings plans and other financial services. (Source: ALPA)

Where book up is banned, consumers will often need help to adjust. Some communities that have decided to eliminate book up have put in place procedures to:

- * minimise inconvenience to consumers,
- * increase their understanding of the reasons for the decision, and/or
- * advise them about alternative options.

Some communities have re-introduced a limited form of book up after a period with none at all.



Making the transition from book up

One community decided to stop book up because it was creating problems in the community. During the transition, the community provided education sessions and held community meetings to discuss the problems of book up. The community reinforced the message that the money belongs to the consumer and book up takes away their control of their money.

Practical education and awareness was also provided to overcome a fear and distrust of electronic banking (for example, explaining bank statements and the flow of money into and out of a consumer's debit card account).

3.5

More information

Store management

For more information on these resources, go to www.moneysmart.gov.au

- * Nganampa Health Council, Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council, Anangu Pitjantjatjara and all community councils on the Anangu Pitjantjatjara Yankunytjatjara land, *Mai Wiru: Process and Policy: Regional Store Policy and associated regulations for the Anangu Pitjantjatjara Lands*, 2002
- * S McDonnell and D F Martin *Indigenous community stores in the 'frontier economy': Some competition and consumer issues*, CAEPR Discussion Paper No. 234/2002
- * Territory Health Services *Model Store Manager's Contract*.

The following resources are available from the Northern Territory Department of Health and Community Services, Nutrition & Physical Activity Unit on 08 89 992534:

- * *The Store Book: Food & Nutrition Guidelines for Aboriginal Community Stores*
This resource is based on a community development approach to helping communities develop a food and nutrition policy for their local community store. The training manual is available as an A3 colour flipchart or in A4 format (in colour or black and white). The manual covers the role and operation of the community store, store and community economics, and the Australian Dietary Guidelines and Model Food and Nutrition Guidelines.
- * *The Store Video*
This video accompanies *The Store Book* and includes information on issues such as food, nutrition, store ownership and profits.

Governance

For more information on these resources go to www.moneysmart.gov.au

- * J Altman 2002, *Opening comments to Parliamentary Joint Committee on Corporations and Financial Services inquiry into the level of banking and financial services available to Australians living in rural, regional and remote areas of Australia*
- * Office of Aboriginal Corporations Training Program, *Managing in Two Worlds, Governance Competencies for Boards of Management of Aboriginal and Torres Strait Islander Organisations*
- * The Office of the Registrar of Aboriginal Corporations has also prepared some brochures about running an incorporated community organisation. These brochures promote good corporate governance practices within Aboriginal corporations. They can help corporations to manage their affairs in accordance with the *Aboriginal Councils and Associations Act 1976* and with their corporation's constitution > > see also 7.3 Training, page 125 > >

