

7

Getting help



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7

who can you call?



This chapter describes organisations that may be able to help with book up and related issues.

An organisation may be able to help an individual who is having problems, or it may be able to offer information or support for a community that wants to introduce more far-reaching changes.



What's in chapter 7?

7.1	Government	112
	National Indigenous Consumer Strategy * Financial Literacy Foundation * talking with government * lobbying government * regional reform * state and territory consumer affairs agencies * Australian Securities and Investments Commission (ASIC) * Australian Competition and Consumer Commission (ACCC) * police * liquor licensing authorities * taxi authorities	
7.2	Community	120
	financial counsellors * financial service providers * legal aid and community legal services * Aboriginal and Torres Strait Islander health services * Aboriginal land councils	
7.3	Training	125
	Office of the Registrar of Aboriginal Corporations (ORAC) * other training providers	
7.4	Funding	126
	regional partnerships * Stronger Families and Communities Strategy * Foundation for Rural and Regional Renewal (FRRR) * private sector partnerships * other funding	

7.1

Government

Sometimes solutions to book up problems will be beyond a community's ability to respond. There may be a need for changes to the law or other government action.

Many politicians and government agencies are aware that there can be problems with book up, and that there is a need for more financial services and financial literacy training in remote and regional areas.

The Parliamentary Joint Committee on Corporations and Financial Services conducted an inquiry into the level of banking and financial services in rural, regional and remote areas of Australia.

Their report, *Money Matters in the Bush*, published in January 2004, included recommendations to:

- * remove regulations which prevented smaller financial institutions like credit unions from expanding their services in the bush,
- * create a program to improve the financial literacy of Aboriginal Australians,
- * review the rural transaction centre (RTC) program, and
- * introduce a function on EFTPOS machines to enable consumers to check account balances.

You can order a copy of the report from the committee on 02 6277 3583, or go to www.moneysmart.gov.au



National Indigenous Consumer Strategy

The Australian Government and state and territory governments have recognised that some consumer issues are particular to Indigenous people or affect Indigenous people in particular ways. They approved a National Indigenous Consumer Strategy. A key element of this strategy is to coordinate government responses to book up.

The working group that prepared the National Indigenous Consumer Strategy was made up of representatives of each state and territory consumer affairs agency, the Australian Government Department of the Treasury, the Australian Competition and Consumer Commission and the Australian Securities and Investments Commission.

From August 2005, the working group will be chaired by the WA Department of Consumer and Employment Protection, contact:

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Talking with government

Government agencies often try to consult community organisations and the public when they are considering new policies. However, they are rarely able to talk to everyone who is interested in a particular issue.

If a community is concerned about a particular issue, it is important that they let politicians and government agencies know about their concerns. They can write to:

- * the relevant minister or local member, or
- * agencies such as the Australian Securities and Investments Commission (ASIC), the Australian Competition and Consumer Commission (ACCC) and the consumer affairs agency in their state or territory. > > see *contact details page 116 > >*



Lobbying government

The ideas and forms of assistance in this guide might not solve the problems experienced by a particular Aboriginal community or its members. If this is the case, then the community might want to lobby government to provide the services that are missing in their community, or to make changes to the law that they think are needed.

Lobbying can be done through formal negotiations around a number of broader community support issues. This is happening in Aboriginal communities involved in trial sites of 'whole of government' approaches under the supervision of the Council of Australian Governments.

Alternatively, the community might need to start a dialogue with the relevant part of government. This is where community organisations such as land councils or legal aid services may be able to help.

Regional reform

Given the varying needs of different communities, one approach to law reform is to enact laws that allow decisions to be made and/or the law to be applied at a regional level.

For example, if particular book up problems are affecting an Aboriginal community or communities in one region, then the law might allow a minister or other government body to require traders in that area to comply with a code negotiated between government and those Aboriginal communities.

This approach may be preferable to a law that applies to all states and territories, which may entrench unfair practices (or lead to the withdrawal of book up services from those communities that want to have them).

The *Consumer Affairs and Fair Trading Act* in the Northern Territory includes a power for the Minister to issue a mandatory code of practice on consumer matters.²⁹ The code may be tailored to the circumstances of a particular class of consumers or suppliers. This would allow the Minister to provide particular rules for people in particular places if appropriate.

²⁹Part 13,
*Consumer
Affairs and Fair
Trading Act (NT)*

State and territory consumer affairs agencies

Consumer affairs agencies in each state and territory are responsible for promoting a fair trading environment through consumer and trader education, enforcement action and policy development. Some consumer affairs agencies are also actively involved in promoting good book up practices and educating consumers about their rights and options.

If a community needs specific help (for example, consumer or trader education, investigation of the activities of a particular trader or community development work), it can ask its consumer affairs agency for help.

All consumer affairs agencies are represented on the National Indigenous Consumer Strategy working group. The NSW Office of Fair Trading has also developed and implemented an Aboriginal action plan.

For more information, go to www.moneysmart.gov.au





Here are contact details for each consumer affairs agency.

ACT	Department of Justice and Community Safety www.jcs.act.gov.au	PO Box 158 Canberra ACT 2601	Call 02 6207 0500
NSW	Office of Fair Trading www.fairtrading.nsw.gov.au	PO Box 972 Parramatta NSW 2124	Call 13 32 20 for all fair trading inquiries
NT	Consumer and Business Affairs www.caba.nt.gov.au	GPO Box 1722 Darwin NT 0801	Call 1800 019 319 toll free (within NT) email consumer@nt.gov.au
Qld	Department of Tourism, Fair Trading and Wine Industry Development www.fairtrading.qld.gov.au	GPO Box 3111 Brisbane Qld 4001	Call 1300 658 030 to be put through to your local office of fair trading
SA	Office of Consumer and Business Affairs www.ocba.sa.gov.au	PO Box 1719 Adelaide SA 5001	Call 08 8204 9777, or email metro.cab@agd.sa.gov.au For regional services, call 131 882 (SA country callers only)
Tas	Office of Consumer Affairs and Fair Trading www.consumer.tas.gov.au	GPO Box 1244 Hobart TAS 7001	Call 1300 654 499, or email consumer.affairs@justice.tas.gov.au
Vic	Consumer Affairs Victoria www.consumer.vic.gov.au	GPO Box 123A Melbourne VIC 3001	Call 1300 558 181 or email consumer@justice.vic.gov.au
WA	Department of Consumer and Employment Protection www.docep.wa.gov.au	Locked Bag 14 Cloisters Square WA 6850	Call 1300 304 054, or email consumer@docep.wa.gov.au


ASIC

 Australian Securities &
Investments Commission

Australian Securities and Investments Commission (ASIC)

ASIC regulates most aspects of the financial services industry in Australia. Among other things, ASIC deals with complaints about misconduct or illegal activity involving:

- * information or advice given to consumers about financial services (including investments, superannuation, insurance, payment systems such as electronic funds transfer and deposits),
- * misleading or deceptive conduct in advertising or selling a financial product or service,
- * misleading or deceptive conduct to do with borrowing money, and
- * financial scams.

ASIC also works to avoid problems for consumers by identifying problem areas, promoting consumer information and prosecuting traders who break the law.

ASIC has a strong interest in consumer financial services and how they affect Indigenous people. It prepared the report *Book Up: Some Consumer Problems*, developed consumer resources such as *Moola Talk* and commissioned this guide. It was also represented on the working group that prepared the National Indigenous Consumer Strategy.

You can contact ASIC Infoline on 1300 300 630

or email infoline@asic.gov.au

ASIC's consumer website is at www.moneysmart.gov.au



Australian Competition and Consumer Commission (ACCC)

The ACCC can provide advice to consumers and businesses about their rights and obligations under the *Trade Practices Act* and it can help resolve a dispute by directing parties to appropriate complaint resolution options.

The ACCC has a strong interest in consumer matters affecting Indigenous people. It was represented on the working group that prepared the National Indigenous Consumer Strategy, and will be publishing *FairStore*.

< < see 3.1 Setting standards for traders, page 34 < <

The ACCC's Indigenous Hotline on 1300 303 143 can provide advice and information for Indigenous consumers. Staff are available during usual office hours. If they cannot help, they will usually suggest the appropriate government department or agency to contact or other options that may be available.



Police

Police are responsible for investigating criminal offences. If a store or a person has taken money illegally or fraudulently, contact the local police.

Liquor licensing authorities

In all states and territories, businesses must have a licence to sell alcohol. In the Northern Territory, it is illegal to use book up to sell alcohol.

< < see 'Guidelines on book up for liquor licensees', page 44 < <

You can complain to the licensing authority in your state or territory about a licensee if they trade in ways that are unfair or do not encourage responsible use of alcohol. The licensing authority may suspend or cancel the licence if the complaint is proved.

Licensing authorities have different names in different states (for example, the Licensing Commission in the Northern Territory and the Licensing Court in New South Wales).

For more information, contact the government department responsible for liquor licensing in your state or territory.



Taxi authorities

Each state and territory has a government agency that is responsible for regulating taxi drivers. The consumer affairs agency in your state or territory will be able to provide details.

In the Northern Territory, the Department of Planning and Infrastructure has issued a code of conduct for taxi drivers which stops them from using any item as security for an unpaid fare, or holding onto a debit or credit card for a future fare. Taxi drivers who breach the code can be fined or have their right to operate a taxi affected.

For more information about the Northern Territory Taxi Drivers and Operators Code of Conduct, go to www.moneysmart.gov.au



7.2

Community

Community organisations (such as financial counsellors and financial service providers, legal and health services, and land councils) can help communities deal with book up issues. For example, they may help with:

- * legal or practical advice,
- * drafting agreements or other documents, and
- * representing the community's point of view to a trader or government agency.

Financial counsellors

Financial counsellors can:

- * help consumers organise financial information, design a personal budget, and suggest ways to change and improve their finances,
- * assess a consumer's eligibility for government assistance,
- * negotiate with creditors (including stores or traders operating book up),
- * explain debt recovery procedures, bankruptcy and other alternatives, or
- * refer consumers to other services (for example, help with gambling problems, family support, personal counselling or legal aid).

The Commonwealth Financial Counselling Program is managed by the Department of Family and Community Services (FaCS). It supports 40 community-based financial counselling services around the country, some of which focus on Indigenous clients. Some state governments also support financial counselling services.

You can find a list of financial counselling organisations at www.moneysmart.gov.au

You can also call the National Debt Helpline on 1800 007 007 or go to ndh.org.au





Financial service providers

A small number of financial service providers (or projects by larger financial service providers) tailor services to the needs of remote Aboriginal communities.

In areas where consumers have access to banking services, banks and other financial service providers can provide information to help individual customers manage their money and minimise fees. This might include information about:

- * fee-free accounts,
- * the numbers of fee-free transactions allowed per month on each account,
- * maximum fees traders can charge for EFTPOS transactions,
- * internet or phone banking, or
- * cancelling a debit card if a trader won't give it back.

Many financial service providers have developed systems to help Aboriginal consumers living in communities open the most appropriate bank accounts (for example, those with the most free transactions per month). Often this is done by branches developing good relationships with the people in communities who help consumers with financial and Centrelink matters.

For example, Westpac recognises that Aboriginal consumers need to have bank accounts, particularly as they are encouraged by Centrelink to receive government payments electronically. Westpac has streamlined

a system for consumers to open accounts with help from a worker in the community who may be an agent for Centrelink. ASIC granted an exemption from the law on 11 August 2005 to assist this process in a large number of Aboriginal communities.

Financial service providers can also provide information on direct debit options (where a community organisation chooses to provide a structured and transparent book up system) and on savings plans for individual consumers.



Legal aid and community legal services

There are three main sources of free legal advice for people with legal problems:

- * Aboriginal and Torres Strait Islander Legal Services (ATSILS),
- * Legal aid commissions in each state and territory, and
- * Community legal services.

Aboriginal and Torres Strait Islander Legal Services (ATSILS) provide legal services to Indigenous people. Some ATSILS can only provide services to people charged with criminal offences. Others can provide advice and/or ongoing help with civil matters such as problems with book up.

For a list of ATSILS, go to the website of ATSILS funding agency, the Indigenous Law and Justice Branch of the Attorney General's Department of the Australian Government, www.ag.gov.au

You can also contact the Indigenous Law and Justice Branch by phone on 06 6250 6666.

Legal aid commissions in each state and territory provide advice in civil law matters by appointment.

The National Legal Aid website is www.nla.aust.net.au

Community legal services are small community-based organisations that provide free legal advice. Most local community legal services can provide advice on book up.

The National Association of Community Legal Centres (NACLC) website lists all State Association of Community Legal Centres and can provide advice about the closest community legal centre, www.nacclc.org.au/centres.html

You can find information on other legal organisations in How to Find Legal Help published by the National Pro Bono Resource Centre, www.npbrc.org.au/legalhelp/index.html

Aboriginal and Torres Strait Islander health services

Indigenous health services that focus on public health issues are often concerned about the underlying causes of poor health, such as being able to get healthy food and other items necessary for a healthy lifestyle from local stores.

These organisations recognise that the management of the store and the availability of financial services affect purchasing decisions and the health of community members. They are well placed to contribute nutritional strategies through store policies.

Mai Wiru is an excellent example of this kind of policy. It was developed by Nganampa Health Council, Ngaanyatjarra Pitjantjatjara Yankanytjatjara Women's Council, Anangu Pitjantjatjara and all community councils on the Anangu Pitjantjatjara Yankunytjatjara lands.



Mai Wiru sets out a policy to achieve an affordable healthy food supply and basic items such as soap and shampoo, and household items like mops and buckets. Among other things, it describes the need to follow fair trading laws, limit credit and observe transparent credit arrangements.

< < *For more information about the Mai Wiru regional stores policy,*
see 3.1 Setting standards for traders, page 34 < <

Aboriginal land councils

Aboriginal land councils provide a range of services to Aboriginal land owners and other Aboriginal people and communities. Their role varies depending on the state or territory. In some locations, they have power to exclude people from Aboriginal land.

For contact details of most land councils, go to
www.moneysmart.gov.au



7.3 Training

Office of the Registrar of Aboriginal Corporations (ORAC)

Many community organisations are governed by the *Aboriginal Councils and Associations Act 1976* (ACA Act).³⁰ The Office of the Registrar of Aboriginal Corporations (ORAC) provides training for office bearers in organisations formed under the ACA Act.

It provides culturally appropriate training on issues such as the duties of office bearers, meeting procedures, and how to comply with good corporate governance principles like accountability and transparency.

The first type of training ORAC provides is informal, non-accredited information sessions. These information sessions are designed for governing committee members or board members, and members and key staff of Aboriginal corporations. Planned information sessions are held during the year across Australia, but many are also conducted on request.

The information sessions focus on the big issues that most governing committee or board members face, such as:

- * annual reporting under the ACA Act,
- * the role and responsibilities of the governing committee/board,
- * the duties of the governing committee/board members,
- * the role and management of meetings,
- * members' rights,
- * maintaining proper accounts and records,
- * procedures to change a corporation's constitution, objects or name,
- * the appointment and responsibilities of the public officers of corporations,
- * managing conflicts of interest and disputes,
- * the role and responsibilities of ORAC, and
- * the role and requirements of the ACA Act and the corporation's constitution.



³⁰ The *Corporations (Aboriginal and Torres Strait Islander) Bill 2005* (the Bill) was introduced into the Australian Parliament on 23 June 2005. If Parliament agrees to the Bill, it will become law on 1 July 2006. Some parts of the new law may come into force at a later date. The Bill will replace the ACA Act.

ORAC also provides three-day bridging workshops in governance. These workshops are targeted at highest need sites and groups. After completing the workshop, participants are encouraged to 'bridge' into accredited training, including the Certificate IV in Business (Governance) and the Diploma in Business (Governance).

³¹ This information was adapted from the ORAC website. For more information, go to www.orac.gov.au

Certificate IV in Business (Governance) is a nationally recognised training package developed specifically for Aboriginal people who want to have recognised skills in corporate governance and management. It is a competency-based training program that requires participants to demonstrate their competence in a range of skills that are relevant to corporate governance.³¹

Other training providers

TAFEs and other colleges provide training courses in retail management, operations and supervision in all states and territories.

7.4 Funding

Regional partnerships

The Australian Government has combined its regional development funding program into the Regional Partnerships program. It includes the Regional Solutions, Regional Assistance, and Rural Transaction Centre programs. A community can apply for project funding at any time.

For more information, go to www.regionalpartnerships.gov.au.



Stronger Families and Communities Strategy

The Stronger Families and Communities Strategy provides funding for prevention and early intervention programs for families and communities, with particular benefits for those at risk of social, economic and geographic isolation.

For more information, go to www.facs.gov.au



Foundation for Rural and Regional Renewal (FRRR)

The Foundation for Rural and Regional Renewal encourages innovative collaboration between business, community and government to boost the economic and social wellbeing of regional Australia.

The Australian Government contributes \$14.5 million to the Foundation to provide grants for community capacity building, project facilitation and seeding grants for community and economic development initiatives.

For more information, go to www.frrr.org.au

Private sector partnerships

Many of the locally-based projects described in this guide have involved participation by private businesses. Examples include:

- * Woolworth's involvement in the Jawoyn Community Store

< < see 3.1 Setting standards for traders, page 34 < <

- * Westpac's contribution in Cape York
 < < see 4.8 *The Family Income Management (FIM) project*, page 71 < <

The Indigenous Stock Exchange is an initiative that matches Indigenous business and development opportunities with private sector investors and mentors.

For more information, go to www.isx.org.au

Other funding

Private trusts can provide support to community development projects. Many trusts have a particular focus on Indigenous community issues. For example, the work of the Fred Hollows Foundation in the Jawoyn lands is an example of better book up.

< < see 3.1 *Setting standards for traders*, page 34 < <

For information about this type of funding, go to www.moneysmart.gov.au

