



Victorian Aboriginal Legal Service Co-operative Ltd.

Head Office:
6 Alexandra Parade,
P.O. Box 218
Fitzroy, Victoria 3065
Phone: (03) 9419 3888 (24 Hrs)
Fax: (03) 9419 6024
Toll Free: 1800 064 865

8 March 2005

Ms Christine Ross
Coordinator National Indigenous Consumer Strategy
GPO Box 1722
Darwin NT 0801

Dear Ms Ross,

**Re: Taking Action, Gaining Trust: National Indigenous Consumer Strategy
2005-2010**

Thank you for the opportunity to comment on the Taking Action, Gaining Trust: National Indigenous Consumer Strategy 2005-2010 (Strategy).

What comments do you have about the eight key priority areas; are they are any other priority areas or issues that should be included?

VALS is concerned that urban Indigenous Australians are overlooked by the Strategy. VALS notes that the first three priority areas place emphasis on consumers in remote areas. VALS notes that this is not consistent with the following term of reference of the National Indigenous Consumer Strategy: “[a]cknowledge that initiatives that are appropriate for remote communities may not be relevant for urban or regional communities and plan accordingly”. The Strategy does not seem to reflect this acknowledgement.

VALS is concerned that Indigenous Australians access to essential services (ie: electricity, gas, water) is not included as a priority. VALS notes that this priority may have been overlooked because it falls within the jurisdiction of the Energy and Water Ombudsman. If this is the case VALS wishes to raise the question of why are priorities such as Financial Management and Banking included when the Banking Ombudsman has jurisdiction over this priority?

What comments do you have about the actions/issues identified under each of the priority areas? Are there any other solutions that should be considered?

Comments that apply to all priorities:

VALS notes that there appears to be an emphasis on education or training as an action to address the priority areas. VALS wishes to stress the importance of Indigenous Australians educating the Indigenous Australian community in the interests of cultural

sensitivity. VALS notes that this concept is only implied in some principles in Appendix E ('Ten Principles of Good Practice in Indigenous Specific Consumer Education) and should perhaps be spelt out.

VALS argues that the emphasis on education and training as an action to address the priority areas overlooks the following vital fact: service delivery processes and complaint processes need to be simplified. The Strategy refuses to acknowledge the complex and complicated nature of accessing services and complaint processes and the need to amend process and legislation to simplify such processes. It is wasteful to undertake an education campaign for the Indigenous Australian community without simplifying service delivery and complaint processes first to make them more accessible. The action of educating the Indigenous Australian community should be balanced with the simplification of processes, perhaps through legislation. The service delivery and complaint process could be simplified if different service providers, complaint bodies and Government Departments adopted similar processes (ie: uniformity through a common model of action which reflects national best practice standards).

It is a concern of VALS that education campaigns do not set the Indigenous Australian community up to fail to follow through with a complaint. For instance, the VALS Community Legal Education worker says it is difficult to educate the Indigenous Australian community about a complaint process if she is aware the process is not accessible to the Indigenous Australian community because it is too complex or culturally insensitive.

The service delivery and consumer complaint process should be simplified first and then the Indigenous Australian community educated about them. The simplification of the service delivery and consumer complaint process will benefit non-Indigenous and Indigenous Australians alike. VALS argues that the distinct needs of disadvantaged people or particular cultural group should be considered at the beginning of a decision making process, rather than tacked on the end as an afterthought. The result of the previously mentioned approach (ie: culturally inclusive approach) would be that decisions are made that directly benefit disadvantaged people or people of a particular cultural group and indirectly benefit advantaged and mainstream people (ie: a simplified service delivery or consumer complaints process for all).

VALS acknowledges that there is a need to educate the Indigenous Australian community of their rights and responsibilities. However, VALS is concerned that the emphasis on such education overshadows the need to educate mainstream service providers who have Indigenous Australian customers about best practice in dealing with such customers. In rural areas VALS Client Service Officers educate and provide support to mainstream service providers about meeting the needs of Indigenous Australians. Mainstream organisations have the potential to improve service quality to Indigenous Australians with the help of Indigenous Australians. The involvement of Indigenous Australians in the education of mainstream service providers is in the interests of cultural sensitivity. Perhaps out come of the Strategy should be the development of National Best Practice Standards for serving Indigenous Australian customers.

The above arguments about involving Indigenous Australians in education applies equally to other actions identified in the Strategy such as:

- Banking/financial issues liaison group (priority 1 and 3).
- Initiatives such as community based mechanics and remote areas policies for the sale, servicing and financing of motor vehicles (priority 2).
- ACCC Store Charter (priority 3).
- Development, co-ordination and implementation of the National Indigenous Arts Charter and training projects, such as the Artists in the Black initiative (priority 5).
- Guide/training manuals relating to corporate governance (priority 6).

Concerns about actions surrounding specific priorities

1) Financial Management and Banking

VALS welcomes the acknowledgement of the need to ensure that consumer and financial education programs for schools are adapted in a culturally appropriate manner for Indigenous Australian students. However, VALS notes that similar materials should be provided that target Indigenous Australian adults also.

2) Employment of Indigenous Staff in Consumer Affairs and Fair Trading Offices.

VALS welcomes an Employment Plan that ensures the employment of Indigenous Australian staff in Consumer Affairs and Fair Trading Offices. VALS stresses the importance of providing supports to such employees so that they do not feel isolated from other people in Consumer Affairs/Fair Trading Offices or other Indigenous Australian organisations.

VALS also stresses the importance of Indigenous Australians being employed by service providers at grass roots level or a Koorie Liaison Officer being provided at least. Arguably, if more Indigenous Australians worked for service providers problems which lead to Consumer Affairs Victoria (CAV) becoming involved would be prevented. Also, VALS suggests that the National Indigenous Consumer Strategy Working Party should give consideration to committing to the principle of Indigenous Australian self determination. There are examples of mainstream organisations that have taken this step and give Indigenous Australian units within them substantive decision making authority (Education Centre Against Violence).¹

3) Advocacy of Indigenous Consumer' Interests

A relationship should also be developed between Indigenous Australian organisations, mainstream organisations, advocacy groups and the Indigenous Australian community

¹ Representatives of the Education Centre Against Violence presented a paper at the Home Truths Conference: Stop Sexual Assault and Domestic Violence a National Challenge (September 2004) titled 'Working towards self determination within the confines of bureaucratic/colonial constructs and systems'.

which serves to influence policy. Also, advocacy groups should employ Indigenous Australians or recruit Indigenous Australian volunteers.

Communication

What is the best way to inform Indigenous people about the Strategy?

The best way to inform Indigenous Australians about the Strategy is to conduct an education campaign. The education campaign should:

- Involve Indigenous Australians.
- Be culturally sensitive.
- Be relevant and meaningful to Indigenous Australians (ie: case-scenarios).
- Develop simple promotional material in plain English
- Visit the Indigenous Australian community on a regular basis. For instance, VALS, CAV and other mainstream agencies have committed to visiting rural Indigenous Australian communities on a regular basis (Keys for Community: Opening the Door to your Rights).

How can consumer protection agencies be more accessible and responsive to the needs of Indigenous Australian consumers? What do they need to do better?

Consumer protection agencies can be more accessible and responsive to the needs of Indigenous Australian consumers by:

- Doing the things mentioned in the above paragraph. If consumer protection agencies visit the Indigenous Australian community on a regular basis (ie: more than once a year) both will begin to develop a relationship based on trust.
- Consulting with the Indigenous Australian community to discover their needs and expectations of consumer protection agencies. The consultation process should be effective and not too rushed.
- Co-operating and perhaps entering into agreements with Indigenous Australian organisations that they can be associated with.
- Employing Indigenous Australian people as Investigation Officers. It is important to employ Indigenous Australians as Investigation Officers as Indigenous Australians prefer to deal with Indigenous Australians who have a hands on role for the entirety of a complaint. The role of the Koorie Liaison Officer is beneficial, but limited in the sense that the Koorie Liaison Officer does not always

have direct involvement in a dispute, but facilitates the relationship between the client and non-Indigenous Australian Investigation Officer.

- Ensuring all staff receive cultural awareness training.

What are the difficulties for Indigenous Australian people making a complaint to consumer protection agencies?

The difficulties for Indigenous Australian people making a complaint to consumer protection agencies, or reasons why they are they are reluctant to access the agencies, are as follows:

- Indigenous Australians feel the effects of the legacy of inappropriate treatment by authority figures in the past.
- Indigenous Australians have a lack of understanding of the agencies, low level of education and self esteem and lack of support (ie: advocate).
- Indigenous Australians are unaware of their rights and information is power.
- Consumer protection agencies are inaccessible and lack cultural sensitivity. For instance, Indigenous Australians dislike the call centre model and prefer face to face relationship-based communication.

Thank you for the opportunity to comment on the Taking Action, Gaining Trust: National Indigenous Consumer Strategy. Please contact Greta Jubb (Research Officer) if you have any queries.

Yours Sincerely

Victorian Aboriginal Legal Service Co-operative Limited

Frank E. Guivarra
Chief Executive Officer