

Part III

Policy & associated regulations

**Mai Wiru Regional Stores Policy and associated regulations
for the Anangu Pitjantjatjara Lands**





Context

This policy is to be carried out under the applicable legislation governing the supply of food and other goods:

The Commonwealth Trade Practices Act

The Australian Food Standards Code (current) and the new joint Food Standards Code for Australia and New Zealand which will replace the existing Australian Food Standards Code and the New Zealand Food Regulations by January 2003

The South Australian Food Act of 1985 (within South Australia)

The Anangu Pitjantjatjara Lands Regional Stores Policy adopts the Australia New Zealand Food Authority (ANZFA) guidelines as the overall guidelines governing all food operations on the Anangu Pitjantjatjara Lands. It is recommended that each store refers to *ANZFA: Safe Food Australia 2001, A Guide to the Food Safety Standards*.¹

This policy is set within the context of current international, Federal Government and South Australian Government policy, namely:

The Ottawa Charter for Health Promotion, World Health Organization 1986

The Alma Ata Declaration, World Health Organization 1978

The *National Nutrition Policy 2000–2010* which contains a specific Indigenous policy (National Aboriginal and Torres Strait Islander Nutrition Strategy and Action Plan (NATSINSAP)) to improve the nutrition of Indigenous Australians over the next ten-year period²

Commonwealth Department of Health, Housing and Community Services, *Food and Nutrition Policy*, Canberra 1992³

Public Health Association of Australia policy statement *Improving Aboriginal and Torres Strait Islander peoples' access to the food they need*, 1999

Government of South Australia, Department of Human Services, Health Promotion SA—*The South Australian Food and Health Policy 1999*

This policy endorses the goal of the *South Australian Food and Health Policy* in the context of the AP Lands. The *South Australian Food and Health Policy* aims to promote the health of South Australians and reduce the preventable burden of food-related illness, disability and early death.



Policy vision

The goal of this policy is to improve the health and wellbeing of the people on the Anangu Pitjantjatjara Lands by ensuring continuous access for them to nutritious and affordable food and essential health items.

This policy:

aims to improve the health and wellbeing of Anangu tjuta (all Aboriginal people living on the AP Lands) by ensuring continuous access to safe, nutritious and affordable food as well as essential health items through community stores

recognises the need and provides a framework for a co-ordinated intersectoral approach to improve and monitor the supply, quality and safety of food and identified essential health items

recognises the need for a subsidy of specific items in all stores, given the level of poverty on the AP Lands

provides a set of rules to govern all aspects of the operations of all the community stores on the AP Lands, within the context of existing legislation and government policy

provides a basis for implementation through the formal adaptation of the policy by all community council and regional organisations throughout the AP Lands



Policy principles

In the context of this policy, as with the South Australian Food and Health Policy, 'health', as defined by the World Health Organization, is understood to mean:

A complete state of physical, mental and social well-being and not merely the absence of disease or infirmity.

A 'healthy diet', as defined by the Australian Commonwealth Government and State Governments, means the following:

A diet based on:

- Recommended Dietary Intakes (RDIs) for Australians, as set by the National Health and Medical Research Council (NHMRC)⁴
- the Core Food Groups, which translate the RDIs into quantities of different foods needed each day to get these nutrients

A healthy diet is consistent with advice about how to eat to promote health and prevent disease. This advice exists as *Dietary Guidelines*, also developed by the NHMRC.⁵

This diet is, in turn, described in the *Australian Guide to Healthy Eating*, which translates the Recommended Dietary Intakes, the Core Food Groups and Dietary Guidelines into a food guide.⁶

This policy uses these terms to identify areas of the food and nutrition system in the region governed by this policy and its associated regulations.

This regional stores policy and associated regulations applies to the operations of all community stores, and with the necessary changes being made, if the context demands, to all public food outlets on the AP Lands. Therefore the policy applies to:

community stores

takeaway food outlets, including snack foods and pre-prepared foods sold at school canteens, football and sporting carnivals and other community events

food prepared in programs such as Home and Community Care (HACC), Aged Care programs, and Disability Service programs

Because of the unique position and role of community stores in remote communities (see chapter 3), this policy also establishes a new conception of the community store and its role in community life.

The Store has an important role in the holistic delivery of primary health care. It is the key source of nutrition for the community and makes a significant contribution to ensuring the physical wellbeing of the community.

A functional store provides a social and economic focus in the community through aspects of its ownership, management and the employment it provides. The community store has the potential to perform a range of community services, including education and health promotion. Conversely, a store that is not fulfilling these functions is failing to provide necessary services and can be an active contributor to the burden of ill health.

Stores cannot be regarded as enterprises. It has been shown that the economic factors in remote communities mean that stores cannot make profits and still fulfil the functions of the Store. The notion of 'store profits' is a contradiction in terms, a further imposition on impoverished people.

All South Australians need access to a safe, affordable and nutritious food supply.⁷ The *South Australian Food and Health Policy* recognises the particular importance of equity and access in remote communities. The Anangu Pitjantjatjara Regional Stores Policy is based on the belief that residents of the AP Lands, by right of their citizenship, are entitled to be able to access safe, affordable and nutritious food.

The policy aims to make food and health essentials accessible to all people living in the communities on AP Lands. This includes populations with special needs.

The policy responds to issues of food security, food accessibility (including affordability and whether people can get to a shop to buy food) and food availability (including range, quality and whether food is in a form that people can eat and prepare).

The Commonwealth Trade Practices Act and State and Territory Consumer Affairs and Fair Trading Acts establish basic legal standards for business conduct in relation to consumers.



Policy and regulations

The policy and its associated regulations fall into the following areas to cover all aspects of the stores' operations and the sale of food at other places on the AP Lands.

All people living on the AP Lands are entitled to a secure food supply. A secure food supply includes sufficient quantities of food to meet consumer needs at the household, community or local level, with a choice of foods that will meet nutritional requirements.

Stores must ensure that there are sufficient resources to guarantee the accessibility and availability of nutritionally adequate and culturally acceptable food for all people by socially acceptable means. The quantity and quality of food must be sufficient to meet requirements for unrestricted growth and development of all individuals at all times, particularly those who are physiologically and socio-economically vulnerable. Almost all Anangu are suffering from, or are at risk of, nutrition-related health conditions and, therefore, are in particular need of quality foodstuffs.⁹

- 1.1 Each store and takeaway outlet must cater for the dietary needs of the whole community, including the specific needs of:
 - pregnant women, mothers and babies
 - children, young people and adults
 - old people
 - people suffering diseases, including diabetes, renal disease, asthma, heart disease, and obesity
- 1.2 All identified food items must be made available through the local stores at a minimum standard quality and in sufficient quantity.
- 1.3 The quality of goods must be monitored according to the applicable Commonwealth and State legislation and this policy.
- 1.4 The quality of goods, including fresh food, must at all times conform to ANZFA guidelines. (Please refer to next section, 'Food Safety and Hygiene', regulations 2.1 to 2.11 inclusive.)

Trading hours of local stores is a basic factor in accessibility of healthy food and essential health items. Stores also play a significant role in food security for the whole population. (Please refer to section 5 'Fair Trading'.)

- 1.5 Stores on the AP Lands must have standardised minimum trading hours. Minimum trading hours are:
 - Weekdays: For three hours every morning and afternoon
 - Weekends: Two hours every morning
 - Public holidays: Two hours every morning
- 1.6 Stores must increase trading hours to assist special groups and events on a 'local demand' basis, including:
 - early opening for workers
 - early and late opening for ceremonial times and funerals
- 1.7 Store access must not be affected by community events or upheaval.
- 1.8 Stores must not be closed arbitrarily by community employees and must follow specific procedures for closure.
- 1.9 Stores must try to stock a range of goods to make shopping as interesting as possible, but these goods should be appropriate according to this policy. Following are examples of some appropriate variety goods:
 - basic first aid as per Nganampa list
 - reading glasses as available through chemist shops and newsagents
 - naturopath medication
 - bush medicines
 - haberdashery (especially sewing and knitting materials)
 - craft tools, e.g. tomahawks, sharpening stones, raffia, dye¹⁰
- 1.10 Co-operatively, or on an individual basis, stores must investigate the possibility of specialising in specific retail lines to service the region, such as electrical goods, music and household furniture.
- 1.11 Stores must not stock goods that are deemed inappropriate for community stores on the AP Lands. (See 'Foods which must not be stocked' in *Mai Wiru Stores Handbook*.)

- 1.1.12 All people living on the AP Lands are entitled to be able to afford sufficient food for their nutritional needs, within their incomes.

As a health initiative this policy has identified a Healthy Stores Box which consists of a shopping basket of:

selected food from the five food groups to meet RDIs
essential health items, including soap, shampoo, detergents, as well as brooms, mops and buckets, cooking utensils, boxes and tucker boxes, and so on

Specific items in the Healthy Stores Box of food may change from time to time, according to availability and demand.

- 1.13 Items in the Healthy Stores Box must be sold at a recommended retail price as determined by the Stores Steering Committee and outlined in the current version of the *Mai Wiru Stores Handbook*.
- 1.14 Pricing of non-essential items (for example, toys, entertainment and specialist equipment) and non-identified food has been left to market forces and the usual cost structure to determine. However, there must be a balance between pricing of essential and non-essential items, remembering that it has been shown that in remote Aboriginal communities the more money people have to spend on food, the healthier children will be.
- 1.15 All people living on the AP Lands, whether in homelands, out-stations or towns, are entitled to food security. They are entitled to access affordable appropriate nutrition.
- 1.16 All people living on the AP Lands, whether in homelands, out-stations or towns, are entitled to access the Healthy Stores Box.
- 1.17 Free cold water must be available at all times from the Store or nearby. It is the responsibility of the store manager to ensure delivery of cold water.

For the purposes of this policy, takeaway refers to locally prepared foods. Pre-prepared food is not produced locally and is pre-packaged, such as pies or pre-packaged meals.

Because of many factors, including lack of functional household kitchens and storage facilities, takeaway meals and pre-prepared food have become a large part of the population's diet. This reliance on takeaway and pre-prepared food places increased emphasis on the need to ensure that only appropriate takeaway and pre-prepared food is available. Appropriate takeaway and pre-prepared food must always be nutritious, and generally inexpensive.

- 1.18 Locally prepared food that is taken away and eaten, or consumed on site, must consist of only healthy food as per indicative list attached. (Refer *Mai Wiru Stores Handbook*—'Healthy alternatives for takeaway and snack foods'.)
- 1.19 Pre-prepared and pre-packaged food, including snacks, purchased at any outlet must conform to nutrient criteria as recommended for this policy. (Refer *Mai Wiru Stores Handbook*.)
- 1.20 'Cool drink', soft drinks high in sugar, and lollies as described in *Mai Wiru Stores Handbook* must not be stocked in community stores.
- 1.21 The sale of cigarettes, tobacco and related products must comply with South Australian State Regulations.
- 1.22 Advertising of tobacco and related products is not allowed in any stores on the AP Lands.
- 1.23 All stores on the AP Lands must be NO SMOKING areas.
- 1.24 Kangaroo tails must be priced according to weight.
- 1.25 Stores must actively support and facilitate the retailing of bush tucker and local produce through the stores.

- 1.26 House cleaning and maintenance items, including detergents and washing powders, house brooms, straw brooms, brushes and dustpans, toilet brushes, mop heads and handles, mop buckets and plastic mops, are essential health items and should be priced at the minimum price possible. (Refer *Mai Wiru Stores Handbook*.)
- 1.27 Vegetable seeds must be available for sale in communities through the Store.
- 1.28 Rakes, shovels and hoses are essential health items and should be priced at the minimum price possible.
- 1.29 Stores must comply with State Regulations on separation of dangerous goods from general and food items.
- 1.30 Fuel and spare parts sales must be a separate operation from general store operations. This must be incorporated into future store design.
- 2.1 Community stores must carry out their operations lawfully, in accordance with the South Australian Food Act (1985) and ANZFA regulations.
- 2.2 Community stores must aim for best practice relating to food safety and hygiene in order to protect public health.
- 2.3 In addition to ANZFA regulations, all food must be clearly labelled and priced with a current use-by date.
- 2.4 In addition to ANZFA regulations, foods must be displayed as sale items three days before their use-by date.
- 2.5 In addition to ANZFA regulations, foods must be removed from display and disposed of one day before their use-by date.
- 2.6 In addition to ANZFA regulations, deep-frozen meat and other perishable/refrigerated foods must be clearly labelled with a use-by date appropriate to that product.
- 2.7 If food is frozen on arrival in the community store, then appropriate labelling must be developed.

- 2.8 In addition to ANZFA regulations, meat must be labelled to show that it must be used immediately on thawing.
- 2.9 Appropriate health information must be clearly displayed.
- 2.10 Stores must implement a local policy about regarding the distribution of goods approaching their use-by date.
- 2.11 Stores must implement strategies to ensure safe cartage and storage of perishable items.

There will be regular monitoring of all regulations of this policy.

This policy emphasises the role of the Store in providing access to the food Anangu need to be healthy. Lifting the burden of ill health on Anangu requires co-operative and co-ordinated action by stores, communities, regional organisations and service providers to the region. Stores must provide affordable and safe food, and stores are required to co-operate in nutrition programs.

- 3.1 Stores must actively support the orientation and training of all store workers and managers toward the operation of a store aimed at delivering maximum health through good nutrition.
- 3.2 Stores must actively pursue promoting nutrition awareness and health within the Store.
- 3.3 Stores must adopt display systems and layout as recommended by the Stores Steering Committee, and as requested by the community and Nganampa Health Council and Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council from time to time.
- 3.4 Stores must clearly display prices of all goods throughout the Store.

Anangu wish to manage their own stores and find a meaningful career path in their community stores.

- 4.1 Stores must support training and staff development for store workers and potential store employees.

- 4.2 All positions that arise within the community store must be offered first to members of the local Anangu community for a period of two weeks. This includes recruitment of store managers.
- 4.3 Stores managers must be recruited according to the recommended procedures set out in the *Mai Wiru Stores Handbook*.
- 4.4 Store managers must enter into a contract of employment with their employer: the relevant community council.
- 4.5 Store managers must be employed according to the terms and conditions of employment set out in the store manager's contract. (Refer *Mai Wiru Stores Handbook*.) It is a condition of employment that store managers undertake training in the principles of community development and nutrition, as well as demonstrating appropriate experience and management skills.
- 4.6 It is a condition of employment that store managers comply with the Anangu Pitjantjatjara Regional Stores Policy.
- 4.7 Store owners and operators must ensure that staff are aware of this policy and its contents.
- 4.8 A summary of the charter's principles must also be displayed in a place visible to staff.
- 5.1 Store owners and operators must act in accordance with the legal standards for business conduct in relation to consumers established by the Commonwealth Trade Practices Act, and State and Territory Consumer Affairs and Fair Trading Acts.
- 5.2 Customers should be able to:
- see the goods
 - understand the use of the goods
 - know the quality of the goods
 - see the price of the goods
- 5.3 All sales talk about products and services, including claims about quality, price, country of origin and after-sales service, must be accurate, unambiguous and not mislead or deceive customers.

- 5.4 Store owners and operators must recognise that the price of goods and services in rural and remote areas when compared to cities and regional centres is a sensitive issue for consumers. Prices may fluctuate, depending on local transport and seasonal conditions. However, stores must not take advantage of their remoteness or lack of competition to charge unreasonably high prices.
- 5.5 Stores must clearly display the price of all items available for sale. This may be through price tags on individual items or, as a minimum, through the use of ‘shelf talkers’—prices displayed on or near the shelf displaying the item.
- 5.6 Receipts must be issued for all non-cash purchases and cash purchases greater than \$40. Non-cash purchases include purchases made by way of credit, and using in-store accounts (e.g. book-up/book-down).
- 5.7 Receipts must list the item(s) bought, its price and the date the purchase was made. Customers making low value purchases by cash—that is, under \$40—will be provided a receipt.
- 5.8 Where a store provides customers with some form of in-store credit (e.g. purchase on account through a book-up/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 which is available for inspection by the customer, an advocate acting on behalf of the customer and a relevant law enforcement or regulatory authority (e.g. police officer or consumer affairs official)
 - not allow third parties to access customer’s accounts (e.g. to obtain cash advances or to purchase goods or services) unless authorised by the customer
 - ensure that terms and conditions relating to in-store credit will be clearly displayed and explained to customers before starting a credit account

- 5.10 Store owners and operators must act on the basis that the Commonwealth Trade Practices Act and State and Territory laws imply into consumer contracts, including certain statutory conditions and warranties for goods and services (irrespective of whether the manufacturer also has a voluntary warranty). Stores must, as a minimum condition, refund money if goods purchased are faulty, do not function as advised, or do not match the sample or description. Stores must not attempt to limit their liability for goods or services by displaying signs such as 'No Refunds' or 'Repairs undertaken at own risk'.
- 5.11 Goods offered for sale must be of merchantable quality and fit for their purpose.
- 5.12 Refunds may be refused where returns are not notified to the store within a reasonable time.
- 5.13 No charge may be levied on the customer for making a warranty claim.
- 5.14 Other laws may also apply to the sale of particular goods, such as food. Stores must ensure that they comply with these laws, especially where they relate to the sale of food.
- 5.15 Goods carrying a use-by date must be regularly checked, and any stock held past its used-by date will be clearly marked as being out of date. Foods that are no longer fit for human consumption will not be sold as such.
- 5.16 Stores must clearly display store opening times.
- 5.17 Where a store needs to vary these times, customers must be given as much notice of the change as is practicable. This must be communicated to customers by way of clear signs at the entry and throughout the store and, where appropriate on roadways approaching the store. (See also 'Hours of opening' in section 1 'Supply'.)

- 5.18 Store owners and operators must act on the basis that the Trade Practices Act and State/Territory laws require businesses to trade fairly in relation to consumers by prohibiting conduct which in all the circumstances is unconscionable.
- 5.19 Stores must be committed to providing quick and courteous service that takes into account cultural and language differences.
- 5.20 Stores staff must be fair and honest, and not use coercive, false or misleading practices.
- 5.21 Store staff must take particular care where the customer:
is not able to understand the terms or subject matter of the transaction
suffers from some mental or physical infirmity
is affected by alcohol or drugs
is under pressure to enter into the transaction
- 5.22 Stores must have a system for recording and dealing with consumer complaints. As a minimum, staff handling complaints will:
recognise that consumers have a right to complain
treat complainants fairly
keep consumer's personal details confidential
record details of the complaint
ensure that the consumer is dealt with fairly, courteously and quickly. Where the complaint cannot be resolved quickly staff will explain the proposed course of action
ensure that the consumer is satisfied with the action taken and if not, advise of what further action the consumer may take; for example, seek assistance from the Regional Stores Policy Working Party or an external body such as the local Aboriginal and Torres Strait Islander Commission (ATSIC) or consumer affairs representative, and failing that, the consumer should seek advice from the State/Territory Consumer Affairs or Fair Trading Agency, or the Australian Competition and Consumer Commission (ACCC) where the consumer has asked a third party to assist them resolve the dispute with the store (e.g. Regional Stores Policy Working Party) stores will not object to dealing with that third party

where complaints relate to breaches of the Trade Practices Act or Consumer Affairs or Fair Trading laws, they may be referred to the ACCC or the relevant State/Territory Consumer Affairs or Fair Trading Agency as appropriate
 where complaints indicate a systemic or recurring problem, appropriate action will be taken by the store to remedy the problem

Each community owns its local store and is responsible for its management. However, these stores collectively are the only source of supply for a highly mobile population and require standardised management and accountability practices.

- 6.1 Stores must use standardised management practices wherever possible; for example, ordering systems, stock and price control, and rotation procedures.
 - 6.2 Store managers must report on a regular monthly basis to the council, or on request.
 - 6.3 The store manager must report in a meaningful way to the community council and other governing bodies, so that the report can be understood by the community council and other governing bodies.
 - 6.4 Store manager's written reports must be presented in person to the governing body.
 - 6.5 Stores must not extend credit (book-up) beyond \$50 or 30 per cent of pension on off-weeks for pensioners.
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- 7.1 The design of store buildings must reflect policy requirements, including:
 - sufficient refrigeration space to stock increased quantities of perishable foods
 - provision of access to cold water in all stores
 - appropriate cooking facilities to prepare takeaway food. (Deep fryers are not appropriate.)
 - 7.2 Capital costs of constructing and renovating stores must be treated as grants not loans.

- 7.3 Essential ongoing repairs and maintenance must not be passed on to the price of goods but be funded through mainstream funding streams.
- 7.4 Service costs for running stores must not be added on to the cost of goods; for example, power costs.
- 8.1 Only accredited stores are allowed to trade on the AP Lands. Compliance with the policy will lead to accreditation of stores during the implementation strategy. Accreditation will be by the Anangu Pitjantjatjara Regional Stores Policy Steering Committee (the Stores Steering Committee) which has carriage of this policy under the auspices of Anangu Pitjantjatjara, Nganampa Health Council and Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council.
- 8.2 The Stores Steering Committee will develop a central system to monitor the practice of this policy.
- 8.3 All normal monitoring regimes as administered by the South Australian Department of Human Services will continue.
- 8.4 Stores must develop baseline data collection methods to assist with monitoring food consumption by nutritional groups.
- 8.5 The Stores Steering Committee must develop a central system of data analysis to facilitate valid evaluations of the effects of this policy.
- 9.1 Stores must clearly display signs at the entry and payment points that inform customers that the store agrees to abide by this policy.
- 9.2 Stores must display in a prominent place visible to customers a summary of the policy's principles. (Summary available in the *Mai Wiru Stores Handbook*.)
- 9.3 Information about the policy must be in plain English and in Pitjantjatjara.



Endnotes part III

1. Available from ANZFA ph 02 6271 2222; facsimile 02 6271 2278;
<http://www.anzfa.gov.au>
2. See endnotes part II, no. 1
3. See endnotes part II, no. 2
4. Recommended Dietary Intakes for Australians are set by the NHMRC and indicate how much of particular nutrients—for example, iron, calcium and vitamins—are needed for health.
5. At present there are three sets of dietary guidelines targeted at different population groups. They are:
 - Dietary Guidelines for Australians (for healthy adults over 18 years)
 - Dietary Guidelines for Children and Adolescents
 - Dietary Guidelines for Older Australians
6. The Australian Guide to Healthy Eating was developed by the Commonwealth Department of Health and Aged Care. It recommends how much of each food group people need for good health.
7. *South Australian Food and Health Policy 1999* 2.3 Policy Principles.
8. Definitions of food security, food access and food availability by McComb, Webb and Marks in SIGNAL *Food Chain* issue no 1, March 2000, available through the Department of Human Services, South Australia.
9. Scrimgeour, David personal comment 2001.
10. Production of arts and crafts is significant sources of income for many community members.