



JUNEE SHIRE COUNCIL

MOBILE FOOD AND DRINK VENDING VEHICLES POLICY

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OBJECTIVE

To minimise the potential for illness due to poorly handled or stored food.

To regulate the operation and location of vendors within the terms of local approvals or exempt development standards.

AIM

To ensure minimum standards of hygiene and cleanliness apply to the dispensing of food to the public within Junee Shire.

To ensure that vendors operate in a manner that protects local fixed premises businesses and provides fair commercial competition.

POLICY

The NSW Food Authority has produced several guidelines that apply to hygiene and construction requirements for food premises, mobile food vending vehicles and temporary events where food is sold.

In support of administering this Policy the Council uses two NSW Food Authority guidelines. The guidelines are the '**Mobile Food Vending Vehicles – Operation, Construction and Food Handling Guidelines**' and the '**Food Handling Guidelines for Temporary Events**'. Please see copies attached.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Part2 Subdivision 27A, provides for the operation of *Mobile Food and Drink Outlets* as "Exempt Development" (meaning no formal planning approval is required).

For a vendor to conduct a mobile food vending or temporary premises the following specific development standards must be satisfied:

1. Have the consent of the owner of the land on which the development is carried out or, if a council or public authority has the control and management of the land, the consent, in writing, of the council or public authority, and
2. Not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land, and
3. Not obstruct the operation of, or access to, any utility services on the land or on adjacent land, and
4. Not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land, and
5. Not result in any damage to public property on the land or on adjacent land, and

6. If carried out on land in a residential zone—only be carried out between 7.00am and 7.00pm, and
 - a) If carried out on land immediately adjacent to a residential zone—only be carried out between 7.00am and 10.00pm, and
7. If located on a public place—have any approval required under section 68 of the *Local Government Act 1993*, and
8. If located on private land—be limited to one development on that land and not contravene any conditions of a development consent for any other use carried out on the land.

Food vendors seeking to operate on Council Community Land including Road Reserves will require an approval under section 68 of the *Local Government Act 1993*. Council will not grant approval for a vendor to operate within five hundred metres (500m) of a fixed premises business if the vendor is selling primarily similar liked items, for example, a mobile pizza van cannot operate on council-controlled land within 500m of a fixed premises food business selling pizza.

Discretion for not-for-profit organisations may be granted for one-off charity events.

Council does not however have control over individual food vendors operating in accordance with the “Exempt Development” standards or are operating during an organised market or event on public land.

GUIDELINES FOR MOBILE FOOD VENDING VEHICLES



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Note:

This is a guidance document only and cannot cover all situations. Food businesses are required to comply with the provisions of the Food Standards Code and *Food Act 2003* (NSW).

Introduction

These guidelines inform businesses selling food from a mobile vending vehicle in NSW of their legal requirements in relation to the NSW *Food Act 2003* (the Act) and the Food Standards Code (the Code). They provide information on basic requirements such as power supply and waste disposal, and suggest ways to maintain food safety.

Businesses and local council environmental health officers (EHOs) can use this guide to assess compliance with the Act and the Code.

The primary aim of these guidelines is to make food businesses aware of their legal requirements and to suggest ways to assure food safety when selling food.

This guideline also provides businesses with a guide to applicable fees and charges that councils may levy.

Potential mobile food vendors should contact the local council prior to operating to check if a permit is needed by the council, if an inspection must be completed, if there are any applicable fees or if there are any other requirements,

What are mobile food vending vehicles?

A mobile food vending vehicle is any means of transport, whether self-propelled or not or designed to be movable from place to place, and which is used for selling food, whether on land, sea or air.

It includes vehicles used for on-site food preparation (e.g. hamburgers, hot dogs and kebabs), one-step food preparation (e.g. popcorn, fairy floss, coffee and squeezing juices), and the sale of any type of food including pre-packaged food.

It does not include food vending machines or food transport vehicles.

These guidelines cover all types of mobile food vending vehicles. They are comprehensive and the checklist provided within the document can be used to self-assess compliance with council requirements.

There are minimal requirements for mobile food vending vehicles selling only pre-packaged, low risk food.

Obligations on selling food

A person using a mobile food vending vehicle to store, prepare or sell food for human consumption, is deemed to be a 'food business' (e.g. mobile food business) This includes not-for-profit operations.

The Act defines a food business as any business or activity that involves the sale of food or the handling of any type of food for sale in Australia, with the exception of some primary food production activities.

A food business is required to sell safe and suitable food in accordance with the provisions of the NSW *Food Act 2003*, Food Regulation 2015 and Food Standards Code.

Note that 'food premises' includes 'vehicles'. Copies of the Food Standards Code (particularly 3.2.2 *Food Safety Practices and General Requirements* and 3.2.3 *Food Premises and Equipment*) are available on the Food Standards Australia New Zealand website at www.foodstandards.gov.au. Failure to comply with the requirements may lead to enforcement action. Depending on the food safety risk identified, this action may include a warning letter, improvement notice, penalty notice, seizure, prohibition or prosecution. The NSW Food Authority and councils generally follow an escalating enforcement policy. For more information see <http://www.foodauthority.nsw.gov.au/ip/audits-and-compliance/compliance>

Which agencies enforce the Act and Code?

In most cases, local councils are responsible for the food surveillance of the retail sector and enforce the requirements of the Act and Code; this includes food for retail sale from mobile food vending vehicles.

The Food Authority is only responsible for surveillance if there is processing of products that require a licence at that premises, such as:

- businesses that conduct food service to vulnerable persons
- high-risk plant product businesses
- businesses that handle or process meat
- businesses that further process seafood
- businesses that handle shellfish
- dairy producers, factories and vendors
- businesses that produce or process eggs and egg related products

Charities and community groups

Charities and community groups are those which do not derive funds for personal financial gain but direct any profits back to the community (e.g. local sports clubs, Lions and Rotary clubs).

The NSW *Food Act 2003* and [Food Standards Code](#) apply to all food businesses including those selling food for charity or community purposes. It is always an offence to sell food that is unsafe or unsuitable. Charities and community groups are exempt from some requirements:

- Notification of food business is not required if food sold is not potentially hazardous (e.g. scones) or is to be consumed immediately after thorough cooking (e.g. sausage sizzle)
- Food Safety Supervisor requirements do not apply
- Some labelling requirements do not apply; however, it is a requirement to provide information to customers on request about these allergenic ingredients:
 - cereals containing gluten
 - crustacean and their products
 - fish and fish products
 - egg and egg products
 - milk and milk products
 - peanuts and peanut products
 - sesame seeds and sesame seed products
 - soybean and soybean products
 - tree nuts and tree nut products
 - lupin.

Further information can be obtained from the NSW Food Authority or local councils.

Administration

Notification

A mobile food business must ensure their details have been notified to their local council prior to commencing trading for the first time. Businesses must notify their home jurisdiction council (i.e. location where vehicle is garaged), and the local councils where they intend to trade. Notification is a compulsory requirement.

Appropriate details for notification include:

- contact details for the food business including the name of the food business and the name and business address of the proprietor of the food business,
- the nature of the food business, and
- the location of all food premises of the food business that are within the jurisdiction of the enforcement agency.

Notification may be made to council in any form that includes the above details.

The only exceptions are:

- businesses licensed or notified with the NSW Food Authority, or
- not-for-profit fundraising events where there is sale of low risk food (e.g. tea/coffee and biscuits) or sale of food that is thoroughly cooked immediately before consumption (e.g. sausage sizzle).

Notification is a one-off process unless your details change, in which case you are required to provide an update to the appropriate authority.

Information should also be sought from the NSW Roads and Maritime Services regarding approval to sell on or at the side of roads.

Licensing

Mobile food vending vehicles do not require a Food Authority licence, unless undertaking the activities listed on page 5 of this document.

Council approvals

Local councils are generally responsible for the approval of mobile food vending vehicles. There may be costs associated with these approvals. Contact your local council for details.

The prior consent of every local council in whose area the vehicle will be used for storing, preparing or selling food, may be required. This includes street trading or operating on private land or public roads.

It is important to check the requirements with every local council you propose to work in prior to operation, as penalties may apply for not having the appropriate approvals.

Council approval may also be required for garaging or maintaining the mobile food vending vehicle at a particular premises, especially when the premises is used for storing food supplies and equipment used in connection with the vehicle's food business operation.

Food Safety Supervisor

Food businesses operating mobile food vending vehicles may need to appoint a Food Safety Supervisor (FSS) (refer to page 16 of this document for details). Ensure an FSS is appointed and the FSS certificate is available in the vehicle before commencement of operation.

Inspections

Inspections of mobile food vending vehicles are conducted by council's environmental health officers (EHOs) who are authorised officers under the *Food Act 2003*. The frequency of inspection can vary and may depend on any food safety risk of the food being handled or any previous enforcement history. They check that good food safety practices are in place, such as temperature control, cleanliness, hand washing and labelling (refer to checklist at end of this document).

If mobile food vending vehicles operate across council boundaries, most councils will use a home jurisdiction rule. This means the vehicle will be inspected by the council in which the vehicle is ordinarily garaged. That council is known as the 'home council'.

Other councils in which the vehicle trades are entitled to request to see a copy of the most recent inspection report (less than 18 months old) from the vehicle operator. If the report is satisfactory (i.e. only minor issues identified), the council EHO should not conduct a further inspection, unless there is a perceived risk to food safety and public health.

If a recent inspection report is not provided by the operator, is more than 18 months old, or has a major non-compliance issue outstanding, then the council EHO has the discretion to carry out an inspection and charge an inspection fee.

Mobile food vending vehicle operators/proprietors are responsible for organising to have an inspection when they begin to trade and providing a current inspection report to officers from another council in whose area they trade.

Carry your most recent inspection report with you whenever you are trading from your mobile food vending vehicle.

Fees and charges

The local council may charge fees for inspecting your food handling activities under the *Local Government Act 1993*. The fee amount can vary between councils.

Councils can levy an annual administration charge under the *Food Act 2003*. Only a council that carries out an inspection is allowed to levy the annual administration charge. Non-home councils are recommended not to levy the annual administration charge.

There may be other fees and charges levied by councils for vehicle approval to trade under other legislation. Check with the local council/s in which you trade to find out what fees and charges apply to you.

Conditions of operation

Maintenance

The vehicle and its associated fixtures, fittings and equipment must be kept clean and in a good state of repair and working order (i.e. free from dirt, fumes, smoke, foul odours and other contaminants).

Garbage and recyclable matter

Food business operators must ensure that:

- suitable and adequate garbage receptacles with tight-fitting lids are provided. When directed, a suitable receptacle should be provided outside the vehicle for depositing take-away food containers and other litter
- arrangements are made to dispose of garbage content each day or more frequently when the need arises
- recyclable, re-useable or compostable products are used wherever possible.

Animals and pests

Take all practicable measures to prevent pests (including birds, spiders and flying insects) from entering the food stall or coming into contact with any fixtures, equipment or parts of vehicles used to transport food.

Animals are not permitted to enter a food premises at any time. 'Assistance animals', as defined in section 9 of the *Disability Discrimination Act 1992*, are permitted in public dining and drinking areas. Assistance animals include guide dogs trained to help people with disabilities.

It is recommended that a regular pest control program be used.

Children in food preparation areas

For health and safety reasons, children should not be permitted to enter a mobile food vending vehicle.

Water and ice

- a) Potable water (i.e. safe for human consumption) must be used for washing or preparing food or as an ingredient in food. Town water supplies are considered potable. Using water from other sources may be suitable, but this should be checked with the local council.
- b) Only food-grade materials should be used to store water.
- c) Ice used to keep food cool or to add to food or drink must be potable.
- d) All hot water for washing purposes should be supplied from a suitable hot water system and should be piped so it can be mixed with cold water.

Waste disposal

The vehicle should be equipped with a waste water tank external to the vehicle, with a capacity of at least 50 litres, and have an outlet of sufficient diameter to facilitate easy flushing and cleaning.

Waste water must be disposed of lawfully. Please contact your local water authority prior to the event for advice.

Under no circumstances is liquid waste to be discharged on the ground or to a stormwater drainage system.

All sinks and hand wash basins should be provided with sanitary traps.

Electricity, gas supplies, fire extinguishers and work safety

- Food business operators (and event management) should ensure there is a sufficient supply of electricity for food handling activities, particularly for hot/cold food holding and heating water.
- Electricity should be supplied through proper supply poles equipped with all necessary safety devices (as required by legislation). All work should be carried out by a licensed electrician and conform to 'AS/NZS 3002-2008: Electrical Installations – Shows and Carnivals'. SafeWork NSW requires electrical appliances and leads to be tested at least annually, and identification tags attached.
- Fixed gas installations (such as in mobile food trucks) must be installed by a licensed gasfitter and comply with the appropriate provisions of 'AS/NZS 1596-2014: The Storage and Handling of LP Gas' and 'AS 5601-2000 (AG 601-2002: Gas Installations'. A current compliance plate should be attached to the vehicle for new installations or any changes made to existing gas appliances.
- All portable gas appliances and appliances connected to Liquefied Petroleum Gas (LPG) cylinders must be certified to comply with Australian Standards by a certifier accredited by NSW Fair Trading. Refer to the NSW Fair Trading webpage on gas appliances:
http://www.fairtrading.nsw.gov.au/ftw/Businesses/Product_safety/Gas_appliances.page.
- Portable gas appliances should be located on a non-combustible surface with safe clearance distances from combustible materials and in a well-ventilated location. LPG cylinders should be secured so they remain upright and protected from damage. Refer to Energy Safe Victoria's *Gas safety at public events* brochure and follow the gas safety checklist: http://www.esv.vic.gov.au/wp-content/uploads/2017/02/Gas-safety-at-public-events_brochure.pdf or contact SafeWork NSW for further information.
- Cartridge-operated appliances are not approved for use at public events. These appliances are commonly used in domestic situations and are fuelled by a disposable butane gas cartridge.
- A fire extinguisher and fire blanket should be supplied in any vehicle or stall where cooking or heating processes take place. Operators should be able to extinguish small fires if needed.
- Fire safety equipment should be easily accessible. The extinguisher should be suitable for dealing with the type of combustible materials present.
- Fire safety equipment should be tested annually and have current tagging in accordance with 'AS 1851-2012: Routine Service of Fire Protection Systems and Equipment'. Contact Fire and Rescue NSW for more information.
- All measures must be taken to comply with the requirements of SafeWork NSW to protect the health, safety and welfare of workers and visitors at the event. Contact SafeWork NSW for more information.

Pollution prevention

Operations should not cause any harm to the environment (i.e. air, water, noise and surrounding land). This is a requirement under the *Protection of the Environment Operations Act 1997*. For example, waste water should be discharged into the sewer system not onto the ground. Contact the local council for more information on the safe and legal disposal of waste water.

Facilities

Construction of vehicle

The design and construction of a mobile food vending vehicle must:

- be appropriate for the types of food stored, prepared and sold
- have adequate space for all activities and for all equipment to be used or stored
- allow easy cleaning and sanitising procedures of all structures and equipment
- prevent the entry of pests, dust, fumes, smoke and other contaminants where practicable
- exclude favourable sites for pests to harbour (live and breed).

The design and layout of a mobile food vending vehicle should be well planned and should take into consideration a range of key issues including but not limited to: maximising space without compromising food safety, using effective and durable construction materials, providing preparation and storage areas, hygiene requirements such as hand washing, and compliance with Food Safety Standards to ensure effective and acceptable operation.

Design principles should accommodate food safety flow of product and waste to minimise risks of food and equipment contamination. Separating particular processes must be considered including:

- raw and cooked foods
- hand washing facilities and utensil wash up areas
- storage facilities
- waste disposal areas

Separation of the driving compartment from food storage, handling and serving sections should be considered.

The construction standards required are dependent on the type, extent and frequency of food handling operations. As these standards can vary widely, it is recommended that before constructing or using a vehicle to sell food, the local council be approached and a clear agreement reached.

Floors

Floors are to be constructed of materials which are impervious and durable.

The intersections of walls to floors should be without corners (coved): tight jointed, sealed and dust proof.

Floors should be graded to the doorsill or, alternatively, a floor waste with a screwed removable plug is to be provided.

Floors that are unlikely to pose any risk of contamination of food handled in the vehicle may be exempted from the constructional requirements of these guidelines provided the food business has obtained council approval.

Walls

Walls are to be provided where they are necessary to protect food from contamination.

Walls must be finished with materials suitable for activities conducted in the vehicle and be easy to clean. Light coloured, high gloss, impervious surfaces are recommended.

Suitable wall materials in food preparation areas are stainless steel, aluminium sheeting, acrylic or laminated plastic sheeting or polyvinyl sheeting with welded seams.

Architraves, skirting boards, picture rails or similar protrusions should not be used on the walls.

Walls at the rear of cooking appliances should be surfaced with a material such as stainless steel, which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material should be lapped over the top edge of the appliance to provide a grease and vermin-proof seal. Cooking appliances should only be sealed to walls made of a non-combustible material.

A splashback should be installed to a minimum height of 300mm above any bench, sink or hand basin and should be constructed using an impervious waterproof material.

Ceilings

Ceilings are to be provided where they are necessary to protect food from contamination.

Ceilings must be finished with impervious materials suitable for activities conducted in the vehicle and be easy to clean. A light colour is recommended.

Where applicable, the ceiling height should be adequate to effectively conduct food handling activities.

Ceilings should be free of open joints, cracks and crevices.

The intersection of walls and ceilings should be tight jointed, sealed and dust proof.

Door and serving openings

All openings are to be fitted with close fitting doors and shutters where practicable to exclude dust, pests and other contaminants. These should be closed during transport.

Door and serving hatches should be finished internally with the same standard of material as the walls.

Pipes, conduits and wiring

Pipes, conduits and wiring should be concealed in or behind floors, walls and ceilings, or fixed on brackets providing at least 25 mm clearance between the pipe and adjacent surfaces, and 150mm between the pipe or conduit and adjacent horizontal surfaces.

Service pipes, conduits and wiring should not be placed in the recessed toe space of plinths or equipment.

Equipment and appliances

Equipment should be either built in with no cavities or mounted on castors capable of being easily moved to facilitate cleaning.

Cooking equipment should not be placed beneath windows, wall cupboards, serving openings, shelving or roof vents.

Lighting

Adequate lighting in accordance with Australian Standards is to be provided to ensure safe food handling.

In areas where exposed food is handled or stored, light fittings should be shatter-proof or fitted with suitable light diffusers (covers) to prevent contamination of food by broken light globe/tube glass.

Ventilation

There must be sufficient natural or mechanical ventilation to effectively remove fumes, smoke, steam and vapours.

Mechanical ventilation must comply with Australian Standards.

Storage racks should not be fitted above cooking and heating equipment as they can obstruct the airflow.

Hand washing facilities

A dedicated hand washing basin, separate from other facilities and used only for that purpose, must be provided.

Warm water is needed for effective hand washing. Hot and cold water must be delivered through a single outlet to a dedicated hand basin.

Liquid soap and single-use paper towels must be provided at or near the hand washing facility.

To allow easy cleaning of hands and arms the basin should be installed at bench height, not under a bench. It should not be obstructed by other equipment and appropriately fixed to the wall. Ideally an impervious splashback should be installed behind the basin.

An additional dedicated sink is required for washing of re-usable eating and drinking dinnerware and tableware.

Food handling

The requirements for handling food for sale for human consumption are outlined in 3.2.2 *Food Safety Practices and General Requirements* and 3.2.3. *Food Premises and Equipment* of the Food Standards Code. These are on the Food Standards Australia New Zealand website at www.foodstandards.gov.au.

The requirements also apply to pre-packaged food and low-risk food. Factsheets and user guides (including for charitable and community not-for-profit organisations) are available on the Food Authority website at www.foodauthority.nsw.gov.au.

Food suppliers

Obtain fresh produce and products from reputable suppliers, as generally they operate under strict quality guidelines. Keep copies of invoices for trace-back if needed in the future.

Preparing food at home

Notification of food business details, construction, facilities, labelling and food handling requirements of the *Food Act 2003* apply equally to home situations as to commercial operations. This also applies to pre-packaged and low-risk produce and foods.

Approval to use homes for food handling may also be required by local councils. The local council should be contacted in these situations. The factsheet [Home based and mixed food businesses](#) is on the Food Authority's website.

Food storage

- Food businesses must ensure that all foods are stored so that they are protected from likely contamination and that the environmental conditions will not adversely affect the safety or suitability of the food.
- There must be separately located storage facilities for items such as chemicals, clothing and personal belongings that may contaminate food or food contact surfaces.
- Food should be stored at least 150mm above the floor or in suitable containers and, where possible, kept out of direct sunlight.
- Ensure that potentially hazardous foods are received under temperature control and within their use-by date.
- Potentially hazardous foods such as poultry, meat, dairy products, seafood and egg-based products must be stored under temperature control. If intended to be stored frozen, the food must remain frozen during storage. (See guideline: [Potentially hazardous foods: Foods that require temperature control for safety](#)).
- Refrigeration facilities should be large enough to hold potentially hazardous foods under temperature control at all times. This may require the use of portable coolrooms. Do not overstock refrigerators or portable coolrooms as the air will not be able to circulate freely around the foods. Perishable cold foods should be kept cold.

Potentially hazardous foods and temperature control

One of the most common causes of foodborne illness is the storage and display of potentially hazardous foods at inadequate temperatures for extended periods. This can lead to the rapid and sustained growth of food poisoning bacteria.

Examples of potentially hazardous foods include:

- cooked meat
- dairy products
- seafood

- prepared salads, raw salad vegetables
- cooked rice and pasta
- processed soya bean products
- other processed foods containing eggs, beans, nuts or other protein-rich foods that contain any of the above foods such as sandwiches and quiches.

A food business must, when storing and displaying potentially hazardous food, store it under temperature control. If the food is intended to be stored frozen ensure the food remains frozen during storage and display. Temperature control means maintaining cold food at a temperature of 5°C or below, or hot food at 60°C or above.

Canned and bottled foods, dried or pickled products and some other processed foods such as dried pasta, pasteurised juices and dried powder products, are not considered to be potentially hazardous unless opened or reconstituted.

All food businesses that handle potentially hazardous foods are required to have a readily accessible, accurate, probe-type thermometer (+/- 1°C accuracy). Ensure the thermometer probe is cleaned and sanitised before it is used. It is good practice to monitor the temperature of hot or cold foods under operating conditions to ensure adequate temperature control is being maintained.

Additional information on potentially hazardous food and its management can be found in [Potentially hazardous foods: Foods that require temperature control for safety](#) and [Guidance on the 4-hour/2-hour rule](#) at www.foodauthority.nsw.gov.au.

Cross contamination

Adequate measures must be taken to prevent cross contamination from raw foods to cooked foods. This includes:

- ensuring there are separate utensils for cooked and raw meats, poultry and seafood
- covering all food unless it is being processed or prepared – unprotected food must not be left unattended
- keeping cooked meat and salads separate from raw meat, raw poultry, raw seafood and unwashed raw vegetables
- washing hands after handling raw meats, raw poultry, raw seafood and raw vegetables.

Food display

When displaying food, take all practicable measures to protect the food from likely contamination by customers, dust, fumes or pests. This may mean using plastic food wraps, sealed containers, sneeze barriers, food covers or other effective measures.

Crockery, wrappings and packaging

- Single-use, disposable eating and drinking utensils are recommended.
- If re-usable dinnerware or tableware is used, you will need to show an authorised officer that you use an appropriate method for cleaning and sanitising them (machine dishwashers are recommended).
- Crockery or plastic items that are chipped, cracked, broken or in a state of disrepair must not be used in connection with food.
- Packaging material must be suitable for food packaging and unlikely to cause food contamination. Only clean and unprinted paper, food wrap or packaging must be used for wrapping or storing food.

Single-use items

Single-use straws, eating utensils and other items that come into contact with food or the mouth of a person, must be protected from contamination until use and not re-used.

Skills and knowledge

All food businesses must ensure their food handlers have skills and knowledge in food safety and food hygiene matters appropriate to the type of foods they are preparing/handling and their work activities.

Charitable and community not-for-profit organisations are exempt from this requirement if they sell foods that are not potentially hazardous (e.g. cakes without cream, biscuits, bottled jam or pickles), or foods which are to be consumed immediately after thorough cooking (e.g. sausages, hamburgers and spring rolls). (See boxed section on page 6.)

Food Safety Supervisor

In addition to skills and knowledge requirements for all food handlers, certain food businesses need to appoint one Food Safety Supervisor (FSS). The FSS requirement applies if your business is processing and selling food by retail that is:

- ready-to-eat,
- potentially hazardous (i.e. requires temperature control), and
- unpackaged (i.e. not sold and served in the supplier's original package).

One FSS needs to be appointed for each food vending vehicle. A copy of the FSS certificate must be kept in the vehicle.

You do not need to notify the local council of your FSS.

Mobile food vending vehicles which are garaged in another state are required to have an FSS certificate if operating in NSW. FSS certificates can be obtained from the Food Authority for a small fee upon submission of appropriate training documents.

For more information on Food Safety Supervisor requirements go to www.foodauthority.nsw.gov.au/rp/fss-food-safety-supervisors.

Staff illness

A person who is unwell or suffering from a contagious illness must not handle food for sale. Symptoms may include cold or flu symptoms, diarrhoea, vomiting, sore throat with fever, fever or jaundice and infectious skin conditions.

A food handler must notify their supervisor if they know or suspect that they may have contaminated food.

Requirements for food handlers

When engaged in any food handling operation, a food handler must:

- not contaminate food or food contact surfaces with their body or clothing,
- prevent unnecessary contact with ready-to-eat food,
- wear only clean outer clothing,
- cover all dressing and bandages on exposed body parts with a waterproof dressing,
- not eat over uncovered food or food contact surfaces,
- not sneeze, blow or cough over uncovered food or surfaces likely to come into contact with food,
- not spit, smoke or use tobacco while working at the food premises, and
- not urinate or defecate except in a toilet.

Hand washing

A food handler must wash his or her hands using soap and warm water, then dry them with single-use, paper towels:

- before commencing or re-commencing handling food,
- immediately before handling ready-to-eat food after handling raw food,

- immediately after using the toilet,
- immediately after smoking, coughing, sneezing, using a handkerchief or tissue, eating, drinking or touching his or her hair, scalp or a body opening, and before using disposable gloves for handling food. If wearing gloves, you should change them as often as you are required to wash your hands.

Money handling/touching customers' hands when serving food

While the likelihood of contamination from customers' hands when exchanging money is low, consideration should be given to minimising the risk. Examples include using a disposable glove, or nominating one staff member to handle money only.

Cleaning and sanitising

- The vehicle must be maintained to a standard of cleanliness where there is no accumulation of garbage or recycled matter (except in appropriate containers), food waste, dirt, grease or other visible matter.
- All fixtures, fittings and equipment must be maintained and cleaned so there is no accumulation of food waste, dirt, grease or other visible matter.
- Eating and drinking utensils must be in a clean and sanitary condition immediately before each use.
- Bench tops, surfaces of equipment in contact with food, and storage appliances, must be kept in a clean and sanitary condition to reduce the likelihood of contaminating food. 'Sanitary' means cleaning first, followed by heat and/or chemical treatment at the right concentration, or some other process to reduce the number of bacteria to a level unlikely to compromise the safety of the food. 'Food-grade' chlorine-based sanitisers can be used for this purpose.
- The containers used for chemical storage should be appropriately labelled.
- Chemicals must not be stored near the food or any packaging likely to come in contact with food to avoid the risk of contamination.
- It is recommended that a documented cleaning schedule is devised and implemented.

Labelling

The following requirements are outlined in more detail in the Australia New Zealand [Food Standards Code](#) (FSC), which can be viewed on the Food Standards Australia New Zealand (FSANZ) website. For detailed advice on labelling requirements, please contact the Food Authority. Food that is not correctly labelled may be seized to protect consumers.

Pre-packaged products must be clearly labelled with:

- a description of the food, e.g. 'strawberry jam' or 'chocolate cake'
- the name and physical address of the supplier – a street address is needed, not a post office box number or email address
- production lot identification – this helps trace-back of food products that may be the cause of a foodborne illness or other food safety issues (date coding can in some circumstances satisfy the requirement for a lot number)
- mandatory, advisory or warning statements (refer to Standard *1.2.3 Mandatory Warnings and Advisory Statements and Declarations* of the Food Standards Code) are required for the following:
 - royal jelly
 - the presence of these allergenic foods: peanuts, tree nuts, sesame seeds, crustaceans, eggs, fish, milk, soybeans and lupin, as well as gluten and added sulphites
 - presence of pollen, propolis, quinine and caffeine (added either as caffeine or guarana)

- milk and milk substitute products advising that they are not suitable as a complete milk replacement in children under five
 - foods containing added phytosterols and phytosterols, advising about their appropriate consumption
 - foods containing aspartame, advising about the presence of phenylalanine
 - mandatory advisory statements on foods containing polyols and polydextrose, advising about the potential laxative effects if over consumed
 - unpasteurised goats milk (it is illegal to sell unpasteurised milk or dairy products in NSW, except for goats milk and products permitted under Standard 4.2.4A *Primary Production and Processing Standard for Specific Cheeses* of the [Food Standards Code](#))
- e) a list of ingredients including added water in descending order by ingoing weight
- f) date marking, e.g. 'best before' date to indicate how long the food will keep. (Note that some foods require a 'use-by' date and must not be sold after that date. Packaged foods that need to be consumed within a certain time for health and safety reasons should carry date marking in the form of a use-by date, along with other labelling details)
- g) storage conditions, if these are needed for health and safety reasons, or to achieve its stated storage life, e.g. 'Keep refrigerated'
- h) nutrition information panel – most packaged food should display a nutrition information panel (NIP); however, some foods are exempt from this requirement
- i) characterising ingredient – a characterising ingredient (% labelling) means it is mentioned in the name of the food. For example, for strawberry jam, the label should show the percentage (%) of strawberries in the ingredient list
- j) the country in which the food was made, produced or packaged, and whether it contains imported and/or local ingredients.

While unpackaged foods are exempt from most labelling requirements, consumers who have known allergies need to know if a particular ingredient is present in the food they are eating. Standard 1.2.3 of the [Food Standards Code](#) requires a warning statement about the presence of royal jelly to be displayed on or near the food containing it.

The presence of the other allergenic foods – listed under item d) above – needs to be indicated either by a display on or near the food, or declared to the purchaser on request. The presence of certain other foods, such as bee pollen, propolis, aspartame, guarana and phytosterols, trigger requirements for specific advisory statements.

Information about these requirements can be found in Standard 1.2.3 – *Mandatory Warning and Advisory Statements and Declarations* of the [Food Standards Code](#).

Food sold to raise money solely for charitable or community causes, and not for personal financial gain, are exempt from labelling requirements, except for the need to declare the presence of royal jelly. The presence of allergens, the directions for storage and use and the country of origin of seafood, pork and fresh fruit and vegetables need to be provided on request.

Checklist for mobile food vendor vehicles

This checklist is designed as a summary of the key issues for operators of mobile food vending vehicles. These requirements are based on the Food Safety Standards.

Construction and operation	✓
The vehicle's design and layout is appropriate for the intended use	
Driving compartment is separate to food area (recommended)	
Floors are impervious and easy to clean	
Construction and finish of wall and ceiling surfaces are satisfactory	
Cupboards and counter surfaces are satisfactory	
Design of cupboards and counters facilitates easy cleaning underneath and behind	
Openings are protected to minimise entry of dust, pests and other contaminants	
Adequate supply of potable water is available in the vehicle. Note: 'adequate' means enough potable water to ensure effective hand and utensil washing	
The vehicle has an accessible hand wash basin at all times	
The vehicle has liquid soap, single-use towels and warm water available at the hand wash basin(s)	
Ventilation is sufficient to remove fumes, smoke, steam and vapours	
Artificial lighting is adequate	
Waste disposal systems are satisfactory	
The vehicle and equipment are in a good state of repair and working order	
General food safety requirements	✓
Food is obtained from reputable suppliers	
Food is protected from contamination during transportation	
Food is packaged in a manner and using materials that protects it from contamination	
Potentially hazardous foods are only received at the correct temperature and within date coding	
Raw food is stored separately from prepared or ready-to-eat food	
The refrigerator or microwave oven is used when thawing frozen food	
Cold, ready-to-eat, potentially hazardous food is stored at or below 5oC	
Hot, ready-to-eat, potentially hazardous food is stored at or above 60oC	

Construction and operation	✓
Frozen food to be kept frozen is stored frozen	
Raw food is handled so as not to contaminate ready-to-eat food. Separate utensils are used during food processing (e.g. the utensils used for preparing raw meat are not used for preparing cooked meat or vegetables)	
When cooling cooked, potentially hazardous food, it is cooled: from 60°C to 21°C within two hours, and from 21°C to 5°C within a further four hours	
When heating potentially hazardous food, it is rapidly heated to 60oC or higher	
Potentially hazardous food is kept under temperature control	
There is a thermometer available where potentially hazardous food is handled (e.g. probe type accurate to +/- 1°C), and regular temperature checks are made	
Chemicals are kept away from food handling areas	
Food handling areas are kept free from dirt, dust, flies, pests and other contaminants	
The hand wash facility is only used for hand washing	
Administrative items and personal items are stored away from food	
Food handler hygiene	✓
Staff have appropriate food safety skills and knowledge	
Food handlers have been informed of their health and hygiene obligations	
Staff who are suffering from foodborne illness are to be excluded from food handling until a medical clearance has been obtained	
Staff wear clean clothing and have hygienic habits	
Food handlers wash their hands adequately and at appropriate times	
Food handlers are not contaminating food	
Cleaning and maintenance	✓
Floor, walls, ceiling, fixtures, fittings and equipment are maintained in a clean condition	
Re-usable eating and drinking utensils are cleaned and sanitised before each use	
Food contact surfaces of benches and equipment are sanitised before use and as required	
The vehicle and equipment are kept in a good state of repair and working order	
Containers for waste have close fitting lids and are removed at least daily or as required	
The vehicle is free from animals and pests. It is recommended that a regular pest control program be used	

Construction and operation	✓
Appropriate WorkCover requirements are met (i.e. fire safety, electrical and gas)	
Other necessary information	✓
Have you investigated restrictions on street or roadside trading?	
Have you enquired about inspection fees and council approval?	
Have you enquired about the appropriate public indemnity insurance?	

Contact information

Please contact your local council in the first instance, or the NSW Food Authority for further information.

Local Government NSW (NSW councils)

Tel: 02 9242 4000

Website: www.lgnsw.org.au/about-us/council-links

Email: lgnsw.org.au

NSW Food Authority

Tel: 1300 552 406

Website: www.foodauthority.nsw.gov.au

Email: food.contact@dpi.nsw.gov.au

Food Standards Australia New Zealand

Tel: 02 6271 2222 (Australia)

Website: www.foodstandards.gov.au/

SafeWork NSW

Tel: 13 10 50

Website: www.safework.nsw.gov.au

Email: contact@safework.nsw.gov.au

Fire and Rescue NSW

Tel: 02 9265 2999

Website: www.fire.nsw.gov.au

Email: info@fire.nsw.gov.au

Key definitions

Adequate supply of water

Potable water available at a volume, pressure and temperature adequate for the purposes for which the water is used.

Australian/New Zealand Standards

Australian Standard/New Zealand Standards are documents which are referenced by legislation to provide more detail on requirements and technical procedures. These standards can be purchased from Standards Australia on 1300 654 646 or by visiting its website at www.standards.com.au.

Coving

A curved junction between the floor and the wall.

Equipment

A machine, instrument, apparatus, utensil or appliance – other than a single use item – used or intended to be used in connection with food handling; includes any equipment used or intended to be used to clean the food premises or equipment.

Food business

A business, enterprise or activity (other than primary food production) that involves:

- handling of food intended for sale, or
- sale of food regardless of whether the business enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

Food handler

Any person who directly engages in the handling of food, or who handles surfaces likely to come into contact with food for a food business.

Food premises/Vending vehicle

Any premises including land vehicles, parts of structures, tents stalls and other temporary structures, boats, pontoons, including premises used principally as a private dwelling; but not food vending machines or vehicles used only to transport food.

Food Safety Standards

These are part of the [Food Standards Code](#) (under the NSW *Food Act 2003* and *Food Regulation 2015*). They define requirements for food premises (which include vehicles), food handling practices, structural requirements and labelling.

Handling of food

Includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, cooking, thawing, serving or displaying of food.

Home council

The home council is the one in which the mobile food vending vehicle is ordinarily garaged.

Home jurisdiction rule

If mobile food vending vehicles trade across council boundaries, including its home council, most councils will use a home jurisdiction rule. This means that the home council will be the one to normally carry out the first food inspection on a mobile food vending vehicle and be the one to levy the annual administration charge.

The Food Authority recommends councils in subsequent areas where the vehicle operates do not levy the annual administration charge, and only inspect under conditions described at page 8 of this document.

Potable water

Water suitable (safe) for drinking

Potentially hazardous food

Food that must be kept at certain temperatures to minimise the growth of any pathogenic microorganisms that may be present in the food and/or to prevent the formation of toxins. This may include meat, seafood, dairy products, orange juice and cooked rice.

Sanitising

A process that significantly reduces the number of microorganisms present on a surface. This is usually achieved by using both heat and water, or chemicals.

'Sell' means:

- barter, offer or attempt to sell, or
- receive for sale, or
- have in possession, display, send, forward or deliver for sale, or
- dispose of for valuable consideration, or
- dispose to an agent for sale on consignment, or
- provide under contract of service, or
- supply food as a meal or part of a meal to an employee for consumption at work, or
- dispose of by way of raffle, lottery or other game of chance, or
- offer as a prize or reward, or
- give away for the purpose of advertisement or in furtherance of trade, or
- supply under a contract with accommodation, service or entertainment, or
- give the food away from a food business to a person, or
- sell for the purpose of resale.

Sewage

Discharge from toilets, urinals, basins, showers, sinks and dishwashers through a sewer or other means.

Sinks

Includes sinks for food preparation, cleaner's sink, utensil and equipment washing and personal hand washing basins.

Temperature control

Maintaining food at a temperature of:

- 5°C or below if this is necessary to minimise the growth of infectious or toxigenic microorganisms in the food so that the microbiological safety of the food will not be adversely affected for the time the food is at that temperature, or
- 60°C or above, or
- another temperature – if the business demonstrates that maintenance of the food at this temperature for the period of time for which it is so maintained will not adversely affect the microbiological safety of the food.

Unsafe and unsuitable food

Food is considered unsafe if it is likely to cause physical harm to a person who might later consume it, assuming they treated the food correctly after purchase.

Food is considered unsuitable if it is damaged, deteriorated or perished to an extent that affects its intended use, e.g. out of date, poor maintenance or poor storage of chemicals or contains a substance that is foreign to the nature of the food (i.e. foreign matter or chemicals which may have fallen into the food).

Warm water

Not hotter than 50°C in order to comply with Australian/New Zealand Standard 3500.4.2 (Plumbing and drainage: Part 4 – heated water services).

GUIDELINES FOR FOOD BUSINESSES AT TEMPORARY EVENTS

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Introduction

These guidelines inform businesses selling food at temporary events in NSW of their legal requirements in relation to the NSW *Food Act 2003* (the Act) and the Food Standard Code (the Code). They provide information on requirements such as power supply and waste disposal, and suggest ways to maintain food safety at the event.

Businesses and local council environmental health officers (EHOs) can use this guide to assess compliance with the Act and the Code.

The primary aim of these guidelines is to make food businesses aware of their legal requirements and to suggest ways to assure food safety when selling food.

This guideline also provides businesses with a guide to applicable fees and charges that councils may levy.

Food businesses wishing to sell food at temporary events should contact the council where the event is based prior to operating to check if a permit to trade on public land is required, if an inspection must be completed, if there are any applicable fees or if there are any other requirements.

What is a temporary event?

A temporary event is any occasion which is of limited duration or periodic in nature and where food is sold to consumers from a temporary structure or vehicle. Examples include fairs, festivals, markets and shows.

These guidelines cover all types of food businesses at temporary events and provide guidance for additional requirements when the temporary event continues over several days, introducing additional risks. The checklist provided in the document can be used to self-assess compliance with general requirements.

While mobile food vending vehicles often operate at temporary events, it is recommended that they refer to the Food Authority document [Guidelines for mobile food vending vehicles](#).

Obligations on selling food

A person handling or selling food or operating stalls used for selling food for human consumption, including drinks, produce, fruit and vegetables or pre-packaged food, is deemed to be a 'food business'. This includes not-for-profit operations.

A food business is required to sell safe and suitable food in accordance with the NSW *Food Act 2003* (the Act), which also mandates compliance with the national [Food Standards Code](#) (the Code). Of particular relevance for temporary events are parts 1.2 (labelling) and 3.1.1, 3.2.2 and 3.2.3 (food safety standards) of the Code, which can be accessed at www.foodstandards.gov.au

Failure to comply with the requirements may lead to enforcement action. Depending on the food safety risk identified, this action may include a warning letter, improvement notice, penalty notice, seizure, prohibition or prosecution. The NSW Food Authority and councils generally follow an escalating enforcement policy. For more information see <http://www.foodauthority.nsw.gov.au/ip/audits-and-compliance/compliance>

Which agencies enforce the Act and Code?

In most cases, local councils are responsible for the food surveillance of the retail sector and enforce the requirements of the Act and Code; this includes food for retail sale at temporary events.

The Food Authority is only responsible for surveillance if there is processing of products that require a licence at that premises, such as:

- businesses that conduct food service to vulnerable persons

- high-risk plant product businesses
- businesses that handle or process meat
- businesses that further process seafood
- businesses that handle shellfish
- dairy producers, factories and vendors
- businesses that produce or process eggs and egg related products

Charities and community groups

Charities and community groups are those which do not derive funds for personal financial gain but direct any profits back to the community (e.g. local sports clubs, Lions and Rotary clubs).

The NSW *Food Act 2003* and [Food Standards Code](#) apply to all food businesses including those selling food for charity or community purposes. It is always an offence to sell food that is unsafe or unsuitable. Charities and community groups are exempt from some requirements:

- Notification of food business is not required if food sold is not potentially hazardous (e.g. scones) or is to be consumed immediately after thorough cooking (e.g. sausage sizzle)
- Food Safety Supervisor requirements do not apply
- Some labelling requirements do not apply; however, it is a requirement to provide information to customers on request about these allergenic ingredients:
 - cereals containing gluten
 - crustacean and their products
 - fish and fish products
 - egg and egg products
 - milk and milk products
 - peanuts and peanut products
 - sesame seeds and sesame seed products
 - soybean and soybean products
 - tree nuts and tree nut products
 - lupin

Further information can be obtained from the NSW Food Authority or local councils.

Administration

Notification

Food businesses that trade at temporary events must notify their details to the local council prior to commencing trading for the first time. Businesses must notify their home jurisdiction council (i.e. location where food is prepared before sale at a temporary event), and the local councils where they intend to trade. Notification is a compulsory requirement.

Appropriate details for notification include:

- contact details for the food business including the name of the food business and the name and business address of the proprietor of the food business,
- the nature of the food business, and
- the location of all food premises of the food business that are within the jurisdiction of the enforcement agency.

Notification may be made to council in any form that includes the above details.

The only exceptions are:

- businesses licensed or notified with the NSW Food Authority, or
- not-for-profit fundraising events where there is sale of low-risk food (e.g. tea/coffee and biscuits) or sale of food that is thoroughly cooked immediately before consumption (e.g. sausage sizzle).

Notification is a one-off process unless your details change, in which case you are required to provide an update to the appropriate authority.

Licensing

Some retailers at temporary events require a Food Authority licence if there is an activity that requires a licence in the business, such as:

- businesses that conduct food service to vulnerable persons
- high-risk plant product businesses
- businesses that handle or process meat
- businesses that further process seafood
- businesses that handle shellfish
- dairy producers, factories and vendors
- businesses that produce or process eggs and egg related products

If you carry out one of these activities, contact the Food Authority well before the event to determine whether you require a licence.

Council approvals

Local councils are generally responsible for the approval of temporary events and the stalls retailing food (including alcohol) at that event. Some councils require development consent for temporary events, so you may be required to lodge a development application. Some councils require the temporary site itself to be registered/approved (for example, *s68 approval to operate* issued under the *Local Government Act 1993*).

It is important to check specific requirements with the local council well before the event.

To avoid unnecessary interruption to your business, have your valid council permit on display so that inspecting officers (and customers) can retrieve information about the stall operator if required.

Food Safety Supervisor

Food businesses operating at temporary events may need to appoint a Food Safety Supervisor (refer to page 16 of this document for details). Ensure this is done well before the event. You must keep a copy of the certificate at the stall and it is wise to have it on display for inspecting officers, which also provides the added benefit of promoting your investment in food safety to your customers.

Inspections

The inspection of stall operators trading at temporary events are conducted by council's environmental health officers (EHOs) who are authorised officers under the *Food Act 2003*. The frequency of inspection can vary and may depend on any food safety risk of the food being handled or any previous enforcement history. They check that good food safety practices are in place, such as temperature control, cleanliness, hand washing and labelling (refer to checklist at end of this document).

Small events where low-risk foods are sold may not require inspection. Large events, particularly where high-risk foods are sold or businesses have a poor compliance history, are likely to be inspected.

If stall operators trade across council boundaries, most councils will use a home jurisdiction rule. This means the stall operator will be inspected by the council local to where that business originates. That council is known as the 'home council'.

Other councils in which the stall operator trades are entitled to request to see a copy of the most recent inspection report (less than 18 months old) from the proprietor. If the report is satisfactory (i.e. only minor issues identified), the council EHO should not conduct a further inspection, unless there is a perceived risk to food safety and public health.

If a recent inspection report is not provided by the stall operator, is more than 18 months old, or has a major non-compliance issue outstanding, then the council EHO has the discretion to carry out an inspection and charge an inspection fee.

Stall operators/proprietors are responsible for organising to have an inspection when they begin to trade and providing a current inspection report to officers from another council in whose area they trade.

Carry your most recent inspection report with you whenever you are trading from your temporary stall.

Councils adopt a risk-based approach to determine when to inspect food businesses at temporary events. The risk factors considered are:

- number of food businesses trading at the event
- can the businesses provide (in advance) evidence of a satisfactory inspection by their home jurisdiction or other enforcement agency
- poor compliance history of businesses at the event
- any food safety complaints made against food businesses trading at the event
- type of food being sold at the event (PHF vs non PHF)
- estimated number of visitors to the event
- duration of the event

- access to facilities and services such as potable water, to waste water management staff toilets, waste management, electricity.

It is recommended that a business keep a copy of their last inspection report at their premises to demonstrate compliance history.

Fees and charges

The local council may charge fees for inspecting your food handling activities under the *Local Government Act 1993*. The fee amount can vary between councils.

Check with the local council/s in which you trade to find out what fees apply to you. There may be other fees and charges levied by councils for approval to trade under other legislation. Please contact your local council for details.

Councils can levy an inspection fee against the event organiser, or against the individual temporary food businesses.

The inspection fee levied can be:

- a fixed fee, or
- based on the council's hourly food inspection rate.

If council decides an additional inspection is required for a business (because of poor compliance), an inspection fee can be levied against the food business.



Conditions of operation

Location of food stalls

- Stalls should be set up on sealed ground and away from drainage lines to avoid cross contamination and maintain stall cleanliness. If only unsealed sites are available or where PHF is being prepared on site (the ground where food is being prepared and stored should be completely covered).
- Multi-day events that remain committed to trading regardless of weather conditions will need to implement further measures such as raised floors. Floor coverings must be easily cleaned and non-absorbent.
- The open side of the stall should not face prevailing winds to reduce dust, odour and insect problems.
- Stalls should be located away from toilets and garbage areas to prevent airborne contamination.

Toilets

Food business operators (and event management) must ensure that adequate toilet facilities are available for food handlers. This includes adequate hand washing facilities including the provision of warm water soap and an effective means of drying hands (e.g. paper towels). Multi-day events should have an appropriate ratio of staff only toilets to the number of food stalls trading. Using the [Building Code of Australia table F2.3](#), the recommended ratio for toilets in class 6 buildings (restaurant/café) is 1 toilet per 15 employees.

Maintenance

The food stall and its fixtures, fittings and equipment, toilets and hand washing facilities, as well as parts of vehicles used to transport food, must be kept clean, sanitised and in good, working order (i.e. free from dirt, fumes, smoke, odours and other contaminants). Timber surfaces should be avoided and if used must be maintained so they are non-absorbent and easily cleaned.

Garbage and recyclable matter

Food business operators (and event management) must ensure there are:

- adequate rubbish dumpsters located away from food stalls so that vermin and flying insects are not attracted to food preparation areas,
- adequately sized, enclosed rubbish bins at each food stall,
- arrangements to dispose of garbage at the end of the day, and
- recyclable, re-useable or compostable products wherever possible.

Animals and pests

Take all practicable measures to prevent pests (including birds, spiders, wildlife and flying insects) from entering the food stall or coming into contact with any fixtures, equipment or parts of vehicles used to transport food.

Animals are not permitted to enter a food stall at any time. 'Assistance animals', as defined in section 9 of the *Disability Discrimination Act 1992*, are permitted in public dining and drinking areas. Assistance animals include guide dogs trained to help people with disabilities.

Children in food stalls

For health and safety reasons, children should not be allowed to enter the preparation area of a food stall.

Camping in or near food stalls is not permitted. A designated area is usually set aside for staff camping at multi-day events.

Water and ice

- Potable water (i.e. safe for human consumption) must be used for washing and preparing food, or as an ingredient in food. Town water supplies are considered potable. Using water from other sources may be suitable but this should be checked with the local council.
- Only food-grade materials should be used to store water.
- Ice used to keep food cool or to add to food or drink must be made from potable water and treated as food. Do not break up ice bags on bare ground, use a food preparation sink or counter.

Facilities

Facilities should be constructed to ensure a good standard of food hygiene and allow for easy cleaning and maintenance (see diagrams on page 21).

Construction of temporary food stalls

Temporary food stalls include any structure set up for an occasional event such as a fete, fair, market or festival, where it can be demonstrated that food safety will not be compromised.

The standard of construction for temporary food stalls is:

- walls and ceiling where they are needed to protect food, ensuring there is adequate ventilation if using appliances connected to Liquefied Petroleum Gas (LPG) cylinders (this can be achieved by using a fine mesh wall material)
- entire food premises (including barbeques and cool rooms) to be adequately screened to reduce the risk of food contamination and to restrict public access
- floors to be in the form of a non-absorbent easily cleaned material (e.g. vinyl) cut larger than the floor area to enable it to be turned up at the wall and clipped or fixed into position. Floors in multi-day events should be raised to account for wet weather and should consider high traffic areas, i.e. between the stall and cool room. The event organiser may coordinate the construction of stalls and should consider these requirements
- walls to be non-absorbent and easily cleaned. The framework of the wall panels should support the fabric taut and rigid. No part of the walls should flap in the breeze or be unsecured
- ceiling to be of similar construction to the walls
- whole structure to be securely fixed together when assembled and protected against wind.

For pre-packaged and low-risk foods at single day events, there may be exemptions from certain construction requirements due to the reduced food safety risk. Contact the local council to enquire about exemptions. Examples of pre-packaged and low-risk foods are: pre-bottled or sealed jams, honey, pickles and drinks; pre-wrapped and sealed cakes, toffees and biscuits; whole fruit, vegetables and nuts intended to be washed or peeled before eating.

Fixtures

Food preparation surfaces (e.g. counters, shelves, stands) must be made from rigid, smooth and durable material, free of cracks or joints. Timber surfaces should be painted, laminated or clear finished. Shelves should be at least 150 mm off the floor to avoid cross contamination and facilitate effective cleaning and sanitising. Metal end sections should be sealed.

The preparation and display of food, including unpackaged ready-to-eat food, must be protected from likely contamination from customers. Sneeze barriers or other enclosures should be considered.

For pre-packaged and low-risk foods, there may be exemptions from certain facility requirements due to the reduced food safety risk. Contact the local council for details.

Cleaning, sanitising and hand washing facilities

- A sealed container of warm potable water (minimum capacity 10 litres) with a tap and suitable bowls or containers should be provided for cleaning, sanitising and hand washing. Clean towels, detergent and food-grade surface sanitiser must also be provided. For pre-packaged and low-risk foods, there may be exemptions from certain facility requirements due to the reduced food safety risk. You will need approval in writing from the local council if you wish to be exempt from providing warm potable water for hand washing. Multi-day events will require reticulated potable water supply usually provided by the event organiser.

- Reusable eating, drinking, dinnerware and tableware must be washed and sanitised in separate receptacles used only for that purpose. All food preparation utensils, equipment and eating utensils (reusable and disposable) must be stored a minimum 150mm off the ground.
- A hand washing facility, separate from other facilities and used only for that purpose, must be provided where it is easily and readily accessible, e.g. at the staff entrance to the stall. Warm water is needed for effective hand washing and delivered through a single outlet to a dedicated hand basin. Soap and single-use paper towels must be provided at the hand washing facility. Bars also require hand washing facilities.
- A suitable sanitising agent must be available for sanitising food utensils and food contact surfaces. Where utensils are stored in a sanitising solution between uses, the solution should be changed frequently to keep it clean.
- At multi-day events stall holders must include a separate sink for food preparation only.

Waste disposal

Waste water must be disposed of lawfully. Please contact your local water authority prior to the event for advice.

Multi-day event organisers will usually provide bulk waste water disposal containers and stall holders should make arrangements to pump their waste water to that container/location rather than carrying buckets.

A garbage bin with a tight-fitting lid should be provided in the stall for solid waste that is then emptied into the bulk bin frequently and at the end of the day's trade.

Food handling

The requirements for handling food for sale for human consumption are outlined in Standard 3.2.2 – *Food Safety Practices and General Requirements* and Standard 3.2.3 – *Food Premises and Equipment* of the [Food Standards Code](#). These are on the Food Standards Australia New Zealand website at www.foodstandards.gov.au.

These requirements also apply to pre-packaged food and low-risk food. Factsheets and user guides (including for charitable and community not-for-profit organisations) are available on the Food Authority website at www.foodauthority.nsw.gov.au.

Food suppliers

Obtain all food products from reputable suppliers, as generally they operate under strict quality guidelines. Keep copies of invoices to trace back if needed in the future.

Preparing food at home

Notification of food business details, construction of facilities, labelling and food handling requirements of the *Food Act 2003* apply to the preparation of food for sale from a home kitchen. They also apply to pre-packaged and low-risk produce and foods. Approval to use home kitchens as part of a food business may be required by local councils.

Contact the local council for more information. The factsheet [Home-based food businesses](#) is available on the Food Authority's website.

Transport of food to events

All food and packaging for the event must be transported by vehicle so that dust, pests and other likely sources of contamination are excluded. Whole fruits and vegetables and grains which are to be further processed generally do not need to be transported under temperature control. (See the Food Authority's guideline [Potentially hazardous foods: Foods that require temperature control for safety](#)).

Foods that are required to be stored under temperature control or kept frozen must be placed under strict temperature control or frozen during transportation. Food-grade plastic or insulated containers with tight-fitting lids may be used for some foods. Where food comes into contact with the surface of the container, it should be impervious to moisture, constructed of a food-grade material and be capable of being easily cleaned and sanitised. Lids should not be removed from food containers when the vehicle is in motion or unattended.

Commercial food transport vehicles should be suitable for this purpose.

Food storage

- Food business operators must ensure that all foods are stored so that they are protected from likely contamination, and that the environmental conditions will not adversely affect the safety or suitability of the food.
- There must be separately located storage facilities for items such as chemicals, clothing and personal belongings, which may contaminate food or food contact surfaces.
- Food including packaged drinks and alcohol should be stored at least 150mm above the floor and kept out of direct sunlight.
- Potentially hazardous foods like poultry, meat, dairy products, seafood and egg-based products must be stored under temperature control. If intended to be stored frozen, the food must remain frozen during storage. (See [Potentially hazardous foods: Foods that require temperature control for safety](#)).



- Refrigeration facilities should be large enough to hold potentially hazardous foods under temperature control at all times. This may require the use of portable coolrooms. Do not overstock refrigerators or portable coolrooms, as the air will not be able to circulate freely around the foods. Food must be stored off the floor in cool rooms and freezers
- Coolrooms fridges and freezers should be located out of direct sunlight or otherwise shade. For multi-day events access to cool rooms should be a hard surface, e.g. duckboards.
- Cold foods should be stored at or below 5°C.
- Hot food appliances (bain maries and display cases) should enable hot foods to be kept at, or above, 60°C at all times.

Potentially hazardous foods and temperature control

One of the most common causes of foodborne illness is the storage and display of potentially hazardous foods at inadequate temperatures for extended periods. This can lead to the rapid and sustained growth of food poisoning bacteria.

Examples of potentially hazardous foods include:

- cooked meat
- dairy products
- seafood
- prepared salads, raw salad vegetables
- cooked rice and pasta
- processed soya bean products
- other processed foods containing eggs, beans, nuts or other protein-rich foods that contain any of the above foods such as sandwiches and quiches.

A food business must, when storing and displaying potentially hazardous food, store it under temperature control. If the food is intended to be stored frozen, ensure the food remains frozen during storage and display. Temperature control means maintaining cold food at a temperature of 5°C or below, or hot food at 60°C or above.

Canned and bottled foods, dried or pickled products and some other processed foods, such as dried pasta, pasteurised juices and dried powder products, are not considered to be potentially hazardous unless opened or reconstituted.

All food businesses that handle potentially hazardous foods are required to have a readily accessible, accurate, probe-type thermometer (+/- 1°C accuracy). Ensure the thermometer probe is cleaned and sanitised before it is used. It is good practice to monitor the temperature of hot or cold foods under operating conditions to ensure adequate temperature control is being maintained.

Additional information on potentially hazardous food and its management can be found in [Potentially hazardous foods: Foods that require temperature control for safety](#) and [Guidance on the 4-hour/2-hour rule](#) at www.foodauthority.nsw.gov.au.

Cross contamination

Adequate measures must be taken to prevent cross contamination from raw foods to cooked foods. This includes:

- ensuring there are separate utensils for cooked and raw meats, poultry and seafood
- covering all food unless it is being processed or prepared – unprotected food must not be left unattended
- keeping cooked meat and salads separate from raw meat, raw poultry and raw seafood
- washing your hands after handling raw meats, raw poultry, raw seafood and raw vegetables
- storing food, cooking and eating utensils off the floor
- having appropriate cleaning equipment (e.g. mops, buckets, brooms) for multi-day events and all-weather conditions
- changes of footwear so that in wet weather circumstances muddy shoes are not worn in the stall
- stall holders should considerer allocating single task (food preparation, cleaning, serving or handling money) to individuals as a strategy to reduce the potential for cross contamination especially during peak service periods.

Food display

When displaying food, you should take all practicable measures to protect the food from likely contamination by customers, dust, fumes or insects. This may mean using plastic food wrap, sealed containers, sneeze barriers, food covers or other effective measures.

Crockery, wrappings and packaging

- Single-use, disposable eating and drinking utensils are recommended.
- If re-usable dinnerware or tableware is used, you will need to show an authorised officer that you use an appropriate method for cleaning and sanitising them (machine dishwashers are recommended).
- Crockery or plastic items that are chipped, cracked, broken or are in a state of disrepair must not be used for food.
- Packaging material must be food-grade and unlikely to cause food contamination. Only clean and unprinted paper, food wrap or packaging must be used for wrapping or storing food.

Single-use items

Single-use straws, eating utensils and other items that come into contact with food and a person's mouth must be protected from contamination until use and not re-used.

Skills and knowledge

All food businesses must ensure that their food handlers have skills and knowledge in food safety and food hygiene matters appropriate to the type of foods they are preparing/handling and their work activities.

Charitable and community not-for-profit organisations are exempt from this requirement if they sell foods that are not potentially hazardous (e.g. cakes without cream, biscuits, bottled jam or pickles), or foods which are to be consumed immediately after thorough cooking (e.g. sausages, hamburgers and spring rolls). (See boxed section on page 5).

Food Safety Supervisor

In addition to skills and knowledge requirements for all food handlers, certain food businesses need to appoint one Food Safety Supervisor (FSS). The FSS requirement applies if your business is processing and selling food by retail (at a temporary event) that is:

- ready-to-eat
- potentially hazardous (i.e. requires temperature control)
- unpackaged (i.e. not sold and served in the supplier's original package).

One FSS needs to be appointed for the premises (i.e. the tent or stall structure). If you have more than one premises at the event, then a different FSS needs to be appointed for each premises. A copy of the FSS certificate for your FSS must be kept at the premises.

You do not need to notify the local council of your FSS.

Certain food businesses do not require an FSS, such as organisations selling food for community or charitable causes. See the Food Authority's website for details: <http://www.foodauthority.nsw.gov.au/rp/fss-food-safety-supervisors>.

Staff illness

A person who is feeling unwell or suffering from a contagious illness must not handle food for sale. Symptoms may include cold or flu symptoms, diarrhoea, vomiting, sore throat, fever, jaundice and infectious skin conditions.

A food handler must notify their supervisor if they know or suspect that they may have contaminated food.

Requirements for food handlers

When engaged in any food handling operation, a food handler must:

- not contaminate food or food contact surfaces with their body or clothing
- prevent unnecessary contact with ready-to-eat food
- wear only clean outer clothing
- cover all dressing and bandages on exposed body parts with a waterproof dressing
- not eat over uncovered food or food contact surfaces
- not sneeze, blow or cough over uncovered food or surfaces likely to come into contact with food
- not spit, smoke or use tobacco while working in the food stall
- not urinate or defecate except in a toilet.

Hand washing

A food handler must wash his or her hands using soap and warm water, then dry them with single-use, paper towels:

- before commencing or re-commencing handling food
- immediately before handling ready-to-eat food after handling raw food
- immediately after using the toilet
- immediately after smoking, coughing, sneezing, using a handkerchief or tissue, eating, drinking or touching his or her hair, scalp or a body opening, and before using disposable gloves for handling food. If wearing gloves, you should change them as often as you are required to wash your hands.

Money handling/touching customers' hands when serving food

While the likelihood of contamination from customers' hands when exchanging money is low, consideration should be given to minimising the risk. Examples include using a disposable glove or nominating one staff member to handle money only.

Cleaning and sanitising

- The food stall must be maintained to a standard of cleanliness where there is no accumulation of garbage or recycled matter (except in appropriate containers), food waste, dirt, grease or other visible matter.
- All fixtures, fittings and equipment must be maintained and cleaned and sanitised so there is no accumulation of food waste, dirt, grease or other visible matter.
- Eating and drinking utensils must be in a clean, sanitary and undamaged condition immediately before each use.
- Bench tops, surfaces of equipment in contact with food, and storage appliances must be kept in a clean and sanitary condition to reduce the likelihood of contaminating food. 'Sanitary' means cleaning first, followed by heat and/or chemical treatment at the right concentration, or some other process to reduce the number of bacteria to a level unlikely to compromise the safety of the food. 'Food-grade' chlorine-based sanitisers can be used for this purpose.
-
- The containers used for chemical storage should be appropriately labelled.
- Chemicals must not be stored near food or any packaging likely to come in contact with food to avoid the risk of contamination.
- On closing each night, stalls at multi-day events must be thoroughly cleaned and sanitised, waste should be removed from inside and near the stall, and all food secured in food-grade containers. Food preparation surfaces should be cleaned and sanitised again upon reopening as the stall, which is not vermin proof, is left unattended and unprotected from night time visitors (insects, vermin, and wildlife).

Labelling

The following requirements are outlined in more detail in the Australia New Zealand [Food Standards Code](#) (FSC), which can be viewed on the Food Standards Australia New Zealand (FSANZ) website. For detailed advice on labelling requirements, please contact the Food Authority. Food that is not correctly labelled may be seized to protect consumers.

Pre-packaged products must be clearly labelled with:

- a) a description of the food, e.g. 'strawberry jam' or 'chocolate cake'
- b) the name and physical address of the supplier – a street address is needed, not a post office box number or email address
- c) production lot identification – this helps trace-back of food products that may be the cause of a foodborne illness or other food safety issues (date coding can in some circumstances satisfy the requirement for a lot number)
- d) mandatory, advisory or warning statements (refer to Standard 1.2.3 of the [Food Standards Code](#)) are required for the following:
 - royal jelly
 - the presence of these allergenic foods: peanuts, tree nuts, sesame seeds, crustaceans, eggs, fish, milk, soybeans and lupin, as well as gluten and added sulphites
 - presence of pollen, propolis, quinine and caffeine (added either as caffeine or guarana)
 - milk and milk substitute products advising they are not suitable as a complete milk replacement in children under five

- foods containing added phytosterols and phytostanols, advising about their appropriate consumption
 - foods containing aspartame, advising about the presence of phenylalanine
 - mandatory advisory statements on foods containing polyols and polydextrose, advising about the potential laxative effects if over consumed
 - unpasteurised goats milk (it is illegal to sell unpasteurised milk or dairy products in NSW, except for goats milk and products permitted under Standard 4.2.4A – *Primary Production and Processing Standard for Specific Cheeses* of the [Food Standards Code](#))
- e) a list of ingredients including added water in descending order by ingoing weight
- f) date marking, e.g. 'best before' date to indicate how long the food will keep. (Note that some foods require a 'use-by' date and must not be sold after that date. Packaged foods that need to be consumed within a certain time for health and safety reasons should carry date marking in the form of a use-by date, along with other labelling details)
- g) storage conditions, if these are needed for health and safety reasons, or to achieve its stated storage life, e.g. 'Keep refrigerated'
- h) nutrition information panel – most packaged food should display a nutrition information panel (NIP); however some foods are exempt from this requirement
- i) characterising ingredient – a characterising ingredient (% labelling) means it is mentioned in the name of the food. For example, for strawberry jam, the label should show the percentage (%) of strawberries in the ingredient list
- j) the country in which the food was made, produced or packaged, and whether it contains imported and/or local ingredients.

While unpackaged foods are exempt from most labelling requirements, consumers who have known allergies need to know if a particular ingredient is present in the food they are eating. Standard 1.2.3 of the [Food Standards Code](#) requires a warning statement about the presence of royal jelly to be displayed on or near the food containing it.

The presence of the other allergenic foods – listed under item d) above – needs to be indicated either by a display on or near the food, or declared to the purchaser on request. The presence of certain other foods, such as bee pollen, propolis, aspartame, guarana and phytosterols, trigger requirements for specific advisory statements.

Information about these requirements can be found in Standard 1.2.3 – *Mandatory Warning and Advisory Statements and Declarations* of the [Food Standards Code](#).

Food sold to raise money solely for charitable or community causes, and not for personal financial gain, are exempt from labelling requirements, except for the need to declare the presence of royal jelly. The presence of allergens, the directions for storage and use, and the country of origin of seafood, pork and fresh fruit and vegetables, need to be provided on request.

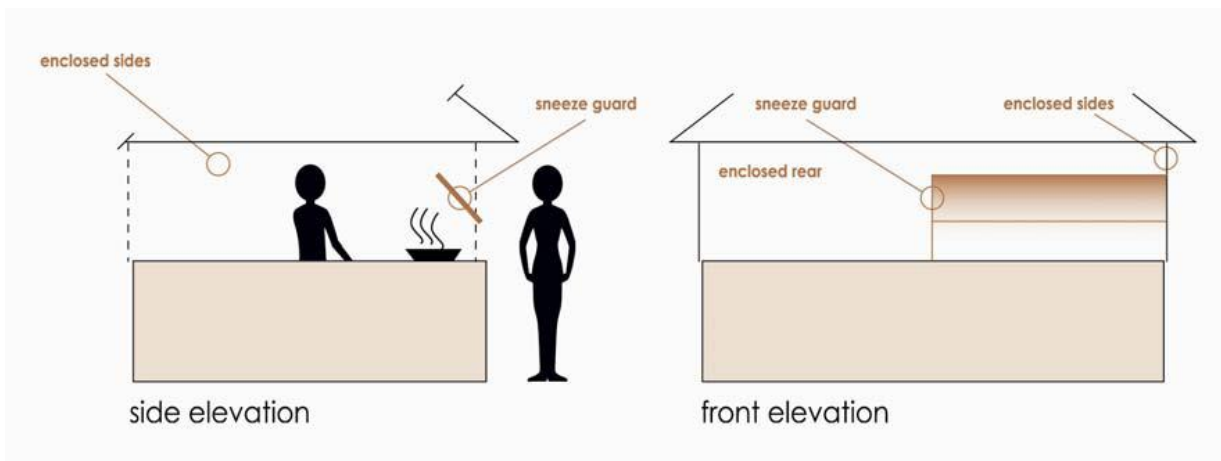
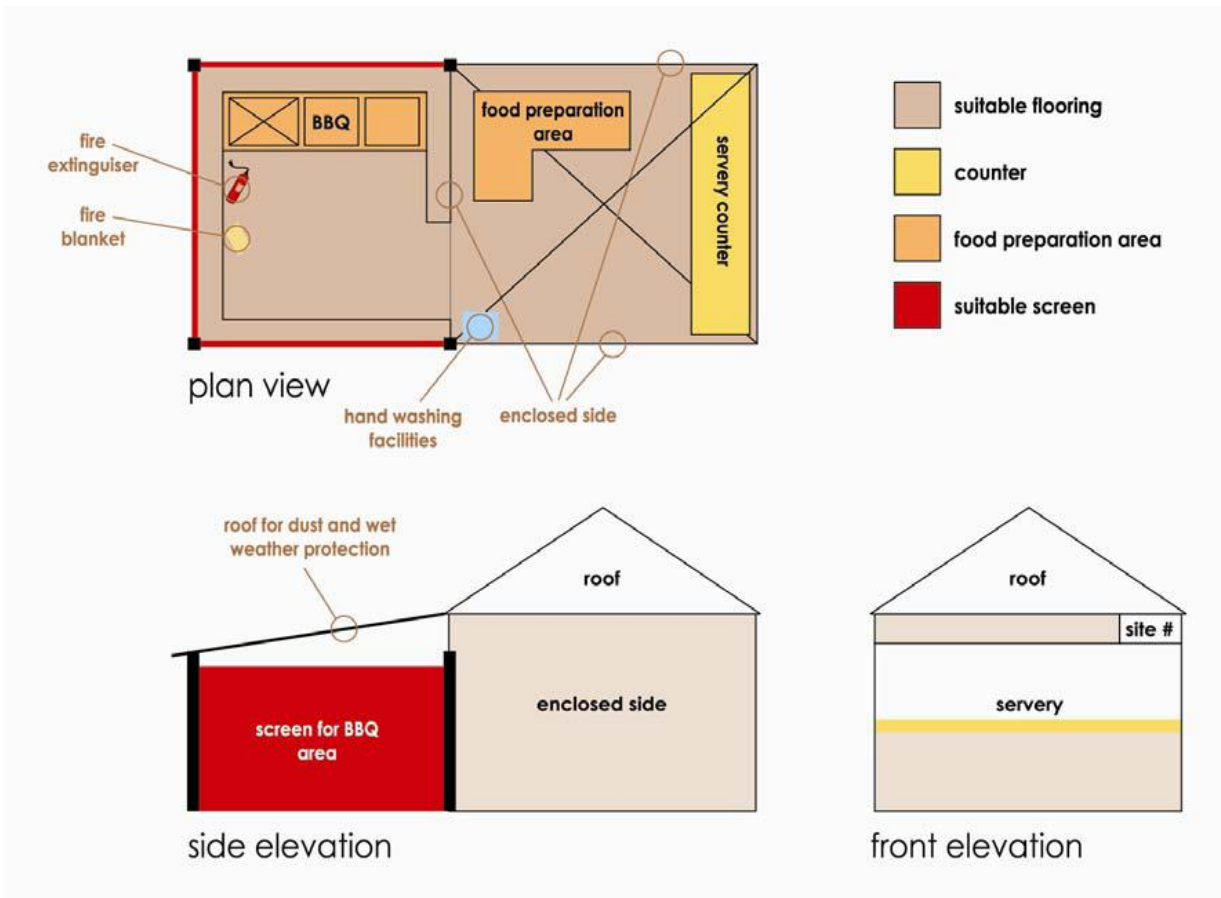
Electricity and gas supplies, fire extinguishers and work safety

- Food business operators (and event management) should ensure there is a sufficient supply of electricity for food handling activities, particularly for hot/ cold food holding and heating water.
- Electricity should be supplied through proper supply poles equipped with all necessary safety devices (as required by legislation). All work should be carried out by a licensed electrician and conform to 'AS/NZS 3002-2008: Electrical Installations – Shows and Carnivals'. SafeWork NSW requires electrical appliances and leads to be tested at least annually, and identification tags attached.
- Fixed gas installations (such as in mobile food trucks) must be installed by a licensed gasfitter and comply with the appropriate provisions of 'AS/NZS 1596-2014: The Storage and Handling of LP Gas' and 'AS 5601-2000 (AG 601-2002: Gas Installations'. A current compliance plate should be attached to the vehicle for new installations or any changes made to existing gas appliances.
- All portable gas appliances and appliances connected to Liquefied Petroleum Gas (LPG) cylinders must be certified to comply with Australian Standards by a certifier accredited by NSW Fair Trading. Refer to the NSW Fair Trading webpage on gas appliances:
http://www.fairtrading.nsw.gov.au/ftw/Businesses/Product_safety/Gas_appliances.page.
- Portable gas appliances should be located on a non-combustible surface with safe clearance distances from combustible materials and in a well-ventilated location. LPG cylinders should be secured so they remain upright and protected from damage. Refer to Energy Safe Victoria's *Gas safety at public events* brochure and follow the gas safety checklist: http://www.esv.vic.gov.au/wp-content/uploads/2017/02/Gas-safety-at-public-events_brochure.pdf or contact SafeWork NSW for further information.
- Cartridge-operated appliances are not approved for use at public events. These appliances are commonly used in domestic situations and are fuelled by a disposable butane gas cartridge.
- A fire extinguisher and fire blanket should be supplied in any vehicle or stall where cooking or heating processes take place. Operators should be able to extinguish small fires if needed.
- Fire safety equipment should be easily accessible. The extinguisher should be suitable for dealing with the type of combustible materials present.
- Fire safety equipment should be tested annually and have current tagging in accordance with 'AS 1851-2012: Routine Service of Fire Protection Systems and Equipment'. Contact Fire and Rescue NSW for more information.
- All measures must be taken to comply with the requirements of SafeWork NSW to protect the health, safety and welfare of workers and visitors at the event. Contact SafeWork NSW for more information.

Pollution prevention

Operations should not cause any harm to the environment (i.e. air, water, noise and surrounding lands). This is a requirement under the *Protection of the Environment Operations Act 1997*. Contact the local council for more information on the safe and legal disposal of waste water.

Temporary food stall layout



Temporary food stall checklist

Have you...?

1. Received the necessary approvals from the local council for:
 - home-based operations?
 - setting up at the event?
 - food vending vehicle inspection?
2. Notified your food business details to the appropriate authority?
3. Obtained public indemnity insurance?
4. Asked council about inspection fees?
5. Checked your stall will:
 - be located in a dust free area, away from toilets and garbage bins?
 - have sufficient supply of potable water?
 - have adequate wastewater disposal facilities?
 - have adequate garbage bins?
 - have power?
 - have suitable construction, e.g. floor, walls and ceiling?
 - have food handling facilities for storage, cooking, hot/cold holding, preparation and serving?
 - have cleaning and hand washing facilities?
 - address safety issues, e.g. fire control and SafeWork issues
6. Provided a suitable vehicle and containers for the transport and storage of the food?
7. Addressed food handling operations adequately, including:
 - all food handlers have adequate skills and knowledge for their activities?
 - checked if there are potentially hazardous foods involved? If **YES**, then have you:
 - provided adequate hot or cold storage facilities (e.g. portable coolrooms, adequate supply of ice, hot boxes)?
 - checked there is a thermometer?
 - checked a sanitiser is available?
 - checked that frozen foods can be correctly thawed?
 - organised designated staff to handle money only, while other staff serve ready-to-eat food using tongs or gloves?
 - provided adequate measures to protect food from contamination (e.g. lidded containers, sneeze barriers)?

- checked that eating and drinking utensils are protected from contamination until use?
- minimised the need for re-usable dinnerware and tableware?
- checked that packaged food is appropriately labelled?
- got adequate shelving so food is not stored on the ground?
- got adequate hand washing supplies, including soap and paper towels?

If you answered **NO** to any of these questions (except having potentially hazardous foods), then you may need to discuss these issues with the local council and/or change your management plan, before the event begins.

Contact information

Please contact your local council in the first instance, or the NSW Food Authority for further information.

Local Government NSW (NSW councils)

Tel: 02 9242 4000

Website: www.lgnsw.org.au/about-us/council-links

Email: lgnsw.org.au

NSW Food Authority

Tel: 1300 552 406

Website: www.foodauthority.nsw.gov.au

Email: food.contact@dpi.nsw.gov.au

Food Standards Australia New Zealand

Tel: 02 6271 2222 (Australia)

Website: www.foodstandards.gov.au

SafeWork NSW

Tel: 13 10 50

Website: www.safework.nsw.gov.au

Email: contact@safework.nsw.gov.au

Fire and Rescue NSW

Tel: 02 9265 2999

Website: www.fire.nsw.gov.au

Email: info@fire.nsw.gov.au



Key definitions

Adequate supply of water

Potable water available at a volume, pressure and temperature adequate for the purposes for which the water is used.

Australian/New Zealand Standards

Australian Standard/New Zealand Standards are documents which are referenced by legislation to provide more detail on requirements and technical procedures. These standards can be purchased from Standards Australia on 1300 654 646 or by visiting its website at www.standards.com.au.

Coving

A curved junction between the floor and the wall.

Equipment

A machine, instrument, apparatus, utensil or appliance — other than a single use item — used or intended to be used or in connection with food handling; includes any equipment used or intended to be used to clean the food premises or equipment.

Food business

A business, enterprise or activity (other than primary food production) that involves:

- handling of food intended for sale, or
- sale of food regardless of whether the business enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

Food handler

Any person who directly engages in the handling of food, or who handles surfaces likely to come into contact with food for a food business.

Food premises/market stall

Any premises including land vehicles, parts of structures, tents stalls and other temporary structures, boats, pontoons, including premises used principally as a private dwelling but not food vending machines or vehicles used only to transport food.

Food Safety Standards

These are part of the [Food Standards Code](#) (under the NSW *Food Act 2003* and Food Regulation 2010). They define requirements for food premises (which include vehicles), food handling practices, structural requirements and labelling.

Handling of food

Includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, cooking, thawing, serving or displaying of food.

Home jurisdiction

The home jurisdiction rule recognises the enforcement agency (i.e. local council) in whose area food is prepared before sale at a temporary event or in the case of a mobile food vendor the area where the mobile food vending vehicle is garaged.

Potable water

Water suitable (safe) for drinking.

Potentially hazardous food

Food that must be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food and/or to prevent the formation of toxins. This may include meat, seafood, dairy products, orange juice and cooked rice.

Sanitising

A process that significantly reduces the number of micro-organisms present on a surface. This is usually achieved by using both heat and water or chemicals.

'Sell' means:

- barter, offer or attempt to sell, or
- receive for sale, or
- have in possession, display, send, forward or deliver for sale, or
- dispose of for valuable consideration, or
- dispose to an agent for sale on consignment, or
- provide under contract of service, or
- supply food as a meal or part of a meal to an employee for consumption at work, or
- dispose of by way of raffle, lottery or other game of chance, or
- offer as a prize or reward, or
- give away for the purpose of advertisement or in furtherance of trade, or
- supply under a contract with accommodation, service or entertainment, or
- give the food away from a food business to a person, or
- sell for the purpose of resale.

Sewage

Discharge from toilets, urinals, basins, showers, sinks and dishwashers through a sewer or other means.

Sinks

Includes sinks for food preparation, cleaner's sink, utensil and equipment washing and personal hand washing basins.

Temperature control

Maintaining food at a temperature of:

- 5°C or below if this is necessary to minimise the growth of infectious or toxigenic microorganisms in the food so that the microbiological safety of the food will not be adversely affected for the time the food is at that temperature, or
- 60°C or above, or
- another temperature – if the business demonstrates that maintenance of the food at this temperature for the period of time for which it is so maintained will not adversely affect the microbiological safety of the food.

Unsafe and unsuitable food

Food is considered unsafe if it is likely to cause physical harm to a person who might later consume it, assuming they treated the food correctly after purchase.

Food is considered unsuitable if it is damaged, deteriorated or perished to an extent that affects its intended use, e.g. out of date, poor maintenance or poor storage of chemicals or contains a substance that is foreign to the nature of the food (i.e. foreign matter or chemicals which may have fallen into the food).

Warm water

Not hotter than 50°C in order to comply with Australian/New Zealand Standard 3500.4.2 (Plumbing and drainage: Part 4 – heated water services).