

ENVIRONMENT
AND HEALTH
POLICY

FOOD HANDLING AT TEMPORARY EVENTS

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1. Introduction

Events are a great opportunity for various communities to come together and celebrate a variety of occasions. At almost all events, food is an important aspect of the celebrations and is sold to a large number of people. Therefore, it is critical that the food sold at these events is safe and that consumers are confident that the food they eat won't make them sick. This policy is developed to ensure that event organisers are aware of their requirements and to assure the sale of safe food.

2. Scope

This policy applies to temporary food events held in a public place.

3. Key terms

3.1 Temporary food events

A temporary food event is any occasion which is not permanent in nature, where food is sold or is an inducement for trade.

3.2 Event organisers

The event organiser is the person responsible for the overall event.

3.3 Food businesses

Food business means a business, enterprise or activity (other than primary food production) that involves:

- a. the handling of food intended for sale; or
- b. the sale of food;
- c. Regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community
- d. nature or whether it involves the handling or sale of food on one occasion only. (Standard 3.1.1)

3.4 Food for sale

Food includes:

- a. any substance or thing of a kind used, or represented as being for use, for human consumption (whether it is live, raw, prepared or partly prepared), or
- b. any substance or thing of a kind used, or represented as being for use, as an ingredient or additive in a substance or thing referred to in paragraph (a), or
- c. any substance used in preparing a substance or thing referred to in paragraph (a) (other than a substance used in preparing a living thing) if it comes into direct contact with the substance or thing referred to in that paragraph, such as a processing aid, or
- d. chewing gum or an ingredient or additive in chewing gum, or any substance used in preparing chewing gum, or
- e. any substance or thing declared to be a food under a declaration in force under section 6 of the Food Standards Australia New Zealand Act 1991 of the Commonwealth, whether or not the substance, thing or chewing gum is in a condition fit for human consumption.

However, food does not include a therapeutic good within the meaning of the Therapeutic Goods Act 1989 of the Commonwealth.

To avoid doubt, food may include live animals and plants.

Sell includes:

- a. barter, offer or attempt to sell, or
- b. receive for sale, or
- c. have in possession for sale, or
- d. display for sale, or
- e. cause or permit to be sold or offered for sale, or

- f. send, forward or deliver for sale, or
- g. dispose of by any method for valuable consideration, or
- h. dispose of to an agent for sale on consignment, or
- i. provide under a contract of service, or
- j. supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work, or
- k. dispose of by way of raffle, lottery or other game of chance, or
- l. offer as a prize or reward, or
- m. give away for the purpose of advertisement or in furtherance of trade or business, or
- n. supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment, or
- o. supply food (whether or not for consideration) in the course of providing services to patients in public hospitals (within the meaning of the Health Services Act 1997) or inmates in correctional centres (within the meaning of the Crimes (Administration of Sentences) Act 1999), or
- p. sell for the purpose of resale.

4. Approval required for temporary food events

The regulation of Temporary Food Stalls is under the Local Government Act 1993 and the Food Act 2003. Under the Local Government Act 1993 a Section 68 approval is required to permit the sale of food on public land. Under the Food Act 2003, a food business (including temporary food stalls) must notify Council of their business before the commencement of trading. This application form must be submitted and fees paid in full at least fourteen (14) days prior to the event. In accordance with conditions of approval completed 'Temporary Food Event (Public Land) Food Vendor Registration Form/s' must be provided to Council by the nominated event organiser at least fourteen (14) days prior to the event.

4.1 Applying for Approval

Temporary Food Events on Public Land

All temporary food events require the prior approval of Council if held on public land. In accordance with conditions of approval, completed forms must be provided to Council by the nominated event organiser at least fourteen (14) days prior to the event:

4.2 Temporary Events Involving the Sale of Food - Application Procedure

1. Each event must nominate an Event Organiser who is the primary contact in relation to the event. The roles and responsibilities of the Event Organiser are outlined in City of Canada Bay's Event Organiser Guidelines
2. As required by the legislation, the event organiser must apply to Council for a Section 68 approval to permit the sale of food on public land by completing the 'Section 68 Local Government Approval Temporary Food Event (Public Land) Application Form. Complete and return Council's "Section 68 Local Government Approval Temporary Food Event (Public Land) Application Form' together with applicable fees.
3. Once completed Council will review your application and determine whether approval is granted.
4. Where approval is granted you will receive an approval letter outlining the conditions of the approval. A copy of this approval letter is to be available on the day of event.
5. Once this application has been approved, a condition of approval requires the event organiser ensure all food vendors complete and return Council's 'Temporary Food Event Food Notification Form' to the nominated event organiser. Once all forms are received, it is up to the event organiser to submit the forms to Council for registration. Completed registration forms must be returned to Council at least 14 days prior to the date of the scheduled event.

4.3 Temporary Private Land on Private Land

Temporary events held on private land do not require approval under section 68 of the Local Government Act 1993. However in accordance with the NSW Food Act 2003 temporary food vendors must notify Council of their business prior to the commencement of trade within their corresponding local government area.

Food vendors found to be operating without notifying Council may be subject to penalties.

To notify your temporary food business please complete and return City of Canada Bay's 'Temporary Food Event Food Notification Form' at least 14 days prior to the scheduled event.

5. Conditions of approval

- The event organiser must obtain approval for the temporary food event with Council under 'Section 68 – Temporary Food Event (Public land) application form' at least 14 days prior to the event.
- The event organiser must pay all applicable fees when making application for the temporary food event.
- A 'food business' is required to sell safe and suitable food in accordance with the provisions of the NSW Food Act 2003 and FSANZ Food Standards Code 3.1.1, 3.2.2 and 3.2.3.
- Approval for the overall event may also be required and must be determined prior to registering the temporary food event.
- Prior to the event, all food stallholders must complete a 'Temporary Food Business Notification form'. These forms must be returned to the event organiser and submitted to Council no less than 14 days before the event.
- The event organiser must have adequate skills and knowledge in food safety.
- The event organiser is responsible for ensuring that each food business/ vendor is provided with Council's Temporary Food Event Guidelines.
- The event organiser will ensure that each food business / vendor is adequately insured.

NOTE: Failure to meet any of the above requirements will result in either a refusal of the application or revocation of the any approval issued.

6. Fees

Under the Local Government Act 1993, Council charges the event organiser a fee for the temporary food event. The current fees payable are available in Council's Fee and Charges.

7. General Requirements of the event

7.1 Compliance with NSW Legislation

- Every food vendor is required to sell safe and suitable food in accordance with the provisions of the NSW Food Act 2003 and FSANZ Food Standards Code 3.1.1, 3.2.2 and 3.2.3.

Failure to comply with the requirements of the above provisions may result in prosecution, penalty infringement notices, product seizures, improvement notices or warning letters being issued, or prohibition orders being served. Fines up to \$110,000 for individuals and up to \$550,000 for corporations, and/or two years' imprisonment apply to some offences.

Council's Temporary Food Event Guidelines provides direction for event organisers and food businesses / vendors on how to comply with the above provisions.

7.2 Location of food stalls and mobile food vending vehicles

- a. Temporary food stalls and/or mobile food vending vehicles are not permitted to operate anywhere other than at an approved event. Mobile food vending vehicles are permitted to operate itinerantly in accordance with Council's 'Itinerant Food Vending Vehicle Policy'.
- b. Stalls should be set up on sealed ground sites to minimise dust problems. If only unsealed sites, such as grass or dirt, are available, the ground should be fully covered.
- c. The open side of the stall/vehicle should not face prevailing winds to reduce dust, odour and insect problems.
- d. Wherever possible, stalls/vehicles should be located away from toilet and garbage collection areas to prevent likely air-borne contamination.

7.3 Toilets

The event management and food vendors should ensure that adequate toilet facilities for food handlers are made available.

7.4 Garbage and recyclable matter

Food vendors (and event management) must ensure there are:

- a. adequate bins at appropriate locations throughout the event area;
- b. adequately sized, enclosed rubbish bins at each food stall;
- c. arrangements to dispose of garbage contents at the end of the day; and
- d. recyclable, re-useable or compostable products wherever possible. This can be encouraged by avoiding products with excessive packaging.

7.5 Animals and pests

- a. Take all practicable measures to prevent pests (including birds, spiders and flying insects) from entering or remaining in the food stall/vehicle, or in any fixtures or equipment, or parts of vehicles used to transport food.
- b. No animal is permitted to enter any food stall/vehicle whether the stall is in operation or not. 'Assistance animals' are permitted in dining and drinking or other 'customer only' areas.

7.6 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 to be potable. The use of water from other sources may be suitable but this should be discussed beforehand with Council;
- b. Only materials of 'food-grade rating' should be used to reticulate or store water; and
- c. Ice used for keeping food cool or adding to food or drink must also be potable.

7.7 Electricity and gas supplies, fire extinguishers and work safety

- a. Food vendors (and event management) should ensure there is a sufficient supply of electricity for food handling operations, particularly hot and cold food holding and water heating;
- b. 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 the relevant Australian Standards. WorkCover NSW requires electrical appliances and leads to be tested at least annually and that identification tags be attached;
- c. Gas should be installed by a licensed gasfitter and comply with the relevant Australian Standards. A current compliance plate should be affixed for new installations or for any changes made to existing gas appliances;
- d. Gas-fired appliances used in the open should not have a gas bottle greater than 9 kg capacity and the bottle should be secured so that it cannot be tipped over. If using your own gas bottles, ensure they are pressure checked;
- e. A fire extinguisher and fire blanket should be supplied in any vehicle or stall where cooking or heating processes are undertaken.
- f. Fire-safety equipment should be easily accessible in the event of a fire. The extinguisher should be suitable for dealing with the type of combustible materials present;
- g. Fire-safety equipment should be tested annually and have current tagging in accordance with the relevant Australian Standard. Contact Fire and Rescue NSW for more information; and
- h. All measures should be taken to satisfy required WorkCover NSW conditions to protect the health, safety and welfare of employees and patrons. Contact WorkCover NSW for more information.

7.8 Pollution prevention

The Protection of the Environment Operations Act 1997 requires that operations should not cause any harm to the environment (i.e. air, water, noise and surrounding land environments). For example, waste water should be discharged into the sewer system, not onto the ground or into the stormwater system. Contact Council for more information.

7.9 Food Safety Requirements

Administration

- Food Safety Supervisor is appointed and certificate kept onsite at stall

Construction

- Stall is fitted with a roof and three sides
- A smooth and impervious floor cover has been supplied as flooring and is able to be cleaned
- A physical barrier i.e. sneeze guards are installed in front of all cooking and preparation areas
- Hand wash basin is provided and located within the stall
- Hand wash basin is supplied with warm running water, liquid soap and paper towels
- Utensil/equipment washing facilities are provided and located within the stall
- Utensil/equipment washing facilities are provided with warm water, and detergent

Food handling

- Potentially hazardous food (PHF) is under temperature control: food receipt, storage, display and transport; cold food at or less than 5°C, Hot food at or above 60°C.
- Digital Probe Thermometer provided to stall, readily accessible – accurate to +/- 1°C
- Food is stored a minimum of 150mm off the floor
- Food is stored in food grade containers
- Disposable eating utensils, straws etc. are stored in dispensers and protected from contamination
- Food handlers wash and dry hands thoroughly using hand wash facilities regularly
- Food handlers avoid unnecessary contact with ready to eat food or food contact surfaces by use of utensils, a gloved hand, food wraps etc.
- Procedures in place for staff when handling food and money etc.
- Food safe sanitiser available for food preparation surfaces and equipment

Other

- Premises, equipment and food contact surfaces are kept in a clean and sanitary condition
- Equipment in a good state of repair and working order
- Suitable garbage and recycling receptacles are provided and arrangements made for frequent removal of garbage and recyclable materials
- Food labelling complies with Food Standards Code

For further information, please contact Council's Environmental Health Officers on 9911 6555 or email health@canadabay.nsw.gov.au