

EVENT GUIDE:

Selling & serving food

In New South Wales, the sale of food is regulated under the NSW Food Act 2003, Food Regulations 2004 and the Australian New Zealand Food Standard Code. Food business operators are bound by these regulations and the Australian Food Safety Standards to ensure that only safe and suitable food is sold for human consumption.

A food business is 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. This includes not-for-profit operations. Food sampling is also classified as 'Food for Sale' under the Food Act 2003.

If you are organising a temporary event (i.e. of limited duration or periodic in nature) where food is sold to consumers from a temporary structure or vehicle, the following is required:

1



Lodge a Catering and Sale of Food Temporary Holder Permit Registration Form (available from www.orange.nsw.gov.au/food-safety/) to Council at least 5 working days prior to the event. The registration form is to be lodged with a copy of your Public Liability Insurance Certificate of Currency for not less than \$10 million and noting Orange City Council as an interested party.

This can be a 12 month permit and can be applied for at any time of year, however it becomes renewable at the beginning of each financial year (i.e. 1 July to 30 June).

2



Appoint a Food Safety Supervisor (FSS) who holds a current FSS certificate if food is:

- Ready-to-eat
- Potentially hazardous (i.e. requires temperature control)
- NOT sold and served in the supplier's original packaging.

The FFS certificate for your FSS must be kept at the premises at all times. Further information available via: www.foodauthority.nsw.gov.au/rp/fss-food-safety-supervisors/guide-for-businesses

Charities and community groups are not required to complete a Catering and Sale of Food Temporary Holder Permit Registration Form (outlined above) so long as the food sold is not potentially hazardous (e.g. scones) or is to be consumed immediately after thorough cooking (e.g. sausage sizzle).

Council's Environmental Health Officers (EHO's) are authorised officers under the Food Act 2003 to **inspect food businesses** trading at temporary events. An EHO will check that good food safety practices are in place, such as temperature control, cleanliness, hand washing and labelling. Council may charge fees for inspecting your food handling activities.

Failure to comply with the applicable regulations could result in regulatory action being taken. Depending on the food safety risk identified, this action may include a warning letter, improvement notice, penalty notice, seizure, prohibition or prosecution.

The **Guidelines for Food Businesses at Temporary Events** sets out the minimum standards for the preparation, display, handling and labelling of food and beverages for sale. The information contained on the **following pages is a guide** only and it is vital that both event organisers and food handlers read, and pay close attention to, the complete guidelines. If any food stall is found to be unsatisfactory or non-compliant, the liability rests with the event organiser.

Conditions of operation



Food stall location & maintenance

- Food stalls should be set up on sealed ground and away from drainage lines. If this is not possible, drop sheets, port-a-floor or a similar non-permeable, non-slip matting must be placed under all cooking and serving areas. Food stalls are also to be located in a dust free area, away from toilets and garbage areas to prevent airborne contamination. Further measures apply to multi-day events.
- The open side of food stalls (stalls must have walls fixed on three sides) should not face prevailing winds to reduce dust, odour and insect problems.
- The 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. Timber surfaces should be avoided and if used must be maintained so they are non-absorbent and easily cleaned.



Hygiene

- Adequate toilet and hand washing facilities are to be provided, including an adequate supply of warm potable water, soap and an effective means of drying hands (i.e. paper towel). Food grade surface sanitiser must also be provided.



Garbage

- Adequate rubbish dumpsters are to be located away from food stalls to prevent vermin and flying insects. Adequately sized and enclosed rubbish bins are to be available at each food stall.
- Arrangements are to be made to dispose of garbage at the end of the day and utilise recyclable, re-usable or compostable products wherever possible.



Animals (including dogs) and pests

- All practicable measures should be undertaken to prevent pests from entering the food stall or coming in contact with any equipment or vehicle used to transport food.
- In areas involving the consumption of food, dogs (other than a dangerous dog) are not prohibited so long as they are under the effective control of a person and are restrained by a chain, cord or leash. Dogs in these areas must not be fed and are to be kept on the ground at all times. Assistance animals are permitted in these areas.
- In areas involving the preparation of food, animals, including assistance animals, are not permitted in, or within 10 metres of, these areas or apparatus.



Children & Camping

- Children should not be allowed to enter the preparation area of a food stall.
- Camping in or near food stalls is not permitted.



Water & Ice

- Only potable water (i.e. safe for human consumption), such as town water supplies, must be used for washing and preparing food, or as an ingredient in food. Ice must also be made from potable water. Ice bags should be broken up on a food preparation counter or sink instead of on bare ground.
- Only materials with a food-grade rating should be used to store water.

Facilities



- All facilities should be **constructed** to ensure a good standard of food hygiene and to allow for easy cleaning and maintenance.
- Food premises (including barbeques and cool rooms) are to be adequately screened to **reduce the risk of food contamination and to restrict public access**. Floors and walls are to be in the form of a non-absorbent, easily cleaned material. Floors (e.g. vinyl) are to be cut larger than the floor area to enable it to be turned up at the wall and clipped or fixed into position. No walls should flap in the breeze or be unsecured. Ceilings are to be of similar construction to the walls. Further requirements apply for multi day events. For pre-packaged and low-risk foods (i.e. pre-bottled or sealed jams, honey, whole fruit etc.) at single day events, there may be exemptions from these requirements due to the reduced food safety risk.
- The whole **structure is to be securely fixed** together when assembled and protected against wind.
- Food preparation **surfaces** (counters, shelves and stands) must be made from rigid, smooth and durable material, free of cracks or joints. **Shelves** should be at least 150mm off the floor. The preparation and display of food must be protected from likely contamination from customers.
- **Reusable eating, drinking, dinnerware and tableware** must be washed and sanitised in separate receptacles used only for that purpose. All food preparation **equipment and utensils** must be stored at a minimum of 150mm off the ground.
- **Waste water** must be disposed of lawfully. 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.

Under the protection of the Environment Operations Act 1997, operations should not cause any harm to the environment (i.e. air, water, noise and surrounding lands).

This includes the safe and legal disposal of waste water.

Labelling



- **Pre-packaged products** are to be appropriately labelled (e.g. description of food, suppliers' details, product lot identification, advisory or warning statements, list of ingredients, date marking, storage conditions etc.). If food is not correctly labelled, it may be seized to protect consumers. **Unpackaged foods** are exempt from most labelling requirements, however consumers who have known allergies need to know if a particular ingredient is present in the food they are eating.
- Food stalls operated for **charitable or community causes** are exempt from labelling requirements (except from the need to declare the presence of Royal Jelly). Allergen information, directions for storage and country of origin of seafood, pork and fresh fruit and vegetables needs to be provided on request.

Safety



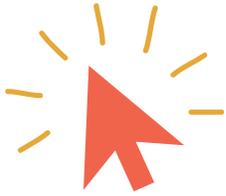
- Food stalls should have **sufficient supply of electricity** for food handling activities (i.e. keeping food hot or cold and for heating water). All electrical leads and appliances are to be **tested** at least annually and identification tags attached.
- No **gas barbeques** or open flames are permitted to be operated unless approved by Council. Gas appliances used in the open should not have a gas bottle greater than 9 kg capacity, with the gas bottle secured so that it cannot be tipped over. Gas bottles must be pressure checked.
- A **fire extinguisher** (suitable for the type of combustible materials present) 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 tested annually, have current tagging and be easily accessible.
- All measures should be taken to satisfy the requirements of **SafeWork NSW** to protect the health, safety and welfare of employees and visitors at the event.

Food handling



- It is important to obtain all food products from **reputable suppliers** who operate under strict quality guidelines.
- Whole fruits, vegetables and grains which are to be further processed generally do not need to be **transported** under temperature control. All required food and packaging, such as potentially hazardous foods (i.e. poultry, meat, dairy products, seafood and egg-based products) must be transported by vehicle to eliminate sources of contamination (i.e. dusts, pests etc.) and are to be placed under strict temperature control or frozen during transportation. **Food containers** should be impervious to moisture, constructed of food-grade material and be capable of being easily cleaned and sanitised.
- All foods are to be stored so that they are **protected from likely contamination and environmental conditions**. Chemicals (appropriately labelled), clothing and personal belongings which may contaminate food or food contact surfaces must be stored separately. Food (including drinks and alcohol) should be stored at least 150mm above the floor and kept out of direct sunlight.
- If food is intended to be **stored frozen**, the food must remain frozen during storage and display. Refrigerators and coolrooms should not be overstocked, have food stored off the floor and are to be located out of direct sunlight or in the shade. Food stalls that handle potentially hazardous food are required to have a readily accessible, accurate, cleaned and sanitised probe-type thermometer to ensure adequate temperature control is being maintained.
- Adequate measures must be taken to **prevent cross contamination** from raw foods to cooked foods (i.e. using separate utensils, keeping cooked and raw food items separate, covering all food unless it is being processed or prepared etc.).
- All practicable measures should be undertaken when **displaying food** to protect it from likely contamination by customers, dust, fumes or insects (i.e. using plastic food wrap, sealed containers, sneeze barriers, food covers etc.).
- If reusable **dinnerware or tableware** is used, it must be appropriately cleaned and sanitised. Chipped, cracked or broken crockery or plastic items must not be used for food. Packaging material must be food-grade and unlikely to cause food contamination. Single-use items (e.g. straws) must be protected from contamination until use and not re-used.
- **Food handlers** are to have the appropriate food safety and hygiene skills and knowledge appropriate to the type of foods they are handling/preparing. Certain food business need to appoint a Food Safety Supervisor (FSS) for each premise (i.e. tent or stall structure).
- People who are **feeling unwell** or who are ill must not handle food for sale.
- Food handlers are required to comply with certain **requirements** (e.g. tying back long hair, removing loose jewellery, wearing only clean outer clothing etc.) when engaged in any food handling operation. They must also **wash their hands** appropriately and dry with single-use paper towels when required (e.g. before commencing or re-commencing handling food, after handling raw food, immediately after using the toilet etc.)
- Food handlers must also take appropriate measures to reduce contamination from customers' hands when **exchanging money** (i.e. using disposable gloves or nominating only one person to handle money).
- The food stall, vehicle, fixtures, fittings, bench tops, surfaces and equipment must be **maintained, cleaned and sanitised** so there is no accumulation of garbage, food waste, dirt, grease or other visible matter. The use of food grade sanitiser is mandatory.

Cold food should be maintained at a temperature of 5°C or below, and hot food at 60°C or above.



LINKS

- NSW Food Act 2003 (the Act) - <https://www.legislation.nsw.gov.au/#/view/act/2003/43>
- Australian New Zealand Food Standard Code (the Code) - <http://www.foodstandards.gov.au/code/Pages/default.aspx>
- Australian Food Safety Standards (the Standards) - <http://www.foodstandards.gov.au/industry/safetystandards/pages/default.aspx>
- Guidelines for Food Businesses at Temporary Events - https://www.foodauthority.nsw.gov.au/sites/default/files/_Documents/retail/temp_events_guideline.pdf



CONTACTS

Please contact Council's Environmental Health Officer's (EHO's) in the first instance, or the NSW Food Authority for further information.

Orange City Council - EHO's

Tel: (02) 6393 8009

Website: www.orange.nsw.gov.au/food-safety/

Email: eho@orange.nsw.gov.au

NSW Food Authority

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