

Events involving food

Legal information for Victorian community organisations

This fact sheet covers:

- whether your organisation will need to notify or register with the local council
 - requirements for a Food Safety Program
 - requirements for preparing, labelling, storing, displaying and serving food
 - exemptions from the requirements, and
 - managing risk and insurance.
-

If your community organisation is planning to hold an event or activity involving the service of food to the public, there are a number of legal issues to be aware of.

In Victoria, there are laws that regulate the way that food is provided to the public. The main objective of the [Food Act 1984](#) (Vic) (**Food Act**) is to ensure that food is safe and suitable for human consumption. No one would want their community festival or local school fete to end in a major food poisoning episode.

Does our organisation need to notify or register with the local council to provide food?

The Food Act requires all organisations that supply food to the public to notify or register with their local council, regardless of whether they are a for-profit (business) or a not-for-profit organisation.

Your event will be classified according to the level of risk involved, **class 1 being the highest risk** and **class 4 the lowest**. Different requirements apply depending on which class the local council decides your event falls within. More details about the different classes are provided by Health Victoria on their website, which includes a food premises classification tool (see the Resources section at the end of this fact sheet). Your local council can also tell you what class your food premises falls within.

Notification

If your community organisation is planning to provide food at a temporary event which is classified as low risk (class 4), then you will only need to **notify** your local council. You only need to do this once and there are no fees for notifying. Activities in this class include:

- sausage sizzles where food is cooked, served and immediately consumed (note, if you sell hamburgers you will become class 3)

- cake stalls where only packed or covered cakes without cream fillings are sold, and
- sessional kindergartens where cut fruit is served.

Registration

If you fall into classes 1 to 3, you will need to register your event with your local council including the:

- details of your event (when and where the event will be held)
- type of food to be served, and
- equipment being used.

Registration is often required well in advance of the event, especially if the local council needs to undertake an inspection.

If you plan to alter the type of food you will be handling then you must notify your local council and they will decide whether you will be reclassified.

Contact your local council for an Application to register a temporary food premise. A food business registration fee is payable and the registration must be renewed each year.

NOTE

If you are not being paid for the food provided, or are seeking a voluntary donation for the food you provide, then you do not need to register.

Temporary and mobile food premises

Community groups and businesses selling food from temporary and mobile food premises (such as stalls, trucks, vans or carts) can register their food business using 'Streatrader'. Streatrader is an online application tool which can be used to access a streamlined process for registering with the local council and managing and renewing registrations.

If your organisation sells food from temporary and mobile food premises it must lodge a 'Statement of trade' with its local council letting it know 5 days in advance where and when it plans to sell food and/or drink. This can also be completed via Streatrader.

FURTHER READING

The Department of Health and Human Services has developed a new online tool to assist Victorian community groups in navigating their food safety requirements. It also has online food training for volunteers of your organisation. Click [here](#) to see the Classification Tool.



What is the 'minimum record' system and when can we use it?

In addition to the registration requirement described above, if you fall into class 3, you need to use the 'minimum record' system.

In general, class 3 involves unpackaged, low-risk food, or pre-packaged potentially hazardous foods. Your temporary community event will be class 3 if any unpackaged food is cooked at the site of the event with the intention of being served immediately, the majority of the people involved in handling the food are volunteers and your event is no longer than two consecutive days at any one time.

The 'minimum record' system only requires you to keep basic records about food safety, like who are your suppliers or any potentially hazardous food (the food safety section of the Victorian government's [health.vic website](http://health.vic.gov.au) has details of this system).

What is a 'food safety program' and a 'food safety supervisor' and do we need them?

In addition to the registration requirement described above, **high risk (classes 1 & 2)** events at which food is sold or served, also require a 'Food Safety Program' to be completed and submitted to your local council.

Classes 1 & 2 are those where you are supplying potentially dangerous unpackaged foods, especially to people most vulnerable to food-related illnesses like children and seniors.

A Food Safety Program is a written plan which will demonstrate how your community organisation's event will safely manage the preparation, storage and sale of food. Generally, if your organisation is required to submit a Food Safety Program you will need either a Food Safety Supervisor or a recognised quality assurance system or code that applies to your organisation as a whole. A Food Safety Supervisor is someone who has obtained a 'statement of attainment' from a registered training organisation and is able to supervise other people who are handling food.

NOTE

You do not need to have a Food Safety Supervisor for class 2 events where the majority of the people involved in handling the food are volunteers and your event is no longer than two consecutive days at any one time.



FURTHER READING

The Victorian government has produced a [Food Safety Program templates class 2](#) guide, which may assist your organisation in developing a Food Safety Program. If you still have questions your organisation can call the Food Safety Unit on 1300 364 352.



What are the requirements for the preparation of food?

It is important that anyone involved in the preparation or serving of food is appropriately trained and understands the necessary hygiene, sanitation and anti-contamination procedures.

Different regulations apply to the preparation of food, depending on where the food is prepared and what type of food is being sold or served. 'Where' you prepare the food is an important factor in ensuring you meet the necessary hygiene standards. If food is not pre-packaged, it is likely that you

will need to prepare the food in a registered food premises, for example a registered commercial kitchen.

There are regulations guiding the preparation of food on temporary premises for one-off events, for example, sausage sizzles or cake stalls and for selling food from vehicles. Such regulations include the requirement that food be protected from sunlight, dust, insects and handling by customers.

Issues that your community organisation will need to consider in planning its event and preparing its Food Safety Program include whether:

- your organisation has a permanent residence for food preparation
- your organisation receives food donations from other sources
- the food will be cooked at the event or whether the food is pre-packaged, and
- the food requires temperature control.

What are the requirements for the labelling of food?

Food that is sold at events which raise money solely for charity or community causes do not need to be labelled. However, as your community organisation must be able to answer any questions concerning the food, it is recommended that labels are provided which include:

- a description of the food
- the name and address of the person who made the food (this can be written in a record book, people don't have to hand their personal details out!)
- a list of ingredients, including whether it contains nuts, and
- the 'best before' date.

This label should be printed or legibly handwritten using a waterproof pen.

Allergy warnings

If you choose not to label your food products, it is important that information about the product is available upon request. You must also provide a sign or brochure advising customers of the presence of ingredients or foods that can cause allergies, such as: sulphur dioxide, soy, nuts, fish products, egg, dairy products or gluten.

What are the requirements for food storage, display and serving?

Some of the main requirements for serving or supplying foods at events include:

- all foods on display or in storage must be labelled and protected from contamination in undamaged packaging such as glad wrap or sealed containers

- all storage areas must be clean, sanitary, in good repair and pest-proofed
- refrigeration of food should keep food at 5 degrees or cooler
- raw and cooked foods should be displayed and stored separately, and
- food which is displayed for serving must be wrapped and served with clean and sanitized utensils appropriate for serving.

There are special regulations for the storage and display of hot and frozen foods, including requirements for temperature checking, procedures for re-heating and packaging requirements.

FURTHER READING

Further details of these requirements are provided in the Victorian government's publication [Community group temporary and mobile food premises template](#) on the health.vic website.



Gloves and food handling

Gloves may be worn when serving and handling food as a means of protecting food safety. If disposable gloves cannot be worn, hands should be washed regularly. Further, gloves and hands used to receive money should not then be used again to serve food.

If someone is injured as a result of eating our food, will insurance cover us?

Your community organisation may have public liability insurance, which will cover your organisation for some risks that may occur at an event (for example, if a person is injured after they trip over an exposed cord). However, it is unlikely that public liability insurance will cover your liability for damages caused as a result of defects to your food products or negligence in the preparation of food.

If your community organisation sells, supplies or delivers goods (including food), you are likely to need cover against claims that the goods caused injury or damage. Your community organisation may need to talk to its insurance provider about product liability insurance. Product liability insurance will cover damage and injury caused to other people by the failure of your product or the product your organisation is selling.

It is likely that your local council will have certain limits on what type and how much insurance you will be required to take out to register a temporary food event. For more information about insurance, see our Risk and Insurance page on the Information Hub at www.nfplaw.org.au/riskinsurance.

Resources

Related Not-for-profit Law Resources

The Not-for-profit Law Information Hub contains many fact sheets on different topics. It can be accessed at www.nfplaw.org.au. The following topics contain relevant further information:

✔ Running the organisation – www.nfplaw.org.au/runningtheorg

This page contains resources to assist those running not-for-profit organisations to understand and comply with legal requirements.

✔ Risk and Insurance – www.nfplaw.org.au/riskinsurance

This page contains resources on background checks, occupational health and safety, negligence and incidents and accidents.

✔ Fundraising and Events – www.nfplaw.org.au/fundraisingandevents

This page contains resources on the main legal issues when fundraising in Victoria

✔ Communications and Advertising – www.nfplaw.org.au/comms

This page offers information on advertising and promotions and social media, such as Facebook and Twitter.

Food Safety Resources

✔ [Victorian Government Health Information – Food Safety course](#)

The Do Food Safety online course shows people how to handle food safely. It takes about one hour to complete.

✔ [Health.vic Food Safety](#)

The Victorian government's health.vic Food Safety website provides information and tools to help you keep food safe. It includes information on changes to the Food Act in relation to running community events. It can also assist you in working out what class your event will fall into.

✔ [Food Safety Program templates](#)

Food safety templates are an easy way for food premises to write a food safety program. Using a registered template may be cheaper, quicker and simpler for organisations than employing someone to write an independent food safety program.

✔ [Community group temporary and mobile food premises template](#)

This template can be used to create a food safety program if your organisation is selling food, operating a temporary food premises or a mobile food premises, and the council has advised the premises falls within class 2.

✔ [FoodSmart](#)

FoodSmart is a Victorian government website designed to help retail and food service businesses develop their own Food Safety Program.

Legislation

▀ [Food Act 1984 \(Vic\)](#)

This is the main Act in Victoria that regulates the way food is provided at events.

A Not-for-profit Law Information Hub resource. Access more resources at www.nfplaw.org.au

© 2016 Justice Connect. You may download, display, print and reproduce this material for your personal use, or non-commercial use within your not-for-profit organisation, so long as you attribute Justice Connect as author and retain this and other copyright notices. You may not modify this resource. Apart from any use permitted under the *Copyright Act 1968* (Cth), all other rights are reserved.

To request permission from Justice Connect to use this material, contact Justice Connect at PO Box 16013, Collins Street West, Melbourne 8007, or email nfplaw@justiceconnect.org.au