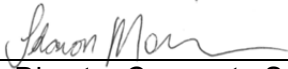


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Procedure documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult the Loddon Shire Intranet to ensure that the version you are using is up to date.

This document is available in alternative formats (e.g. larger font) if requested.

1 PURPOSE

This section provides information to members of Section 86 committees about their responsibility with regards to food laws under the Food Act 1984.

2 SCOPE

All members of Section 86 committees should be aware of their committee's requirements in relation to food laws.

This information provides general advice with respect to the Victorian food laws.

Specific advice for planned activities and events can be obtained by contacting Council's Compliance and Development Department.

3 WHEN DOES THE FOOD ACT APPLY?

The Food Act only applies when the sale of food is occurring. It applies regardless of the frequency of operation. The definition of sale is broad and includes the giving away of food for promotional purposes. One rule of thumb that can be used to determine if the Food Act applies is by asking the question:

“Would we give this person our food product if they did not pay for their entry or provide a donation?”

If the answer to this question is no then the sale of food is occurring. In some cases the answer maybe yes, but the purpose of the event or stall needs to be reviewed. If the purpose is to promote trade the Food Act will apply.

3.1 Committee responsibilities

Section 86 committees who undertake the preparation and/or sale of food are required to ensure that they are appropriately registered with Council for their food handling activities.

It is not the responsibility of the Section 86 committee to ensure that users of their venues comply with the requirements of the Food Act unless the Section 86 committee is the organiser of an event.

If the Section 86 committee is the event organiser it is expected that the committee will ensure that all business (which includes community groups) are complying with the requirements of the Food Act, but only with respect to registration/notification with Council, and this can be achieved by viewing or obtaining copies of Statements of Trade.

3.2 Registration and notification requirements

Premises undertaking food handling activities are broken into classes. The class of premises is then used to determine if they are required:

- to register with Council or notify Council
- to operate with an approved food safety program or keep minimum records
- to have a qualified food safety supervisor.

The classes are as follows:

Class	Registration / Notification	Description
Class 1	Registration	Class 1 food premises are those that predominantly handle potentially hazardous food that is served to vulnerable people in: <ul style="list-style-type: none"> • hospitals • child care centres providing long day care, and • aged care facilities such as nursing homes.
Class 2	Registration	Class 2 food premises are those that handle unpackaged potentially hazardous foods which need correct temperature control during the food handling process - including cooking and storage - to keep them safe. This includes: <ul style="list-style-type: none"> • restaurants • fast food outlets • hotels • caterers

Class	Registration / Notification	Description
		<ul style="list-style-type: none"> • delicatessens • supermarkets with delicatessens • cafes • food vending machines handling high risk foods • most manufacturers. <p>Note: Class 2 premises can undertake any of the activities that are undertaken by Class 3 and Class 4 premises.</p>
Class 3	Registration	<p>Class 3 food premises are those whose main activities involve the sale of foods not commonly associated with food poisoning.</p> <p>This includes the supply or handling of unpackaged low risk foods, or sale of pre-packaged potentially hazardous foods which simply need refrigeration to keep them safe. Premises expected to fall into class 3 include:</p> <ul style="list-style-type: none"> • fruit stalls selling cut fruit • wholesalers distributing pre-packaged foods • most milk bars, convenience stores and coffee bars • food vending machines handling lower risk foods. <p>Note: Class 3 premises can undertake any of the activities that are undertaken by Class 4 premises.</p>
Class 4	Notification	<p>Class 4 food premises are those whose food handling activities pose low risk to public health. They include the following:</p> <ul style="list-style-type: none"> • premises which sell shelf stable pre-packaged confectionery such as newsagents, pharmacies and video stores • bottle shops • premises which sell uncut fruit and vegetables such as farmers markets and greengrocers • premises offering wine tastings • shops and stalls selling packaged cakes (excluding cream cakes), bottled jams or honey • sessional kindergartens serving low risk food and cut fruit, and • stalls running simple sausage sizzles, where the sausages are cooked and served immediately. This means sausages, sauce, onions and bread. (Note: This does not include hamburgers or other high risk foods). <p>Note: Class 4 premises are limited to Class 4 activities only.</p>

3.2.1 Registration

Registration is an annual process. A range of registration fees are set by Council annually and they run from 1 October to 30 September.

3.2.2 Notification

Notification occurs every three years and no fees are charged.

3.3 Streatrader

As food operations by section 86 committees are temporary in nature (see definition of temporary food premises) the process for registration is via the state government's *Streatrader* system which can be accessed on the internet at:

https://streatrader.health.vic.gov.au/public_site

Streatrader allows community groups and food businesses to 'register' or 'notify' their principal Council.

The system, which is used by all Victorian councils, then manages their registration or notification.

Temporary premises are required to lodge a Statement of Trade prior to operating. A Statement of Trade can be submitted to the premise's principal Council or with any another Victorian Council.



Statement of Trade

STREATRADER
https://streatrader.health.vic.gov.au

REGISTRATION #: LODD-0025224-001

TRADING NAME:
PROPRIETOR:
PREMISES TYPE: Temporary - Community Gr.
CLASSIFICATION: Class 2

TRADING DETAILS:
Lodged to Loddon Shire Council on: 06/03/2015

COUNCIL, TRADING IN: Loddon Shire Council
EVENT NAME: Farmers market
LOCATION/ADDRESS:
ADDRESS:
TRADING DATES:
Sun 08-03-15

When a Statement of Trade has been 'approved' by the relevant Council a 'Statement of Trade' certificate will be issued.

It is this certificate that Section 86 committees should be obtaining from any food premises that are attending their event.

If the food premises cannot provide with a Statement of Trade it can mean:

- they lodged the Statement of Trade at the last minute and the Council has been unable to approve the Statement of Trade in time for the event
 - If this is the case the business or community group should still be able to provide a copy of their registration or notification certificate as proof that they are registered for their food handling activities.
- they are not registered with Council for their food handling activities and may therefore be breaking the law by preparing and selling food without registration.
 - If this is the case the organisers need to review the attendance by the operator at their event.

4 VENUE HIRE

4.1 Private functions

The Food Act does not apply to private functions such as birthdays and weddings. Persons hiring the facility for private functions are free to undertake their own food preparation.

In the event that a professional catering company is engaged by the function host the Food Act will apply to the catering activities. As the caterer's relationship is with the function host, it is not a matter that would impact on the hire arrangements between the committee of management and the person hiring the venue.

4.2 Use of kitchen by a person/business wanting registration under the Food Act

Kitchens in most public halls and venues that are operated by Section 86 committees are generally in an excellent condition. This provides an opportunity for use of a Section 86 committee's kitchen by residents starting up their own food business.

Prior to entering into any agreement to rent out a kitchen the committees should consider the following:

- The renting of the kitchen by a resident is an income source for the committee; however, it is important to note that when registration is granted to the prospective business the registration is tied to the kitchen.
- Council's Public Health staff can undertake an inspection of the kitchen to identify any possible issues. It is important to understand this inspection would identify any immediate issues; however, maintenance issues will arise over time especially in a facility that is shared by multiple users.
- The kitchen will be subject to periodic inspections by Council's Public Health staff which may result in a requirement for improvement works.
 - In the event that works are required, Council's Public Health staff do not become involved in who is required to undertake the works. This is a matter between the committee and the person renting the kitchen. Identifying who needs to undertake works is an important consideration when renting out a kitchen.
- It is expected that the works identified will be completed in a timely manner and finished to a high standard.

5 ALCOHOL

You will note that this information sheet has not provided any information on liquor licensing requirements.

Liquor licensing is controlled by the Victorian Commission for Gambling and Liquor Regulation. If you are planning on conducting an event that includes alcohol you will need to contact the Victorian Commission for Gambling and Liquor Regulation (<http://www.vcglr.vic.gov.au/>) for further advice.

It is important to note that for the purposes of the Food Act that alcohol is a food, and therefore, registration under the Food Act will be required if you hold a liquor license.

6 REVIEW

The Senior Public Health Officer will review this procedure for any necessary amendments no later than 3 years after adoption of this current version.

7 DEFINITIONS

Term	Definition
Sell	<p>includes:</p> <ol style="list-style-type: none"> a. barter, offer or attempt to sell; and b. receive for sale; and c. have in possession for sale; and d. display for sale; and e. cause or permit to be sold or offered for sale; and f. send, forward or deliver for sale; and g. dispose of by any method for valuable consideration; and h. dispose of to an agent for sale on consignment; and i. provide under a contract of service; and 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; and k. dispose of by way of raffle, lottery or other game of chance; and l. offer as a prize or reward; and m. give away for the purpose of advertisement or in furtherance of trade or business; and 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; and o. supply food (whether or not for consideration) in the course of providing services to patients in hospitals or prisoners in prisons; and p. sell for the purpose of resale;
Food premises	<p>means any premises at, on or from which food is sold, or handled with the intention that it be sold, but does not include—</p> <ul style="list-style-type: none"> • any premises used solely for the purposes of a primary food production business, enterprise or activity; or • any premises or other place declared by an Order made under section 5(3) not to be a food premises
Temporary food premises	<p>means a food premises that is—</p> <ul style="list-style-type: none"> • a tent, stall or other structure that is not permanently fixed to a site; or • a permanent structure not owned or leased by the food business that operates the premises and in which food is handled for sale or from which food is sold by that business on an occasional basis only
Food business	<p>means a business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves—</p> <ol style="list-style-type: none"> a. the handling of food intended for sale; or b. the 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.
Low risk food	<p>Food that is unlikely to contain pathogenic micro-organisms and will not normally support their growth due to food characteristics. For example; grains, cereals, carbonated beverages, jams, dried fruits, pasteurised milk, ice cream manufactured from pasteurised or heat treated milk, pasteurised or heat treated soy milk, and cut fruit or vegetables (which are not subject to any further processing).</p>

Term	Definition
High risk/potentially hazardous food	<p>Means food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food, or to prevent the formation of toxins in the food. For example:</p> <ul style="list-style-type: none"> • raw and cooked meat (including poultry and game) or foods containing raw or cooked meat such as casseroles, curries and lasagne; • smallgoods such as Strasbourg, ham and chicken loaf; • dairy products, for example, custard and dairy-based desserts such as cheesecakes and custard tarts, but does not include pasteurised milk, ice cream manufactured from pasteurised milk; • seafood (excluding live seafood) including seafood salad, patties, fish balls, stews containing seafood and fish stock; • processed fruits and vegetables such as fruit salads, fruit juices; • cooked rice and pasta; • foods containing eggs, beans, or other protein-rich foods such as quiche, fresh pasta and soy bean products; and • foods such as sandwiches, rolls and cooked and uncooked pizza that contain the foods listed above.
Pathogenic micro-organisms	<p>Pathogenic micro-organisms means any bacteria, viruses, yeast or moulds that are capable of causing disease.</p>