



PURPOSE

The purpose of this policy is to provide the framework for appropriate policy development, planning and resources to be directed at ensuring that food sold by businesses in the Shire is safe and suitable for consumption. In addition, this policy framework provides the mechanism for the management and discharge of Council's legislative responsibilities using a risk management approach.

The principles underpinning this policy are:

- **Consistency and Fairness** – enforcement of the legislation in an objective, consistent and fair manner;
- **Legislative compliance** – food businesses will comply with the Food Act and Food Standards Code through implementation of this policy
- **Transparency** – enforcement activities are open to scrutiny by food business and consumers;
- **Accountability** – food safety activities will be undertaken in accordance with this policy and reported on regularly to management and consumers
- **Risk Management** – Council's food safety risk will be managed using the principles set out in *AS/NZS ISO 31000:2009: Risk Management – Principles and Guidelines*
- **Risk based** – enforcement priorities will be based on the level of risk posed by food business due to –
 - A) Likelihood of the types of foods being served causing food safety hazards AND
 - B) Consequences to the consumer from any food safety hazards at the business
- **Evidence based decision making** – decisions relating to applications and enforcement action will be based on the assessment of risk and consequences;
- **Innovation** – encouragement and incentives for industry innovation in developing effective food safety management strategies; and
- **The Precautionary Principle** which is based on the understanding that the lack of full scientific certainty should not be used as a reason for postponing measures to prevent threats to consumer health.

OBJECTIVES

The objectives of this policy are to:

- ensure that food sold within the Shire complies with the Food Act 1984 and the Food Standards Code and is safe for consumption by residents and visitors to the Shire;
- introduce a risk management approach to (1) the assessment of food safety in businesses; (2) the determination of food safety service priorities; (3) the application of legislative sanctions through Council's compliance policy;
- provide a clear and consistent food safety compliance policy that is accessible to all food businesses and the public
- implement an assessment program to ensure that food business comply with the requirements of the Food Act and National Food

Safety Standards

- assist food business proprietors and their staff meet the legislative requirements through educative and information strategies with particular attention to the needs of proprietors from a culturally and linguistically diverse backgrounds;
- develop Shire’s capacity and resources to meet the new food safety legislative requirements including reporting to the Department of Health;
- provide the context for the development of the Environmental Health Team’s Business Plan;
- provide a local Shire process for the hearing and determination of appeals by proprietors to sanctions imposed by officers; and
- provide for the Best Bites food safety and sustainability incentive scheme to assist in the promotion of local food businesses.

SCOPE

This policy supports Council’s legislative obligations under the Food Act 1984 (as amended) and it applies to all businesses and enterprises that sell food within the Shire regardless of the origin of food’s manufacture. ‘Sell’ is defined by the legislation to include barter, offer, supply, display for sale, transport for sale, prepare, store, deliver, and give away for the purposes of advertisement.

Specific strategies under this policy will provide mechanisms for the implementation of the Shire’s Sustainability Framework within food businesses.

POLICY

This policy acknowledges that the amended Food Act requires Council to take a risk-based approach to the assessment of food safety at food businesses. To that effect, 4 classes of food businesses have been gazetted by the State Government:

Class 1 – for premises serving potentially hazardous foods to customers at higher risk e.g nursing homes, hospitals and child care centres

Class 2 – for premises engaged in manufacture or handling of any unpackaged, potentially hazardous foods, such as food that requires temperature control.

Class 3 – for premises handling low risk food or wholesale of pre-packaged food, or selling pre-packaged, potentially hazardous food

Class 4 – for premises selling only shelf-stable, pre-packaged food

The registration and legislative requirements for each class of business is outlined in Table 1.

Table 1 – Legislative Requirements

Class	Council Registration	Annual 3 rd Party Audit*	Food Safety Program	Food Safety Supervisor
1	Yes	Yes	Yes	Yes
2	Yes	No*	Yes	Yes
3	Yes	No*	Food Safety Guide	No (optional on-line training)
4	No	No	No	No

*The Food Act requires that Class 1 premises and those using an independent (non-template) Food Safety Program must arrange a 3rd party audit each year.



STRATEGIES

This policy will be implemented through the following specific strategies in which the Shire will -

Risk Classification and Management

- regulate food businesses in accordance with the Food Act 1984 using a risk management approach
- fulfil the Shire's obligation under S.39(3) of the Food Act to inspect food premises with major or critical non-conformances or subject to consumer complaints within the final 3 months of each registration period. This will be achieved through the Shire's Environment Protection and Community Safety Unit Business Plan
- ensure that all Class 1 and 2 food businesses fully comply with National Food Safety Standards 3.2.2 and 3.2.3 and Australian Standard 4674-2004 Design, construction and fit out of food premises prior to granting Food Act registration. In residential areas this requires a purpose-built commercial kitchen
- ensure that all Class 3 food businesses fully comply with National Food Safety Standards 3.2.2 and 3.2.3 prior to granting Food Act registration
- consider likelihood and consequence of food safety risks when determining the appropriate compliance and enforcement options

Registration

- register food and health businesses under one piece of legislation where appropriate
- register all food premises for a period of 12 months commencing January 1 each year
- ensure that food premises submit renewal of registration application by December 1 annually
- exempt registered charitable organisations from Food Act registration fees
- refuse registration of new food businesses unless a wastewater system has been installed that meets the requirements of South East Water or the Shire's Wastewater Management Policy
- ensure that all food businesses within the Shire are registered annually under the Food Act. This does not apply to food businesses who are licensed with Primesafe or Dairy Food Safety Victoria
- grant conditional renewal of registration for a maximum of 3 months only if there are minor defects that do not impact on food safety
- grant registration of temporary food businesses and food businesses operating from domestic premises only with the consent of the appropriate land owner (or owner's agent). Refer to Appendix 2 for temporary food business registration
- ensure that food businesses meet National Food Safety Standards at the time when there is an application to transfer the proprietorship of registration



Auditing, Assessments and Inspections

- not engage in commercial food safety auditing activities
- ensure that each Class 1 and non-standard Class 2 food business has an annual 3rd party food safety audit. This is a food safety audit that must be completed by a food safety auditor who is registered with the Department of Health.
- ensure that a 3rd party audit is not completed by an employee of Morningsong Peninsula Shire who is authorised by Council under the Food Act 1984
- fulfil the Shire’s obligation under S.39A of the Food Act to inspect every registered food premises at least once per registration period as outlined in Table 2.

Table 2 - Inspection of Premises each registration period

Class of Business	Council Inspection	Council Assessment	3 rd party Audit
Class 1		1	1
Class 2 (standard FSP)	1	1	
Class 2 (non-standard FSP)	1		1
Class 3		1	
Class 4*	Random inspection*		

*Class 4 notified premises to be randomly inspected as per the Shire’s Food Safety Service Plan

* Table 2 acknowledges that more than 1 inspection per year may be required to fully address the Shire’s risks, particularly for Class 2 food premises that do not require a 3rd party audit..

- conduct assessments and unannounced inspections of food businesses using the Shire’s Food Safety Assessment Tool (Appendix 5)
- use mobile technology for food safety assessments where appropriate
- provide assessment results to proprietors within 7 days, either in writing or by electronic means
- ensure that all assessments are conducted by Food Act authorised officers who have met the following competencies –

Tertiary Qualifications in Environmental Health,

The qualifications must those that have been approved by the secretary in accordance with Section 29 (3) of the Public Health & Wellbeing Act 2008 and the Victorian Government Gazette G 12 21 March 2013 Schedule.

Eligibility for membership of Environmental Health Professionals Australia (EHPA)

Delegated by Council under Part II of the Food Act 1984

Best Bites Food Business Incentive Program

- encourage and support businesses through the Best Bites incentive scheme to comply with food legislation, provide healthy food and safe, smoke free premises
- encourage sustainable and healthy business practices within the local food industry through the Best Bites food business incentive program



- provide a recurring budget for the Best Bites program to allow for design and printing of the Best Bites Food Guide and an annual launch and awards event for food businesses

Food Allergens and Labelling

- ensure that all foods sold locally fully comply with the labelling requirements of the Australian Food Standards Code, including the requirement for all food businesses to provide allergen information to customers on request
- promote allergen awareness at food businesses using the Best Bites Food Business Incentive Program

Food Recalls

- advise affected food businesses of food recall alerts issued by the State Government Department of Health. This advice will primarily be given via electronic means
- maintain a register of all food recalls issued by the Department of Health
- maintain the privacy of food businesses when sending food recall alerts by electronic means

Consumer Complaints

- investigate consumer complaints regarding the safety of foods purchased from or prepared at local food businesses in a timely manner
- investigate consumer complaints regarding foods purchased from Primesafe or Dairy Food Safety Victoria licensed premises in line with the Memorandum of Understanding between the Department of Health, Primesafe, Dairy Food Safety Victoria and the Municipal Association of Victoria
- resolve any food safety issues identified during these investigations using Appendix 1 of this policy
- advise consumers of the outcome of each investigation

Food Sampling

- conduct regular food sampling at local food businesses using a co-ordinated, targeted approach. A minimum of 68 food samples will be purchased from Class 1 food businesses and 210 will be purchased from Class 2 and 3 food businesses each year
- develop an annual, co-ordinated food sampling program
- ensure that the food sampling program takes into account any Department of Health regional food sampling surveys and includes Primesafe and Dairy Food Safety Victoria licensees
- advise food businesses of the outcome of food sampling results
- resolve any food safety issues identified from the food sampling results using Appendix 1 of this policy

Data Reporting

- submit reports on food safety surveillance activities to the Department of Health every months by electronic means
- provide regular reporting to the public on food safety surveillance activities conducted by Shire authorised officers



Temporary Food Premises

- ensure that temporary and mobile food businesses register with or notify Council using the Streatrader on-line registration system (refer Appendix 2). This does not apply to fixed registered premises selling from any part of their land or from land abutting their premises
- require food vendors and community groups selling foods at events and markets to fully comply with the Shire's Temporary Food Premises Guidelines (Appendix 3)
- monitor food safety at events and markets through regular inspections and assessments. This will be achieved through the Shire's Environment Protection and Community Safety Unit Business Plan and the Streatrader on-line food registration system.

Food Safety Education

- conduct free, regular food safety information sessions for food businesses and community groups in the areas of food safety, allergen awareness, healthy eating and sustainability
- publish regular food safety newsletters for food businesses and community groups

Compliance

- apply sanctions in cases of non-compliance (see Appendix 1 Compliance Policy) and impose a fee for re-inspections

PROCEDURES

A range of procedures have been developed for the delivery of food safety statutory services and are contained in the *Environmental Health Team Operations Procedure Manual (attached as Appendix 4 of this policy)*.

RESPONSIBILITY

The Shire's Environmental Health Team is responsible for implementation of this policy. The major mechanisms for implementation are the Environment Protection and Community Safety Unit Business Plan and Environmental Health Team Operations Procedure Manual.

Individual officers have been delegated and authorised to undertake the requirements of the legislation except those under S.19(3) which have delegated to the Chief Executive Officer

RELATED LEGISLATION

- Food Act 1984 (as amended)
- Public Health & Wellbeing Act 2008

RELATED POLICIES

Staff Code of Conduct Policy
Risk Management Policy
Risk Management Strategy
Wastewater Management Policy
Itinerant Traders Policy
General Purposes Local Law



REFERENCES

- FSANZ Food Standards Code
- Environmental Health Professionals Australia practice guidelines (various)
- Australian and New Zealand Food Regulation Enforcement Guideline – Version 8
- Department of Health – Food Safety Auditors Handbook, 2nd Edition, September 2007
- NSW Food Authority – Compliance and Enforcement Policy October 2006
- MPSC Environment Protection and Community Safety Unit Business Plan
- MPSC Environment Protection and Community Safety Unit Compliance Policy

REVIEW

This policy will be reviewed every 3 years

ADOPTION

APPENDICES

1. Compliance Policy
2. Temporary and Mobile Food Businesses
3. Temporary Food Premises Guidelines
4. Environmental Health Team Operations Procedures Manual
5. Food Safety Assessment Tool
6. Food Safety Assessment Tool – Temporary Food Premises



Appendix 1 Food Safety Compliance Policy

Context

Council as the registering authority for food businesses under the Food Act 1984 has a responsibility to ensure that each food premise/business is inspected and that it complies with the legislation prior to granting applications to register, renew and transfer registration of premises/businesses (Food Act 1984 Section 39). Council, in granting an application for a premise/business to operate, needs to be satisfied that the each premise complies with the legislation and that it is in a position to demonstrate that it has discharged this legislative responsibility with due diligence.

Parliament has delegated to Council the power to impose a range of sanctions to ensure compliance by business with the legislation. These sanctions include prosecution, penalty infringement notices, temporary closure of the business, and revocation/suspension of registration.

Policy objective

The policy objective is to provide for the appropriate use of, and consistency in, the application of legislative sanctions under the food safety legislation.

To adopt a risk management approach to food safety, non-conformances at food businesses will be classified into minor, major and critical as defined below –

A *critical non-conformance* is defined as a non-conformance with the requirements of the Act or Standard where a serious or imminent risk to public health is identified.

A *major non-conformance* is a high potential risk situation, where the potential impact is likely to compromise food safety if no remedial action is taken

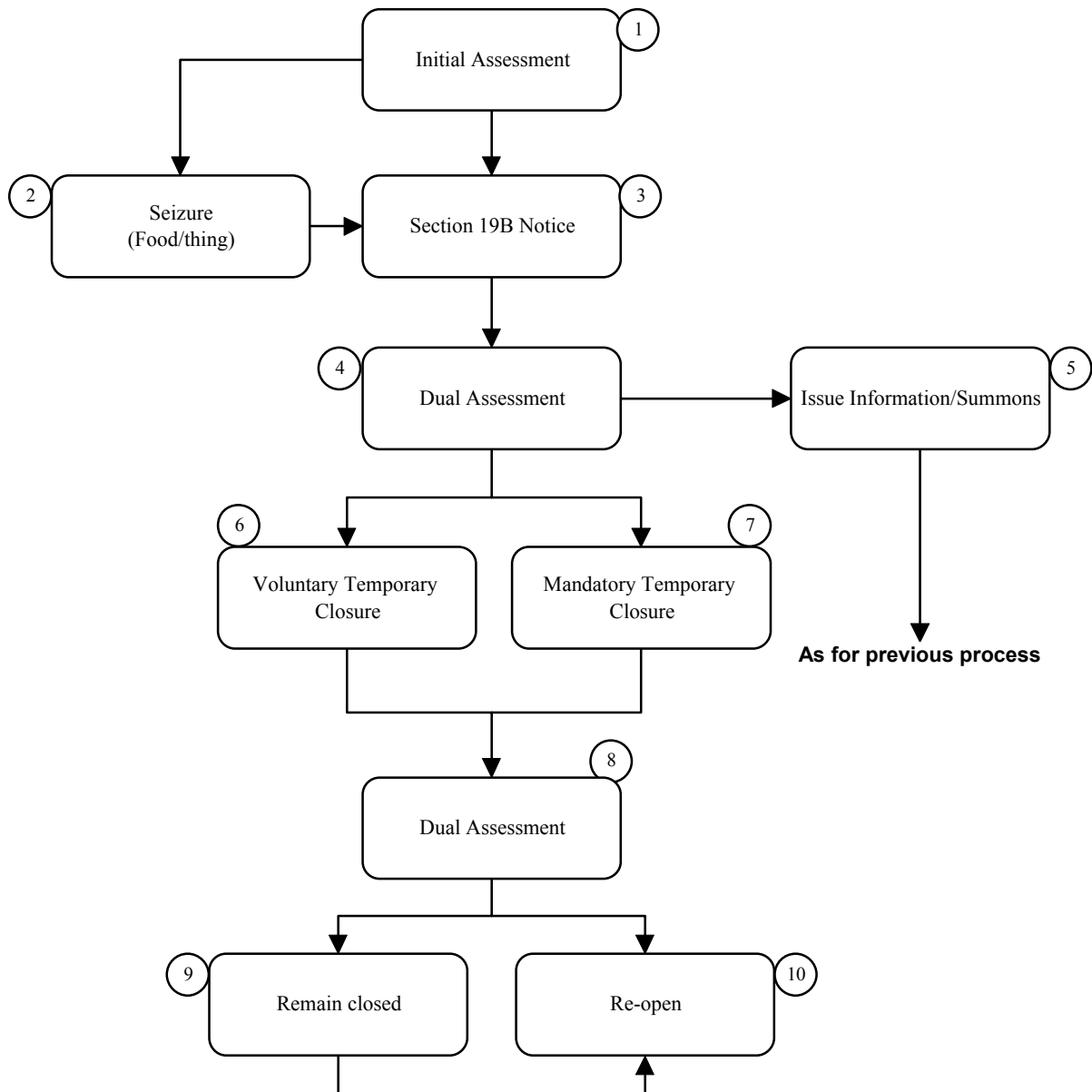
A *minor non-conformance* is a low risk situation where there is a non-conformance with the requirements of the Act or Food Safety Standards but the potential impact of the non-conformance is not likely to be a serious or imminent risk to public health.

Policy

1. Serious Public Health Risk

- In the event of a serious threat to health requiring the immediate removal of the threat, then the closure of the premises needs to be considered. This may include serious pest infestation, sewage overflow, refrigerator/power failure with high-risk foods stored >10°C for over 2 hrs, or unsafe water supply In this case the following process will be initiated:

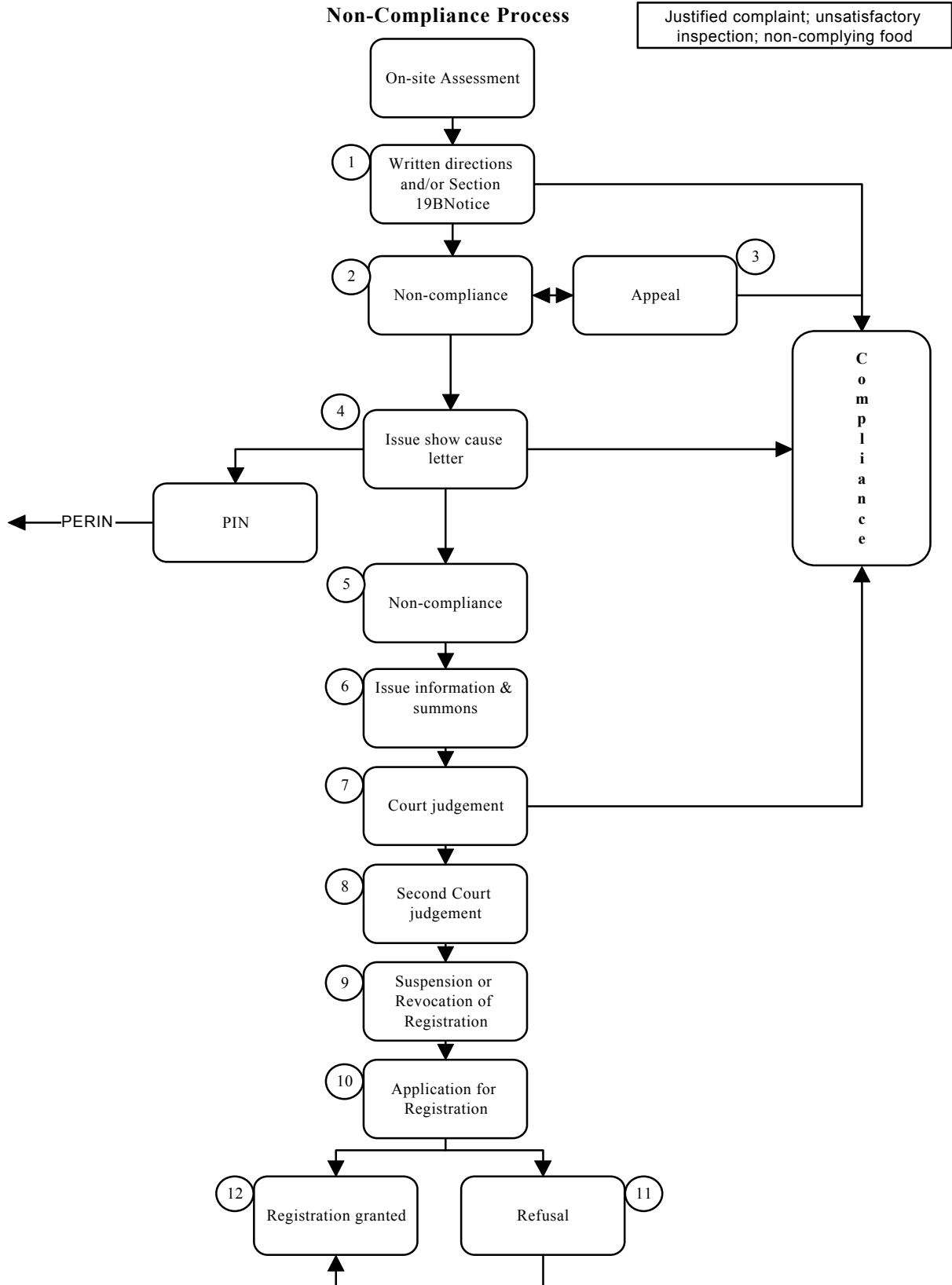
**Non-Compliance Process
(Serious Threat)**



Dual Assessment is an assessment by an Environmental Health Officer and Senior EHO or Team Leader – Environmental Health

Mandatory closure of premises:

In this process a dual assessment will be undertaken of the premises and if there is consensus that the premises poses a serious risk and immediate risk of unsafe food being sold then the proprietor(s) will be allowed the option of closing their business voluntarily. This assessment will be undertaken by an Environmental Health Officer and their Senior Environmental Health Officer (or the Team Leader). Failure to close the business voluntarily will result in mandatory closure of the business authorised by the Chief Executive Officer. In all cases of mandatory closure, legal proceedings will be initiated. The premises may only open after a subsequent dual assessment ascertains the business is compliant with the legislation and does not pose a threat to health.





2. Non-Compliance

In the event of non-compliance with the provisions of the Food Act 1984 within the previous 12 months relating to food safety complaints, unsatisfactory premises or hygiene standards, and food analyses indicating a failure to meet the mandatory food standards, Council will initiate the following processes as provided for under the legislation:

The following policies apply as part of this process:

2.1. Penalty Infringement Notices (PINs)

Penalty Infringement Notices (PINs) relevant to this policy are included in the Food Act 1984 as prescribed offences, and also include the offences listed in Schedule 1 of the Food Amendment (Regulation Reform) Act 2009. Such notices will be issued in accordance with the Infringements Act 2006 and relevant regulations.

Penalty infringement notices may be used to ensure food businesses comply with the provisions of the Food Act following previous inspections and assessments by authorized officers, for instance where a food business fails to comply with written directions from an authorized officer. It is not the intention of this policy that PINs be issued in circumstances where -

1. a serious threat to public health has been identified (as described under Section 1 of this Appendix) and seizure of foods and partial/full closure of a food business are considered to be more effective ways to address the threat
OR
2. where there are breaches of the Food Act that do not directly impact on food safety identified during an initial assessment or inspection of a food business. In such circumstances proprietors will be provided with a written warning, direction or order before a PIN is issued. Any warnings so issued will be deemed to be in force for a period of 12 months

To support the objectives of this policy, PINs may not be issued for the following Food Act offences if no other offences have been detected:

- A. S.17 – Failure to display proprietors name
- B. S. 19GB – Failure to give name and qualifications of food safety supervisor when requested

A PIN will only be issued for a breach of S.16 (1) of the Food Act following an inspection of the premises by an authorized officer who confirms non-compliance with a written direction.



2.2. Inspection Fees

Food business inspection fees are permitted under the Food Act and have been included in the Shire's Fee Schedule. This also applies to temporary food premises in which the Shire is not the principal (registering) Council. The fee amount shall be set by Council in its budget each year. **These fees may only be imposed under the following circumstances –**

- A) A second follow-up assessment at a food business finds that at least one major non-conformance is still not being addressed by the food business
- B) A follow up inspection at a food business following a justified food complaint reveals that the cause of the complaint has not been addressed by the food business
- C) A follow up inspection at a food business reveals that minor defects included as a condition of Food Act registration have not been completed
- D) If a follow up inspection reveals that a business with a non-standard Food Safety Program has not adequately addressed critical or major non-conformances identified during a 3rd party food safety audit

A food business may appeal an inspection fee imposed by Council under clause 1.4 of this policy

2.2. Court proceedings

For matters relating to food handling, cleaning and maintenance standards which are deemed to be minor or major non-compliances the business owner will be provided with at least one written warning by an authorised officer to rectify deficiencies before commencing legal proceedings, including PIN's. For critical non-conformances a written notice or direction will be issued by an authorized officer to rectify deficiencies before the commencement of legal proceedings

2.3. Revocation/Suspension of registration

Council will consider the revocation or suspension of a Food Act registration if a business proprietor is convicted by a court on two separate occasions of offences under the Food Act 1984 within the previous 2 years.

Council may also consider the revocation or suspension of a Food Act registration if the food business fails to –

- * Comply with its Food Safety Program
- * Engage a suitably qualified Food Safety Supervisor
- * Comply with a notice or order issued by an authorized officer
- * Submit a 3rd party food safety audit to Council



2.4. Appeals

In relation to the issuing of notices and directions or commencement of enforcement proceedings under the Food Act 1984 by Council's EHOs, it is Council's policy that business owners subject to such an action may lodge an appeal using the following process –

1. For penalty infringement notices, a written appeal may be directed to the Shire's Environment Protection Administration Team Leader for consideration under S.22 and S.24 of the Infringements Act. Each appeal will be considered and processed in accordance with Shire Procedure 13.7.1 – Infringement Appeals Procedure March 2007.
If such an appeal is claiming that an infringement notice is contrary to law, an Appeals Panel will be convened by the Team Leader – Environmental Health to discuss the appeal with the business owner.
2. For notices and directions, a written appeal may be directed to the Council's Environmental Health Team Leader who will convene an Appeals Panel to discuss the appeal with the business owner.
3. For other enforcement or administrative decisions made by Council, the food business owner may lodge an appeal with the Magistrates Court within the specified timeframe
4. Written appeals must be lodged with Council within 14 days.

2.5. Seizure of food

Any food found to be unsafe or likely to be unsafe will be seized in accordance with the specific legislative processes



Appendix 2 Temporary and Mobile Food Businesses

1. **Scope** - This policy applies to foods sold within the Shire at temporary and mobile food premises, including foods sold at markets and events. These premises are required under the Food Act 1984 to register/notify and submit Statements of Trade to the Shire on the State Government Streatrader on-line food premises registration system. It includes Primesafe and Dairy Food Safety Victoria licensees.

2. Administration

- Registration and notification of food sales at temporary and mobile food premises will only be accepted and processed through the Streatrader on-line system. It replaces the Shire's temporary food registration system
- Mornington Peninsula Shire receives and processes Streatrader applications for food sales to the public within the Shire
- Applications will be either accepted, rejected or further information is requested
- Statements of Trade on Shire or Crown land will only be accepted if the proposal is consistent with the Mornington Peninsula Planning Scheme and Shire policies and local laws
- Statements of Trade will be accepted for proposed food sales at an event that has a received an Event Permit from the Shire. It is the responsibility of event organisers to maintain a list of approved food vendors for their event
- The Shire's Environmental Health Team will not recommend that an event application be approved until each proposed food vendor has registered and lodged a Statement of Trade on the Streatrader system. If food vendors are unknown the group organising the event can register on Streatrader for proposed food sales
- Statements of Trade will not be accepted if the location is listed as "roaming". Specific trading locations are required for vendors to comply with the Shire's Itinerant Trading Policy and General Purposes Local Law
- Streatrader registrations and notifications will only be accepted if the applicant is a natural person or incorporated body
- If a food vendor sells food from a temporary or mobile food premises within the Shire without a Statement of Trade being accepted they may be issued an Infringement Notice under S.35 of the Food Act 1984
- Registration and notification certificates will be forwarded by e-mail to each applicant
- The Shire's Guidelines for Temporary Food Premises (Appendix 3) will be attached to all registration certificates and Statement of Trade acceptance e-mails issued on the Streatrader system
- Minimum processing times for Streatrader applications are as follows -
Registration – 12 days
Notification – 10 days
Statement of Trade – 5 days
- All temporary food vendors must comply with Appendix 3 when selling foods within Mornington Peninsula Shire

3. Inspection Frequency

Inspections of temporary food premises at markets and events will be conducted by authorised officers and be based on their risk classification. Consideration will be given to previous inspections by other Councils recorded on the Streatrader database.



- Class 2 – Will be inspected one each year (at principal premises or on-site)
- Class 3 – Once each year
- Class 4 - Once every 2 years

Each community market will be inspected once each year

Class 2 temporary food premises at major events with more than 10 food vendors will be inspected

4. Inspection Process

- 4.1.1. The temporary food premises assessment form (attached as Appendix 6) will be used for all inspections and assessments
- 4.1.2. Premises will be assessed against the Food Act, National Food Safety Standards, the relevant Food Safety Program, and the Shire’s Temporary Food Premises Guidelines. Event and market organisers will be notified that food vendors will be inspected. The Shire’s Environmental Health Team will maintain a database of market and major event organisers
- 4.1.3. Assessment results and forms will be lodged on the Streatrader database within 10 days
- 4.1.4. Food vendors will be given a copy of the completed assessment form at the end of each assessment. A rating of Satisfactory, Major or Critical will be listed on the completed form. The non-compliance process for food vendors with a Major or Critical assessment result is listed below:

Critical	Major	Minor
Foods sourced from approved suppliers	Copy of Food Safety Program (FSP) on-site	Wastewater Disposal
Potentially hazardous foods stored <5°C or >60°C	Statement of Trade submitted	Refuse Disposal
Foods protected from pests and contaminants	Approved Food Suppliers List	Floors
Temperature of high-risk foods <5°C or -15°C	Goods Receiving Form	Walls
Potable water supply provided	Storage Unit Temperature Log	Ceiling
Foods protected during display and service	Activity Log (Internal Process Log)	Fittings, flashings and services
Suitable hand-washing facilities provided	Cleaning Record	
Potentially hazardous foods cooked to >75°C	Food Handler Skills and Knowledge	
Potentially hazardous foods cooled correctly	Food Labelling	
Cold potentially hazardous foods displayed <5°C	Thermometer (digital & calibrated)	
	Sanitising of utensils and food contact surfaces	
	Safe food handling practices being followed	



5. Non-Compliance Process

5.1. Minor, major and critical non-conformances will be addressed as follows:

During Initial Assessment

Non-Conformance	Action by Council	Compliance Period
Minor	Inspection letter	7 days
Major	S.19 Notice	1 hour
Critical	Temporary Closure OR Seizure of Foods	-

During Subsequent Assessment within 12 months (with previous non-conformances)

Non-Conformance	Action by Council	Compliance Period
Minor	S.19 Notice	7 days
Major	Infringement Notice	1 hour
Critical	Temporary Closure OR Seizure of Foods AND Infringement Notice	-

* This includes previous inspections by other Councils entered on Streatrader

- Food vendors who fail to rectify a major non-conformance within 1 hour will be issued an Infringement Notice
- Food vendors who fail to rectify a critical non-conformance that poses a serious risk to public health will be issued a Temporary Closure order under S.19 of the Food Act. The Team Leader – Environmental Health or Manager EPACS must verbally approve any closure order prior to it being issued
- Food vendors who fail to comply with a Temporary Closure Order will be subject to prosecution by Council under the Food Act



Appendix 3 - Temporary Food Premises Guidelines

Mornington Peninsula Shire Guidelines for Temporary Food Premises

Introduction

The Shire's Temporary Food Premises Guidelines have been developed to assist food businesses and community groups in setting up a temporary food premises at markets and events within the Mornington Peninsula Shire. These guidelines were adopted as part of the Shire's Food Safety Management Policy in June 2013.

Food providers must adhere to National Food Safety Standards as required by the Food Act 1984. These requirements relate to all food operations where any food or beverage is intended to be sold or given away for public consumption as part of a charity, service organisation, fund raising, sporting, promotional or commercial event.

Streatrader and Registration Requirements

Food businesses and community groups who sell food at markets and events must now use the Streatrader online registration system to meet their Food Act registration requirements. Once an application to register or notify is accepted by the 'Principal Council' (Council where the business or group is based), the food business or community group can trade anywhere in Victoria, provided a Statement of Trade has been lodged with the Council/s in which they will be trading.

Streatrader replaces the previous temporary food permit system. All food vendors at events and markets must now register on Streatrader. Businesses and community groups who sell food from temporary food premises without lodging a Statement of Trade are in breach of the Food Act and can be issued a Penalty Infringement Notice of up to \$705.00.

For further information, food businesses and community groups can log onto the Streatrader web page at <http://streatrader.health.vic.gov.au>, email streatrader@health.vic.gov.au, or phone the Streatrader hotline on 13 22 15.

Scope and Definitions

A Temporary Food Premises is an arrangement of equipment and appliances at which food is prepared and/or sold and is intended to be dismantled or moved. It includes mobile food units, stalls, tents and structures where food is prepared and/or sold on a temporary basis. Food businesses and community groups must ensure that their food premises, fixtures, fittings, equipment and transport vehicles can be properly cleaned and sanitised and meet the requirements of the Food Act and National Food Safety Standards

The set up of your food premises at an event or market must be appropriate for the activities you will be conducting. This includes all food processing steps (eg. cooking, displaying, serving, etc.) through to cleaning and sanitising.

There are three different types of food premises which may be set up:

Permanent (Fixed) premises – This is a site that has a permanent structure such as a church/ school kitchen/community hall or showgrounds pavilion where there may or may not be a kitchen. This site may be used to store, prepare and/or sell food at the event.

Mobile premises – This includes mobile food vehicles or carts that has been specifically designed to operate as a food premises (eg. ice-cream van or coffee cart). It must be approved and registered annually by the council where it is garaged



Temporary premises – Such as a stand or tent set up for a specific, occasional event such as a fete or market where food safety risk can be managed without the need for a permanent food premises

Temporary premises can be set up at outdoor or indoor events. If outdoor, the roof and three sides are covered with plastic sheeting, vinyl or other approved material. Uncovered stalls may only be used for low risk pre-packaged food.

High Risk Foods - High risk foods are also known as potentially hazardous foods and are foods that can sustain the growth of food poisoning bacteria. High risk foods include -

- Meat and seafood
- Milk and dairy products
- Egg
- Cooked pasta, rice and gravy
- Sandwiches containing any of the above
- Pies, sausage rolls, pizza, quiches

High risk foods must be kept below 5°C or above 60°C

Risk Classification and General Requirements:

The food safety requirements for your proposed food sales are dependent on the risk classification of the foods proposed to be sold:

Class	Food Safety Program & Records	Food Safety Supervisor	Temperature Control of High-Risk Foods	Hand Washing and Cleaning Facilities
2 - Unpackaged high-risk foods	Yes	Yes (Businesses only)	Yes	Yes
3 - Packaged high-risk foods or unpackaged low risk foods	No	No	Yes	Yes (If any unpackaged foods are sold)
4 - Low risk foods e.g tea/coffee, sausage sizzles, wine tastings	No	No	N/A	Yes (If any unpackaged foods are sold)

Food Safety Program and Records: A Food Safety Program is a written plan that shows how your business is managing the safety of your food. Your Food Safety Program must be onsite and food safety program records must be kept. A blank record sheet is attached. For Class 2 businesses, the Retail Food Safety Program or FoodSmart templates are suitable.

For Class 2 community groups, the Community Group Temporary and Mobile Food Premises Template is suitable.

For more information on Food Safety Templates go to

www.health.vic.gov.au/foodsafety/bus/templates

Instead of a Food Safety Program, Class 3 premises must complete minimum food safety records including a probe thermometer check of high-risk foods during storage and after cooking. These records are listed in the Department of Health Food Safety Guide for Class 3 Food Premises which is available at <http://docs.health.vic.gov.au/docs/doc/Food-safety-guide-for-food-businesses-Class-3>.

Food Safety Supervisor: Class 2 food businesses must have their Food Safety Supervisor on site when high-risk foods are prepared and served.



Community groups do not have to provide a trained Food Safety Supervisor, however a fundraising activity co-ordinator should be nominated and available on site

Specific Requirements:

1. Water Supply

You must have access to an adequate supply of hot and cold potable water, suitable for

- drinking;
- washing food ingredients;
- cooking;
- adding to drinks;
- cleaning and sanitising
- hand washing.

Temporary premises must use tanks or other containers for clean water storage if there is no access to mains water. Water containers should hold a minimum of 9 litres per person working within the premises, so that it is adequate for hand-washing, cleaning and potable water uses during the day. Please note this is a guide only and each business will be individually assessed.

2. Sewage and Waste Water Disposal

If there is no connection to sewer or a septic tank system, food vendors must ensure that wastewater is kept in temporary holding tanks which are properly constructed and do not pose risks to food safety. Wastewater must not be discharged onto the ground, lawns, into portable public toilets or storm water drains.

All wastewater (including from temporary holding tanks) must be discharged into the sewerage system in accordance with South East Water requirements or into an approved septic tank system.

3. Storage of Garbage and Recyclable Matter

Provide adequate fly proof refuse containers to meet your waste disposal needs for the storage of garbage and recyclable matter.

Disposal of refuse must only be made at an approved site such as an enclosed garbage area.

4. Floors, Walls & Ceilings

Floors must be paved, grassed or comprised of a material of suitable finish (eg. plastic or vinyl sheeting) to prevent the contamination of the food by dust or other matter.

Areas where handling of unpackaged foods and cooking occurs should be protected by walls to the side and rear and a suitable roof or ceiling

Walls and ceiling should be of canvas, vinyl or other similar impervious material (eg, a tent, marquee or similar structure)

5. Fixtures, Fittings and Equipment

All fixtures, fittings and equipment such as benches, counter tops, shelving and tables must be an impervious, durable material free from cracks or crevices and able to be thoroughly cleaned.

Please refer to Figure 1 for the correct set up of a temporary food premises

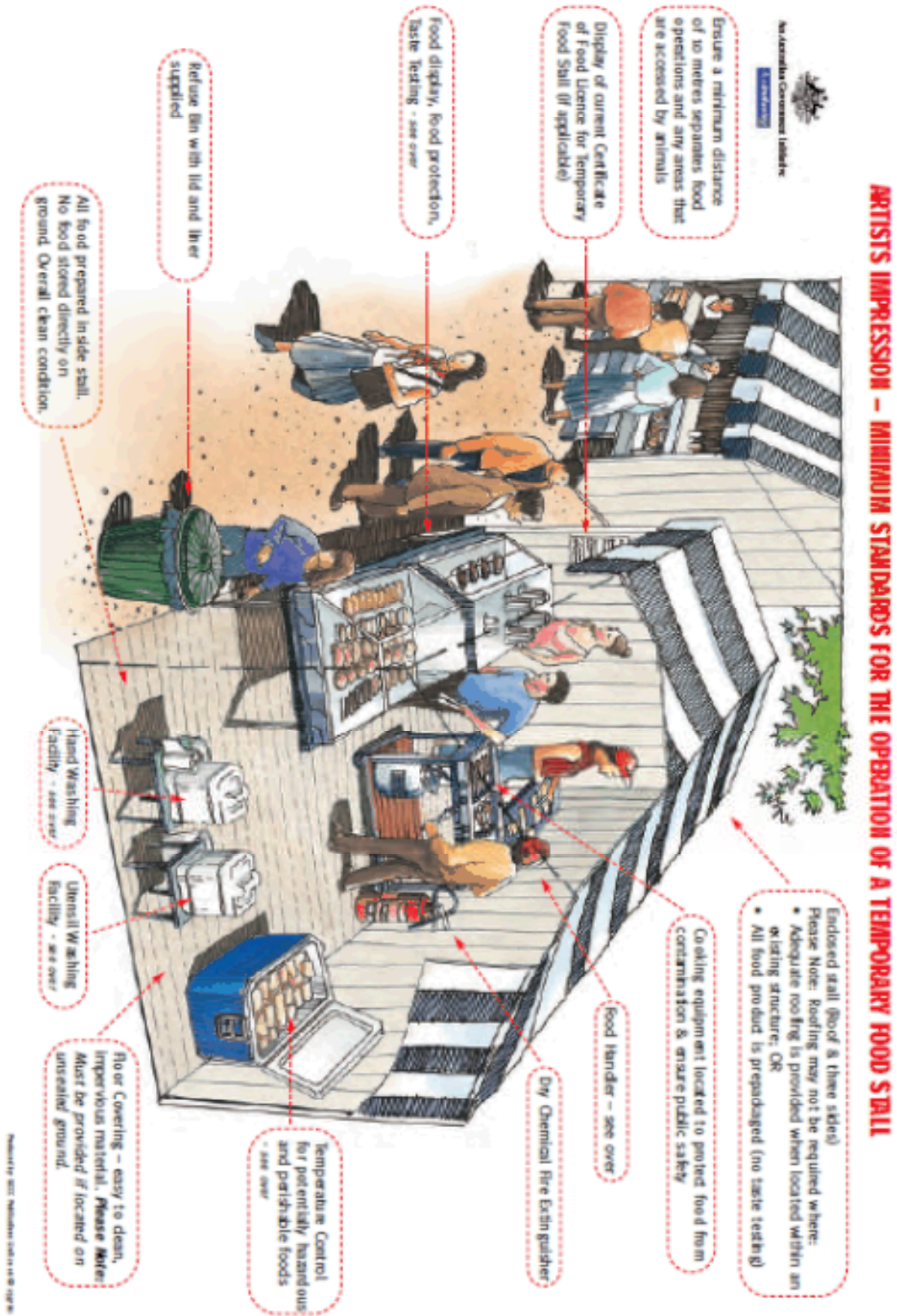


Figure 1 – Temporary Food Stall

6. Cleaning and sanitising

All equipment and food contact surfaces in the temporary food premises must be cleaned and sanitised both before and after use. Walls, floor and ceiling covering must be cleaned daily, or more frequently if they pose a risk of contamination to food or food contact surfaces.

The correct cleaning steps for food contact surfaces are as follows:

1. Wipe away any food scraps and rinse with water.
2. Wash with hot water and detergent to remove any grease.
3. Rinse off any loose dirt or detergent foam with clean water.
4. Sanitise using a food grade sanitiser (e.g 100 parts per million bleach solution)
5. Allow surfaces to air dry or use disposable paper towel

Please follow the manufacturer's instructions for all cleaning chemicals and equipment. All chemicals and cleaning equipment must be stored away from food and food storage areas

7. Sinks

Provide adequate sink facilities for food preparation, cleaning and sanitising. Most temporary structures will require a double bowl sink for adequate cleaning and sanitising

Where fixed sinks are not available the following should be provided:

- * a sealed container (capable of storing a minimum of 25 litres of clean water) with a tapped outlet;
- * a water-heating device (such as an urn);
- * 1-2 basins or containers suitable for cleaning and sanitising utensils and equipment; and
- * a container of adequate size for the collection of waste water.

This facility must be separate to the hand washing facility and must be supplied with appropriate cleaning and sanitising equipment



Figure 2 – Cleaning Facilities for Temporary Food Premises

8. Hand Washing Facilities

Provide hand washing facilities on site for the use of food handlers only where unpackaged food is being prepared or handled. These facilities must be situated within the temporary structure.

The most effective option is a permanent hand-basin that is ;

- supplied with warm running potable water; and
- provided with liquid soap and paper towel dispenser

If this is not possible then the hand washing facilities should consist of

* a sealed container with a single outlet that is filled with warm, potable water from a kettle or urn

* a bucket provided exclusively for the collection of the rinse water; and

* liquid soap and paper towel

Hand washing facilities must be in addition to sink facilities.

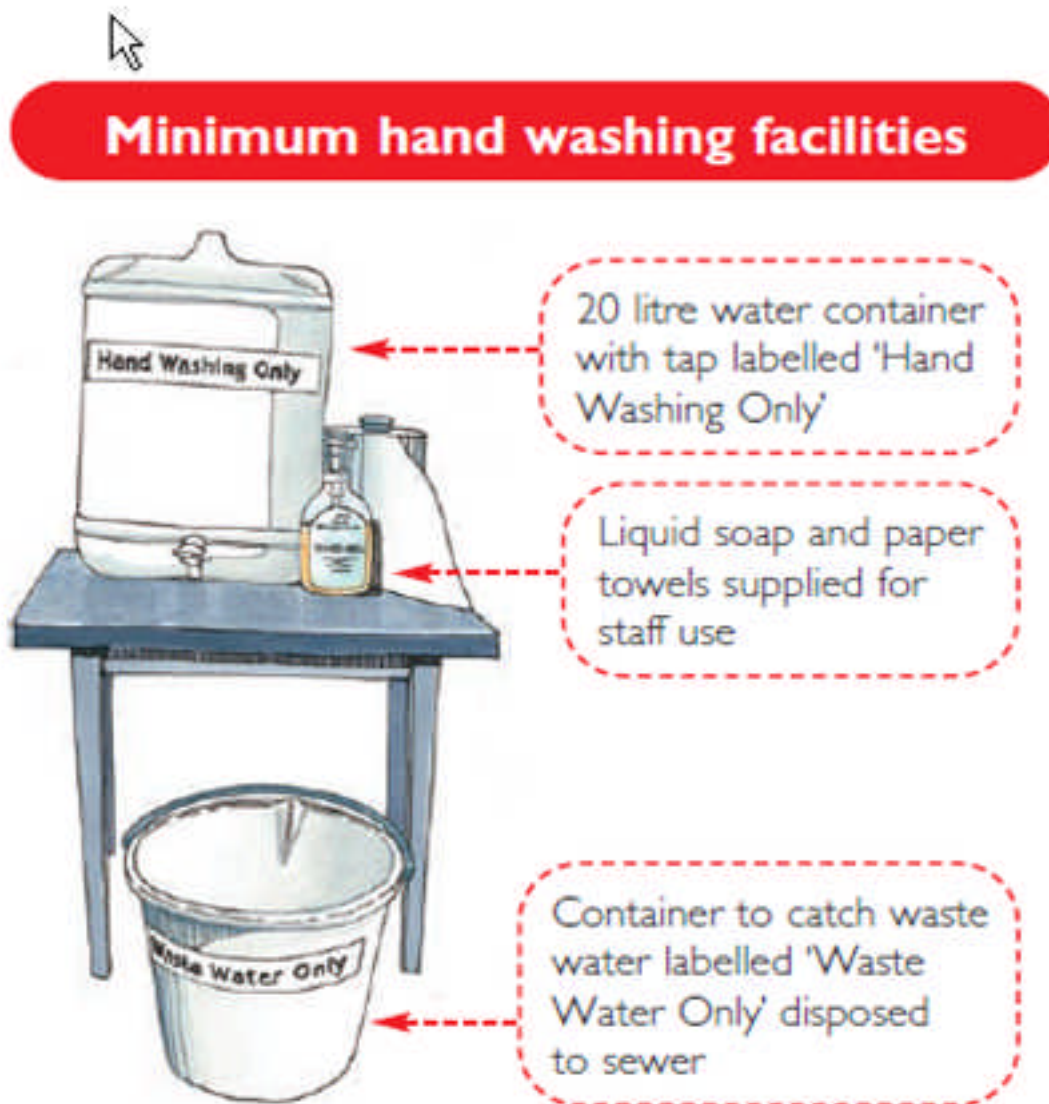


Figure 3 – Hand Washing Facilities



9. Food Storage

No food is to be stored directly on the ground.

All food stored inside the stall must be at least 150 millimetres above the ground and be wrapped, packaged or kept in enclosed containers.

All stored food must be covered or in sealed containers.

Raw and ready-to-eat foods must be separated to prevent cross-contamination

10. Temperature Control

- All cold foods (including raw and cooked meats, prepared salads and dairy products) must be stored at or below 5°C. Provide adequate refrigeration for the storage and prevention of spoilage of perishable foodstuffs. Refrigerators must be able to maintain food at or below 5°C.

- All hot foods must be stored at or above 60°C. Provide hot display units (e.g. **Bain marie**) for maintaining the temperature of hot food **above 60°C**, and protecting cooked food from contamination. **The unit must not be used for heating food.**

- All frozen food must be kept frozen solid

- A food grade digital probe thermometer must be readily available for testing the temperature of food products. The thermometer must be accurate to +/- 1°C.

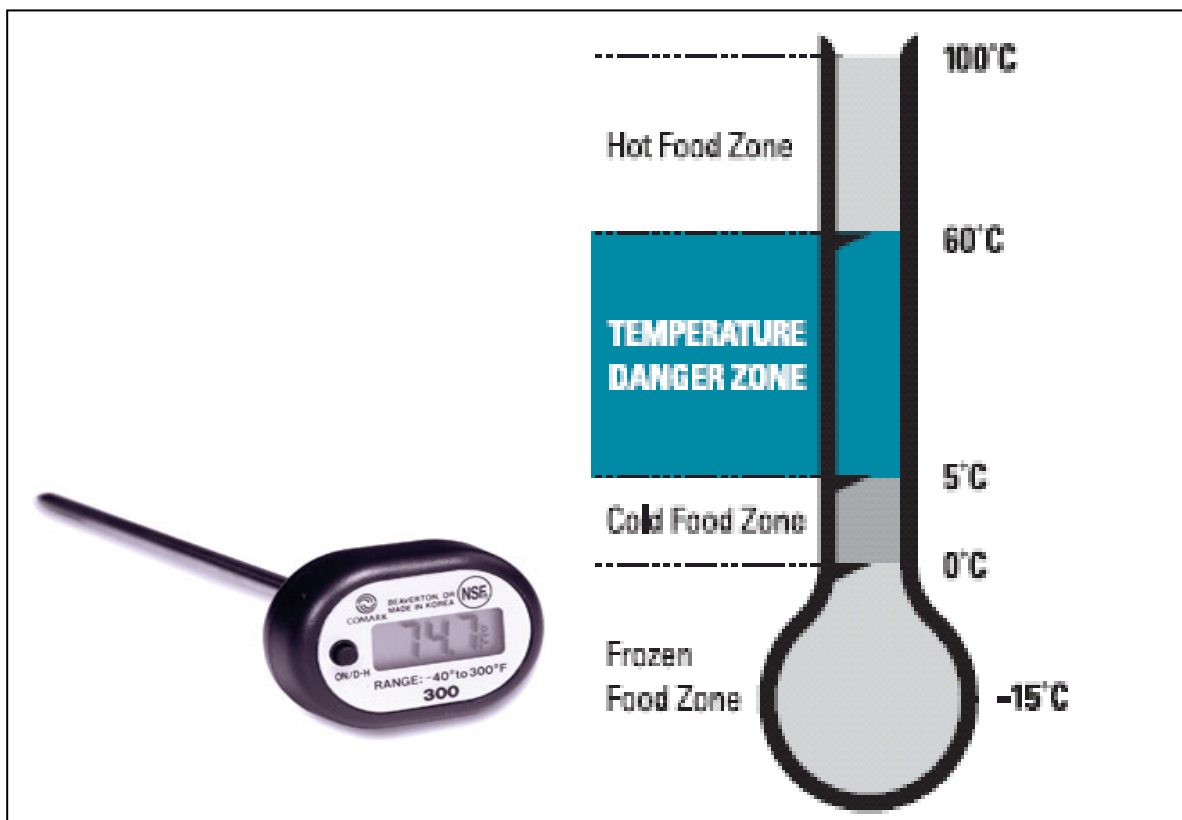


Figure 4 – Digital Probe Thermometer Figure 5 – Temperature Danger Zone

- All takeaway food prepared at the food stall must be served immediately unless there is a suitable bain marie or cold cabinet display.

- Pre-prepared high-risk foods must be stored and displayed at a temperature at or below 5°C. Provide **refrigerated display units** for storing and maintaining the temperature of potentially hazardous food below 5°C, and protecting food from contamination.

- Ready-to-eat potentially hazardous food can be kept between 5°C and 60°C for a short amount of time using the two hour/four hour rule:



- ~ For a total of less than two hours – refrigerate or use immediately.
- ~ For a total of between two and four hours – use immediately.
- ~ For a total of four hours – must be thrown out.

Note: if compliance with the two hour/four hour rule cannot be demonstrated, a Council Environmental Health Officer may require you to discard the product. To demonstrate compliance with the two hour/four hour rule you must maintain records in the Time Log in your Food Safety Program

11. Cooking, reheating and cooling food

- Where cooking is carried out adequate provision must be made to protect the walls, floors and ceiling from heat, flame and grease.
 - All hot food must be re-heated to an internal temperature of 75°C for at least 2 minutes before serving.
 - When cooling cooked potentially hazardous foods, you must cool the food:
 - ~ within two hours – from 60°C to 21°C
 - ~ within a further four hours – from 21°C to 5°C.
- Cooling and reheating records must be kept in the Activity Log in your Food Safety Program

12. Health and hygiene of food handlers

- Hands must be washed regularly, including after:
 - ~ using the toilet
 - ~ blowing your nose
 - ~ taking breaks
 - ~ handling different types of food products
 - ~ any other activity that may contaminate hands, food or food contact surfaces.
- All food handlers must have good personal hygiene and clean clothing. Aprons and hats or hair nets should be worn and long hair should be tied back in a hair net
- All open wounds must be covered with a coloured waterproof dressing. If the wound is on the hand, the hand must also be covered with a disposable glove.
- Food handlers must not smoke in or around the temporary food premises
- Disposable gloves should be changed frequently and hands washed with liquid soap and water.
- No person suffering gastro symptoms or has suffered gastro symptoms in the previous 48 hours is permitted to handle food.



Figure 6 – Food Handler Protective Clothing

13. Protection from Dust and Pests



Food must be protected from contamination during transport, storage, preparation, cooking and display.

Appropriate facilities must be available to keep food off the ground, covered and protected from dust, insects and animals at all times.

14. Storage Facilities

Provide adequate facilities for the storage of the clothing, footwear and personal effects of the staff.

Provide adequate facilities for cleaning equipment and cleaning chemicals.

15. Toilet Facilities

Adequate toilets must be available for the use of food handlers in close proximity to the temporary food premises

16. Food Displays

All food on display must be either:

- wrapped or packaged
- enclosed in a suitable display cabinet
- protected by a physical barrier such as a sneeze guard
- located so as not to be openly accessible to the public.

Porous mesh and wire screens are not permitted

Tea, coffee, cordial and other beverages must be dispensed from an enclosed or lidded receptacle equipped with a tap or spout

17. Food Tastings

When serving food tastings:

Tastings should be served on clean plates with single serve toothpicks already in the food.

Separate foods should be handled with separate utensils

Only display small amounts of food

Remember, high risk foods must be chilled, so keep quantities to a minimum and throw out uneaten food kept out of refrigeration for more than 4 hours

Do not allow your customers to self serve due to the risk of contamination. Place single use picks into individual food pieces

Ensure foods are served as quickly as possible to avoid food being out of temperature control.

Use disposable gloves, tongs and utensils to minimise direct handling of food.

Provide hand-washing facilities for staff when unpackaged foods are handled prior to tasting by customers

Single use disposable glasses and cups should be provided for beverage tasting OR cups/glasses must be cleaned and sanitised between each use

18. Labelling

Pre-packaged food sold for commercial purposes must be labelled in accordance with the Australia New Zealand Food Standards Code.

The following information must be provided on packaged foods to comply with the Food Standards Code:

Description of Food

Foods must be labelled with a description of the food sufficient to indicate the true nature of the food.

Labels or descriptions must not mislead consumers.

Food Recall Information

Lot and/or batch marking is important information that should be labelled on food packaging.



Name & Address of Supplier

The name and full business address in Australia of the supplier (whether manufacturer, vendor, packer or importer) must be on the label. A post office box does not meet this requirement.

Ingredient List

The label must include list of ingredients, including food additive, in descending order in proportion by weight (including water)

Allergen Advisory Statements

The label must indicate if the food contains any of the eight main allergen groups – gluten, shellfish, eggs, fish, milk, peanuts/soyabeans, tree nuts/sesame seeds, and sulphites. **This includes foods sold by community groups.**

Date Marking

Foods with a shelf life of less than two years must have a 'Best Before Date'. Those foods that should not be consumed after a certain date for health and safety reasons must have a 'Use By Date'. It is an offence to sell such foods past the 'Use By Date'.

Storage requirements

Where specific storage conditions are required in order for a product to remain safe until its 'Use By Date' or 'Best Before Date' manufacturers must include this information on the label.

Formatting

Labels must be readable and distinct from the packaging background. The label information must be in English. The type in certain legal warning statements must be at least 3mm high.

Nutritional Panels

Most food packaging must include a nutrition information panel. Some basic foods such as tea, coffee, herbs and spices, fruit, vegetables, meat and fish do not require a nutritional panel unless the packaging indicates a particular nutritional claim.

The information that should be provided on a nutritional panel is energy level (kilojoules), protein, total fat, saturated fat, carbohydrate, sugars, sodium and any other nutritional claim relating on the packaging. The format for a nutrition information panel is strictly mandated.

To create your own nutrition panel go to the Food Standards Australia New Zealand web site -

www.foodstandards.gov.au/foodstandards/nutritionpanelcalculator/

A guide for food labelling (including community or charity organisations) can be viewed at:
www.foodstandards.gov.au

For further information or help contact the Mornington Peninsula Shire Environmental Health Team on (03) 5950 1050.



Appendix 4 - Environmental Health Team Operations Procedures Manual: **Attached separately**



Appendix 5 - FOOD SAFETY ASSESSMENT TOOL

Business Name		Reg. No.	
Address		Class	1 2 3 4
Proprietor		Date	
Food Safety Supervisor		Officer	

1.	Food Safety Program Records	Y	N	N/A	Value	Evidence*
1.1	Copy of Food Safety Program on-site?				2	
1.2	FSP still adequate for the activities conducted?				2	
1.3	Food safety knowledge of the FSS satisfactory?				3	
1.4	Approved Food Suppliers List				2	
1.5	Goods Receiving Form				2	
1.6	Storage Unit Temperature Log				2	
1.7	Activity Log (Internal Process Log)				2	
1.8	Time Log				2	
1.9	Cleaning Record				1	
1.10	Equipment Calibration Log				1	
1.11	Other records(e.g. sushi, Chinese chicken supplement)				3	

* Refer Evidence Guide

2.	Food Safety Risk Assessment	Y	N	N/A	Value	Evidence
	Purchasing and Receiving					
2.1	Foods sourced from approved suppliers				3	
2.2	Potentially hazardous foods <5°C or >60°C				3	
2.3	Correct labelling/use by dates on foods				2	
2.4	Suitable receival area and delivery vehicles				2	
	Dry Storage					
2.5	Foods protected from pests and contaminants				2	
2.6	Food storage areas – suitable, clean and maintained				1	
	Cold and Frozen Storage					
2.7	Temperature of high-risk foods <5°C or -15°C				3	
2.8	Foods packaged and protected				2	
2.9	Foods stored with date marking and within use-by date				2	
2.10	Cold storage units suitable				1	
	Thawing					
2.11	Potentially hazardous food kept below 5°C				3	
2.12	Foods protected from contamination during thawing				2	
	Preparation					
2.13	Potentially hazardous foods kept at room temperature <2 hours OR 2 hour/4 hour rule being followed				2	
2.14	Potable water supply provided				3	
2.15	Sanitising of utensils and food contact surfaces				2	
2.16	Safe food handling practices being followed				2	
2.17	Suitable hand-washing facilities provided				2	
2.18	Potentially hazardous foods cooked to >75°C				3	
2.19	Foods protected from contamination				2	
2.20	Potentially hazardous foods cooled correctly				3	
2.21	Foods protected from contamination				2	
	Display and Service					
2.22	Cold potentially hazardous foods <5°C				3	
2.23	Hot potentially hazardous foods kept at or > 60°C				3	
2.24	Sanitising of utensils and food contact surfaces				2	
2.25	Safe food handling practices being followed				2	



2.26	Foods protected during display and service				2	
	Delivery					
2.27	Potentially hazardous foods maintained <5°C or >60°C OR 2 hour/4 hour rule being followed				3	
2.28	Suitable delivery vehicle/s				1	
2.29	Foods protected from contamination				3	

3.	National Food Safety Standards	Yes	No	N/A	Value	Evidence
3.1	Illness Register/Health of Food Handlers				2	
3.2	Food Handler Skills and Knowledge				2	
3.3	Pest Control				2	
3.4	Thermometer (digital & calibrated)				2	
3.5	Wastewater Disposal				1	
3.6	Refuse Disposal				1	
3.7	Ventilation and lighting				1	
3.8	Storage of Chemicals/Personal Items				1	
4.	Cleaning and Maintenance	Yes	No	N/A	Value	Evidence
4.1	Floors				1	
4.2	Walls				1	
4.3	Ceiling				1	
4.4	Fittings, flashings and services				1	
4.5	Exhaust Ventilation				1	
4.6	Toilets				1	
5.	Tobacco Act Compliance	Yes	No	N/A	Evidence	
5.1	Tobacco warning signs for retailers					
5.2	Suitable advertising by retailers					
5.3	No smoking signs					
5.4	Suitable outdoor dining and drinking areas					
5.5	Suitable vending machine location					

Comments/Further Action Required			
Critical Non-Conformances (x -3)		Major Non-Conformances (x -2)	
Minor Non-Conformance (x -1)		Assessment Result	
Date of Inspection		Date of Follow Up Inspection	
Officer			



MORNINGTON PENINSULA SHIRE FOOD SAFETY ASSESSMENT FORM

Instructions for Use

This assessment is to be used in accordance with the Shire's Food Safety Management Policy and Environmental Health Procedures Manual. **It should be used at food businesses by appointment with either the proprietor or Food Safety Supervisor**

The assessment will determine whether each business adequately addresses its food safety risks. **Shaded** sections apply to food handling steps deemed to be **critical control points**. Non-compliance at any of these steps is deemed a critical non-conformance under the Food Act 1984 and responses are outlined in the Shire's Food Safety Management Policy

Bolded sections apply to food processing steps or monitoring points deemed control points which may impact on food safety if not fully addressed. Non-compliance at any other step in the assessment is considered to be a minor non-compliance.

Evidence is to be obtained to determine whether the business is addressing food safety risks effectively at each step of the assessment. Evidence types are outlined in Table 1 and must be indicated in the Evidence Column of the assessment form at each step using these codes:

- R. Food safety program records
- O. Observation
- I. Interview
- D. Demonstration
- C. Thermometer Check by EHO

Table 1: Examples of Evidence

Step	Evidence
Receipt/ Purchasing	Approved suppliers list – current and includes registration numbers Any procedure the business has for approving new suppliers Goods receipt logs or notes or temp checks on delivery invoices Observe delivery procedure for high-risk foods or interview FSS on delivery procedure Inspection of delivery vehicles
Cold and Frozen Storage	Daily temperature logs Check each unit with probe or infra-red thermometer Servicing and calibration records Interview FSS on procedure for checking food temps Check use-by and date marking of high-risk foods
Preparation	Observation and inspection, use of tongs, prevention of cross contamination PPE for food handlers – aprons, gloves, hats Internal process log records Training records for food handlers (internal/external) Interview with FSS on staff training and cleaning/sanitising procedures Written cleaning schedules including dilution rates and safety instructions
Cooking and Reheating	Internal process log records Use and calibration of probe thermometer Probe check a cooked high-risk food
Cooling	Internal process log records Use and calibration of probe thermometer Probe check a cooked high-risk food during cooling
Display and Service	Daily temperature logs, servicing and calibration records Check each unit with probe or infra-red thermometer Interview FSS on procedure for checking food temps Observation and inspection, use of tongs and utensils to prevent contamination PPE for food handlers – aprons, gloves, hats
Delivery	Observe delivery procedure for high-risk foods or interview FSS Inspection of delivery vehicles



	Internal process log records
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APPENDIX 6 - FOOD SAFETY ASSESSMENT FORM – TEMPORARY FOOD PREMISES

MORNINGTON PENINSULA SHIRE – TEMPORARY FOOD PREMISES ASSESSMENT

Business/Group Name		Reg. No.	
Address of Event		Class	1 2 3 4
Proprietor		Date	
Food Safety Supervisor (FSS)		Officer	
Type of Foods Served		Type of Group	Business/Community

1.	Food Safety Records	Yes	No	N/A ¹	Value	Evidence
1.1	Copy of Food Safety Program (FSP) on-site?				2	
1.2	Statement of Trade submitted?				2	
1.3	Approved Food Suppliers List				2	
1.4	Goods Receiving Form				2	
1.5	Storage Unit Temperature Log				2	
1.6	Activity Log (Internal Process Log)				2	
1.7	Time Log				2	
1.8	Cleaning Record				1	

2.	Food Safety Risk Assessment	Yes	No	N/A	Value	Evidence
2.1	Foods sourced from approved suppliers				3	
2.2	Potentially hazardous foods stored <5°C or >60°C				3	
2.3	Foods protected from pests and contaminants				2	
2.4	Temperature of high-risk foods <5°C or -15°C				3	
2.5	Potable water supply provided				3	
2.6	Sanitising of utensils and food contact surfaces				2	
2.7	Safe food handling practices being followed				2	
2.8	Suitable hand-washing facilities provided				2	
2.9	Potentially hazardous foods cooked to >75°C				3	
2.10	Potentially hazardous foods cooled correctly				3	
2.11	Cold potentially hazardous foods displayed <5°C				3	
2.12	Foods protected during display and service				2	

3.	National Food Safety Standards	Yes	No	N/A	Value	Evidence
3.1	Food Handler Skills and Knowledge				2	
3.2	Food Labelling				2	
3.3	Thermometer (digital & calibrated)				2	
3.4	Wastewater Disposal				1	
3.5	Refuse Disposal				1	
3.6	Floors				1	
3.7	Walls				1	
3.8	Ceiling				1	
3.9	Fittings, flashings and services				1	

Date of Inspection		Assessment Result	Satisfactory/Major/Critical
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¹N/A = Not Applicable to the business



Officer Signature		Date of Next Inspection	
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