

# GUIDELINES FOR FOOD BUSINESSES AT TEMPORARY EVENTS



Department of  
Primary Industries  
Food Authority

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## Introduction

These guidelines inform businesses selling food at temporary events in NSW of their legal requirements in relation to the NSW *Food Act 2003* (the Act) and the Food Standard Code (the Code). They provide information on basic requirements such as power supply and waste disposal, and suggest ways to maintain food safety at the event.

Businesses and local council environmental health officers (EHOs) can use this guide to assess compliance with the Act and the Code.

This document details legal requirements for food businesses and provides guidance on food safety at temporary events. It also provides businesses with a guide to applicable fees and charges that councils may levy.

Food businesses wishing to sell food at temporary events should contact the council where the event is based prior to operating to check if a permit to trade on public land is required, if an inspection must be completed, if there are any applicable fees and/or if there any other requirements.

### What is a temporary event?

A temporary event is any occasion which is of limited duration or periodic in nature and where food is sold to consumers. Examples include fairs, festivals, markets and shows.

These guidelines cover all types of food businesses at temporary events. The checklist provided within the document can be used to self-assess compliance with general requirements.

While mobile food vending vehicles often operate at temporary events, it is recommended that they refer to the *Guidelines for mobile food vending vehicles* available on the Food Authority website [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au).

### Obligations on selling food

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, is deemed to be a 'food business'. This includes not-for-profit operations.

A food business is required to sell safe and suitable food in accordance with the NSW *Food Act 2003*, which also mandates compliance with the national Food Standards Code (the Code). Of particular relevance for temporary events are parts 1.2 (labelling) and 3.1.1, 3.2.2 and 3.2.3 (food safety standards) of the Code, which can be accessed at [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

Failure to comply with the requirements may lead to enforcement action. Depending on the food safety risk identified, this action may include a warning letter, improvement notice, penalty notice, seizure, prohibition or prosecution. The NSW Food Authority and councils generally follow an escalating enforcement policy.

### Charities and community groups

Charities and community groups are those which do not derive funds for personal financial gain, but direct any profits back to the community (e.g. local sports clubs, Lions and Rotary clubs).

The NSW *Food Act 2003* and Food Standards Code apply to all food businesses including those selling food for charity or community purposes. It is always an offence to sell food that is unsafe or unsuitable. Charities and community groups are exempt from some requirements:

- Notification of food business is not required if food sold is not potentially hazardous (eg. scones) or is to be consumed immediately after thorough cooking (eg. sausage sizzle)



- Food Safety Supervisor requirements do not apply
- Some labelling requirements do not apply; however it is a requirement to provide information to customers on request about these allergenic ingredients:
  - cereals containing gluten
  - crustacean and their products
  - fish and fish products
  - egg and egg products
  - milk and milk products
  - peanuts and peanut products
  - sesame seeds and sesame seed products
  - soybean and soybean products
  - tree nuts and tree nut products

Further information can be obtained from the Food Authority or local councils.



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## Administration

### Notification

Food businesses that trade at temporary events must ensure that their details have been notified to their local council prior to commencing trading for the first time. Businesses should notify the council where the majority of their trade is undertaken, or where they are based if they do not trade in a regular location.

Appropriate details for notification include:

- contact details for the food business including the name of the food business and the name and business address of the proprietor of the food business,
- the nature of the food business, and
- the location of all food premises of the food business that are within the jurisdiction of the enforcement agency.

Notification may be made to council in any form that includes the above details.

The only exceptions are:

- businesses licensed or notified with the NSW Food Authority, or
- not-for-profit fundraising events where there is sale of low risk food (e.g. tea/coffee and biscuits) or sale of food that is thoroughly cooked immediately before consumption (eg. sausage sizzle).

Notification is a one-off process unless your details change, in which case you are required to provide an update to the appropriate authority.

### Licensing

Some retailers at temporary events require a Food Authority licence if there is an activity that requires a licence in the business, such as:

- businesses that conduct food service to vulnerable persons
- high-risk plant product businesses
- businesses that handle or process meat
- businesses that further process and wholesale seafood
- businesses that handle shellfish
- dairy producers, factories and vendors
- businesses that produce or process eggs and egg related products

If you carry out one of these activities, contact the Food Authority well before the event to determine whether you require a licence.

### Council approvals

Local councils are generally responsible for the approval of temporary events. Some councils require development consent for temporary events, so you may be required to lodge a development application. Some councils require the temporary site itself to be registered/approved (for example, *s68 approval to operate* issued under the *Local Government Act 1993*). It is important to check specific requirements with the local council well before the event.



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## Food Safety Supervisor

Food businesses operating at temporary events may need to appoint a Food Safety Supervisor (refer to section 5.11 of this document for details). Ensure this is done well before the event.

## Inspections

The inspection of retail food businesses trading at temporary events are conducted by council's environmental health officers who are authorised officers under the *NSW Food Act 2003*. They check that good food safety practices are in place, such as temperature control, cleanliness, hand washing and labelling (refer to checklist at end of this document).

Inspections at all temporary food events may not be possible. Small events where low risk foods are sold may not require inspection. Large events, particularly where high risk food is sold, or those that have had a poor compliance history, are likely to be inspected.

Councils adopt a risk based approach when inspecting food businesses at temporary events and to determine which businesses to inspect. The risk factors considered are:

- number of food businesses trading at the event
- type of food being sold at the event (PHF vs non PHF)
- estimated number of visitors to the event
- duration of the event
- any complaints made against food businesses trading at the event
- compliance history of the event
- access to facilities and services such as potable water, sewer etc.

## Fees and charges

The local council may charge fees for inspecting your food handling activities under the *Local Government Act 1993*. The fee amount can vary between councils.

Check with the local council/s in which you trade to find out what fees apply to you. There may be other fees and charges levied by councils for approval to trade under other legislation. Please contact your local council for details.

Councils can levy an inspection fee against the event organiser, or against the individual temporary food businesses.

The inspection fee levied can be:

- a fixed fee, or
- based on the council's hourly food inspection rate.

If council decides an additional inspection is required for a business (eg. because of poor compliance), an inspection fee can be levied against the individual food business.



## Conditions of operation

### Location of food stalls

- a) Stalls should be set up on sealed ground to minimise dust. If only unsealed sites are available (eg. grass or dirt), the ground should be completely covered.
- b) The open side of the stall should not face prevailing winds to reduce dust, odour and insect problems.
- c) Where possible, stalls should be located away from toilets and garbage areas to prevent airborne contamination.

### Toilets

Food business operators (and event management) must ensure that adequate toilet facilities are available for food handlers. This includes adequate hand washing facilities including the provision of soap and an effective means of drying hands (eg. paper towels).

### Maintenance

The food stall and its fixtures, fittings and equipment, as well as parts of vehicles used to transport food, must be kept clean and in good, working order (i.e. free from dirt, fumes, smoke, odours and other contaminants).

### Garbage and recyclable matter

Food business operators (and event management) must ensure there are:

- adequate bins at appropriate locations throughout the event area
- adequately sized, enclosed rubbish bins at each food stall
- arrangements to dispose of garbage at the end of the day, and
- recyclable, re-useable or compostable products wherever possible.

### Animals and pests

Take all practicable measures to prevent pests (including birds, spiders and flying insects) from entering the food stall or coming into contact with any fixtures, equipment or parts of vehicles used to transport food.

Animals are not permitted to enter a food stall at any time. 'Assistance animals' are permitted in public dining and drinking areas. (Assistance animals are guide dogs that are trained to help people with disabilities.)

### Children in food stalls

For health and safety reasons, children should not be allowed to enter the preparation area of a food stall.

### Water and ice

- a) Potable water (ie. safe for human consumption) must be used for washing and preparing food, or as an ingredient in food. Town water supplies are considered to be potable. Using water from other sources may be suitable but this should be checked with the local council.
- b) Only materials of food-grade rating should be used to store water.
- c) Ice used to keep food cool or to add to food or drink must be potable.





## Electricity and gas supplies, fire extinguishers and work safety

- a) Food business operators (and event management) should ensure there is a sufficient supply of electricity for food handling activities, particularly for hot/ cold food holding and heating water.
- b) Electricity should be supplied through proper supply poles equipped with all necessary safety devices (as required by legislation). All work should be carried out by a licensed electrician and conform to Australian Standard AS 3002-1985 'Electrical Installations – Shows and Carnivals'. WorkCover NSW requires electrical appliances and leads to be tested at least annually, and identification tags to be attached.
- c) Gas should be installed by a licensed gasfitter and comply with the appropriate provisions of Australian Standards AS 1596-1997 and AS 5601-2000. A current compliance plate should be attached to the vehicle for new installations or for any changes made to existing gas appliances.
- d) Gas-fired appliances used in the open should not have a gas bottle greater than 9 kg capacity, and the bottle should be secured so that it cannot be tipped over. Gas bottles must be pressure checked.
- e) A fire extinguisher 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.
- f) Fire safety equipment should be easily accessible. The extinguisher should be suitable for dealing with the type of combustible materials present.
- g) Fire safety equipment should be tested annually and have current tagging in accordance with Australian Standard 1851. Contact Fire and Rescue NSW for more information.
- h) All measures should be taken to satisfy the requirements of WorkCover NSW to protect the health, safety and welfare of employees and visitors at the event. Contact WorkCover NSW for more information.

## Pollution prevention

Operations should not cause any harm to the environment (ie. air, water, noise and surrounding lands). This is a requirement under the *Protection of the Environment Operations Act 1997*. For example, waste water should be discharged into the sewer system, not on the ground. Contact the local council for more information.

## Facilities

Facilities should be constructed to ensure a good standard of food hygiene and allow for easy cleaning and maintenance (see diagrams in section 6).

### Construction of temporary food stalls

Temporary food stalls include any structure set up for an occasional event such as a fête, fair, market or concert, where it can be demonstrated that food safety will not be compromised. Mobile structures such as coffee carts are not considered to be temporary stalls and require consent of the local council to operate.

The minimum standard of construction for temporary food stalls is:

- preparation and serving areas to be fully enclosed on three sides
- entire food premises (including barbeques and cool rooms) to be adequately screened to reduce the risk of food contamination and to restrict public access
- floor to be in the form of a groundsheet cut larger than the floor area to enable it to be turned up at the wall and clipped or fixed into position
- walls to be of polytarp or similar non-absorbent material that can be easily cleaned. The framework of the wall panels should support the fabric taut and rigid. No part of the walls should flap in the breeze or be unsecured
- ceiling to be of similar construction to the walls
- whole structure to be securely fixed together when assembled and protected against wind.

For pre-packaged and low-risk foods, there may be exemptions from certain construction requirements due to the reduced food safety risk. Contact the local council to enquire about exemptions. Examples of pre-packaged and low-risk foods are: pre-bottled or sealed jams, honey, pickles and drinks; pre-wrapped and sealed cakes, toffees and biscuits; whole fruit, vegetables and nuts intended to be washed or peeled before eating.

### Fixtures

Food preparation surfaces (eg. counters, shelves, stands) must be made from rigid, smooth and durable material, free of cracks or joints. Timber surfaces should be painted, laminated or clear finished. Shelves should be at least 150 mm off the floor. Metal end sections should be sealed.

The preparation and display of food, including unpackaged ready-to-eat food, must be protected from likely contamination from customers. Sneeze barriers or other enclosures should be considered.

### Cleaning, sanitising and hand washing facilities

- A sealed container of potable water (minimum capacity 10 litres) with a tap and suitable bowls or containers should be provided for cleaning, sanitising and hand washing. Clean towels and detergent must also be provided. For pre-packaged and low-risk foods, there may be exemptions from certain facility requirements due to the reduced food safety risk. Contact the local council for details.
- Re-useable eating and drinking dinnerware and tableware must be washed and sanitised in separate receptacles used only for that purpose.
- A hand washing facility, separate from other facilities and used only for that purpose, must be provided. Warm water is needed for effective hand washing. Hot and cold water must be delivered through a single outlet to a



dedicated hand basin. Liquid soap and single-use paper towels must be provided at, or near, the hand washing facility.

- d) A suitable sanitising agent must be available for sanitising food handling implements and food contact surfaces. Where utensils are stored in a sanitising solution between uses, the solution should be changed frequently to keep it clean.

### Waste disposal

Dirty water should go to the sewer onsite, if available, usually via a gully near the amenities block. If a sewer is not available, the waste should be disposed of as advised by the local council.

A garbage bin with a tight fitting lid should be provided in the stall for solid waste. This should be emptied into the bulk bin or other facility before leaving.



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## Food handling

The requirements for handling food for sale for human consumption are outlined in Standard 3.2.2 – *Food Safety Practices and General Requirements* and Standard 3.2.3 – *Food Premises and Equipment* of the Food Standards Code. These are on the Food Standards Australia New Zealand website at [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

These requirements also apply to pre-packaged food and low-risk food. Factsheets and user guides (including for charitable and community not-for-profit organisations) are available on the Food Authority website at [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au).

### Food suppliers

Obtain all food products from reputable suppliers, as generally they operate under strict quality guidelines. Keep copies of invoices to trace back if needed in the future.

### Preparing food at home

Notification of food business details, construction of facilities, labelling and food handling requirements of the NSW *Food Act 2003* apply equally to the preparation of food for sale from a home kitchen. They also apply to pre-packaged and low-risk produce and foods. Approval to use home kitchens as part of a food business may be required by local councils. Contact the local council for more information. The factsheet *Home-based and mixed food businesses* is on the Food Authority's website.

### Transport of food to events

All food and packaging for the event must be transported by vehicle so that dust, pests and other likely sources of contamination are excluded. Whole fruits and vegetables and grains which are to be further processed generally do not need to be transported under temperature control. (See the NSW Food Authority's guideline *Potentially hazardous foods: Foods that require temperature control for safety*).

Foods that are required to be stored under temperature control or kept frozen must be placed under strict temperature control or frozen during transportation. Food-grade plastic or insulated containers with tight-fitting lids may be used for some foods. Where food comes into contact with the surface of the container, it should be impervious to moisture, constructed of a food-grade material and be capable of being easily cleaned and sanitised. Lids should not be removed from food containers when the vehicle is in motion or unattended.

Commercial food transport vehicles should be suitable for this purpose.

### Food storage

- a) Food business operators must ensure that all foods are stored so that they are protected from likely contamination, and that the environmental conditions will not adversely affect the safety or suitability of the food.
- b) There must be separately located storage facilities for items such as chemicals, clothing and personal belongings, which may contaminate food or food contact surfaces.
- c) Food should be stored at least 150 mm above the floor or in suitable impervious containers and, where possible, kept out of direct sunlight.
- d) Potentially hazardous foods like poultry, meat, dairy products, seafood and egg-based products must be stored under temperature control. If intended to be stored frozen, the food must remain frozen during storage. (See *Potentially hazardous foods: Foods that require temperature control for safety*).



- e) Refrigeration facilities should be large enough to hold potentially hazardous foods under temperature control at all times. This may require the use of portable coolrooms. Do not overstock refrigerators or portable coolrooms, as the air will not be able to circulate freely around the foods.
- f) Cold foods should be stored at or below 5°C.
- g) Hot food appliances (bain maries and display cases) should enable hot foods to be kept at, or above, 60°C at all times.

### Potentially hazardous foods and temperature control

One of the most common causes of foodborne illness is the storage and display of potentially hazardous foods at inadequate temperatures for extended periods. This can lead to the rapid and sustained growth of food poisoning bacteria.

Examples of potentially hazardous foods include:

- cooked meat
- dairy products
- seafood
- prepared salads, raw salad vegetables
- cooked rice and pasta
- processed soya bean products
- other processed foods containing eggs, beans, nuts or other protein-rich foods that contain any of the above foods such as sandwiches and quiches.

A food business must, when storing and displaying potentially hazardous food, store it under temperature control. If the food is intended to be stored frozen, ensure the food remains frozen during storage and display. Temperature control means maintaining cold food at a temperature of 5°C or below, or hot food at 60°C or above.

Canned and bottled foods, dried or pickled products and some other processed foods, such as dried pasta, pasteurised juices and dried powder products, are not considered to be potentially hazardous unless opened or reconstituted.

All food businesses that handle potentially hazardous foods are required to have a readily accessible, accurate, probe-type thermometer. Ensure the thermometer probe is cleaned and sanitised before it is used. It is good practice to monitor the temperature of hot or cold foods under operating conditions to ensure adequate temperature control is being maintained.

Additional information on potentially hazardous food and its management can be found in *Potentially hazardous foods: Foods that require temperature control for safety* and *Food safety guidelines on applying the 4-hour/2-hour rule for temperature control* at [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au).



## Cross contamination

Adequate measures must be taken to prevent cross contamination from raw foods to cooked foods. This includes:

- ensuring there are separate utensils for cooked and raw meats, poultry and seafood
- covering all food
- keeping cooked meat and salads separate from raw meat, raw poultry and raw seafood, and
- washing your hands after handling raw meats, raw poultry, raw seafood and raw vegetables.

## Food display

When displaying food, you should take all practicable measures to protect the food from likely contamination by customers, dust, fumes or insects. This may mean using plastic food wrap, sealed containers, sneeze barriers, food covers or other effective measures.

## Crockery, wrappings and packaging

- a) Single-use, disposable eating and drinking utensils are recommended.
- b) If reusable dinnerware or tableware is used, you will need to show an authorised officer that you use an appropriate method for cleaning and sanitising them (machine dishwashers are recommended).
- c) Crockery or plastic items that are chipped, cracked, broken or are in a state of disrepair must not be used for food.
- d) Packaging material must be food-grade and unlikely to cause food contamination. Only clean and unprinted paper, food wrap or packaging must be used for wrapping or storing food.

## Single-use items

Single-use straws, eating utensils and other items that come into contact with food and a person's mouth must be protected from contamination until use, and not re-used.

## Skills and knowledge

All food businesses must ensure that their food handlers have skills and knowledge in food safety and food hygiene matters appropriate to the type of foods they are preparing/handling and their work activities.

Charitable and community not-for-profit organisations are exempt from this requirement if they sell foods that are not potentially hazardous (eg. cakes without cream, biscuits, bottled jam or pickles), or foods which are to be consumed immediately after thorough cooking (eg. sausage sizzles, hamburgers and spring rolls). (see boxed section p5).

## Food Safety Supervisor

In addition to basic skills and knowledge requirements for all food handlers, certain food businesses need to appoint one Food Safety Supervisor (FSS). The FSS requirement applies if your business is processing and selling food by retail (at a temporary event) that is:

- ready-to-eat, and
- potentially hazardous (ie. requires temperature control), and
- unpackaged (ie. NOT sold and served in the supplier's original package).



One FSS needs to be appointed for the premises (i.e. the tent or stall structure). If you have more than one premises at the event, then a different FSS needs to be appointed for each premises. A copy of the FSS certificate for your FSS must be kept at the premises.

You do not need to notify the local council of your FSS.

Certain food businesses do not require an FSS, such as organisations selling food for community or charitable causes. See the Food Authority's website for details.

For more information on Food Safety Supervisor requirements go to [www.foodauthority.nsw.gov.au/fss](http://www.foodauthority.nsw.gov.au/fss)

### Staff illness

A person who is feeling unwell or suffering from a contagious illness must not handle food for sale. Symptoms may include cold or flu symptoms, diarrhoea, vomiting, sore throat, fever, jaundice and infectious skin conditions.

A food handler must notify their supervisor if they know or suspect that they may have contaminated food.

### Requirements for food handlers

When engaged in any food handling operation, a food handler must:

- not contaminate food or food contact surfaces with their body or clothing
- tie back long hair
- remove loose jewellery
- prevent unnecessary contact with ready-to-eat food
- wear only clean outer clothing
- cover all dressing and bandages on exposed body parts with a waterproof dressing
- not eat over uncovered food or food contact surfaces
- not sneeze, blow or cough over uncovered food or surfaces likely to come into contact with food
- not spit, smoke or use tobacco while working in the food stall, and
- not urinate or defecate except in a toilet.

### Hand washing

A food handler must wash his or her hands using soap and warm water, then dry them with single-use, paper towels:

- before commencing or re-commencing handling food
- immediately before handling ready-to-eat food after handling raw food
- immediately after using the toilet
- immediately after smoking, coughing, sneezing, using a handkerchief or tissue, eating, drinking or touching his or her hair, scalp or a body opening, and before using disposable gloves for handling food. If wearing gloves, you should change them as often as you are required to wash your hands.



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### Money handling/touching customers' hands when serving food

While the likelihood of contamination from customers' hands when exchanging money is low, consideration should be given to minimising the risk. Examples include using a disposable glove or nominating one staff member to handle money only.

### Cleaning and sanitising

- a) The food stall or vehicle must be maintained to a standard of cleanliness where there is no accumulation of garbage or recycled matter (except in appropriate containers), food waste, dirt, grease or other visible matter.
- b) All fixtures, fittings and equipment, and those parts of vehicles used to transport food, must be maintained and cleaned so there is no accumulation of food waste, dirt, grease or other visible matter.
- c) Eating and drinking utensils must be in a clean and sanitary condition immediately before each use.
- d) Bench tops, surfaces of equipment in contact with food, and storage appliances must be kept in a clean and sanitary condition to reduce the likelihood of contaminating food. 'Sanitary' means cleaning first, followed by heat and/or chemical treatment at the right concentration, or some other process to reduce the number of bacteria to a level unlikely to compromise the safety of the food. Chlorine-based sanitisers can be used for this purpose. Take care when using chemical products.
- e) The containers used for chemical storage should be appropriately labelled.
- f) Chemicals must not be stored near food or any packaging likely to come in contact with food to avoid the risk of contamination.

### Labelling

The following requirements are outlined in more detail in the Australia New Zealand Food Standards Code (FSC), which can be viewed on the website of Food Standards Australia New Zealand (FSANZ). For detailed advice on labelling requirements, please contact the NSW Food Authority.

Pre-packaged products must be clearly labelled with:

- a) a description of the food, e.g. 'strawberry jam' or 'chocolate cake'
- b) the name and physical address of the supplier — a street address is needed, not a post office box number or email address
- c) production lot identification — this assists trace back of food products that may be the cause of a foodborne illness or other food safety issues (date coding can in some circumstances satisfy the requirement for a lot number)
- d) mandatory, advisory or warning statements (refer to Standard 1.2.3 of the Food Standards Code) are required for the following:
  - royal jelly
  - the presence of these eight allergenic foods: peanuts, tree nuts, sesame seeds, crustaceans, eggs, fish, milk and soybeans; as well as gluten and added sulphites
  - presence of pollen, propolis, quinine and caffeine (added either as caffeine or guarana)





- milk and milk substitute products advising that they are not suitable as a complete milk replacement in children under five
  - foods containing added phytosterols and phytostanols, advising about their appropriate consumption
  - foods containing aspartame, advising about the presence of phenylalanine
  - mandatory advisory statements on foods containing polyols and polydextrose, advising about the potential laxative effects if over consumed
  - unpasteurised goats milk (it is illegal to sell unpasteurised milk or dairy products in NSW, except for goats milk and products permitted under Standard 4.2.4A – *Primary Production and Processing Standard for Specific Cheeses* of the Food Standards Code).
- e) a list of ingredients including added water in descending order by ingoing weight.
- f) date marking, eg. ‘best before’ date to indicate how long the food will keep. (Note that some foods require a ‘use-by’ date and must not be sold after that date. Packaged foods that need to be consumed within a particular time period for health and safety reasons should carry date marking in the form of a use-by date, along with other labelling details),
- g) storage conditions, if these are needed for health and safety reasons, or to achieve its stated storage life, eg. ‘Keep refrigerated’,
- h) nutrition information panel — most packaged food should display a nutrition information panel (NIP), however some foods are exempt from this requirement,
- i) characterising ingredient — a characterising ingredient (% labelling) means it is mentioned in the name of the food. For example, with strawberry jam, the label should show the percentage (%) of strawberries in the ingredient list, and
- j) the country in which the food was made, produced or packaged, and whether it contains imported and/or local ingredients.

While unpackaged foods are exempt from most labelling requirements, consumers who have known allergies need to know if a particular ingredient is present in the food they are eating. Standard 1.2.3 of the [Food Standards Code](#) requires warning statement of the presence of royal jelly to be displayed on, or near, the food containing it.

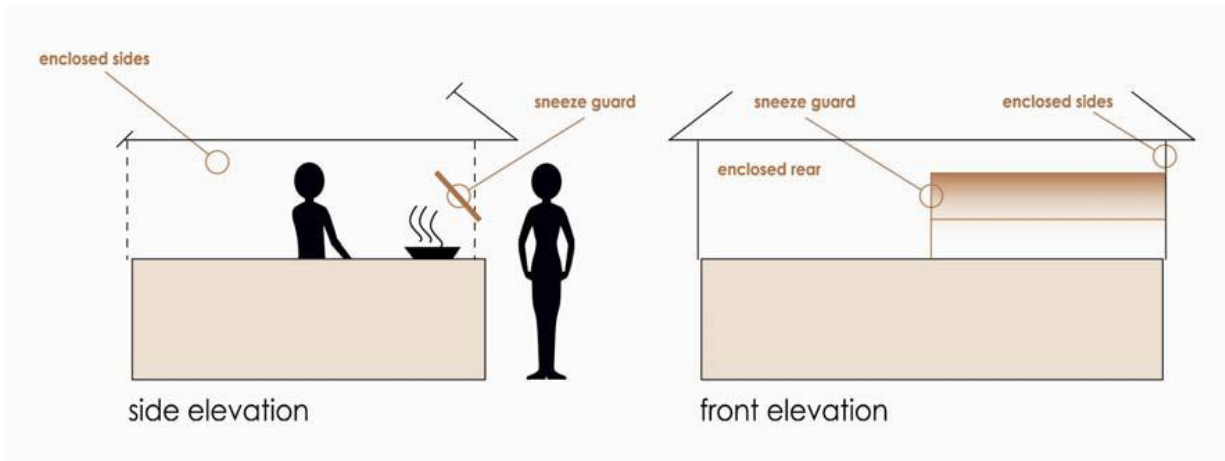
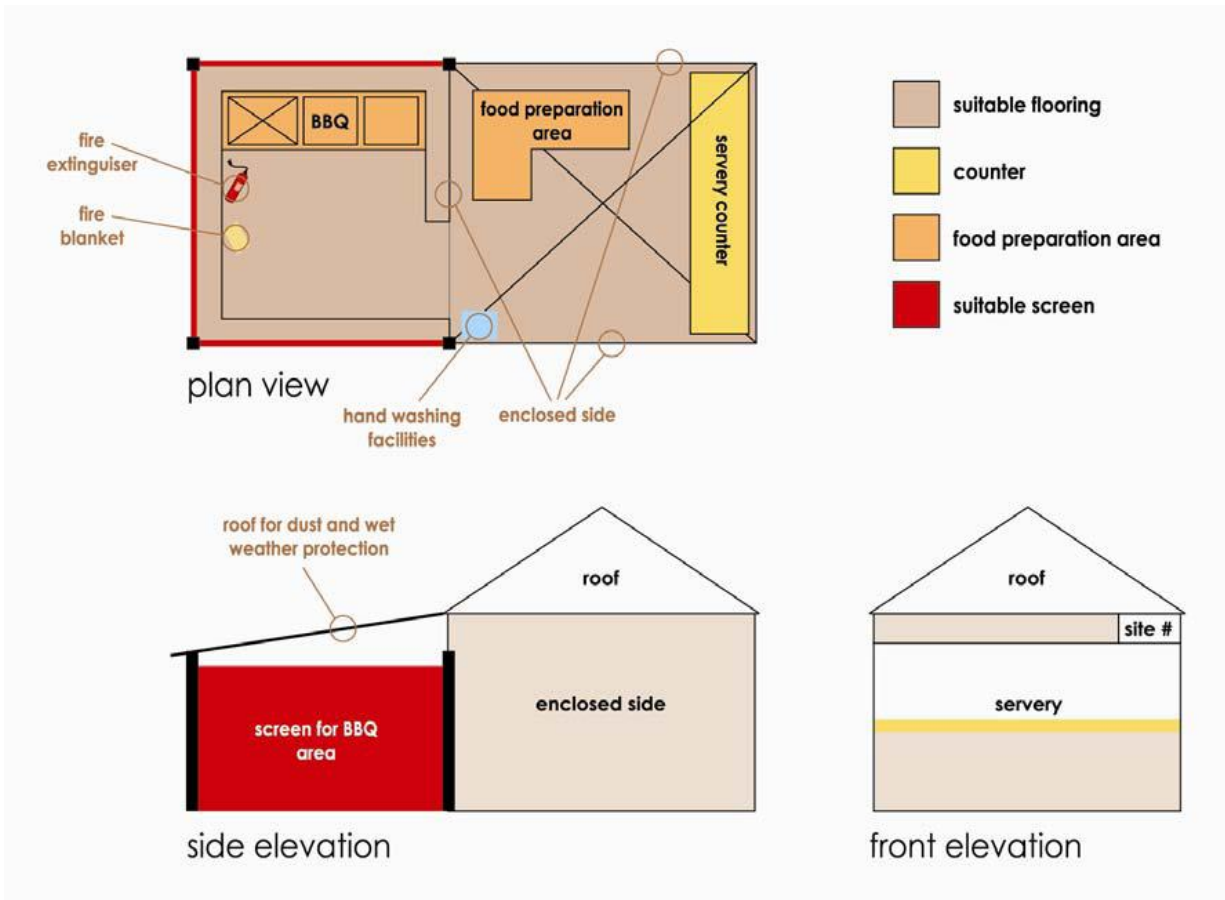
The presence of the other allergenic foods — listed under item d) above — needs to be indicated either by a display on or near the food, or declared to the purchaser on request. The presence of certain other foods, such as bee pollen, propolis, aspartame, guarana and phytosterols, trigger requirements for specific advisory statements.

Information about these requirements can be found in Standard 1.2.3 of the [Food Standards Code](#).

Food sold at stalls that raise money solely for charitable or community causes, and not for personal financial gain, are exempt from labelling requirements, with the exception of the need to declare the presence of royal jelly. The presence of allergens, the directions for storage and use and the country of origin of seafood, pork and fresh fruit and vegetables need to be provided on request.



### Temporary food stall layout



## Temporary food stall checklist

Have you...?

1. Received the necessary approvals:
  - Council for:
    - home-based operations?
    - setting up at the event?
    - food vending vehicle inspection?
2. Notified your food business details to the appropriate authority?
3. Obtained public indemnity insurance?
4. Asked council about inspection fees?
5. Checked your stall will:
  - be located in a dust free area, away from toilets and garbage bins?
  - have sufficient supply of potable water?
  - have adequate wastewater disposal facilities?
  - have adequate garbage bins?
  - have power?
  - have suitable construction — floor, walls and ceiling?
  - have food handling facilities for storage, cooking, hot/cold holding, preparation and serving?
  - have cleaning and hand washing facilities?
  - address safety issues — fire control and WorkCover issues
6. Provided a suitable vehicle and containers for the transport and storage of the food?
7. Addressed food handling operations adequately, including:
  - all food handlers have adequate skills and knowledge for their activities?
  - checked if there are potentially hazardous foods involved? If YES, then have you:
    - provided adequate hot or cold storage facilities (e.g. portable coolrooms, adequate supply of ice, hot boxes)?
    - checked there is a thermometer?
    - checked a sanitiser is available?
    - checked that frozen foods can be correctly thawed?
  - organised designated staff to handle money only, while other staff serve ready-to-eat food using tongs or gloves?



- provided adequate measures to protect food from contamination (e.g. lidded containers, sneeze barriers)?
- checked that eating and drinking utensils are protected from contamination until use?
- minimised the need for reusable dinnerware and tableware?
- checked that packaged food is appropriately labelled?
- got adequate shelving so food is not stored on the ground?
- got adequate hand washing supplies, including soap and paper towels?

If you answered NO to any of these questions (except having potentially hazardous foods), then you may need to discuss these issues with the local council and/or change your management plan, before the event begins.



Department of  
Primary Industries  
Food Authority

## Contact information

Please contact your local council in the first instance, or the NSW Food Authority for further information.

### NSW Councils

Website: <https://www.olg.nsw.gov.au/public/my-local-council/find-my-council>

### NSW Food Authority

Tel: 1300 552 406

Fax: 02 9647 0026

Website: [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au)

Email: [contact@foodauthority.nsw.gov.au](mailto:contact@foodauthority.nsw.gov.au)

### Food Standards Australia New Zealand

Website: [www.foodstandards.gov.au/](http://www.foodstandards.gov.au/)

Food safety fact sheets:

[www.foodstandards.gov.au/industry/Pages/default.aspx](http://www.foodstandards.gov.au/industry/Pages/default.aspx)

### WorkCover NSW

Tel: 02 4321 5000

Fax: 02 4325 4145

Website: [www.workcover.nsw.gov.au/Pages/default.aspx](http://www.workcover.nsw.gov.au/Pages/default.aspx)

### Fire and Rescue NSW

Tel: 02 9265 2999

Fax: 02 9265 2988

Business hours: 9.00 am to 5.00 pm

Website: [www.fire.nsw.gov.au/](http://www.fire.nsw.gov.au/)



Department of  
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## Key definitions

### Adequate supply of water

Potable water available at a volume, pressure and temperature adequate for the purposes for which the water is used

### Australian/New Zealand Standards

Australian Standard/New Zealand Standards are documents which are referenced by legislation to provide more detail on requirements and technical procedures. These standards can be purchased from Standards Australia on 1300 654 646 or by visiting its website at [www.standards.com.au](http://www.standards.com.au).

### Coving

A curved junction between the floor and the wall

### Equipment

A machine, instrument, apparatus, utensil or appliance — other than a single use item — used or intended to be used or in connection with food handling; includes any equipment used or intended to be used to clean the food premises or equipment

### Food business

A business, enterprise or activity (other than primary food production) that involves:

- handling of food intended for sale, or
- 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.

### Food handler

Any person who directly engages in the handling of food, or who handles surfaces likely to come into contact with food for a food business

### Food premises/market stall

Any premises including land vehicles, parts of structures, tents stalls and other temporary structures, boats, pontoons, including premises used principally as a private dwelling but not food vending machines or vehicles used only to transport food

### Food Safety Standards

These are part of the Food Standards Code (in force via the NSW *Food Act 2003* and Food Regulation 2015). They define requirements for food premises (which include vehicles), food handling practices, structural requirements and labelling.

### Handling of food

Includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, cooking, thawing, serving or displaying of food



**Potable water**

Water suitable (safe) for drinking

**Potentially hazardous food (PHF)**

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 and/or to prevent the formation of toxins. This may include meat, seafood, dairy products, orange juice and cooked rice.

**Sanitising**

A process that significantly reduces the number of micro-organisms present on a surface. This is usually achieved by the use of both heat and water or by chemicals.

**'Sell' means:**

- barter, offer or attempt to sell, or
- receive for sale, or
- have in possession, display, send, forward or deliver for sale, or
- dispose of for valuable consideration, or
- dispose to an agent for sale on consignment, or
- provide under contract of service, or
- supply food as a meal or part of a meal to an employee for consumption at work, or
- dispose of by way of raffle, lottery or other game of chance, or
- offer as a prize or reward, or
- give away for the purpose of advertisement or in furtherance of trade, or
- supply under a contract with accommodation, service or entertainment, or
- give the food away from a food business to a person, or
- sell for the purpose of resale.

**Sewage**

Discharge from toilets, urinals, basins, showers, sinks and dishwashers through a sewer or other means.

**Sinks**

Includes sinks for food preparation, cleaner's sink, utensil and equipment washing and personal hand washing basins

**Temperature control**

Maintaining food at a temperature of:

- 5°C or below if this is necessary to minimise the growth of infectious or toxigenic microorganisms in the food so that the microbiological safety of the food will not be adversely affected for the time the food is at that temperature, or



- 60°C or above, or
- another temperature — if the business demonstrates that maintenance of the food at this temperature for the period of time for which it is so maintained will not adversely affect the microbiological safety of the food.

### **Unsafe and unsuitable food**

Food is considered unsafe if it is likely to cause physical harm to a person who might later consume it, assuming they treated the food correctly after purchase.

Food is considered unsuitable if it is damaged, deteriorated or perished to an extent that effects its intended use, e.g. out of date, poor maintenance or poor storage of chemicals or contains a substance that is foreign to the nature of the food (i.e. foreign matter or chemicals which may have fallen into the food).

### **Warm water**

Not hotter than 50°C in order to comply with Australian/New Zealand Standard 3500.4.2 (Plumbing and drainage: Part 4 – heated water services)



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6 Avenue of the Americas, Newington NSW 2127

PO Box 6682, Silverwater NSW 1811

T 1300 552 406

[contact@foodauthority.nsw.gov.au](mailto:contact@foodauthority.nsw.gov.au)

ABN 47 080 404 416

More resources at [foodauthority.nsw.gov.au](http://foodauthority.nsw.gov.au)



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