

# Events involving food

Legal information for NSW community organisations

## This fact sheet covers:

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- Whether your organisation will need a license to sell food
  - Requirements for a Food Safety Supervisor and a Food Safety Program
  - Council approvals
  - Requirements for preparing, storing and labelling food
  - Exemptions from the requirements, and
  - Managing risk and insurance
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**If your community organisation is planning to hold an event or activity involving the service of food to the public, there are a number of legal issues that you should be aware of.**

In NSW, the [Food Act 2003 \(NSW\)](#) (**Food Act**) regulates the way that food is provided to the public to ensure that the food is safe and suitable for human consumption.

## Does our organisation require a licence to provide food?

### Notification

The Food Act requires the proprietor of any business or activity that involves the sale or handling of food (the **food business**) to notify or register with the Food Authority regardless of whether they are a for-profit (business) or a non-for-profit organisation (however there is an exemption for some not-for-profits, see below). The notification must include:

- contact details for the food business, including its name
- the name and business address of the person in charge of the food business
- the nature of the food business, and
- the location of all premises involving the sale or handling of food of the food business.

Notification must be made either [online](#), which is free, or via the approved paper form, which has a processing charge of \$55. See the [Food Business Notification](#) link in the Resources section below for further information.

## Licence

In addition to notification requirements, certain food businesses must obtain a licence from the Food Authority. Your organisation will need to obtain a licence if it is involved in:

- the processing, delivery or collection of dairy products
- the sale or processing of raw meat unless all of the meat sold is in a form ready to be consumed
- the handling of raw plants, vegetables or fruits if they have been peeled, chopped, sliced or otherwise processed without being cooked
- the handling of seafood except for retail sale
- the processing of any part of an egg, or
- the provision of delivered meals (such as 'Meals on Wheels') or the provision of food to any person in the care of facilities such as hospitals, hospices and child care centres.

### NOTE

Contact the Food Authority on 1300 552 406 if you believe, or want to check whether, your organisation needs to obtain a food licence. The Food Authority will also be able to provide information on the requirements to obtain that licence.

## Does our organisation need a Food Safety Supervisor?

If your organisation is providing unpackaged food that is ready-to-eat and is 'potentially hazardous' (that is, it must be kept above, or below, a certain temperature), you must ensure that there is a Food Safety Supervisor appointed for the premises who has been qualified by the Food Authority.

The Food Safety Supervisor is responsible for supervising other persons handling food at the premises.

## Do we need council approvals?

Individual local councils may also require your organisation to seek their approval prior to an event. This may involve lodging a development application. It is important to check the specific requirements with the local council before the event as obligations vary between councils.

Local councils may also inspect your food business. These inspections check that good food safety practices are in place and that your organisation is complying with its obligations. The local council has the right to charge a fee to inspect the premises.

Check with the local council to find out what, if any, fees may apply.

## What is a 'Food Safety Program' and do we need one?

If your organisation requires a licence, it will most likely require a Food Safety Program.

A Food Safety Program is a written plan which demonstrates how your community organisation's event will safely manage the preparation, storage and sale of food. It includes records of compliance and other related action for the food business, as well as things such as potential hazards, how to deal with those hazards and the procedure to review compliance.

## RELATED RESOURCES



The NSW government has produced specific [templates](#) for different industry sectors and a guide, [General Guidelines for the Development and Implementation of a Food Safety Program](#), which may assist your organisation to develop a Food Safety Program.

If you still have questions your organisation can call the Food Authority on 1300 552 406.

## What are the requirements for setting up the event?

The Food Act and the Food Standards Code impose certain conditions on the way your event is set up and the facilities that are offered. These conditions are designed to minimise potential contamination such as from dust, odours, insects, animals, pests, customers and toilets.

The premises within which food is stored, handled or prepared must comply with certain requirements.

### NOTE

There are other laws that apply to food events, such as OHS laws and engaging a licensed electrician and gasfitters for electrical and gas connections. See [www.nfplaw.org.au/riskinsurance](http://www.nfplaw.org.au/riskinsurance)

There are specific requirements for both the structures themselves and the food preparation surfaces to ensure a good standard of food hygiene. These apply to both temporary and permanent structures.

You will need to ensure that the facilities you provide to both customers and food handlers (such as toilets, fire extinguishers, gas and electricity and garbage and waste disposal) comply with the Food Act and the Food Standards Code.

See the [Guidelines for Food Businesses at Temporary Events](#) in the Resources section below for more information.

## What are the requirements for the preparation of food?

It is important (and required by law) that everyone involved in the preparation or serving of food is appropriately trained and understands the necessary hygiene, sanitation and anti-contamination procedures.

Different regulations apply to the supply, preparation, transport, storage and handling of food, depending on the type of food and the facilities. 'Where' and 'how' you prepare the food is an important factor in ensuring you meet the necessary hygiene standards. If food is not pre-packaged, it is likely that you will need to prepare the food in registered food premises, for example a registered commercial kitchen.

There are regulations guiding the preparation of food on temporary premises for one-off events, for example sausage sizzles or cake stalls and for selling food from vehicles. Such regulations include the requirement that food be protected from sunlight, dust, insects and handling by customers. For further information about these requirements, see the links provided in the Resources section below, in particular the Food Authority's [Guidelines for Food Businesses at Temporary Events](#).

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

- your organisation has a permanent residence for food preparation

- your organisation receives food donations from other sources
- the food will be cooked at the event or whether the food is pre-prepared, and
- the food requires temperature control.

## What are the requirements for the labelling of food?

Food that is sold at events that raise money solely for charity or community causes (see 'Is my organisation exempt' below) do not need to be labelled. Nonetheless, as organisations must still be able to answer any questions concerning the food, it is recommended that clear labels are provided which include:

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

There are extensive rules on labelling requirements for pre-packaged food if your organisation is not exempt from the labelling requirement. These include a requirement that certain mandatory statements be added, ingredients must be listed in descending weight order, a nutrition information panel must be added and allergy warnings. See the Food Authority's [Guidelines for Food Businesses at Temporary Events](#) in the Resources section below for more details.

### Allergy warnings

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

The presence of royal jelly **must** be declared even if there is no other obligation to label the product.

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

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

- all foods on display or in storage must be labelled and protected from contamination in undamaged packaging such as glad wrap or sealed containers
- all storage areas must be clean, sanitary, in good repair and pest-proofed
- refrigeration of food should keep food at 5 degrees or cooler
- raw and cooked foods should be displayed and stored separately, and
- food which is displayed for serving must be wrapped and served with clean and sanitized utensils appropriate for serving.

There are special regulations for the storage and display of hot and frozen foods, including requirements for temperature checking, procedures for re-heating and packaging requirements. Further details of these requirements are provided in the publication [Guidelines for Food Businesses at Temporary Events](#) (see the Resources section below).

### Gloves and food handling

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

### Are there any exemptions?

An exception to the notification requirements (as well as to the Food Safety Supervisor requirement and most labelling requirements) applies to the service of food at not-for-profit fundraising events which raise funds solely for community or charitable causes and where all the food is not potentially hazardous (such as scones) or it is otherwise to be consumed immediately after thorough cooking (such as a sausage sizzle).

Food is 'potentially hazardous' if it is required to be kept at more than, or less than, a particular temperature to minimise the growth of any micro-organisms or toxins in the food.

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

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

If your community organisation sells, supplies or delivers goods (including food), you are likely to need extra cover against claims that the goods caused injury or damage. Product liability insurance can provide further cover for damage and injury caused to other people by the failure of your product or the product your organisation is selling.

Many local councils have certain requirements about what insurance you will be required to take out to register a temporary food event. For more information about different types of insurance and the law relating to insurance, see the Resources section below.

# Resources

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## Related Not-for-profit Law Resources

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

### ✔ [Risk and Insurance](#)

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

### ✔ [Fundraising and Events](#)

This page contains resources on the main legal issues when fundraising

### ✔ [Communications and Advertising](#)

This section offers information on advertising and promotions and social media, such as Facebook and twitter.

## Extra Related Resources

### ✔ [Australia & New Zealand Food Authority: Temperature control of potentially hazardous foods](#)

This non-binding PDF provides a guide to the temperature control requirements set out in Standard 3.2.2 of the *Food Safety Practices and General Requirements*.

### ✔ [Food Authority: Food Business Notification](#)

This link contains information on how to notify the Food Authority of a food business. You need to contact the Food Notification Help Desk on 1300 650 124 to obtain a paper form. Alternatively follow the links to apply online for free.

### ✔ [Food Authority: Guidelines for Food Businesses at Temporary Events](#)

This PDF contains detailed information for organisations holding temporary events that involve food. In particular, see Parts 3 and 4 for the set up and facilities that are required at the premises and Part 5 for information about handling of food.

### ✔ [Food Authority: Food Safety Programs](#)

This page contains links to templates for each industry sector (as well as a general template) and a guide to developing and maintaining a Food Safety Program.

### ✔ [Food Standards: User guides](#)

This website operated by the Food Standards Australia New Zealand which creates the Food Standards Codes, provides links to a series of user guides such as food labelling and food safety programs.

## Legislation

### ▀ [Food Act 2003 \(NSW\)](#)

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

### ▀ [Food Standards Code](#)

This is the link to the Food Standards Code which supplements the Food Act. In particular, see Chapter 3, the Food Safety Standards.

A Not-for-profit Law Information Hub resource. Access more resources at [www.nfplaw.org.au](http://www.nfplaw.org.au)

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