

# Appendix A

## Food Licensing and Safety

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Community, Sport and Recreation Manual

Version Three

## Quick Guide to Food Safety and Food Licensing for Not-for-profit Organisations in the Moreton Bay Region

Not-for-profit organisations have exemptions from licensing under the *Food Act 2006* (the Act) for certain activities. However, not-for-profit organisations still have an obligation to comply with all other provisions of the Act so that food provided is safe and suitable for human consumption. This document provides not-for-profit organisations supplying food as a fundraising activity with guidance on the requirements under the Act.

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The information contained in this document is adapted from 'Food Safety in not-for-profit organisations' published by the State of Queensland (Queensland Health), April 2015. An electronic version of that document is available at [www.health.qld.gov.au/foodsafety](http://www.health.qld.gov.au/foodsafety).

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### Australia New Zealand Food Standards Code (the Code)

The Code is a national standard that is adopted by all Australian States and Territories and covers standards for food safety and hygiene, fit-out of food premises and the labelling, composition and advertising of food. Available from Food Standards Australia New Zealand – [www.foodstandards.gov.au/code](http://www.foodstandards.gov.au/code)

### Food Act 2006 (Queensland) (the Act)

Primary food safety legislation in Queensland and applies to all Queensland food businesses. Available from the Office of the Queensland Parliamentary Counsel - [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)

### Food safety program

A documented program that identifies and controls food safety hazards in the handling of food in a food business.

### Food safety supervisor

For a food business, this means, a person who:

- knows how to recognise, prevent and alleviate food safety hazards of the food business; and
- has the skills and knowledge in matters relating to food safety to supervise and give direction to persons who handle food in the food business.

### Low risk food

Food that is unlikely to contain pathogenic micro-organisms and will not normally support their growth due to food characteristics. For example, grains, cereals, carbonated beverages, jams, dried fruits and whole fruit or vegetables (which are not subject to any further processing).

### Meal

Food that:

- is, or is intended to be, eaten by a person sitting at a table, or a fixed structure used as a table, with cutlery; and
- is of adequate substance as to be ordinarily accepted as a meal.

### Potentially hazardous food

Means food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins in the food.

This includes:

- raw and cooked meat (including poultry and game) or foods containing raw or cooked meat such as casseroles, curries and lasagne;
- smallgoods such as Strasbourg, ham and chicken loaf;
- dairy products;
- seafood (excluding live seafood) including seafood salad, patties, fish balls, stews containing seafood and fish stock;
- processed fruits and vegetables such as fruit salads, fruit juices;
- cooked rice and pasta;
- foods containing eggs, beans, or other protein-rich foods such as quiche, fresh pasta and soy bean products;
- foods such as sandwiches, rolls and cooked and uncooked pizza that contain the foods listed above.

### Food Safety Legislation

The *Food Act 2006* (the Act) is the primary food safety legislation in Queensland. The Act manages food safety according to the level of risk that the food business presents to the community. Enforcement of the Act is a joint responsibility of Queensland Health and local government. A not-for-profit organisation that is involved in the handling or sale of food is considered to be a food business under the Act.

## Not-for-profit organisations' food safety requirements

Most not-for-profit fundraising activities involving the sale of food are exempt from licensing under the Act. However, all not-for-profit organisations are still required to ensure that all food is safe and suitable for human consumption (i.e. food must be received and stored under temperature control and protected from contamination).

The not-for-profit organisation has an obligation to ensure that all persons undertaking food handling operations have the appropriate skills and knowledge required to produce safe and suitable food. This means that the food handler must have the ability to ensure the safety of the food being handled.

There are a variety of options that a not-for-profit organisation may take to ensure that food handlers have adequate skills and knowledge, including:

- in-house and external training organisations offering food safety training;
- online food safety training;
- attendance at food safety courses run by local governments or industry associations;
- developing operating procedures that clearly outline the responsibilities of food handlers; and/or
- distribution of relevant documentation to food handlers, such as fact sheets.

## When is a not-for-profit not required to hold a food licence

### a) Handling food in the home and donating it to a not-for-profit organisation

Where the food is intended to be given away to a not-for-profit organisation, the handling of food at a person's home is exempt from the Act. This includes an exemption from structural requirements, licensing, inspection, enforcement and compliance provisions under the Act. The person preparing food in the home however does have a duty of care under the common law system to exercise due diligence to ensure that only safe and suitable food is provided.

It is recommended that the not-for-profit organisation ensures that the person preparing the food in the home has suitable skills and knowledge of the safe handling of food.

### b) The sale of unpackaged food

A not-for-profit organisation selling unpackaged food does not require a food business licence.

Examples: sausage sizzle, hamburger and chips, pies/sausage rolls heated and served.

### c) The sale of pre-prepared meals

The not-for-profit organisation is exempt from having to obtain a food business licence if the meals are pre-prepared by another entity and are stored and heated or otherwise prepared by the not-for-profit organisation in accordance with directions of the meal's manufacturer.

Example: serving frozen meals, microwaved in accordance with manufacturer's instructions.

### d) The sale of low-risk food

If the not-for-profit organisation sells food that is not potentially hazardous such as tea, coffee, soft drinks, biscuits, cakes, confectionary or nuts, the organisation is exempt from having to obtain a food business licence.

Examples: toast, cereal, whole fruit or vegetables, carbonated soft drinks.

## When is a not-for-profit required to hold a food licence?

Not-for-profit organisations that sell meals on at least 12 days in a financial year will be required to hold a food business licence from the local government. A meal is defined as food that is intended to be consumed sitting down with cutlery, at a table or other fixed structure, and is of adequate substance as to be ordinarily accepted as a meal. The most common example is a sporting club that operates a restaurant to raise revenue for the club.

The following examples are considered to be a meal:

- roast meat with vegetables
- spaghetti bolognaise
- soup served in a bowl
- bacon and eggs

The following examples are not considered to be a meal:

- hamburger and hot chips
- hot dog
- pie and peas
- soup served in a cup
- bacon and egg muffin

### Licensing enquiries and fees

Local governments are able to set their own fees and charges for licensing. For circumstances where a not-for-profit organisation is required to obtain a license, Moreton Bay Regional Council generally either waives or reduces the applicable licensing fee.

Any enquiries regarding food licensing or food handling can be made by contacting an Environmental Health Officer via Customer Service on 3205 0555.

### Food safety and handling resources

For more information, visit [www.health.qld.gov.au/foodsafety](http://www.health.qld.gov.au/foodsafety).