



S h i r e   o f   N o r t h a m

## **INFORMATION**

### ***Temporary Food Stalls & Mobile Food Vendors***

**Registration, Structure and Operation**

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## INTRODUCTION

Temporary food stalls have become an important feature at many festivals, fetes and markets held all year round in Northam. Food stalls play an important role at these events by offering a variety of tasty and exotic foods.

Some types of food businesses are exempt from registration and therefore only need to notify the Shire of their intention to operate, unless it is on a Council thoroughfare or land, then approval from Council is required. This includes temporary food businesses that only sell pre-packaged low risk foods.

All other food businesses are subject to registration requirements of the Act and should apply for registration with Council.

**If you wish to sell food at a temporary event you will be required to be a registered Food Business.**

### ***Explanations***

*Registration:* All food businesses which sell food (including Food Stalls), unless an “Exempted Food Business” are required to be registered with the Shire under the *Food Act 2008*.

“*Sell Food:*” includes the following:

- barter, offer or attempt to sell;
- receive for sale;
- have in possession for sale;
- display for sale;
- cause or permit to be sold or offered for sale;
- send, forward or deliver for sale;
- dispose of by any method for valuable consideration;
- dispose of to an agent for sale on consignment;
- provide under a contract of service;
- supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee’s contract of service, for consumption by the employee at the employee’s place of work;
- dispose of by way of raffle, lottery or other game of chance;
- offer as a prize or reward;
- give away for the purpose of advertisement or in furtherance of trade or business;
- supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment;
- supply food (whether or not for consideration) in the

- course of providing services to patients or inmates in public institutions; and
- sell for the purpose of resale;

“*Exempted Food Business*.” means a food business which is:-

- (a) is conducted solely to raise money for purposes that are of a charitable or community nature; AND
- (b) any food handled –
  - Is not *potentially hazardous food*; or
  - After being appropriately cooked, is provided for immediate consumption. (eg: a sausage sizzle)

“*Potentially Hazardous Food*.” includes food that has to be kept at certain temperatures to minimise the growth of pathogenic micro-organisms that may be present in the food or to prevent formation of toxins in the food. For example:

Meat (beef, pork, lamb)  
 Poultry (chicken, turkey, duck)  
 Fish  
 Shellfish and crustaceans  
 Eggs (except those treated to eliminate *Salmonella*)  
 Milk and dairy products  
 Heat-treated plant food (cooked rice, beans, or vegetables)  
 Baked potatoes  
 Certain synthetic ingredients  
 Mushrooms  
 Raw sprouts  
 Tofu and soy-protein foods  
 Untreated garlic and oil mixtures

Temporary food stalls can pose a higher risk to consumers than takeaways and restaurants due to their temporary nature. Therefore it is important to ensure you follow these guidelines closely when setting up and operating a temporary food stall. That way you can ensure you are providing your customers with safe food.

### ***What are temporary food stalls - food businesses?***

Temporary food stalls are structures set up for a specific, occasional event such as a fete or fair where the cost of providing premises to a permanent standard is unnecessary for food safety. There are specific exemptions from some of the requirements of the *Food Safety Standard 3.2.2* for temporary food businesses based on practicalities. The most important part of temporary food stalls is that the food safety practices contained in *Food Safety Standard 3.2.2* are met for the duration of the food stall's operation.

### **Temporary Food Stall – food businesses are required to:-**

- Complete a “Stallholders Application Form (as required by s107 of the *Food Act 2008*) in respect of each location and submit to the Shire. (*No fee for exempt food businesses otherwise a fee is required*); and

### **What are mobile vendors - food businesses?**

The *Food Safety Standards 3.2.3* state that Mobile Vendors – Food Businesses are not considered as temporary premises. The term is used to mean permanent food businesses that can be moved to new locations and might return to a base overnight. Their design, construction and fit-out are usually restricted by space, weight and having to be self-sufficient in water supplies and waste disposal. The *Food Act 2008* requires Mobile Vendors – Food Businesses to be registered by the Shire prior to handling, preparing or selling food.

The Shire Local Law, *Activities on Thoroughfares and Public Places and Trading Local Law 2008* states that a Stallholders Permit is required prior to conducting a stall on any public place. A Stall is defined as “a moveable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire” and a public place includes a private place to which the public have access.

### **Mobile Vendors – Food Businesses are required to:-**

- A. A mobile food vendor **cannot sell food before first obtaining approval and registration** from the Shire where your vehicle is predominantly housed. If that is the Shire of Northam the fit-out of the vehicle will require approval. This is a suggested staged process as follows:-

#### Step 1

Obtain and make yourself familiar with your obligations under the *Australia New Zealand Food Standards Code* and the *Food Safety Standards 3.2.2 and 3.2.3* which can be downloaded from the web at [www.foodstandards.gov.au](http://www.foodstandards.gov.au). Ensure you or the operators have the skills and knowledge required to handle food for sale.

#### Step 2

- Complete an “*Application to Establish a Mobile Vending – Food Business*” form (as required by the *Food Act 2008*) and submit to the Shire together with the applicable plans, and fee of \$200; and
- Complete a “*Notification/Registration*” form (as required by the *Food Act 2008*) and submit to the Shire together with the applicable fee of \$50 for notification and \$140 for registration.

#### Step 3

Your vehicle will be assessed for compliance with the *Food Safety Standard 3.2.3* and if in compliance you will be issued with an “*Approval to Establish a Mobile Vending - Food Business*”. Once the Mobile Vending – Food Business is established, and if constructed in accordance with the approved plans you will receive Registration to operate as a Mobile Vendor – Food Business from the approved vehicle.

#### Step 4

An Environmental Health Officer will on occasion inspect the operations of the Mobile Vendor – Food Business to ascertain compliance with the *Food Act 2008* and the *Food Safety Standards*.

- B. If the Mobile Vendor – Food Business has already received approval for fit-out and construction by a different Shire in WA and is currently “Registered” under the *Food Act 2008*, you will still be required to provide “Notification” to the Shire of Northam when intending to operate in the Shire area. If you may require either a permanent Street Traders Permit or a Stallholders Permit.

### ***What are domestic kitchens – food businesses?***

Domestic kitchen food businesses are where domestic premises are used for commercial food operations such as in bed and breakfast, farm home-stay and child care establishments, and preparation of food for sale at markets.

There are specific exemptions from some of the requirements of the *Food Safety Standard 3.2.3 "Food Premises and Equipment"* for domestic premises based on practicalities. Kitchens in domestic premises are usually not expected to have to withstand the same amount of use and cleaning as commercial premises and are generally not designed to commercial-standard specifications.

Features such as kick plates and false bases to benches, and domestic model dishwashers are usual in domestic kitchens.

The most important part of domestic kitchen food operations is that the food safety practices in the *Food Safety Standard 3.2.2* are met. However approval from the Shire to prepare food intended for sale within residential premises will only be granted in circumstances where the food business is deemed to be low risk in the following circumstances:

- Cake decorating activities;
- Food prepared for a single fund raising event arranged by a community or charitable organisation;
- Food preparation in conjunction with farm stay or home stay Accommodation.

## **FOOD LAWS**

The set up and operation of a *stall – food business* or a *mobile vendor – food business* should comply with the Food Safety Standards. This guide is based on these standards and will provide adequate information to set up and operate your stall or mobile vendor food business.

The *Food Safety Standards* are based on a preventative approach to food-borne illness and are designed to ensure food businesses produce food that is safe to eat.

More information is available in the publications, *Food Safety Practices and General Requirements* and *Food Premises and Equipment*, from FSANZ. To purchase these publications contact FSANZ on (02) 6271 2222 or visit [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

## **REGISTRATION OPTIONS**

### ***Who needs registration?***

Selling food from a temporary food stall at events such as markets, festivals and fetes requires registration from the Shire and/or notification to the Shire under the *Food Act 2008*.

Please note that an organisation fundraising for charity or community is required to provide Notification only to the Shire, providing the food offered:

- is not a 'potentially hazardous' food, or
- is expected to be consumed immediately after cooking.

Note: If you are selling food that has been prepared in your own home, (for example: Chutney's, lollies, baked goods, oils, sauces, drinks, jams), then your home premises must be registered. If registered through the Shire of Northam, you should be registered as a food business. If registered through another local government, an appropriate food registration certificate will be required. You must be able to provide evidence of an approved registration on request.

If this applies to you, refer to Council's Food Business Guide for more information.

### ***Temporary food stall checklist***

A checklist has been developed for food stall operators to ensure the correct set up and operation of a temporary food stall. A copy of this checklist is at the back of this guide.

Use the checklist each time you set up and operate your stall. It will help to ensure that you have all the correct equipment, adequate structure, and adequate facilities and follow good hygiene practices.

## **SETTING UP AND OPERATING A FOOD STALL**

This section is designed to assist a food business understand and comply with the requirements of the *Food Safety Standards* and applies whether you require registration or notification or both.

### ***Design and Fit Out Specifications***

#### **Walls and ceilings**

- **Uncovered stalls** are only to be used for the sale of pre-packaged food. Examples of pre-packaged food include canned and bottled drinks, bottled jams, packaged baked goods and fruit and vegetables.
- **Covered stalls** with a roof and three walls are required if the food is removed from the packaging, to protect food from contamination.

#### **Protection of Food**

- All food should be displayed above the ground (750mm above the ground, or on top of tables) and covered or stored in closed containers with close-fitting lids to protect the food from contamination.
- A physical barrier should be provided to separate customers from displayed 'open food' to protect food from contamination. Examples include: food being wrapped, installing a Perspex sneeze guard, using a clear plastic barrier on tables or by using a physical separation device such as a chain or bollards.

#### **Equipment**

All workbenches, tables, trestles and the like shall be of sturdy construction. Food preparation surfaces should be finished with a waterproof material to provide ease of cleaning, such as a laminated surface.

#### **Temperature Control Devices**

- Adequate equipment must be provided to ensure that food is kept under temperature control. Cold food must be kept at or below 5°Celsius and hot food must be kept at or above 60°Celsius.

- Equipment used for temperature control include: refrigerators, eskies (with enough ice to last for the whole event), barbeques and bain-maries. *For more information on how to store food under temperature control, please see the "Food Safety" section of this document.*
- A temperature measuring device (thermometer) should be provided to measure the temperature of potentially hazardous food (accurate to +/- 1°C). This will enable you to check whether safe food temperatures are being maintained. Probe thermometers are recommended. Clean and sanitize the thermometer (probe) with an alcohol swab (available from chemists) before use and between checking the temperature of each type of food.

### **Washing Facilities**

Separate hand washing and equipment washing facilities should be provided within the stall (this should include warm running water).

#### **Hand Washing Facilities**

Hand washing facilities must be provided within the stall to facilitate the regular and effective washing of hands by food handlers. An example of temporary hand washing facilities that may be provided includes: a water storage container (of a suitable size - at least 20L, a greater storage capacity would be required for all day events) with a tap to release the water and a suitable container below to collect the wastewater (such as a bucket). Additionally, liquid soap and single use paper towels are to be provided to adequately clean and dry hands.

#### **Equipment Washing Facilities**

- Equipment washing facilities, such as a dish washing bucket, detergent, chemical sanitizer / hot water must be provided within the temporary food premises so that all equipment and food contact surfaces may be cleaned and sanitised easily and effectively. These facilities must be entirely separate from the hand washing facilities.
- Waste water from containers shall be emptied into a sewer point (such as a toilet bowl or sink) at the conclusion of the event or as otherwise required. *Waste water must not be discharged on the ground or to a storm water drain.*

### **Utensils**

Single-use (disposable) utensils such as knives, forks, plates and cups are recommended for public use, which should be thrown away after use. These items should be kept covered until required and handled carefully to minimise any risk of contamination.

### **Waste management**

- The temporary food premises must be provided with at least two appropriate rubbish bins (with close fitting lids), one for use by staff within the food stall and one for use by patrons outside the food stall.
- The waste generated by the activity must be disposed of appropriately. Refer to the *Equipment Washing Facilities* section above.

### **General**

- All surfaces and equipment in the food premises must be kept in a clean and hygienic condition at all times.
- The premises must be kept as free from pests as possible. All practical measures should be taken to prevent pests entering the food premises. Care should be taken if

chemicals are used to eradicate pests, to protect food and food equipment from contamination.

### ***Personal Hygiene***

Good personal hygiene is essential to ensure food is not contaminated. To prevent contamination, every person in a food handling area, even if not actively handling food, must maintain a high standard of personal hygiene and cleanliness.

A food handler must:

- Avoid hand contact with ready-to-eat food, such as salads or cooked food. Always use clean tongs or other implements.
- Wear clean clothing
- Make sure cuts, lesions or wounds (on the hands, arms, or face) are covered with bandages or other waterproof covering. Cuts on hands should be dressed with a bandage and a disposable glove.
- Not sneeze, blow or cough over uncovered food, equipment and utensils.
- Not spit, smoke or chew tobacco where food is handled.

All food handlers must frequently and thoroughly wash their hands with running water (preferably warm water) and liquid soap:

- Before starting work
- Before handling food
- After using a toilet
- In between handling raw food and food that is cooked or ready-to-eat e.g. raw meat and salads
- After handling garbage
- After handling animals
- After smoking, coughing, sneezing, blowing your nose, eating or drinking
- After touching their hair, scalp, mouth, nose, ear canal or other body opening
- After touching another person, including shaking hands
- After any other unhygienic activity.

How to wash your hands:

- Wet hands
- Soap hands
- Rub thoroughly - wrists, forearms, between fingers
- Rinse in clean warm running water
- Dry on paper towels

Illness:

A person must not handle food if they are ill or have an infection, particularly if they are vomiting, have diarrhoea, fever or sore throat with fever or they have been diagnosed with carrying a food borne illness by a doctor.

### ***Food Safety***

#### **Temperature Control**

Temperature control is an essential factor in preventing food poisoning and keeping food safe. Keeping food at the correct temperature will avoid illness, food spoilage and keep your customers happy. All potentially hazardous food, such as food containing meat, poultry, fish, cooked rice and dairy products must be transported, stored and displayed at the correct temperatures.



**Cold food must be stored - at or below 5C**  
**Hot food must be stored - at or above 60C**

### **Temperature Danger Zone**

Bacteria grow rapidly between 5Celsius and 60Celsius, so 'potentially hazardous food' must be kept outside of the temperature danger zone to prevent food poisoning.

### **Time Limit in Temperature Danger Zone (5C - 60C)**

The '4-hour/2-hour rule' is applied. Any ready-to-eat potentially hazardous food, if it has been in the temperature danger zone, or at temperatures between 5C and 60C for a total of:

TIME	ACTION
<b>Less than 2 hours</b>	The food must be refrigerated or used immediately
<b>Longer than 2 hours, but less than 4 hours</b>	The food must be used immediately
<b>4 hours or longer</b>	The food must be thrown out.

### **Food Handling**

Suitable utensils, including tongs, spatulas, knives and forks shall be provided and used to prevent unnecessary handling of food with hands. Disposable gloves must be changed as often as hands would need to be washed.

### **Storage and Display of Food**

- Food should be protected against contamination and not be prepared, stored or displayed in the open and kept covered.
- Condiments such as sauces, mustards etc. should be contained in individual single-use packs or pump-type dispensers.

### **Cooking Equipment**

Cooking equipment such as grillers, hot plates and open flame barbeques should be kept free from dust, flies and other contaminants. The public should not enter the cooking area.

### **Packaging and Labelling of Food**

Pre-packaged (or pre-made) food must be prepared and packaged at a licensed premises under the *Food Act 2008*; you can't just prepare something at home to sell. Pre-packaged food should be labelled and include details such as: name and description of food, list of ingredients, best before or use-by date, storage requirements, nutrition labelling, food additives, name and street address of manufacturer/distributor. For more information on labelling requirements please contact Department of Health on (08) [www.health.wa.gov.au](http://www.health.wa.gov.au).

## KEY DEFINITIONS

**Danger zone** – the temperature between 5°C and 60°C where bacteria are alive and growing and food can become unsafe to eat if kept in this range.

**Full preparation** – applies to all food that undergoes a process to change the original state of the food. It includes cooking, blending, processing, marinating, blanching, heating. Examples include hamburgers, sandwiches, salads and fruit juice made on site.

**Meal** - means 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 to be ordinarily accepted as a meal. Sausage sizzle or the like is not a meal.

**Mobile food vehicle** – can be a van, trailer or cart that has a permanent structure but is mobile and able to change location.

**Non profit organisation** – means an organisation that is not carried on for the profit or gain of its individual members and is engaged in activities for a charitable, cultural, educational, political, social, welfare, sporting or recreational purpose.

**Perishable food** – food that if not stored at the correct temperature will deteriorate within 24 hours and be unfit for eating.

**Potentially hazardous food** – means food that must be kept cold (at or below 5°C) or hot (at or above 60°C) to minimise the growth of pathogenic micro-organisms or to stop the formation of toxins in the food. Examples include meat (raw and cooked), dairy products, gravies, chicken and seafood.

**Pre-packaged food** – food that is individually wrapped or sealed for sale.

**Snack Foods-** means any of the following food that is not potentially hazardous food-

- (a) biscuits or cakes;
- (b) confectionary, corn chips, potato chips or nuts;
- (c) dried or glazed fruits;
- (d) other foods as prescribed under a regulation.

**Taste testing** – where samples of food are offered to potential customers for tasting.

**Temperature control** – keeping cold food cold (at or below 5°C) and hot food hot (at or above 60°C), and monitoring the time food is kept in the danger zone (between 5°C and 60°C).

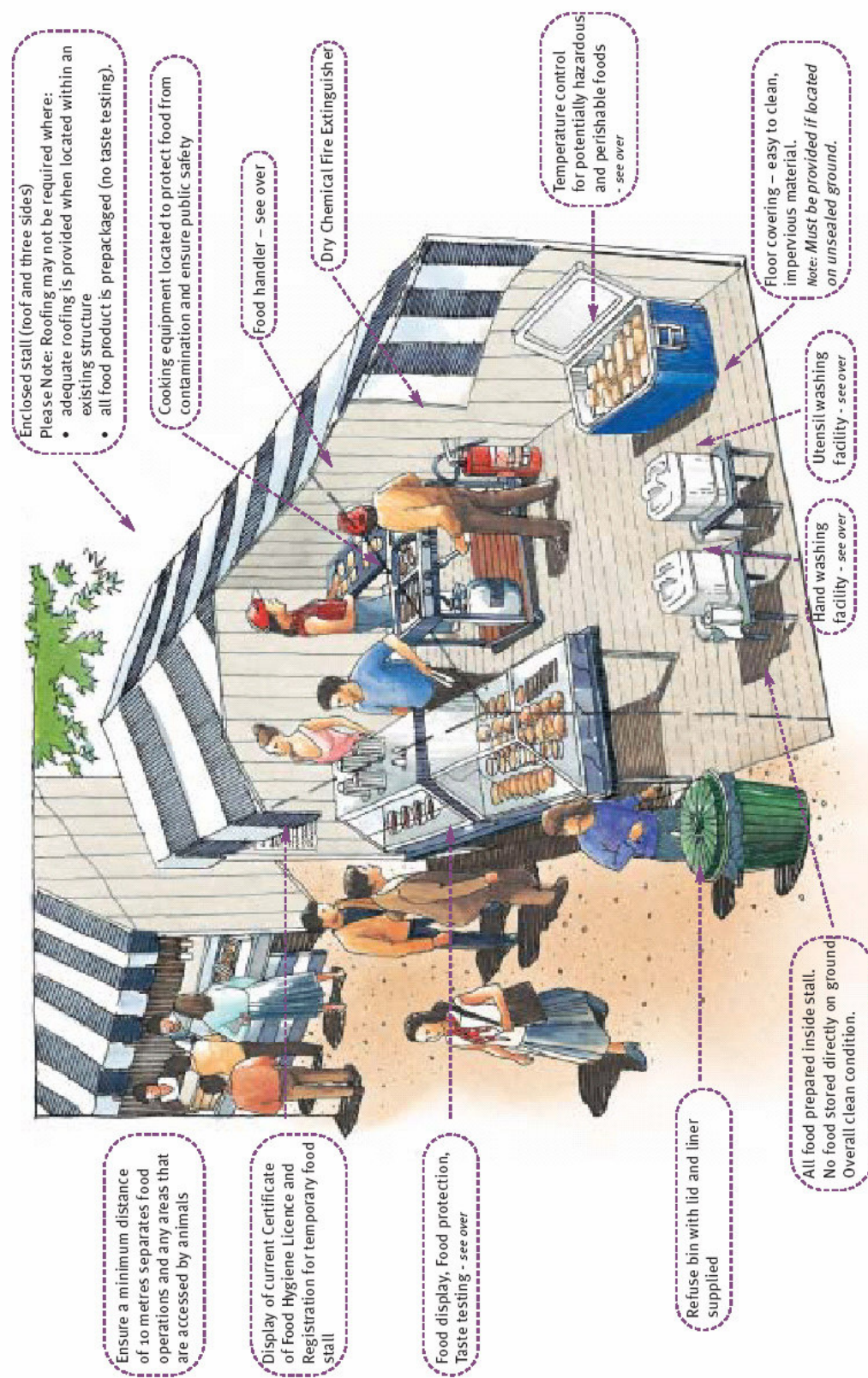
## TEMPORARY FOOD STALL CHECKLIST

### CHECKLIST FOR OPERATORS

This checklist has been designed for operators to use each time a temporary food stall is set up. It will help you understand what is required to operate a food stall.

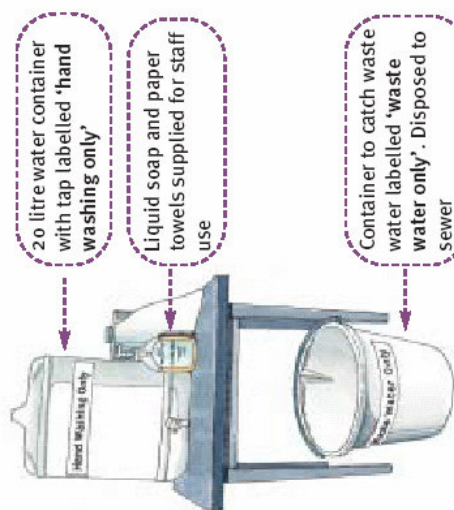
<b><i>Licence</i></b>	√	<b><i>Serving</i></b>	√
Refer to this guide for licensing and operational information		Refer to series of food fact sheets for requirements	
Copy of current licence		Money and food handled separately	
Fee paid		Tongs, spoons, spatulas, gloves used to handle food	
<b><i>Structure</i></b>	√	Disposable eating and drinking utensils used	
Covered stall		Sauces, condiments are in a squeeze type dispenser or sealed packs	
Barrier between stall and public, particularly when hot box is used		<b><i>Taste Testing/Displaying</i></b>	√
Floor covering easy to clean		Single serve utensils, sneeze guards	
Cooking equipment located to protect food from contamination		Signs stating 'no double dipping, single serve only'	
Dry chemical fire extinguisher		<b><i>Personal Hygiene</i></b>	√
<b><i>Temperature Control</i></b>	√	Refer to Personal Hygiene section for requirements	
Refer to the Temperature Control section for requirements		Clean person, attire and habits	
Temperature control for potentially hazardous and perishable foods		No smoking in food stall	
Thermometer in use		No cuts, illness, sores on food handlers	
Temperature records kept		20-litre water container with tap labelled 'Hand Washing Only' and bucket to collect waste water	
Temperature control during transport		Liquid soap and paper towels supplied for staff use	
<b><i>Storage</i></b>	√	<b><i>General Cleaning</i></b>	√
Refer to section on Storage for requirements		Refer to section on Cleaning for requirements	
Separate raw and cooked foods		Walls, floors, ceilings are clean	
Food Covered		Utensils and equipment cleaned and sanitised daily	
No food stored directly on the ground		Hot water/sanitiser available for emergency cleaning	
<b><i>Preparation</i></b>	√	20litre water container with tap labelled 'Utensil Washing Only' and bucket to collect waste water.	
Time taken to prepare food at the stall kept to a minimum ie. within 2 hours		Overall stall clean	
All food prepared inside stall		<b><i>Waste Management</i></b>	√
Raw and cooked food prepared separately		Refer to section on Waste Management for requirements	
Food protected by a physical barrier		Refuse bins with lids and liner supplied	
All food prepared on tables		Waste water stored in containers labelled 'waste water only'	
		Waste water disposed into sewer under a trade waste approval, refer to Trade Waste guide	
		Waster oil stored and disposed of correctly	

## ARTIST'S IMPRESSION – MINIMUM STANDARDS FOR THE OPERATION OF A TEMPORARY FOOD STALL

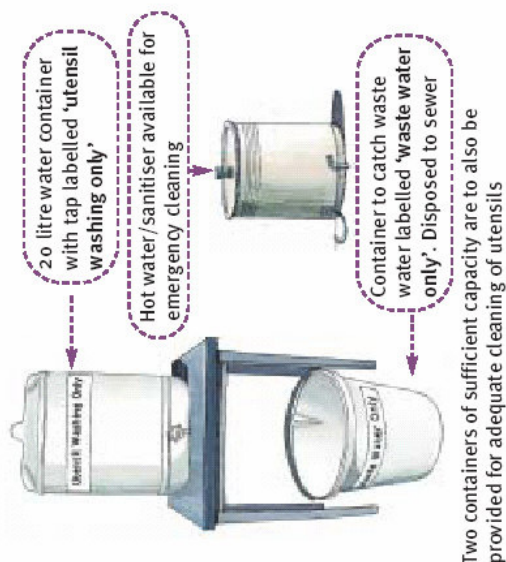




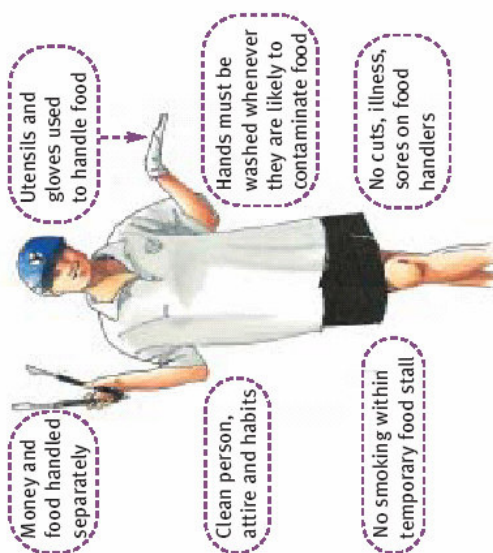
### Minimum hand washing facilities



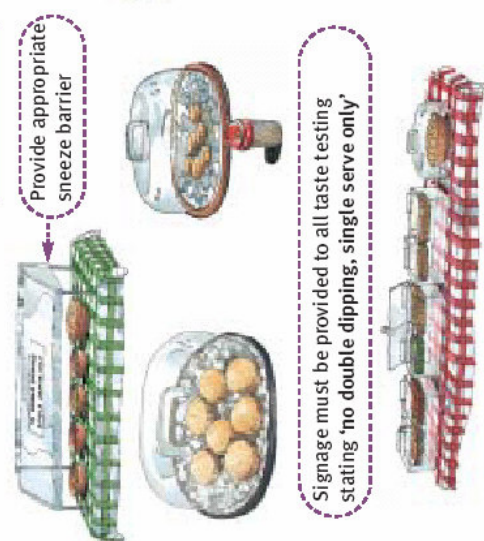
### Minimum utensil washing facilities



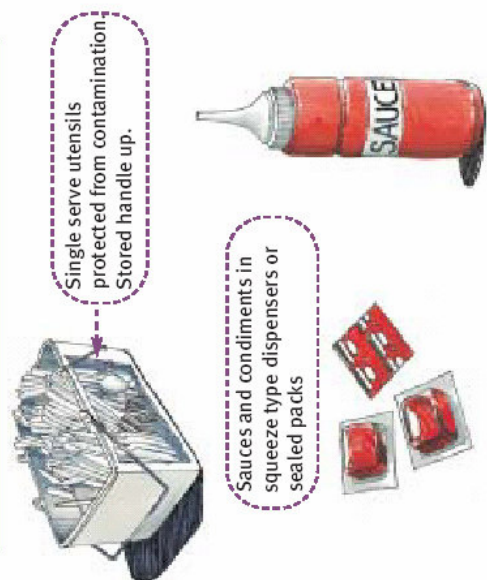
### Food handlers



### Food display, food protection, taste testing



### Sauces, condiments and single serve utensils



### Temperature control of potentially hazardous food

