

POLICY NO.	H.5
POLICY SUBJECT	Exempt Charitable or Community Nature 'Food Business
ADOPTION DATE	25 August 2011 (C.12/0811)
LAST REVIEW DATE	26 November 2020 (C.05/1120)

Policy Objective

To identify which fundraising charitable or community nature group, operating 'Food Businesses', while still subject to 'Notification' requirements, contained within Standard 3.2.2 of the Australian New Zealand Food Standards Code, should be exempt from the requirement to be registered as 'Food Businesses', as prescribed within the Food Regulations 2009.

Background

Under the *Food Act 2008* (the Act) and the *Food Regulations 2009* (the Regulations), which came into effect on the 23 October 2009, the proprietor of a 'Food Business' must not conduct the 'Food Business' at any premises without having first notifying the relative authority, they propose to operate as a 'Food Business', which includes 'Fundraising Charitable or Community Nature Groups' engaged in the sale of food, as determined by Council in the schedule.

The Food Act 2008 contains the following definitions that are relevant to this Policy:

'Food Business' is defined as: 'a business, enterprise or activity (other than primary food production), that involves the handling of food for sale, or the sale of food; regardless of whether, subject to Section 6, 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.'

'Sell' (i.e. sale of food) includes: 'barter, offer or attempt to sell; receive or have in possession for sale; display for sale; cause or permit to permit to sold or offered 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 in the employee's contract of service, for consumption by the employee at the employees 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 or resale.'

'Premises' includes: 'land; the whole or part of any building, tent, stall or other structure (whether of a permanent or temporary nature); a pontoon; or a vehicle (other than a food transport vehicle while it is engaged in the transport of food).'

Charity and Community Fundraising Events are exempt from some of the requirements under the Act and Regulations provided that:

- all the money raised is for a community or charitable cause; and
- foods produced are not potentially hazardous (i.e. low risk cakes and slices), or are cooked thoroughly for immediate consumption (i.e. sausage sizzles).

The specific exemptions relate to:

- Fees associated with Notification. NOTE: Temporary Food Permit fees (for assessment and surveillance are only exempt when deemed so by the Shire).
- Skills and knowledge requirements of food handlers in Standard 3.2.2 of the Code. NOTE: volunteers are required to meet the health and hygiene requirements for food handlers, such as taking all practicable measures to ensure that they do not contaminate food when producing food, and observe basic hygiene requirements.
- Food labelling requirements. NOTE: information relating to food allergens must be provided to potential customers and the easiest way to provide this is on a label. If a product contains royal jelly, soy, gluten etc. this must be provided on a label.

Volunteers who donate food such as cakes, slices and preserves for fundraisers are only permitted to make these foods from home as long as the food they are producing is not 'potentially hazardous'. Premises used for the preparation of non-potentially-hazardous food by volunteers will not need to be registered.

Preparation of potentially hazardous foods must be undertaken in an approved food premises (i.e. commercial kitchen, approved school canteen facility). In this instance, Notification and Registration requirements apply to Charitable and Commercial Events. Waiving of fees is at the discretion of the Town (refer to 1.5 - Fees and Charges above). NOTE: 'Potentially hazardous' food products include examples such as: cream cakes, fried rice, curries, soups and casseroles.

The groups identified below are identified up-front as being a Charitable or Community Nature Group that on a regular basis undertakes food preparation for fundraising or other community support purposes:

Fundraising Charitable or Community Nature Group Schedule:

- Bridgetown Agricultural Society;
- Various sporting clubs other than those that operate with a permanent liquor license;
- Bridgetown Bush Fire Support Brigade and any other Bush Fire Brigade located in the Shire;
- Bridgetown Lions (Food Van), Rotary Club of Bridgetown, Apex Club of Bridgetown;
- Bridgetown Scouts and Guides;
- CWA (Bridgetown) Fundraisers;
- Greenbushes Residents and Ratepayers Association community events or fundraisers;
- Bridgetown Family and Community Centre community events or fundraisers;
- School Canteens, where funds are directly benefit the school (i.e. not operated by an external contractor); and

- P & C School Groups.

Fundraising Charitable or Community Nature Groups not included in the schedule can apply the Shire's Chief Executive Officer, to be eligible for exemption from having a 'Registration of Food Business' requirement, and payment of surveillance fees.

Where a group not identifiable in the above Schedule wishes to conduct ad-hoc or random food preparation for a charitable or community purpose they are invited to apply to the CEO of the Shire of Bridgetown-Greenbushes providing particulars on the type of food to be prepared, the location of the food premises (even if temporary) and any other relevant information. No fees will be charged on such an application.