



Food Act 2008 and City of Vincent Trading in Public Places Local Law 2008

This document is intended to be a guide only. It covers the requirements food businesses to be able to register a temporary or mobile food premises under the *Food Act 2008*, and also trading requirements within the City of Vincent.

What is a food business?

The *Food Act 2008* defines a food business as a business, enterprise or activity that involves the handling of food for sale or the sale of food. It includes commercial operators and charity and community groups.

What is temporary or mobile food premises?

Temporary food premises:

- Where food is sold on an occasional basis from a temporary structure at an event. The temporary structure is dismantled after an event.
- An example is a food stall (marquee/tent).

Mobile food premises:

- Movable object transported from place to place.
- Examples include food vehicles/vans, caravans, trucks, trailers and trailers.

For more information refer to [Appendix 9 Temporary and mobile food premises](#) in [Safe Food Australia](#) guide to the [Food Safety Standards](#).

What laws apply to temporary and mobile food premises?

The design, construction and operation of the temporary and mobile food premises must comply with the following legislation:

- [Food Act 2008](#)
- [Food Regulations 2009](#)
- [FSANZ Food Standards Code](#)
- [City of Vincent Trading in Public Places Local Law 2008](#)

All food businesses are required to notify the relevant local government of their intention to operate a temporary or mobile food premises within the local governments' jurisdiction.

Commercial operators:

Commercial temporary or mobile food premises must be registered with the City of Vincent or the relevant local government where food and equipment (including vehicles) is prepared or stored.

Charities and community groups:

Charities and community groups conducting certain fundraising activities may be exempt from registration by the relevant local government as long as all profits are donated. This includes:

- sausages sizzles as the food is cooked for immediate consumption by the customer
- low risk products such as cakes and cupcakes, biscuits and slices (these all do not require refrigeration, the products must not contain cream as this is a high risk product)

Further guidance for charity or community groups can be found here:

<https://www.foodstandards.gov.au/foodsafety/standards/Pages/Charities-and-community-groups.aspx>

What are the requirements for food stalls?

There are some exemptions for food stalls in the Food Safety Standards because they are not fixed food premises.

For more information refer to [Appendix 9 Temporary and mobile food premises](#) in [Safe Food Australia](#) guide to the [Food Safety Standards](#).

Marquee/tent structure:

- Food stalls generally utilise a 3x3m marquee, however depending on the activities of the food business, more than one marquee may be required. If it is a new business, set up the marquee and check the layout with all equipment to see if you need a larger marquee.
- As the activities of the food business will be conducted outside, measures must be taken to protect food from potential contamination. The marquee must:
 - have a roof to prevent airborne contamination (e.g. birds and insects)
 - three walls, which can consist of either plastic or mesh, to prevent windblown contaminants entering the stall (e.g. dust and leaves). If cooking with gas or open flame, two sides are permitted to allow for adequate ventilation
 - floor cover is required if the stall is located on unsealed ground, to ensure that materials on the ground (e.g. grass and dirt) are not stirred up by wind or shoes and contaminate the food. Examples are tarpaulin or other suitable impervious material
 - adequately secured in accordance with manufacturer's instructions, to ensure that the marquee will not lift/blow away in windy conditions. Tie downs must be set up so they do not create a trip hazard and pegs can only be used if allowed on the City's reserves.

Hand washing facilities:

- A hand wash facility must be provided at any food stall where food is being handled. The only exemption to this is where food stalls only sell only pre-packaged products (i.e. they cannot be handled in any way), and do not offer any tasting samples. Hand sanitiser must be provided at a minimum in this case. If samples are provided, then hand washing facilities must be provided.
- Hand washing facilities must consist of the following:
 - Warm running water so far as practicable
 - Liquid hand soap
 - Single use paper towels
 - Waste water bucket/container
 - Table to set up it is at the correct height and easily accessible

Example 1: 20L water container filled with warm water with a tap and waste bucket. A kettle/urn can be used to refill the container to keep the water warm.

Example 2: Portable sink connected to electric water heater and waste water container.

Dish washing facilities

Dish washing facilities must be provided if utensils have to be washed throughout the operations of the food business on the day of the event.

Dish washing facilities must be separate to hand washing facilities, and must consist of the following:

- A container with warm water and detergent for removing food waste and dirt; and
- A container with warm water and a food grade chemical sanitiser for sanitising food contact utensils/equipment.
- A spray on food grade sanitiser may need to be provided if benches are used for food preparation.

Cooking Equipment

- All heating and cooking equipment including barbeques must be located within the stall. The only exception is charcoal burners or those with an open flame, which can be situated outside the stall to prevent any fire risk for the marquee.
- Cooking equipment must be adequately guarded or set up at the back of the stall so there is no risk to the public of being burnt.
- Where cooking with gas, adequate ventilation must be provided (only having 2 sides to the marquee is permitted when using gas).
- Gas bottles must be upright and stabilised at all times, and gas bottles must be tested every 10 years and date stamped.

NOTE: Portable butane gas cookers (e.g. camp stoves) are not permitted for commercial use.

Fire Safety

- Food stalls that require electricity or cooking equipment need a fire extinguisher and fire blanket within the stall.
- These must be serviced every 6 months to ensure they are operable when required, and should have a service tag that is stamped with the date of its last service.

What are the requirements for food vehicles and trailers?

Food vehicles/trailers must comply with the requirements of the Food Safety Standards as if they were a fixed food premises. This includes provision of warm running water for hand and dish washing.

For more information refer to [Appendix 9 Temporary and mobile food premises](#) in [Safe Food Australia](#) guide to the [Food Safety Standards](#).

What are the general requirements for all temporary and mobile food premises?

Gloves:

- Hands must be washed before putting on gloves.
- Gloves are not a replacement for proper hand washing.
- Gloves must be changed frequently, particularly where there is a potential for contamination such as in between handling:
 - money and then food
 - raw food then cooked/ready to eat food

Hand sanitiser:

- Hand sanitiser does not replace hand washing. It does not remove physical particles on the skin which may be a cause of food contamination. It can only be used as an additional method of protection.

Protection of Food

Food must be protected from potential contamination during transportation, storage, preparation and display.

The following measures can be used to ensure food is protected from potential contamination:

- Stored food should be kept in sealed containers and stored off the ground (e.g. on top of tables)
- Raw and cooked foods must be stored separately
- Food preparation areas should be located away from public areas
- Any food on display should be covered (e.g. using lids, cling wrap, sneeze barriers or keeping it in display cabinets)
- Disposable eating utensils should be wrapped in paper napkins or plastic and stored with handles upright, and must not be reused. Drinking straws and paper cups or similar should be enclosed in suitable dispensers or otherwise protected from contamination
- All condiments such as sauces should be contained in squeeze-type dispensers or otherwise in individual sealed packs

Temperature Control

- All food businesses must have a digital thermometer which is accurate to +/- 1°C that can measure the core temperature of food (except pre-packaged low risk foods). This is to ensure that potentially hazardous food is kept at a safe temperature throughout the duration of the event.
- Food such as raw meat, cakes with fresh cream or custard, and any other pre-prepared potentially hazardous food must be stored at or below 5°C at all times. These items can be stored in an electric refrigerator, portable cool room or an esky with sufficient ice.
- If potentially hazardous food is stored in an esky, the temperature must be monitored throughout the event and ice levels replenished when needed to ensure adequate temperature control.
- Food that is cooked and served hot must be for immediate sale and consumption unless the food business has a suitable food warmer or food display that can maintain the food at a temperature of at least 60°C or higher. The temperature of food stored in these display units must be checked regularly with the temperature probe.
- Please note that bain-maries should not be used to reheat any pre-cooked food. They are not able to heat food quickly enough, and can result in food being kept in the temperature danger zone (between 5°C and 60°C) for extended periods of time. This can encourage the growth of food poisoning bacteria which can make customers sick.

Transportation of Food

- All food products must be transported to the site stored in sealed and labelled containers or adequately wrapped to prevent contamination.
- Potentially hazardous food must transported in refrigerated vehicles, hot boxes or eskies with ice.

- Temperatures should be checked before transportation and upon arrival at the event to ensure correct temperature maintenance.

Hygiene of Food Handlers

Staff working in the temporary food premises must ensure that they do not contaminate the food by:

- Not attending work if they are sick
- Having their hair tied back and wearing a hair covering such as a hat or hairnet
- Washing their hands before starting food preparation, after breaks, after using the toilet, after touching hair, face or body, and after touching any raw foods
- Covering any cuts with water-proof, brightly coloured dressings
- Keeping themselves and their work areas clean and tidy
- Not wearing false nails or nail polish
- Not coughing or sneezing over food or touching their body whilst handling food

Food Safety Training

All food handlers must have adequate skills and knowledge adequate for their specific duties to ensure that only safe and suitable food is produced.

The City offers a FREE online food safety training course (FoodSafe Online) for all food businesses trading within the City.

Link - <https://www.ehawa.org.au/events/category/foodsafety-online-43>

Code - **FSVINCE353**

How do I apply for approval of a temporary or mobile food premises?

There are two approval requirements that apply:

1. Registration of the food van or stall

This is issued under the state *Food Act 2008* to the address where the van is to be garaged. If this isn't within the City then you need to contact the relevant local government. Otherwise you can download a registration application form from the City's food business [website](#).

Where food preparation prior to the event is undertaken in the City, you will need to provide additional information attached to your registration application such as:

- Confirmation from the relevant local government that you have notified them where you will be garaging your food van or storing food stall equipment if this is outside the City
- Approval from the relevant local government if any other food preparation or storage of food is taking place outside the City (for example if you prepare the food at a premises within the City, then store the food in a freezer/fridge at your home outside of the City, prior to transport to an event/market)
- A detailed layout plan of the food van/stall for assessment

2. Permit to trade

If you wish to trade within the City, you will need to apply for a permit after you have received your Certificate of Registration (either from the City or another local government). There are two options for permits:

- a) Trade in a park or reserve - The City has a mobile food vendor policy (Vending Vincent) which only permits trade of food vans in certain parks and reserves. For more information please see the [Vending Vincent](#) webpage on the City's website and download an application form.
- b) Trade at an approved event - Alternatively you may trade at an event to be held in the City where the event organiser has given authorisation (we will usually liaise with them to obtain a list of food vendors). You can download an application form from the City's food business [website](#). You will also need to submit your:
 - Food Business Registration Certificate (unless you are a charity/not-for-profit conducting a fundraising stall);
 - Commercial kitchen booking (if required as part of your *Food Act 2008* registration)
 - A copy of your insurance certificate showing public liability cover of minimum \$10 million
 - Evidence of your food safety training/qualifications
 - A site plan of your food vehicle or stall

- A list or menu with a list of the foods/drinks to be sold

The application form needs to be submitted by email to mail@vincent.wa.gov.au **at least 14 days** before the event. Late applications may not be approved.

Example food stall setup:



Hand washing facilities	Utensil and food washing facilities	Food handlers
<ul style="list-style-type: none"> Container of sufficient size (e.g. 20 litres) with tap and potable water (warm running water is required unless written approval from enforcement agency) Liquid soap and paper towels Container for waste water. The waste water is to be disposed of appropriately (e.g. to sewer or without risk of entering stormwater waterways) 	<ul style="list-style-type: none"> Container of sufficient size (e.g. 20 litres) with tap and potable water Hot water and/or food grade chemical sanitiser for sanitising if needed Provide separate washing and rinsing containers for food and for utensils, as needed 	<ul style="list-style-type: none"> Ensure food, utensils and food contact surfaces are not contaminated by hands, hair, jewellery, wounds, coughs, etc. Clean person, attire and habits No smoking in stall Money and food handled separately Must have skills & knowledge in food safety and food hygiene matters Exposed wounds covered with waterproof covering Avoid unnecessary contact with food by using utensils or gloves Hands must be washed whenever they are likely to contaminate food
Food display, single use items and condiments	Temperature control of potentially hazardous food	
<ul style="list-style-type: none"> Protect displayed food from contamination (e.g. using lids, cling wrap or sneeze barriers) Protect single use utensils from contamination (e.g. store handle up) and do not reuse Clean the outside and top of dispenser bottles and do not top-up bottles Provide separate serving utensils for each self-serve food 	<ul style="list-style-type: none"> Cold food – ensure 5°C or below Hot food – ensure 60°C or above Check food temperature with thermometer (accurate to +/- 1°C) <p>Please seek advice from your local enforcement agency if planning to use an alternative to appropriate temperature control for display of potentially hazardous food.</p>	

Source: FSANZ Appendix 9 Safe Food Australia
 Appendix 9 - Temporary and mobile food premises