

**09/02**  
**8 May 2002**

**DRAFT ASSESSMENT REPORT**  
**(FULL ASSESSMENT - S.15)**

**APPLICATION A444**

**EXEMPTION FROM THE NOTIFICATION REQUIREMENT**  
**OF FOOD SAFETY STANDARD 3.2.2 FOR FUNDRAISING**  
**EVENTS**

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## EXECUTIVE SUMMARY

### *Problem*

As part of the incorporation of the Food Safety regulations into State food legislation, the NSW Government made a variation to clause 4 of Standard 3.2.2 – Food Safety Practices and General Requirements to exempt fundraising events. Subsequently, an application was made to ANZFA by the NSW Department of Health on 27 June 2001 requesting an amendment to Clause 4 of Standard 3.2.2 so that it would be consistent with NSW legislation. It is a requirement under the Food Regulation Agreement that where a State or Territory varies a food standard, it must make an immediate application to ANZFA.

Applications made under the Food Regulation Agreement should be considered within 6 months. This provision is used for matters, which have an urgent public health and safety significance. As A444 does not fulfil this requirement it has been progressed within ANZFA's normal statutory time frame.

The basis for the amendment requested in Application A444 is to alleviate a burden (including a possible financial impost) on charities and community organizations, which hold fundraising events, as well as an administrative burden on government agencies, without effecting food safety.

### *Objective*

The Food Safety Standards are designed to ensure that food businesses in Australia produce food that is safe to eat. The notification requirement supports this by ensuring that enforcement agencies know of the existence of all food businesses within their jurisdiction (whether commercial, fundraising, temporary or mobile) such that appropriate food safety information can be provided and the requirements of the Food Safety Standards can be enforced.

### *Options*

Only two options were raised by this application – to maintain the status quo and not approve the amendment (Option 1) or to amend Standard 3.2.2 as requested in the application (Option 2).

### *Impacts*

Charities and community groups holding fundraising events will need to comply with all other requirements in Standard 3.2.2, except the skills and knowledge requirement, regardless of the notification requirement. Notification provides a mechanism whereby appropriate food safety information can be communicated to charities and community groups, which will assist with compliance with the Food Safety Standards. The proposed notification system is designed to seek minimal information so as not to be burdensome and may be further simplified for not-for-profit organisations. The charging of a fee for notification is a matter for each State and Territory to determine, though it has been recommended that any fees should be waived for voluntary and charitable organisations.

The impact assessment has determined that there is an overall public health and safety benefit in requiring fundraising events to notify.

### *Consultation*

Six submissions were received in response to ANZFA's public invitation for comment on Application A444. These submissions came from Government (State and Commonwealth), small business, a voluntary organization, which conducts fundraising events and a technical association. Only one submission (from the technical association) showed any support for an amendment to the notification requirement in Standard 3.2.2 to exempt fundraising events – Option 1 was preferred.

### *Conclusion and Statement of Reasons*

Application A444 is not justified on public health and safety grounds. ANZFA recommends that Application A444 should be rejected for the following reasons:

- the notification requirement does not pose a significant burden on community and charitable organisations;
- notification of fundraising events should not significantly increase the administrative burden on enforcement agencies;
- fundraising events have been implicated in outbreaks of food-borne illness and pose no less of a food safety risk than commercial operations;
- the notification requirement can be an important mechanism whereby food safety and hygiene information can be communicated to not-for-profit organisations; and
- the notification requirement can provide enforcement agencies with important knowledge on the nature of food businesses in their jurisdiction and assist in enforcing the requirements of the Food Safety Standards.

## **1. PROBLEM**

### **1.1 Background**

As part of the incorporation of the Food Safety regulations into State food legislation, the NSW Government has made a variation to clause 4 of Standard 3.2.2 - Food Safety Practices and General Requirements. This variation provides a notification exemption for fundraising events by inserting the following subclause after clause 4(4):

*(5) Subclause (1) does not apply to a food business in relation to food handling operations for fundraising events, that is events:*

- (a) that raise funds solely for community or charitable causes and not for personal financial gain, and*
- (b) at which only food is sold that is not potentially hazardous or which is to be consumed immediately after thoroughly cooking.*

The Food Safety Standards, including the modification to clause 4 of Standard 3.2.2, were incorporated into NSW food regulation on 16 May 2001. Clause 4 *Notification*, of Standard 3.2.2 does not come into effect until 24 February 2002, 18 months after the gazettal of the Food Safety standards.

In compliance with clause 28 of the Food Regulation Agreement (see section 1.2 below), the NSW Department of Health made an application to ANZFA on 27 June 2001, requesting a variation to Standard 3.2.2 as above.

ANZFA prepared an Initial Assessment Report for application A444 in August 2001, at that time proposing that the matter be treated as a section 36 application under the *ANZFA Act, 1991* in order to consider it within a six month time frame (as stipulated in clause 29 of the Food Regulation Agreement). However, section 36 should not have applied to application A444 and this was an error included at initial assessment. Additionally, upon further examination of the application and in light of the submissions received, it has been concluded that A444 does not fulfil the requirements of clause 28 of the Agreement, that is A444 does not propose a measure, which is designed to protect public health and safety. As such, application A444 has not been considered within a 6-month time frame.

## 1.2 Relevant Standards/Legislation

The relevant legislation to be considered in assessing application A444 is contained within clauses 28 and 29 of the *Food Regulation Agreement* and Standard 3.2.2 - Food Safety Practices and General Requirements, of the *Food Standards Code*.

### *Food Regulation Agreement*

28. Where a State or Territory determines that an issue affecting public health and safety requires a new food standard, or variation of a standard adopted pursuant to clause 23, and that the circumstances affecting public health and safety would not allow time for the steps pursuant to clause 23 to be taken, the State or Territory may, under the food legislation of the State or Territory, adopt or vary a food standard accordingly, provided that:

- (a) the State or Territory notifies ANZFA of its intention to adopt or vary the food standard;
- (b) the new or varied food standard applies for a period of no longer than twelve months from the date of its adoption or variation; and
- (c) the State or Territory makes, on so determining, an immediate application to ANZFA to adopt the new food standard or to vary the relevant food standard.

29. An application to ANZFA pursuant to clause 28(c) shall be decided within six months of the application being made.

*Standard 3.2.2 - Food Safety Practices and General Requirements*

4 Notification

- (1) A food business must, before the food business commences any food handling operations, notify the appropriate enforcement agency of the following information:
  - (a) contact details for the food business including the name of the food business and the name and address of the proprietor of the food business;
  - (b) the nature of the food business; and
  - (c) the location of all food premises of the food business that are within the jurisdiction of the enforcement agency.
- (2) When complying with subclause (1), the proprietor of the food business must answer all questions asked by the appropriate enforcement agency in relation to the matters listed in subclause (1) in the form approved from time to time by the relevant authority under the Act.
- (3) The food business must notify the appropriate enforcement agency of any proposed change to the information specified in subclause (1) before the change occurs.
- (4) A food business that exists at the time of the commencement of this Clause must provide the appropriate enforcement agency with the information specified in subclause (1) within three months of the commencement of this Clause.

**1.3 Purpose of Application**

Application A444 states that the purpose of the notification requirement in Standard 3.2.2 is primarily to assess and assign a priority classification to each business in relation to food safety risk. This classification will then be used to determine which businesses will be required to implement food safety programs and assist in determination of initial audit frequency. The application argues that, since fundraising events are already exempt from food safety programs, this information is not required and would place an unjustifiable burden on fundraising events as well as an administrative burden on government agencies without any real benefits to food safety.

Application A444 provides the following reasons for justifying the proposed exemption for fundraising events from the notification requirement:

- a) Fundraising events are usually carried out by volunteers who may be unaware of the food businesses legal requirements to notify.
- b) There may be no corporate structure and no proprietor as such with these events.
- c) It may be impossible to identify a responsible party.
- d) Most local events are already well known to most local enforcement authorities.
- e) The foods sold are usually stable products such as jams, pickles and cakes and do not present a high risk to the public.
- f) Potentially hazardous foods (e.g. sausage sandwiches) are sold hot for immediate consumption.
- g) There is no apparent significant health risk to the public.

- h) Fundraising events are already exempted from food safety programs under Standard 3.2.1 and therefore priority classification would not apply through the notification system.
- i) A fee for the cost recovery would be seen as an unreasonable impost.

#### **1.4 Other exemptions for fundraising events**

Fundraising events have already been exempted from the food handling skills and knowledge requirements in Standard 3.2.2. This requirement states that a food business must ensure persons undertaking or supervising food handling operations have skills in food safety and hygiene matters and knowledge of food safety and food hygiene matters. Fundraising events have been exempted because they are likely to be run by volunteers. Because volunteers may only ever assist in the running of one fundraising event, it is not practical or feasible to require these volunteers to obtain skills and knowledge in food hygiene and safety matters. However, the food business and food handlers are required to comply with the remaining provisions of the Food Safety Standards, such as the requirements for hygiene of food handlers.

## **2. OBJECTIVES**

### **2.1 General**

The objectives of the Authority in developing food regulatory measures and variations of food regulatory measures, as defined in section 10 of the *ANZFA Act, 1991*, are provided below.

- (1) The objectives (in descending priority order) of the Authority in developing food regulatory measures and variations of food regulatory measures are:
  - (a) the protection of public health and safety; and
  - (b) the provision of adequate information relating to food to enable consumers to make informed choices; and
  - (c) the prevention of misleading or deceptive conduct.
- (2) In developing food regulatory measures and variations of food regulatory measures, the Authority must also have regard to the following:
  - (a) the need for standards to be based on risk analysis using the best available scientific evidence;
  - (b) the promotion of consistency between domestic and international food standards;
  - (c) the desirability of an efficient and internationally competitive food industry;
  - (d) the promotion of fair trading in food.

### **2.2 Notification Requirement**

The notification requirement in clause 4 of Standard 3.2.2 requires the proprietor of a food business to notify the appropriate enforcement agency of their contact details, the nature of their business and the location of all of their food premises and to also notify the enforcement agency of any proposed changes to the information provided. This requirement applies to all

food businesses except primary industry businesses or those which are already registered/licensed as food businesses.

Notification allows the appropriate enforcement agencies to identify the nature of the food business, that is the types of food handled and produced, and the type of premises from which the food is sold. If a State or Territory adopts food safety programs, food business notification will be the starting point for the enforcement agency to determine and advise the food business of its priority classification. More generally, however, the notification requirement allows the enforcement agencies to know of the existence of all food businesses (whether commercial, fundraising, temporary or mobile) such that appropriate food safety information can be provided and the requirements of the Food Safety Standards can be enforced.

It was previously agreed by States and Territories that the notification requirement should apply to fundraising events for public health and safety reasons, given that such events are known to have been the source of incidents of food-borne illness in the past (see section 6.1 Fundraising events and food-borne illness).

### **3. OPTIONS**

Only two regulatory options are posed by this application, to approve or not to approve the amendment to Standard 3.2.2 proposed by the NSW Department of Health.

- Option 1 – not approve

Option 1 maintains the status quo, under which fundraising events are not exempt from the notification requirement in Standard 3.2.2 of the Food Safety Standards.

- Option 2 – approve

Option 2 supports the amendment of the *Food Standards Code* to exempt fundraising events from the notification requirement in Standard 3.2.2 of the Food Safety Standards.

### **4. IMPACT ANALYSIS**

#### **4.1 Option 1**

The notification requirement came into effect in February 2002, 12 months after the gazettal of Standard 3.2.2. It will apply to all food businesses including charities and community groups. A business which is already registered or licensed as a food business in practice will not have to notify nor will businesses involved in primary production activities.

This requirement seeks minimal information from food businesses so that local councils know of their existence, can contact them if required and know the sort of food business they operate.

It has been agreed through the Australia New Zealand Food Authority Advisory Committee that the process of notifying regular and temporary activities of charities and community events may be further simplified at the State and Territory level. For these temporary events the system developed requires the event organiser, coordinator or person responsible to notify



the location of the event, contact details and the type of food to be sold. The documentation required for these fundraising events is much simpler than for other businesses (see attachment 1.).

No fee structure has been proposed for the notification system as this should be a matter for States and Territories or their delegated enforcement agencies to determine. If fees are put in place, it has been recommended that States and Territories support the waiving of fees for voluntary, charitable and not-for-profit organisations.<sup>1</sup>

The impact of option 1 on the parties most likely to be affected by this application is outlined below.

- *Charities and community groups*

Providing local government with a food business notification form should not be an onerous requirement. The information requirements are straightforward and the notification form simple to follow. States and Territories may undertake to simplify notification arrangements further for charities and community groups. For example, a not-for profit organisation which holds many events during a year such as sausage sizzles, cake stalls etc. may only need to notify local council once, indicating that they hold several such events each year and the types of food which are likely to be provided. The organisation would not need to notify each single event.

Depending on the State or Territory, notification fees for charities and community groups should not be an issue. In Queensland, for example, it is intended that the notification requirement be a once only requirement to the relevant local government at no fee to food businesses, charities and community groups.

Charities and community groups may be provided with educative material or training opportunities in food safety and hygiene because of the notification requirement.

It will be an offence for a food business not to notify. Charities and community groups which are not aware of this requirement and do not notify fundraising events which include the provision of food will be committing an offence. It is extremely unlikely, however, that any action would be taken against a charity or community group and they would be provided with the appropriate information to be able to comply with the Food Safety Standards in future.

- *Enforcement agencies*

At present there is no nationally consistent mechanism whereby enforcement agencies can know of the existence and nature of every food business in their jurisdiction. Some jurisdictions have registration or licensing requirements, others have no such requirements. The notification requirement will require food businesses to provide enforcement agencies with basic information about their business which will allow enforcement agencies to contact them as required and know the nature of food businesses in that jurisdiction. This will play an integral part in enforcing the Food Safety Standards.

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<sup>1</sup> *The National Food Business Notification System – Information for State and Local Governments*, ANZFA, June 2001.

The notification requirement may place an administrative cost on enforcement agencies, particularly if they had no previous system of recording details of food businesses in their jurisdiction. A State or Territory may determine that a notification fee may be an appropriate way of offsetting additional administrative costs.

- *Small business*

As discussed previously, providing local government with a food business notification form should not be an onerous requirement. The information requirements are straightforward and the notification form simple to follow. Any fees that States or Territories may recommend for notification requirements is a matter for that State or Territory.

- *Consumers*

The successful uptake and application of the food safety standards by food businesses, including the notification requirement, should result in safer food for the consumer.

## **4.2 Option 2**

Option 2 requires all food businesses to notify (Option 1) except fundraising events held by charities and community organisations which only sell food that is not potentially hazardous or which is consumed immediately after cooking.

The impact of option 2 on the parties most likely to be affected by this application is outlined below.

- *Charities and community groups*

Fundraising events, which do not provide potentially hazardous food, or provide such food immediately after thorough cooking, will not have to be notified to the appropriate enforcement agency. Charities and community groups, however, still need to ensure that such events do comply with the rest of the Food Safety Standards (except where there are specific exemptions for community or charity organisations for practical reasons).

The onus is on the organisers of fundraising events to understand when food is not potentially hazardous and what is meant by “consumed immediately after thorough cooking”.

Charities and community groups will not be supplied with appropriate food safety information or training opportunities if enforcement agencies do not know of their existence.

- *Enforcement agencies*

The administrative burden that may be imposed on enforcement agencies by the notification requirement could be reduced if many fundraising events did not have to notify. Enforcement agencies will still need to administer all other notifications for food businesses – the exemption for fundraising events is unlikely to have a significant impact.

In the case that there is a food safety problem resulting from a fundraising event (e.g. an outbreak of food-borne illness) investigation by the enforcement agency may be more difficult if the event wasn't notified.

- *Small business*

Option 2 should have no real impact on commercial food businesses. However, there are situations in which charitable organisations may be competing with commercial food vendors, such as at sporting events where many food stalls are in operation. The commercial food stalls at such event will have had to notify yet the fundraising stalls, which could be providing very similar foods, may be exempt from notification. Small commercial operators could see this exemption for their “competition” as unfair, particularly if they had to pay a notification fee.

- *Consumers*

Option 2 may have a net negative impact on consumers. The notification exemption for fundraising events could prevent food safety and hygiene material being provided to fundraiser organisers, which may have improved food safety outcomes. This could have a negative impact on consumers particularly if food-borne illness is a consequence.

### 4.3 Cost benefit comparison

A comparison of the impact of Options 1 and 2 on the parties identified is summarised in the table below.

Affected Party	Option 1	Option 2	Comments
<b>Charities/Community organisations</b>	<p><b>Costs.</b> Administrative requirement imposed. Possible fee for notification. An offence may be committed if not complied with.</p> <p><b>Benefits.</b> Food safety education. Help with compliance with other food safety standards.</p>	<p><b>Costs.</b> No food safety material supplied. No mechanism to help increase compliance with other food safety standards.</p> <p><b>Benefits.</b> No fee for notification needs to be paid. The organisation does not have the administrative burden of needing to notify events.</p>	As discussed previously, any administrative burden or fee imposed by the notification requirement should be minimal. Option 1 provides an overall benefit by providing a tool whereby food safety material can be supplied and the provision of safe and suitable food be enhanced.
Affected Party	Option 1	Option 2	Comments
<b>Enforcement Agencies/Local government</b>	<p><b>Costs.</b> Increased administrative burden dealing with notifications from fundraising events.</p> <p><b>Benefits.</b> Knowledge of the existence and nature of fundraising events in each jurisdiction allows educative material to be supplied and supports the</p>	<p><b>Costs.</b> No knowledge of possible food safety hazards that may be associated with certain fundraising events. Investigation of any food borne illnesses that may result is further complicated.</p> <p><b>Benefits.</b> Enforcement</p>	While option 2 may decrease the possible administrative burden on enforcement agencies, compared to having to administer notification for all other food

	enforcement of food safety standards.	agencies not burdened by notifications from fundraising events.	businesses this is not seen as significant. Option 1 supports the enforcement of the food safety standards and should provide an overall benefit to this party.
<b>Small food businesses (commercial operators)</b>	<p><b>Costs.</b> Administrative requirement. Possible fees imposed. (these costs not changed by Option 2.)</p> <p><b>Benefits.</b> Supports compliance with the food safety standards</p>	<p><b>Costs.</b> Possible uneven playing field created, particularly in the case where commercial operators are in competition with charities.</p> <p><b>Benefits.</b> No benefit.</p>	Option 2 provides no benefit to small food businesses and may create an unfair advantage to fundraising groups where they are in competition to commercial operators.
<b>Consumers</b>	<p><b>Costs.</b> No cost</p> <p><b>Benefits.</b> Safer food</p>	<p><b>Costs.</b> Possibility of food-borne illness that may have been prevented if food safety and hygiene material had been supplied by the enforcement agency.</p> <p><b>Benefits.</b> No benefit</p>	An overall benefit to the consumer is provided by Option 1 as it provides a mechanism whereby safer food can be provided by all food businesses, whether commercial or charitable.

**Outcome:** Option 1 provides an overall benefit to all parties compared with Option 2.

## 5. CONSULTATION

The Initial Assessment Report for Application A444 was circulated for public comment on 22 August 2001. Six submissions were received from the following organisations/businesses:

- National Council of Women of Australia
- South Australia Department of Human Services, Environmental Health Branch
- Commonwealth Department of Health and Aged Care, Food Policy - Safety and Surveillance Section
- Queensland Health, Public Health Services
- Food Technology Association of Victoria Inc.
- G & N Redman (Joe's Snowcones)

A summary of the issues raised in these submissions is provided below.

SUBMISSION	ISSUES RAISED
<p>National Council of Women of Australia</p> <p><b>Voluntary organisation</b></p>	<p>This submission does not support the exemption for fundraising events from the notification requirement (<b>supports Option 1</b>: maintain the status quo). The Council considers that the notification requirement can be a useful tool - it should result in suitable information being provided to the person/organisation on the requirements of safe food handling appropriate to the type of event being notified. This submission also provides arguments against many of the reasons provided in the application for its justification – volunteers can easily be educated in food safety requirements; fundraising events are run for a purpose and will be supported by some sort of structure and a responsible party; that foods sold at fundraisers are generally not hazardous is an assumption and not really the case.</p>
<p>South Australia Department of Human Services – Environmental Health Branch</p> <p><b>State Government</b></p>	<p>This submission <b>supports the intent</b> of the application but questions whether the amendment would really result in a positive outcome. The proposed amendment which states that fundraisers don't have to notify if they are selling low risk foods or high risk foods thoroughly heated immediately prior to serving is in itself complex. Additionally, this submission points out that other exemptions for temporary premises (which fundraising events commonly use) in Standards 3.2.2 and 3.2.3 would require a written exemption in writing by an enforcement agency anyway.</p>
<p>Department of Health and Aged Care – Food Policy</p> <p><b>Commonwealth Government</b></p>	<p>This submission does not support the exemption for fundraising events from the notification requirement (<b>supports Option 1</b>: maintain the status quo). The content of Standard 3.2.2 has already been agreed and accepted by Commonwealth and State and Territory Health Ministers for important public health and safety reasons. Notification allows food safety advice, information and education to be provided to organisers prior to the event and contact to be made if necessary in the case of a food safety emergency.</p>
<p>Queensland Health – Public Health Services</p> <p><b>State Government</b></p>	<p>This submission <b>does not support the exemption</b> of fundraising events from the notification requirement. Without the notification requirement, local governments would not know of the existence of charity and community groups and would not be able to include them in food safety and hygiene activities. Additionally, follow up on alleged outbreaks of food-borne illness relating to a fundraising event would not be possible.</p>
<p>Food Technology Association of Victoria</p> <p><b>Technical Association</b></p>	<p>This submission <b>supports the application</b> but did not provide any reasoning or other discussion.</p>
<p>G&amp;N Redman (Joe's Snowcones)</p> <p><b>Small business</b></p>	<p>This submission <b>does not support the exemption</b> of fundraising events from the notification requirement. G &amp; N Redman raises the point that many foods sold by charitable organisations are potentially hazardous and even if consumed immediately after cooking may not be safe (could still be contaminated). This submission recommends that 'potentially hazardous food' should be more accurately defined. Charitable organisations could be exempted from the notification requirement if they were not selling potentially hazardous food (as redefined) but would need to comply fully with Standard 3.2.2 if they were.</p>

The majority of submissions did not support an amendment to the notification requirement in Standard 3.2.2. to exempt fundraising events. Several issues were raised:

- The proposed amendment does not simplify requirements for charities and community organisations.
- The current notification requirement was supported as an integral measure within the food safety standards to protect public health and safety.
- Notification is an important mechanism whereby food hygiene and safety material can be provided to fundraising events.
- The distinction between fundraising events which provide potentially hazardous food and those which provide food which is not potentially hazardous could be very confused.
- The premise that potentially hazardous foods would not be a significant food safety concern if consumed immediately after thorough cooking is not necessarily correct.

## 6. TECHNICAL ASSESSMENT

### 6.1 Fundraising events and food-borne illness

A number of food-borne illness outbreaks have been associated with charitable and community events in Australia. A review of outbreaks between 1980 and 1995 found that 13 out of a total of 128 reported outbreaks (10%) were associated with non-commercial mass catering events.<sup>2</sup> Some specific examples reported more recently are listed below<sup>3</sup>:

- April 1999. An outbreak of *Salmonella* associated with a food fair organised by a charitable fundraising club was investigated. Eleven people were diagnosed with *Salmonella hessarek* and pan rolls prepared by volunteers were confirmed to be the source of the outbreak.
- April 1997. Seventy-four volunteers, from ninety-eight interviewed, reported becoming ill after working at a Food Festival. *Salmonella Typhimurium* 135 was confirmed in twenty-nine cases. A lunch pack containing chicken curry and balado egg, rice and vegetables, which were only served to the workers, was confirmed as the source of this outbreak.
- October 1997. Nine people reported gastroenteritis symptoms after a Community Fringe Festival. *Clostridium perfringens* was confirmed in three of these cases. The food, which caused the illness was either lamb or beef curry and rice.
- 1998. Nine cases of *Campylobacter* enteritis were reported in Western Australia, associated with the consumption of unpasteurised milk during a camping event.

Factors contributing to many food-borne illness outbreaks include:

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<sup>2</sup> Communicable Diseases Network Australia New Zealand, 1997. Foodborne Disease – Towards reducing foodborne illness in Australia. Technical report Series No.2. Commonwealth of Australia.

<sup>3</sup> Outbreak information obtained from the Victorian Department of Human Services *Surveillance of Notifiable Infectious Diseases in Victoria* Annual Reports, 1997-1999 and State health departments.

- inadequate cooking;
- inappropriate holding temperatures (foods kept out of temperature control for too long);
- cross contamination (such as through the use of contaminated equipment);
- contamination by food handlers (particularly if inadequate facilities were provided or through poor personal hygiene); and
- unsafe raw materials (such as the use of unpasteurised milk).

## 6.2 Potentially hazardous food

Potentially hazardous food has been defined for the purposes of the Food Safety Standards as meaning “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.” Food that meets both of the following criteria is considered potentially hazardous:<sup>4</sup>

- the food may contain a pathogen that needs to multiply in order to cause illness; and
- the food will support the growth of this pathogen.

Examples of potentially hazardous foods include:

- raw and cooked meat or foods containing raw or cooked meat (e.g. casseroles, curries, meat pies);
- dairy products and foods containing dairy products (e.g. milk, custard, dairy-based desserts);
- seafood and foods containing seafood;
- processed fruits and vegetables (e.g. salads and unpasteurised juices);
- cooked rice and pasta;
- processed foods containing eggs, beans, nuts or other protein-rich food (e.g. quiche, soya bean products); and
- foods containing any of the above foods (e.g. sandwiches and quiches).

Examples of food that are potentially hazardous but are likely to be consumed immediately after thorough cooking at fundraising events are given in *Safe Food Australia* and include sausage, hamburgers, spring rolls and hot dogs. Foods that are not potentially hazardous and are likely to be sold at fundraising events include cakes, lamingtons, biscuits and confectionery.

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<sup>4</sup> Guidance on what foods should be considered potentially hazardous for the purposes of Standard 3.2.2 and what foods are not potentially hazardous is included in the ANZFA publication *Safe Food Australia – A guide to the Food Safety Standards*, July 2001.

While potentially hazardous food needs to be kept under temperature control to minimise the growth of food-borne pathogens, not all pathogens need to multiply in food to cause illness. Examples of these include viruses (such as Norwalk virus and hepatitis A), enterohaemorrhagic strains of *Escherichia coli*, *Campylobacter jejuni* and *Shigella* spp. Foods must be protected from contamination to prevent these pathogens from being present. For example, a potentially hazardous food, which has been cooked and then served hot (consumed immediately after thorough cooking) is not safe if it has been contaminated in the process by contact with raw food (either directly or through the use of contaminated utensils such as tongs) or by the food handler.

### **6.3 Temperature control**

Potentially hazardous food must be stored, displayed and transported under temperature control in order to minimise the growth of pathogens so that they do not reach unsafe levels in the food. This generally means maintaining food at a temperature of:

- 5°C, or below (to minimise the growth of infectious or toxigenic micro-organisms in the food during the time it is stored); or
- 60°C or above (food-borne pathogens will not grow at these temperatures).

Another temperature may be used if the food business can demonstrate that holding the food at that temperature for the period of time for which it is to be maintained, will not adversely affect the microbiological safety of the food (this is discussed further in *Safe Food Australia*, 2001).

While the temperatures used to cook foods are generally adequate to kill viable microorganisms present in the food, they will not destroy any toxins pre-formed in the food or bacterial spores. If a raw meat product, for example, has been contaminated with *Staphylococcus aureus* and not held within adequate temperature control (such as being kept at ambient temperature for several hours before cooking), staphylococcal enterotoxin may be formed within the food. This toxin will not be destroyed by cooking and the food, even though it may be “consumed immediately after thorough cooking”, may cause food-borne illness.

### **6.4 Food contamination**

The Food Safety Standards require food to be protected from the likelihood of contamination (the introduction of microorganisms, chemical agents or foreign matter).

Microbiological food contamination can occur when:

- the utensils used to prepare raw food (such as a chopping board used to cut raw meat and poultry) are then used on ready-to-eat food without having been cleaned, sanitised and dried;
- raw foods are allowed to make direct contact with ready-to-eat foods;
- people preparing or serving food contaminate it by not washing their hands adequately, particularly after handling raw food and immediately after using the toilet, and



- food storage and preparation areas are themselves contaminated through inadequate cleaning and sanitising, or are open to contamination by pests such as insects and rodents.

## **6.5 Discussion**

Fundraising events held by community or charitable organisations are exempt from the skills and knowledge requirements of Standard 3.2.2. but must comply with the rest of the standard. The food handling controls (which include temperature control and the prevention of food contamination) and health and hygiene requirements contain essential measures for ensuring safe and suitable food. Fundraising events do handle potentially hazardous foods and have been implicated in outbreaks of food-borne illness - the same food safety hazards are equally applicable to fundraisers and commercial operators. The notification requirement can provide a means whereby food safety and hygiene material can be provided to community and charitable groups so that compliance with the Food Safety Standards is promoted.

## **7. RECOMMENDATION**

This assessment of Application A444 shows there is no justification for exempting fundraising events from the notification requirement of Standard 3.2.2. It is recommended that A444 be rejected.

## **ATTACHMENT**

1. Food Business Notification Forms

## Food Business Notification Form

To support the notification requirement in Standard 3.2.2, ANZFA coordinated the development of a Food Business Notification System\*. To assist in the consistent implementation of the system nationally, a Food Business Notification Form was developed. The form sets out all questions required in relation to the notification requirement and incorporates specific requirements for notification of temporary and mobile food premises. While ANZFA will facilitate coordination between the Commonwealth and States and Territories on ways to implement the system efficiently, it is the responsibility of the appropriate enforcement agency to implement the notification system at the State and local level. A copy of the notification form is provided below.

### Food Business Notification Form

<b>Contact Details</b>	
<b>Name of proprietor</b>	
<b>Business address of proprietor</b>	
<b>Trading name of food business</b>	
<b>Contact details</b>  PLEASE NOTE: <i>If this is a single food business then complete details in this section. If there are multiple premises (within the jurisdiction of the relevant enforcement agency) then complete details under the section <input type="checkbox"/> Location of all food premises <input type="checkbox"/> below.</i>	Business hours phone number: <hr/> After hours phone number: <hr/> Facsimile number: <hr/> Email address <hr/>

\* The National Food Business Notification System – Information for State and Local Governments. ANZFA, 2001.

## Nature of Business Information

<b>NOTE:</b>	
the food business is required to notify the enforcement agency of any changes to the information provided below. The new information must be provided to the enforcement agency before the changes occur. Any changes to the information may affect the classification of a food business.	
<b>1(a) What is your business type?</b>	
Please tick all boxes that apply:	
Manufacturer/processor	Hotel/motel/guesthouse
Retailer	Pub/tavern
Food service	Canteen/kitchen
Distributor/importer	Hospital/nursing home
Packer	Childcare centre
Storage	Home delivery
Transport	Mobile food operator
Restaurant/cafe	Market stall
Snack bar/takeaway	Charitable or community organisation
Caterer	Temporary food premises
Meals-on-wheels	Other _____
<b>1(b) Please provide more detail about your business type.</b>	
(For example: butcher, bakery, seafood processor, soft drink manufacturer, milk vendor, service station.)	
<b>2 Do you provide, produce or manufacture any of the following foods?</b>	
Please tick all boxes that apply:	
Prepared, ready-to-eat* table meals	Confectionery
Frozen meals	Infant or baby foods
Raw meat, poultry or seafood	Bread, pastries or cakes
Processed meat, poultry or seafood	Egg or egg products
Fermented meat products	Dairy products
Meat pies, sausage rolls or hot dogs	Prepared salads
Sandwiches or rolls	Raw fruit and vegetables
Soft drinks/juices	Processed fruit and vegetables

Other _____		
<b>3 These questions seek further information about the nature of your food business. These questions must be answered by all businesses:</b>		
Are you a small business*?	Yes	No
Is the food that you provide, produce or manufacture ready-to-eat* when sold to the customer?	yes	no
Do you process* the food that you produce or provide before sale or distribution?	yes	no
Do you directly supply or manufacture food for organisations that cater to the sick, elderly, children under 5 years of age or pregnant women (such as hospitals, nursing homes or childcare centres)?	yes	no
To be answered by manufacturing/processing businesses only:		
Do you manufacture or produce products that are not shelf stable*?	yes	no
Do you manufacture or produce fermented meat products such as salami?	yes	no
To be answered by food service and retail businesses only (includes charitable and community organisations, market stalls and temporary food premises):		
Do you sell ready-to-eat* food at a different location from where it is prepared?	yes	no

### Location of all Food Premises

Complete details of business location for all food premises within the jurisdiction of the enforcement agency.		
Trading name	Location	Contact numbers and details
		(BH)
		(AH)
		Fax
		Email

# Temporary Events

## Application Form

### 1 Name, location, date(s) and time(s) of event:

Name: \_\_\_\_\_

Location: \_\_\_\_\_

Date(s): \_\_\_\_\_

Time(s): \_\_\_\_\_

### 2 Name, address and postal address (if different) of company/body responsible for the event:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Postal address: \_\_\_\_\_

### 3 Name and contact details of event organiser/coordinator or person responsible for organising/coordinating food stalls:

Name: \_\_\_\_\_

Postal address: \_\_\_\_\_

Telephone: \_\_\_\_\_(BH): \_\_\_\_\_(AH)

Mobile: \_\_\_\_\_

Fax: \_\_\_\_\_

### 4 Details of stalls and stall holders:

Name and/or number of stall	Name of stallholder or name of food business and proprietor	Address of stallholder or food business	Phone, mobile and fax numbers of stallholder/food business	Types of food to be sold
			Phone: Mobile: Fax:	
			Phone: Mobile: Fax:	

### **Additional Notification Information for Mobile Food Vendors**

**Are you a mobile vendor (e.g. ice cream van) or do you vend permanently stationed at one site (e.g. after hours takeaway van)?**

Mobile vendor / Permanently stationed vendor(*Please indicate*)

**For mobile vendors please provide address at which the vehicle is normally garaged or housed:**

**For permanently stationed vendors please provide the address of the site:**