

GUIDELINES FOR MOBILE FOOD VENDING VEHICLES



Department of
Primary Industries
Food Authority



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Note:

This is a guidance document only and cannot cover all situations. Food businesses are required to comply with all of the provisions of the Food Standards Code and the *Food Act 2003* (NSW).



Introduction

These guidelines inform businesses selling food from a mobile vending vehicle in NSW of their legal requirements in relation to the NSW *Food Act 2003* (the Act) and the Food Standards Code (the Code). They provide information on basic requirements such as power supply and waste disposal, and suggest ways to maintain food safety.

Businesses and enforcement agencies (local council environmental health officers (EHOs) in most cases) can use this guide to assess compliance with the Act and the Code.

The primary aim of these guidelines is to make food businesses aware of their legal requirements and to suggest ways to assure food safety when selling food.

This guideline also provides businesses with a guide to applicable fees and charges that councils may levy.

Potential mobile food vendors should contact the local council prior to operating to check if a permit is needed by the council, if an inspection must be completed, if there are any applicable fees and/or if there any other restrictions which may be relevant.

What are mobile food vending vehicles?

A mobile food vending vehicle is any means of transport, whether self-propelled or not or otherwise designed to be movable from place to place, and which is used for selling food, whether on land, sea or air.

It includes vehicles used for on-site food preparation (e.g. hamburgers, hot dogs and kebabs), one-step food preparation (e.g. popcorn, fairy floss, coffee and squeezing juices), and the sale of any type of food including pre-packaged food.

It does not include food vending machines or food transport vehicles.

These guidelines cover all types of mobile food vending vehicles. They are comprehensive and the checklist provided within the document can be used to double check compliance with the council requirements.

There are minimal requirements for mobile food vending vehicles selling only pre-packaged, low risk food.

Obligations on selling food

A person using a mobile food vending vehicle to store, prepare or sell food for human consumption, is deemed to be a 'food business'. This includes not-for-profit operations.

The Code defines a food business as any business or activity that involves the sale of food or the handling of any type of food for sale in Australia, with the exception of some primary food production activities.

A food business is required to sell safe and suitable food in accordance with the provisions of the NSW *Food Act 2003*, Food Regulation 2015 and Food Standards Code.

Note that 'food premises' includes 'vehicles'. Copies of the Food Standards Code (particularly 3.2.2 *Food Safety Practices and General Requirements* and 3.2.3. *Food Premises and Equipment*) are available on the Food Standards Australia New Zealand website at www.foodstandards.gov.au.



Failure to comply with the requirements may lead to enforcement action. Depending on the food safety risk identified, this action may include a warning letter, improvement notice, penalty notice, seizure, prohibition or prosecution. The NSW Food Authority and councils generally follow an escalating enforcement policy. For more information see <http://www.foodauthority.nsw.gov.au/ip/audits-and-compliance/compliance>

What agencies enforce the Act and Code?

In most cases, local councils are responsible for the food surveillance of the retail sector and enforce the requirements of the Act and Code; this includes food for retail sale from mobile food vending vehicles.

The Food Authority is only responsible for surveillance if there is processing of products that require a licence at that premises; such as:

- businesses that conduct food service to vulnerable persons
- high risk plant product businesses
- businesses that handle or process meat
- businesses that further process seafood
- businesses that handle shellfish
- dairy producers, factories and vendors
- businesses that produce or process eggs and egg related products



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Charities and community groups

Charities and community groups are those which do not derive funds for personal financial gain, but direct any profits back to the community (e.g. local sports clubs, Lions and Rotary clubs).

The *Food Act 2003* (NSW) and Food Standards Code apply to all food businesses including those selling food for charity or community purposes. It is always an offence to sell food that is unsafe or unsuitable. Charities and community groups are exempt from some requirements:

- Notification of food business is not required if food sold is not potentially hazardous (e.g. scones) or is to be consumed immediately after thorough cooking (e.g. sausage sizzle)
- Food Safety Supervisor requirements do not apply
- Some labelling requirements do not apply; however it is a requirement to provide information to customers on request about these allergenic ingredients:
 - Cereals containing gluten
 - Crustacean and their products
 - Fish and fish products
 - Egg and egg products
 - Milk and milk products
 - Peanuts and peanut products
 - Sesame seeds and sesame seed products
 - Soybean and soybean products
 - Tree nuts and tree nut products

Further information can be obtained from the NSW Food Authority or local councils.



Administration

Notification

Food businesses must be notified to the appropriate enforcement agency. Notification is important as it assists the Food Authority and councils in the case of food recalls and complaints, and enables them to contact businesses quickly if needed.

All food businesses in NSW must either:

- hold a current Food Authority licence (this applies only to specific food businesses in sectors covered by a Regulation under the *Food Act 2003* (NSW), or
- notify the appropriate enforcement agency, usually their local council, of their food activity details. This applies to almost all other food businesses and includes those involved in mobile food vending and businesses which sell any sort of food or food ingredient as any part of their business. It is required by the Code (Food Safety Standard 3.2.2).

The only exception to the above is not-for-profit fundraising events if there is sale of non-potentially hazardous food or food that is thoroughly cooked immediately before consumption (e.g. sausage sizzle). (See boxed section p6.)

Mobile food businesses need to notify the local council of their business and food activity details.

From 1 September 2015, notification is satisfied by notifying councils via applications for services, permits and approvals, and through rates notice registrations.

Information should also be sought from Roads and Maritime Services in NSW regarding approval to sell on, or at the side of roads.

Licensing

Mobile food vending vehicles do not require a Food Authority licence unless undertaking activities listed under section 1.3 of this document.

Council approvals

Local councils are generally responsible for the approval of mobile food vending vehicles. There may be costs associated with these approvals. Contact your local council for details.

The prior consent of every local council in whose area the vehicle will be used for storing, preparing or selling food, may be required. This includes street trading or operating on private land or public roads.

It is important to check the requirements with every local council you propose to work in prior to operation, as penalties may apply for not having the appropriate approvals.

Council approval may also be required for garaging or maintaining the mobile food vending vehicle at particular premises, especially where the premises are used for storing food supplies and equipment used in connection with the vehicle's food business operation.

Food Safety Supervisor

Food businesses operating mobile food vending vehicles may need to appoint a Food Safety Supervisor (FSS) (refer to section 5.10 of this document for details). Ensure an FSS is appointed and the FSS certificate is available in the vehicle before commencement of operation.



Inspections

Inspections of mobile food vending vehicles are conducted by council's environmental health officers (EHOs) who are authorised officers under the *Food Act 2003*. The frequency of inspection is at least once per year. They check that good food safety practices are in place, such as temperature control, cleanliness, hand washing and labelling (refer to checklist at end of this document).

If mobile food vending vehicles operate across council boundaries, most councils will use a home jurisdiction rule. This means the vehicle will probably first be inspected by the council in which the vehicle is ordinarily garaged, provided it also trades in that local government area. That council is known as the 'home council'.

If the vehicle does not trade in the local council area in which it is garaged, then it can be inspected by another council in which it first trades.

Other councils in which the vehicle trades are entitled to request to see a copy of the most recent inspection report (less than 12 months old) from the vehicle operator. If the report is satisfactory (i.e. only minor issues identified), the council EHO should not conduct a further inspection, unless there is a perceived risk to food safety and public health.

If a recent inspection report is not provided by the operator, is over 12 months old, or has a major non-compliance issue outstanding, then the council EHO has the discretion to carry out an inspection and charge an inspection fee.

Mobile food vending vehicle operators/proprietors are responsible for organising to have an inspection when they begin to trade, and providing a current inspection report to officers from another council in whose area they trade.

Carry your most recent inspection report with you whenever you are trading from your mobile food vending vehicle.

Fees and charges

The local council may charge fees for inspecting your food handling activities under the *Local government Act 1993*. The fee amount can vary between councils.

Councils can levy an annual administration charge under the *Food Act 2003*. Only a council that carries out an inspection is allowed to levy the annual administration charge. Non home councils are recommended not to levy the annual administration charge.

There may be other fees and charges levied by councils for vehicle approval to trade under other legislation. Check with the local council/s in which you trade to find out what fees and charges apply to you.



Conditions of operation

Maintenance

The vehicle and its associated fixtures, fittings and equipment must be kept clean and in a good state of repair and working order (i.e. free from dirt, fumes, smoke, foul odours and other contaminants).

Garbage and recyclable matter

Food business operators must ensure that:

- suitable and adequate garbage receptacles with close fitting lids are provided. When directed, a suitable receptacle shall be provided outside the vehicle for depositing take-away food containers and other litter
- arrangements are made to dispose of garbage content each day or more frequently when the need arises
- recyclable, re-useable or compostable products are used wherever possible

Animals and pests

Take all practicable measures to prevent pests (including birds, spiders and flying insects) from entering the food stall or coming into contact with any fixtures, equipment or parts of vehicles used to transport food.

Animals are not permitted to enter a food stall at any time. 'Assistance animals' are permitted in all public dining and drinking areas. (Assistance animals are guide dogs that are trained to help people with disabilities.)

It is recommended that a regular pest control program be used.

Children in food preparation areas

For health and safety reasons, children should not be permitted to enter a mobile food vehicle.

Water and ice

- a) Potable water (i.e. safe for human consumption) must be used for washing or preparing food or as an ingredient in food. Town water supplies are considered potable. Using water from other sources may be suitable, but this should be checked with the local council.
- b) Only materials of food-grade rating should be used to store water.
- c) Ice used to keep food cool or to add to food or drink must be potable.
- d) All hot water for washing purposes should be supplied from a suitable hot water system and should be piped so it can be mixed with cold water.

Waste disposal

The vehicle should be equipped with a waste water tank external to the vehicle, with a capacity of at least 50 litres, and have an outlet of sufficient diameter to facilitate easy flushing and cleaning.

Waste water must be disposed of lawfully. Please contact your local water authority prior to the event for advice.

Under no circumstances is liquid waste to be discharged on the ground or to a stormwater drainage system.

All sinks and wash hand basins should be provided with sanitary traps.



Electricity, gas supplies, fire extinguishers and work safety

- a) Food business operators should ensure there is sufficient supply of electricity for food handling operations, particularly hot and cold food holding and water heating.
- b) WorkCover NSW requires electrical appliances and leads to be tested at least annually and identification tags to be attached.
- c) All electrical work should be carried out by a licensed electrician and conform to Australian Standards.
- d) Gas should be installed by a licensed gasfitter and comply with the appropriate provisions of the Australian Standards.
- e) A current compliance plate should be fixed to the vehicle for new installations or for any changes made to the existing gas appliances.
- f) Gas-fired appliances used in the open should not have a gas bottle greater than 9 kg capacity and the bottle should be secured so that it cannot be tipped over. Gas bottles need to be pressure checked.
- g) A fire extinguisher and fire blanket should be supplied in every vehicle where cooking or heating processes are undertaken. Even if you are not responsible for starting a fire, you should be able to extinguish small fires.
- h) Fire safety equipment should be easily accessible in the event of a fire. The extinguisher should be suitable for dealing with the type of combustible materials present.
- i) Fire safety equipment should be tested annually and have current tagging in accordance with Australian Standards. Contact Fire and Rescue NSW for more information.
- j) All measures should be taken to satisfy required WorkCover NSW conditions to protect the health, safety and welfare of employees and patrons. Contact WorkCover NSW for more information.

Pollution prevention

Operations should not cause any harm to the environment (i.e. air, water, noise and surrounding land environments). This is a requirement under the *Protection of the Environment Operations Act 1997*. For example, waste water should be discharged into the sewer system not onto the ground. Contact the local council for more information.



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Facilities

Construction of vehicle

The design and construction of a mobile food vending vehicle must:

- be appropriate for the types of food stored, prepared and sold
- have adequate space for all activities and for all equipment to be used or stored
- allow easy cleaning and sanitising procedures of all structures and equipment
- prevent the entry of pests, dust, fumes, smoke and other contaminants where practicable
- exclude favourable sites for pests to harbour (live and breed)

The design and layout of a mobile food vending vehicle should be well planned and should take into consideration a range of key issues including but not limited to: maximising space without compromising food safety, using effective and durable construction materials, providing preparation and storage areas, hygiene requirements such as hand washing, and compliance with Food Safety Standards to ensure effective and acceptable operation.

Design principles should accommodate food safety flow of product and waste to minimise risks of food and equipment contamination. Separating particular processes must be considered including:

- raw and cooked foods
- hand washing facilities and utensil wash up areas
- storage facilities
- waste disposal areas

Separation of the driving compartment from food storage, handling and serving sections should be considered.

The constructional standards required are dependent on the type, extent and frequency of food handling operations. As these standards can vary widely, it is recommended that before constructing or using a vehicle to sell food, the local council be approached and a clear agreement reached.

Floors

Floors are to be constructed of materials which are impervious and durable.

The intersections of walls to floors should be without corners (coved): tight jointed, sealed and dust proof.

Floors should be graded to the doorsill or, alternatively, a floor waste with a screwed removable plug is to be provided.

Floors that are unlikely to pose any risk of contamination of food handled in the vehicle may be exempted from the constructional requirements of these guidelines provided the food business has obtained council approval.

Walls

Walls are to be provided where they are necessary to protect food from contamination.

Walls must be finished with materials suitable for activities conducted in the vehicle, and be easy to clean. Light coloured, high gloss, impervious surfaces are recommended.

Suitable wall materials in food preparation areas are stainless steel, aluminium sheeting, acrylic or laminated plastic sheeting or polyvinyl sheeting with welded seams.



Architraves, skirting boards, picture rails or similar protrusions should not be used on the walls.

Walls at the rear of cooking appliances should be surfaced with a material such as stainless steel, which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material should be lapped over the top edge of the appliance to provide a grease and vermin-proof seal. Cooking appliances should only be sealed to walls made of a non-combustible material.

A splashback should be installed to a minimum height of 300 mm above any bench, sink or hand basin and should be constructed using an impervious waterproof material.

Ceilings

Ceilings are to be provided where they are necessary to protect food from contamination.

Ceilings must be finished with impervious materials suitable for activities conducted in the vehicle, and be easy to clean. A light colour is recommended.

Where applicable, the ceiling height should be adequate to effectively conduct food handling activities.

Ceilings should be free of open joints, cracks and crevices.

The intersection of walls and ceilings should be tight jointed, sealed and dust proof.

Door and serving openings

All openings are to be fitted with close fitting doors and shutters where practicable to exclude dust, pests and other contaminants. These should be closed during transport.

Door and serving hatches should be finished internally with the same standard of material as the walls.

Pipes, conduits and wiring

Pipes, conduits and wiring should be concealed in or behind floors, walls and ceilings, or fixed on brackets providing at least 25 mm clearance between the pipe and adjacent surfaces, and 150 mm between the pipe or conduit and adjacent horizontal surfaces.

Service pipes, conduits and wiring should not be placed in the recessed toe space of plinths or equipment.

Equipment and appliances

Equipment should be either built in with no cavities, or mounted on castors capable of being easily moved to facilitate cleaning.

Cooking equipment should not be placed beneath windows, wall cupboards, serving openings, shelving or roof vents.

Lighting

Adequate lighting in accordance with Australian Standards is to be provided to ensure safe food handling.

In areas where exposed food is handled or stored, light fittings should be shatter-proof or fitted with suitable light diffusers (covers) to prevent contamination of food by broken light globe/tube glass.

Ventilation

There must be sufficient natural or mechanical ventilation to effectively remove fumes, smoke, steam and vapours.

Mechanical ventilation must comply with Australian Standards.

Storage racks should not be fitted above cooking and heating equipment as they can obstruct the airflow.



Hand washing facilities

A dedicated hand washing basin, separate from other facilities and used only for that purpose, must be provided.

Warm water is needed for effective hand washing. Hot and cold water must be delivered through a single outlet to a dedicated hand basin.

Liquid soap and single-use paper towels must be provided at, or near, the hand washing facility.

To allow easy cleaning of hands and arms the basin should be installed at bench height, not under a bench. It should not be obstructed by other equipment and appropriately fixed to the wall. Ideally an impervious splashback should be installed behind the basin.

An additional dedicated sink is required for washing of reusable eating and drinking dinnerware and tableware.



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Food handling

The requirements for handling food for sale for human consumption are outlined in 3.2.2 *Food Safety Practices and General Requirements* and 3.2.3 *Food Premises and Equipment* of the Food Standards Code. These are on the Food Standards Australia New Zealand website at www.foodstandards.gov.au.

The requirements also apply to pre-packaged food and low-risk food. Factsheets and user guides (including for charitable and community not-for-profit organisations) are available on the Food Authority website at www.foodauthority.nsw.gov.au.

Food suppliers

Obtain fresh produce and products from reputable suppliers, as generally they operate under strict quality guidelines. Keep copies of invoices for trace back if needed in the future.

Preparing food at home

Notification of food business details, construction, facilities, labelling and food handling requirements of the *Food Act 2003* apply equally to home situations as to commercial operations. This also applies to pre-packaged and low-risk produce and foods.

Approval to use homes for food handling may also be required by local councils. The local council should be contacted in these situations. The factsheet *Home based and mixed food businesses* is on the Food Authority's website.

Food storage

- a) Food businesses must ensure that all foods are stored so that they are protected from likely contamination and that the environmental conditions will not adversely affect the safety or suitability of the food.
- b) There must be separately located storage facilities for items such as chemicals, clothing and personal belongings that may contaminate food or food contact surfaces.
- c) Food should be stored at least 150 mm above the floor or in suitable containers and, where possible, kept out of direct sunlight.
- d) Ensure that potentially hazardous foods are received under temperature control and within their use-by date.
- e) Potentially hazardous foods such as poultry, meat, dairy products, seafood and egg-based products must be stored under temperature control. If intended to be stored frozen, the food must remain frozen during storage. (See guideline: *Potentially hazardous foods: Foods that require temperature control for safety*).
- f) Refrigeration facilities should be large enough to hold potentially hazardous foods under temperature control at all times. This may require the use of portable coolrooms. Do not overstock refrigerators or portable coolrooms as the air will not be able to circulate freely around the foods. Perishable cold foods should be kept cold.

Potentially hazardous foods and temperature control

One of the most common causes of foodborne illness is the storage and display of potentially hazardous foods at inadequate temperatures for extended periods. This can lead to the rapid and sustained growth of food poisoning bacteria.



Examples of potentially hazardous foods include:

- cooked meat
- dairy products
- seafood
- prepared salads, raw salad vegetables
- cooked rice and pasta
- processed soya bean products
- other processed foods containing eggs, beans, nuts or other protein-rich foods that contain any of the above foods such as sandwiches and quiches

A food business must, when storing and displaying potentially hazardous food, store it under temperature control. If the food is intended to be stored frozen ensure the food remains frozen during storage and display. Temperature control means maintaining cold food at a temperature of 5°C or below, or hot food at 60°C or above.

Canned and bottled foods, dried or pickled products and some other processed foods such as dried pasta, pasteurised juices and dried powder products, are not considered to be potentially hazardous unless opened or reconstituted.

All food businesses that handle potentially hazardous foods are required to have a readily accessible, accurate, probe-type thermometer (+/- 1°C accuracy). Ensure the thermometer probe is cleaned and sanitised before it is used. It is good practice to monitor the temperature of hot or cold foods under operating conditions to ensure adequate temperature control is being maintained.

Additional information on potentially hazardous food and its management can be found in *Potentially hazardous foods: Foods that require temperature control for safety* and *Food safety guidelines on applying the 4-hour/2-hour rule for temperature control* at www.foodauthority.nsw.gov.au.

Cross contamination

Adequate measures must be taken to prevent cross contamination from raw foods to cooked foods. This includes:

- ensuring there are separate utensils for cooked and raw meats, poultry and seafood,
- covering all food,
- keeping cooked meat and salads separate from raw meat, raw poultry, raw seafood and unwashed raw vegetables, and
- washing hands after handling raw meats, raw poultry, raw seafood and raw vegetables.

Food display

When displaying food, take all practicable measures to protect the food from likely contamination by customers, dust, fumes or pests. This may mean using plastic food wraps, sealed containers, sneeze barriers, food covers or other effective measures.

Crockery, wrappings and packaging

- a) Single-use, disposable eating and drinking utensils are recommended.
- b) Machine glasswashers or dishwashers are recommended if reusable dinnerware or tableware is used.
- c) Crockery or plastic wares that are chipped, cracked, broken or in a state of disrepair must not be used in connection with food.
- d) Packaging material must be suitable for food packaging and unlikely to cause food contamination. Only clean unprinted paper, food wraps or packaging must be used for wrapping or storing foodstuffs.

Single-use items

Single-use straws, eating utensils and other items that come into contact with food or the mouth of a person, must be protected from contamination until use and not re-used.

Skills and knowledge

All food businesses must ensure that their food handlers have skills and knowledge in food safety and food hygiene matters appropriate to their work activities.

Charitable and community not-for-profit organisations are exempt from this requirement if they sell foods that are not potentially hazardous (e.g. cakes without cream, biscuits, bottled jam or pickles), or foods which are to be consumed immediately after thorough cooking (e.g. sausage sizzles, hamburgers and spring rolls). (See boxed section p6.)

Food Safety Supervisor

In addition to basic skills and knowledge requirements for all food handlers, certain food businesses need to appoint one Food Safety Supervisor (FSS). The FSS requirement applies if your business is processing and selling food by retail that is:

- ready-to-eat, and
- potentially hazardous (i.e. requires temperature control), and
- unpackaged (i.e. not sold and served in the supplier's original package).

One FSS needs to be appointed for each food vending vehicle. A copy of the FSS certificate must be kept in the vehicle. You do not need to notify the local council of your FSS.

Mobile food vending vehicles which are garaged in another state are required to have an FSS certificate if operating in NSW. FSS certificates can be obtained from the Food Authority for a small fee upon submission of appropriate training documents.

For more information on Food Safety Supervisor requirements go to www.foodauthority.nsw.gov.au/fss

Staff illness

A person who is unwell or suffering from a contagious illness must not handle food for sale. Symptoms may include cold or flu symptoms, diarrhoea, vomiting, sore throat with fever, fever or jaundice and infectious skin conditions.

A food handler must notify their supervisor if they know or suspect that they may have contaminated food.

Requirements for food handlers

When engaged in any food handling operation, a food handler must:

- not contaminate food or food contact surfaces with their body or clothing,
- prevent unnecessary contact with ready-to-eat food,
- wear only clean outer clothing,
- cover all dressing and bandages on exposed body parts with a waterproof dressing,
- not eat over uncovered food or food contact surfaces,
- not sneeze, blow or cough over uncovered food or surfaces likely to come into contact with food,
- not spit, smoke or use tobacco while working in the food stall, and
- not urinate or defecate except in a toilet.

Hand washing

A food handler must wash his or her hands using soap and warm water, then dry them with single-use towels:

- before commencing or re-commencing handling food,
- immediately before handling ready-to-eat food after handling raw food,
- immediately after using the toilet,
- immediately after smoking, coughing, sneezing, using a handkerchief or tissue, eating, drinking or touching his or her hair, scalp or a body opening, and before using disposable gloves for handling food. If wearing gloves, you should change them as often as you are required to wash your hands.

Money handling/touching customers' hands when serving food

While the likelihood of contamination from customers' hands when exchanging money is low, consideration should be given to minimising the risk. Examples include using a disposable glove, or where sufficient staff is available, nominating one to handle money.

Cleaning and sanitising

- a) The vehicle must be maintained to a standard of cleanliness where there is no accumulation of garbage or recycled matter (except in appropriate containers), food waste, dirt, grease or other visible matter.
- b) All fixtures, fittings and equipment must be maintained and cleaned so there is no accumulation of food waste, dirt, grease or other visible matter.
- c) Eating and drinking utensils must be in a clean and sanitary condition immediately before each use.
- d) Bench tops, surfaces of equipment in contact with food, and storage appliances, must be kept in a clean and sanitary condition to reduce the likelihood of contaminating food. 'Sanitary' means cleaning first, followed by heat and/or chemical treatment at the right concentration, or some other process to reduce the number of bacteria to a level unlikely to compromise the safety of the food. 'Food-grade' chlorine-based sanitisers can be used for this purpose.
- e) The containers used for chemical storage should be appropriately labelled.
- f) Chemicals must not be stored near the food or any packaging likely to come in contact with food to avoid the risk of contamination.
- g) It is recommended that a documented cleaning schedule is devised and implemented.



Labelling

The following requirements are outlined in more detail in the Australia New Zealand Food Standards Code (FSC), which can be viewed on the website of Food Standards Australia New Zealand (FSANZ). For detailed advice on labelling requirements, please contact the Food Authority.

Pre-packaged products must be clearly labelled with:

- a) a description of the food, e.g. 'strawberry jam' or 'chocolate cake'
- b) the name and physical address of the supplier – a street address is needed, not a post office box number or email address
- c) production lot identification – this assists trace back of food products that may be the cause of a foodborne illness or other food safety issues (date coding can in some circumstances satisfy the requirement for a lot number)
- d) mandatory, advisory or warning statements (refer to Standard *1.2.3 Mandatory Warnings and Advisory Statements and Declarations* of the Food Standards Code) are required for the following:
 - royal jelly
 - the presence of these eight allergenic foods: peanuts, tree nuts, sesame seeds, crustaceans, eggs, fish, milk and soybeans; as well as gluten and added sulphites
 - presence of pollen, propolis, quinine and caffeine (added either as caffeine or guarana)
 - milk and milk substitute products advising that they are not suitable as a complete milk replacement in children under five
 - foods containing added phytosterols and phytosterols, advising about their appropriate consumption
 - foods containing aspartame, advising about the presence of phenylalanine
 - mandatory advisory statements on foods containing polyols and polydextrose, advising about the potential laxative effects if over consumed
 - unpasteurised goats milk (it is illegal to sell unpasteurised milk or dairy products in NSW, except for goats milk and products permitted under Standard *4.2.4A Primary Production and Processing Standard for Specific Cheeses* of the Food Standards Code)
- e) a list of ingredients including added water in descending order by ingoing weight
- f) date marking, e.g. 'best before' date to indicate how long the food will keep. (Note that some foods require a 'use-by' date and must not be sold after that date. Packaged foods that need to be consumed within a particular time period for health and safety reasons should carry date marking in the form of a use-by date, along with other labelling details)
- g) storage conditions, if these are needed for health and safety reasons, or to achieve its stated storage life, e.g. 'Keep refrigerated'
- h) nutrition information panel – most packaged food should display a nutrition information panel (NIP), however some foods are exempt from this requirement
- i) characterising ingredient – a characterising ingredient (% labelling) means it is mentioned in the name of the food. For example, with strawberry jam, the label should show the percentage (%) of strawberries in the ingredient list
- j) the country in which the food was made, produced or packaged, and whether it contains imported and/or local ingredients



While unpackaged foods are exempt from most labelling requirements, consumers who have known allergies need to know if a particular ingredient is present in the food they are eating. Standard 1.2.3 of the [Food Standards Code](#) requires warning statement of the presence of royal jelly to be displayed on, or near, the food containing it.

The presence of the other allergenic foods – listed under item d) above – needs to be indicated either by a display on or near the food, or declared to the purchaser on request. The presence of certain other foods, such as bee pollen, propolis, aspartame, guarana and phytosterols, trigger requirements for specific advisory statements.

Information about these requirements can be found in Standard *1.2.3 Mandatory Warning and Advisory Statements and Declarations* of the [Food Standards Code](#).

Food sold at stalls that raise money solely for charitable or community causes, and not for personal financial gain, are exempt from labelling requirements, with the exception of the need to declare the presence of royal jelly. The presence of allergens, the directions for storage and use and the country of origin of seafood, pork and fresh fruit and vegetables need to be provided on request.



Checklist for mobile food vendor vehicles

This checklist is designed as a summary of the key issues for operators of mobile food vending vehicles. These requirements are based on the Food Safety Standards.

Construction and operation	✓
The vehicle's design and layout is appropriate for the intended use	
Driving compartment is separate to food area (recommended)	
Floors are impervious and easy to clean	
Construction and finish of wall and ceiling surfaces are satisfactory	
Cupboards and counter surfaces are satisfactory	
Design of cupboards and counters facilitates easy cleaning underneath and behind	
Openings are protected to minimise entry of dust, pests and other contaminants	
Adequate supply of potable water is available in the vehicle. Note: 'adequate' means enough potable water to ensure effective hand and utensil washing	
The vehicle has an accessible hand wash basin at all times	
The vehicle has liquid soap, single-use towels and warm water available at the hand wash basin(s)	
Ventilation is sufficient to remove fumes, smoke, steam and vapours	
Artificial lighting is adequate	
Waste disposal systems are satisfactory	
The vehicle and equipment are in a good state of repair and working order	
General food safety requirements	✓
Food is obtained from reputable suppliers	
Food is protected from contamination during transportation	
Food is packaged in a manner and using materials that protects it from contamination	
Potentially hazardous foods are only received at the correct temperature and within date coding	
Raw food is stored separately from prepared or ready-to-eat food	
The refrigerator or microwave oven is used when thawing frozen food	



Construction and operation	✓
Cold, ready-to-eat, potentially hazardous food is stored at or below 5oC	
Hot, ready-to-eat, potentially hazardous food is stored at or above 60oC	✓
Frozen food to be kept frozen is stored frozen	✓
Raw food is handled so as not to contaminate ready-to-eat food. Separate utensils are used during food processing (e.g. the utensils used for preparing raw meat are not used for preparing cooked meat or vegetables)	
When cooling cooked, potentially hazardous food, it is cooled: from 60°C to 21°C within two hours, and from 21°C to 5°C within a further four hours	
When heating potentially hazardous food, it is rapidly heated to 60oC or higher	
Potentially hazardous food is kept under temperature control	
There is a thermometer available where potentially hazardous food is handled (e.g. probe type accurate to +/- 1°C), and regular temperature checks are made	
Chemicals are kept away from food handling areas	
Food handling areas are kept free from dirt, dust, flies, pests and other contaminants	
The hand wash facility is only used for hand washing	
Administrative items and personal items are stored away from food	
Food handler hygiene	✓
Staff have appropriate food safety skills and knowledge	
Food handlers have been informed of their health and hygiene obligations	
Staff who are suffering from foodborne illness are to be excluded from food handling until a medical clearance has been obtained	
Staff wear clean clothing and have hygienic habits	
Food handlers wash their hands adequately and at appropriate times	
Food handlers are not contaminating food	
Cleaning and maintenance	✓
Floor, walls, ceiling, fixtures, fittings and equipment are maintained in a clean condition	
Re-usable eating and drinking utensils are cleaned and sanitised before each use	



Construction and operation	✓
Food contact surfaces of benches and equipment are sanitised before use and as required	
The vehicle and equipment are kept in a good state of repair and working order	
Containers for waste have close fitting lids and are removed at least daily or as required	
The vehicle is free from animals and pests. It is recommended that a regular pest control program be used	
Appropriate WorkCover requirements are met (i.e. fire safety, electrical and gas)	
Other necessary information	✓
Have you investigated restrictions on street or roadside trading?	
Have you enquired about inspection fees and council approval?	
Have you enquired about the appropriate public indemnity insurance?	



Contact information

Please contact your local council in the first instance, or the NSW Food Authority for further information.

NSW Councils

Website: <https://www.olg.nsw.gov.au/public/my-local-council/find-my-council>

NSW Food Authority

Tel: 1300 552 406

Fax: 02 9647 0026

Website: www.foodauthority.nsw.gov.au

Email: contact@foodauthority.nsw.gov.au

Food Standards Australia New Zealand

Website: www.foodstandards.gov.au/

Food safety fact sheets:

www.foodstandards.gov.au/science/Pages/default.aspx

WorkCover NSW

Tel: 02 4321 5000

Fax: 02 4325 4145

Website: **Error! Hyperlink reference not valid.**

Fire and Rescue NSW

Tel: 02 9265 2999

Fax: 02 9265 2988

Business hours: 9.00 am to 5.00 pm

Website: www.fire.nsw.gov.au/



Department of
Primary Industries
Food Authority

Key definitions

Adequate supply of water

Potable water available at a volume, pressure and temperature adequate for the purposes for which the water is used.

Australian/New Zealand Standards

Australian Standard/New Zealand Standards are documents which are referenced by legislation to provide more detail on requirements and technical procedures. These standards can be purchased from Standards Australia on 1300 654 646 or by visiting its website at www.standards.com.au.

Coving

A curved junction between the floor and the wall.

Equipment

A machine, instrument, apparatus, utensil or appliance – other than a single use item – used or intended to be used in connection with food handling; includes any equipment used or intended to be used to clean the food premises or equipment.

Food business

A business, enterprise or activity (other than primary food production) that involves:

- handling of food intended for sale, or
- sale of food regardless of whether 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.

Food handler

Any person who directly engages in the handling of food, or who handles surfaces likely to come into contact with food for a food business.

Food premises/Vending vehicle

Any premises including land vehicles, parts of structures, tents stalls and other temporary structures, boats, pontoons, including premises used principally as a private dwelling; but not food vending machines or vehicles used only to transport food.

Food Safety Standards

These are part of the Food Standards Code (under the *NSW Food Act 2003* and Food Regulation 2015). They define requirements for food premises (which include vehicles), food handling practices, structural requirements and labelling.

Handling of food

Includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, cooking, thawing, serving or displaying of food.



Home council

The home council is the one in which the mobile food vending vehicle is ordinarily garaged. The vehicle will probably first be inspected by the home council, provided it trades in that local government area.

Home jurisdiction rule

If mobile food vending vehicles trades across council boundaries, including its home council, most councils will use a home jurisdiction rule. This means that the home council will be the one to normally carry out the first food inspection on a mobile food vending vehicle, and be the one to levy the annual administration charge.

Subsequent council areas where the vehicle operates are recommended by the Food Authority not to levy the annual administration charge, and only inspect under conditions described under section 2.5 of this document.

Potable water

Water suitable (safe) for drinking

Potentially hazardous food

Food that has to be kept at certain temperatures to minimise the growth of any pathogenic microorganisms that may be present in the food and/or to prevent the formation of toxins. This may include meat, seafood, dairy products, orange juice and cooked rice.

Sanitising

A process that significantly reduces the number of microorganisms present on a surface. This is usually achieved by the use of both heat and water, or by chemicals.

Sell means:

- barter, offer or attempt to sell, or
- receive for sale, or
- have in possession, display, send, forward or deliver for sale, or
- dispose of for valuable consideration, or
- dispose to an agent for sale on consignment, or
- provide under contract of service, or
- supply food as a meal or part of a meal to an employee for consumption at work, or
- dispose of by way of raffle, lottery or other game of chance, or
- offer as a prize or reward, or
- give away for the purpose of advertisement or in furtherance of trade, or
- supply under a contract with accommodation, service or entertainment, or
- give the food away from a food business to a person, or
- sell for the purpose of resale.



Sewage

Discharge from toilets, urinals, basins, showers, sinks and dishwashers through a sewer or other means

Sinks

Includes sinks for food preparation, cleaner's sink, utensil and equipment washing and personal hand washing basins

Temperature control

Maintaining food at a temperature of:

- 5°C or below if this is necessary to minimise the growth of infectious or toxigenic microorganisms in the food so that the microbiological safety of the food will not be adversely affected for the time the food is at that temperature, or
- 60°C or above, or
- another temperature – if the business demonstrates that maintenance of the food at this temperature for the period of time for which it is so maintained will not adversely affect the microbiological safety of the food.

Unsafe and unsuitable food

Food is considered unsafe if it is likely to cause physical harm to a person who might later consume it, assuming they treated the food correctly after purchase.

Food is considered unsuitable if it is damaged, deteriorated or perished to an extent that affects its intended use, e.g. out of date, poor maintenance or poor storage of chemicals or contains a substance that is foreign to the nature of the food (i.e. foreign matter or chemicals which may have fallen into the food).

Warm water

Not hotter than 50°C in order to comply with Australian/New Zealand Standard 3500.4.2 (Plumbing and drainage: Part 4 – heated water services)



Department of
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PO Box 6682, Silverwater NSW 1811

T 1300 552 406

contact@foodauthority.nsw.gov.au

ABN 47 080 404 416

More resources at foodauthority.nsw.gov.au



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[nswfoodauth](https://twitter.com/nswfoodauth)

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