



Guidelines for **Temporary Food Stalls**

About this Guide

Food prepared or sold from markets or outdoor events must comply with food safety laws.

While the temporary nature of these events means you don't have to meet all the legal requirements, certain minimum requirements are still necessary. This is to ensure Tasmanians are eating food that has been safely stored, prepared, cooked and served.

This guide has been developed for individuals, businesses, charities and community organisations that operate temporary food stalls. It clearly sets out what you have to do to comply with the *Food Act 2003* and the relevant provisions of the Australia New Zealand Food Standards Code.

If you are planning to operate a temporary food stall, we recommend you contact a Council Environmental Health Officer (EHO), as you may need to register.

What is a Temporary Food Stall?

A temporary food stall is a temporary arrangement of equipment and appliances from which food is sold, and which is set up for a specific, occasional event lasting no more than 10 consecutive days. A stall may be a booth, tent, marquee or other temporary equipment, such as a trestle table and barbecue. It may also be a fundraising barbecue or stall that operates from an existing building, such as community centre or hall.

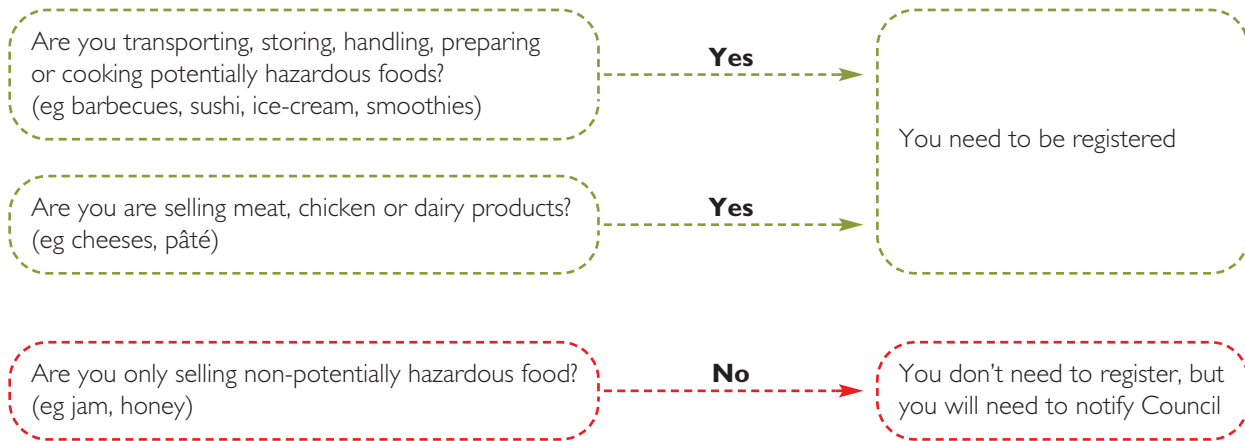


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Registration Requirements

You need to notify Council if you intend to operate a temporary food stall. You may also need to apply for a temporary food business registration if you intend to sell potentially hazardous foods. See explanation below.



If you are a registered mobile food vehicle (ie food van) you do not need to obtain a temporary food registration from the Council where the event is held. Registrations of food vehicles are statewide.

If you are unsure if you need to register, contact a Council EHO.

Potentially Hazardous Foods

Foods are potentially hazardous if they have to be kept at certain temperatures to minimise the growth of bacteria that may be present in the food, or to prevent toxins forming.

Foods that are potentially hazardous include:

- raw and ready-to-eat meat and fish and any foods made of these items, such as ham, pies, fish fingers
- milks and food containing milk such as cream, custard, dairy-based desserts
- cooked rice and pasta
- ready-to-eat foods such as salads, cut fruit and vegetables
- ready-to-eat meals such as lasagne, curry, sushi and salad sandwiches.



Guidelines for Stall Construction and Location

Adequate space

Give adequate space for all equipment, food, food contact surfaces and the activities conducted on site. This is to prevent food or food contact surfaces getting contaminated.

Site selection

Select a site which is level, dry under foot and in an area where the wind is not able to blow dust or other contaminants onto food or food contact surfaces.

Floors, walls and ceilings

If outdoors, make sure your stall has three sides and a ceiling designed to maintain adequate ventilation and to protect food. Stalls must be constructed of a smooth and impervious material that is easy to clean and does not present a risk to health and safety. Where possible, all wall, floor and ceiling joints should be seamless to aid effective cleaning.

You can set up a stall on grass or concrete, provided it does not pose a risk to food safety. Alternatively, you must use a smooth and impervious floor covering, such as a groundsheet.

Some outside stalls may not need side walls. But they must:

- have a roof
- be located in an area protected from dust, fumes, etc
- be selling low risk pre-packaged foods, or be a fundraising barbecue that operates for no longer than six hours.

Some stalls may require a temporary occupancy permit, although you won't need a permit if your structure meets one of the exemptions in the 'Director's Determination Exemptions from Temporary Occupancy Permit'. See Appendix 1.

If you are unsure, please contact a Council Building Department.

Equipment, fixtures and fittings

Use equipment, fixtures and fittings constructed of smooth and impervious material to aid easy and effective cleaning.

Ventilation

Provide adequate ventilation to prevent the build-up of steam, mould and fumes.

Stall layout

In some instances, you may have to submit a floor plan with your registration application showing all benches, cooking equipment and hand washing facilities. If you are unsure, please contact your Council EHO.

Other considerations

Other requirements relating to fire, structural, electrical and gas safety may apply. For more information, contact a Council Building Department or a building surveyor.

Guidelines for Washing Facilities

Hand washing facilities

Provide a hand washing facility within the stall, with warm running potable water from a single spout. You must also have sufficient liquid soap and single use paper towel. (See *diagram on page 5*.)

The facility can be simple. As a minimum, you must have a 20-litre water container with a tap, a bucket to collect wastewater, liquid soap and paper towel. Alternatively, portable hand washing and equipment washing stations can be hired (eg from businesses that hire out portable toilets).

The water must be warm. In exceptional circumstances, cold water may be permitted. But this must be discussed and pre-arranged with a Council EHO.

Hand sanitisers

Hand sanitiser can be used in conjunction with hand washing with liquid soap and water, but it is not permitted alone. The use of hand sanitisers cannot replace liquid soap and water as they perform different functions:

- Soap breaks down fat, grease and dirt, allowing bacteria to be washed off.
- Hand sanitisers kill bacteria on the surface of hands but not under grease and dirt.

Equipment washing facilities

A separate facility must be provided to wash equipment. To collect wastewater, you must have at least a 20-litre water container with a tap and a bucket. The container must be large enough to effectively wash the largest piece of equipment. The facility must be supplied with warm water to allow adequate cleaning of all equipment. (See *diagram on page 5*.)

Alternatively, equipment may be taken off site and washed and sanitised in a suitably sized double bowl sink or suitable dishwasher. This is provided the storage of dirty equipment in the stall does not pose a risk to food or food contact surfaces.

All equipment and utensils must be cleaned and sanitised before being stored in a manner that protects them from contamination.

Guidelines for Waste Management

Provide a refuse container with a fitted lid and bin liner for the disposal of waste. It must be stored in a location that does not allow contamination of food or food contact surfaces.

You must also provide adequate refuse bins near the stall for the public to dispose of used takeaway food containers and other waste. Adequate arrangements must be made for the storage and removal of refuse generated inside and outside the food stall.

Waste oil must be stored in a container labelled 'Waste Oil Only' and disposed of at an approved waste transfer station.

Wastewater

You must have provision to collect and dispose of wastewater. These provisions may differ across the state, so please contact your Council for more information. If you need to store the wastewater in a container during the event, the container must be clearly labelled 'Wastewater Only'.

Operational Requirements

Protection of food

Use disposable gloves or utensils to serve ready-to-eat food. It must not be touched with bare hands. Provide tongs or spoons for salads and other ready-to-eat items.

Provide single-use eating/drinking utensils and keep them adequately protected from contamination. Provide sauce, mustard and other condiments in squeeze-type dispensers or individual sealed packets.

It is good practice to separate duties for staff, such as ensuring one food handler handles money and another prepares food.

Food samples

Food given away as samples is deemed as sold under the provisions of the *Food Act 2003* and must be:

- adequately supervised by a staff member
- covered with a protective barrier to minimise the likelihood of contamination
- labelled with signage to indicate 'no double dipping' or 'single serve only'.

Single-use sampling utensils, such as toothpicks or spoons, must be stored in a container that is separate from used sampling utensils. The container must be labelled to clearly indicate this to the customer.

Food displays

All food on display must be either:

- wrapped or packaged
- enclosed in a suitable display cabinet
- protected by a physical barrier such as a sneeze guard
- located so as not to be openly accessible to the public.

Tea, coffee, cordial and other beverages must be dispensed from an enclosed or lidded receptacle equipped with a tap or spout.

Food supply

- Source foods from licensed and reputable companies.
- Purchase food as close to the event as possible to avoid need for storage and reduce transportation times.
- Source foods on the way to the event where possible.

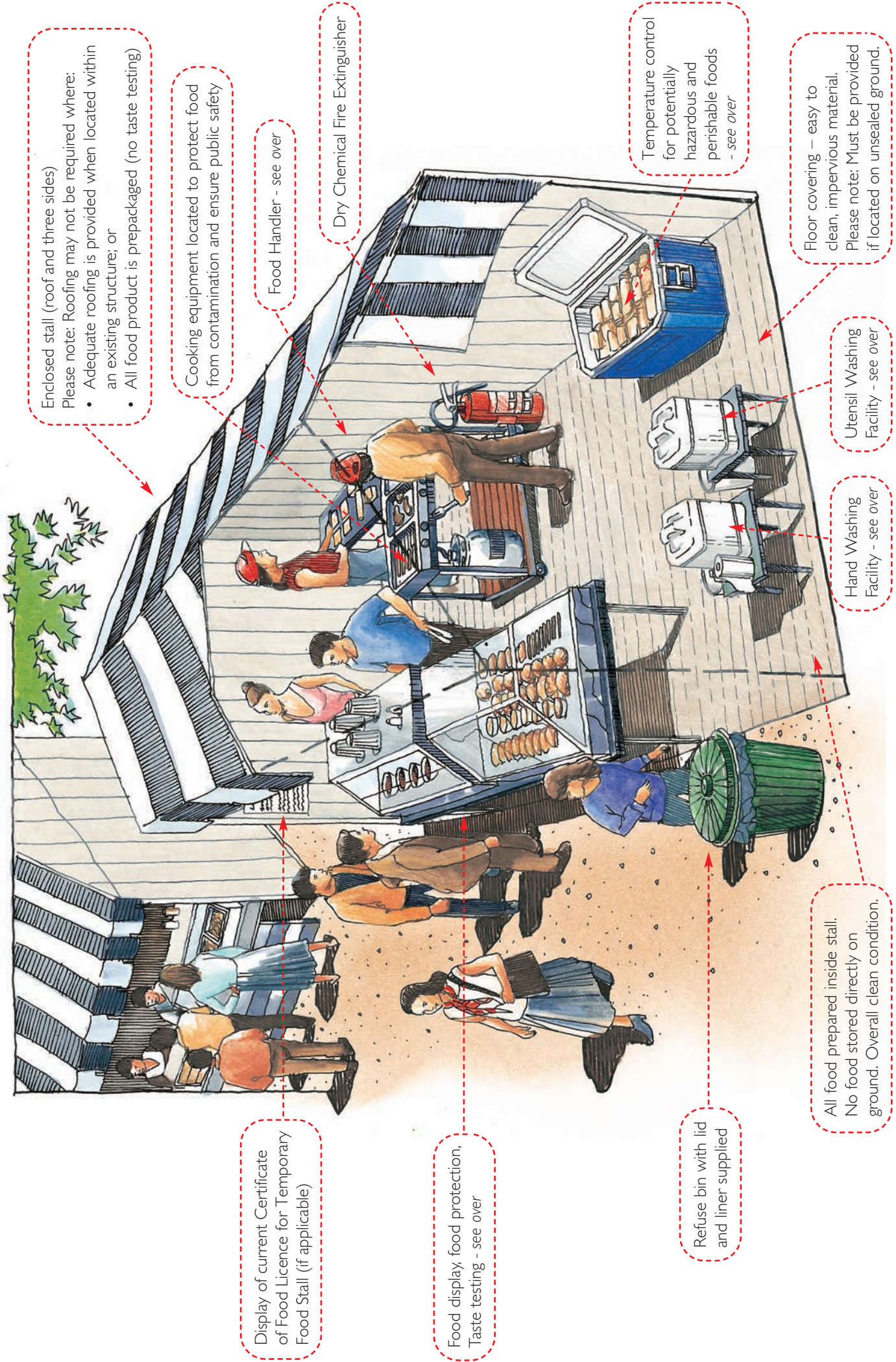
Transporting food

- All food must be transported so that it is protected from contamination.
- Potentially hazardous foods must be transported under temperature control. For example, in an esky with ice.
- All containers, portable coolers and parts of vehicles used to transport food must be washed and sanitised before and after use.
- Transport raw meats in separate containers from ready-to-eat products such as salads and bread.

Food storage

- No food is to be stored directly on the ground.
- All food stored inside the stall must be at least 150 millimetres above the ground and be wrapped, packaged or kept in enclosed containers.
- All stored food must be covered or in sealed containers.
- Raw and ready-to-eat foods must be separated to prevent cross-contamination.

Minimum Standards for the Operation of a Temporary Food Stall



Enclosed stall (roof and three sides)

Please note: Roofing may not be required where:

- Adequate roofing is provided when located within an existing structure; or
- All food product is prepackaged (no taste testing)

Cooking equipment located to protect food from contamination and ensure public safety

Food Handler - see over

Dry Chemical Fire Extinguisher

Temperature control for potentially hazardous and perishable foods - see over

Floor covering - easy to clean, impervious material. Please note: Must be provided if located on unsealed ground.

Utensil Washing Facility - see over

Hand Washing Facility - see over

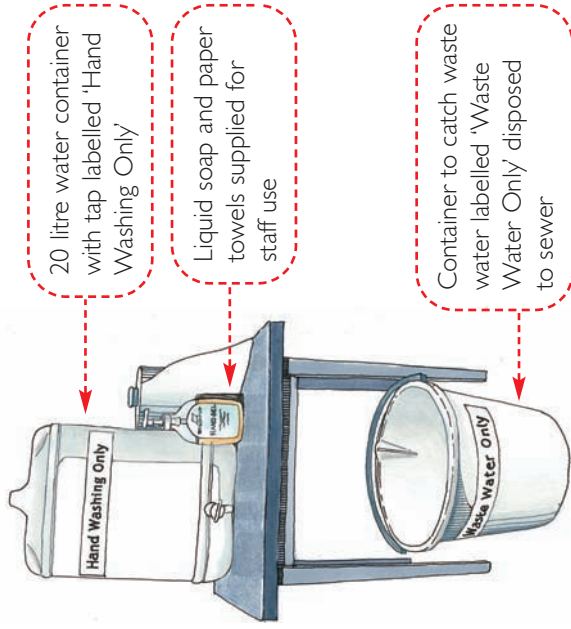
Display of current Certificate of Food Licence for Temporary Food Stall (if applicable)

Food display food protection, Taste testing - see over

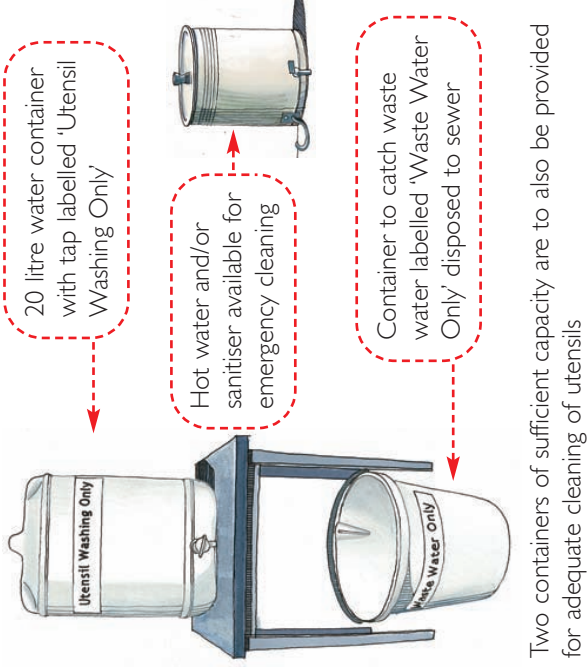
Refuse bin with lid and liner supplied

All food prepared inside stall. No food stored directly on ground. Overall clean condition.

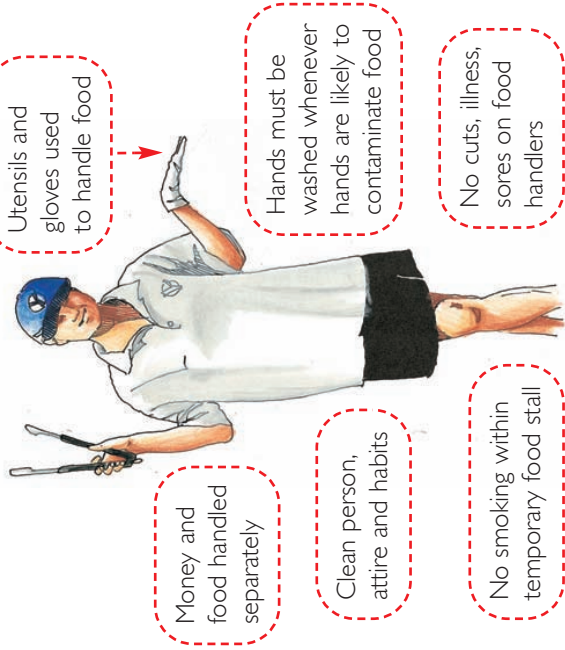
Minimum hand washing facilities



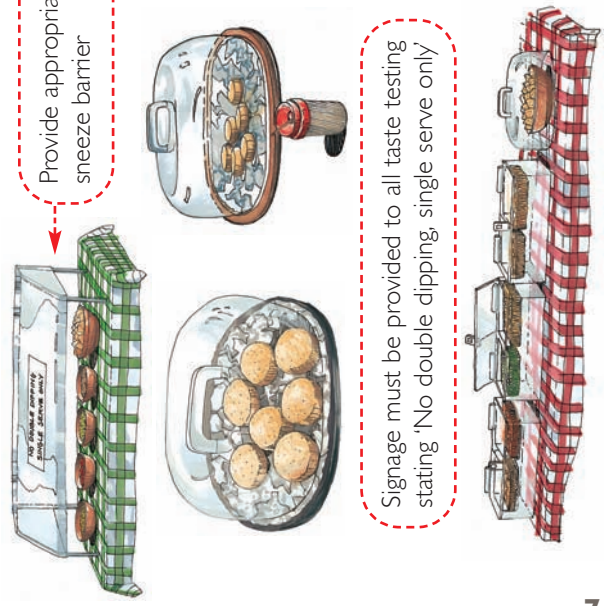
Minimum utensil washing facilities



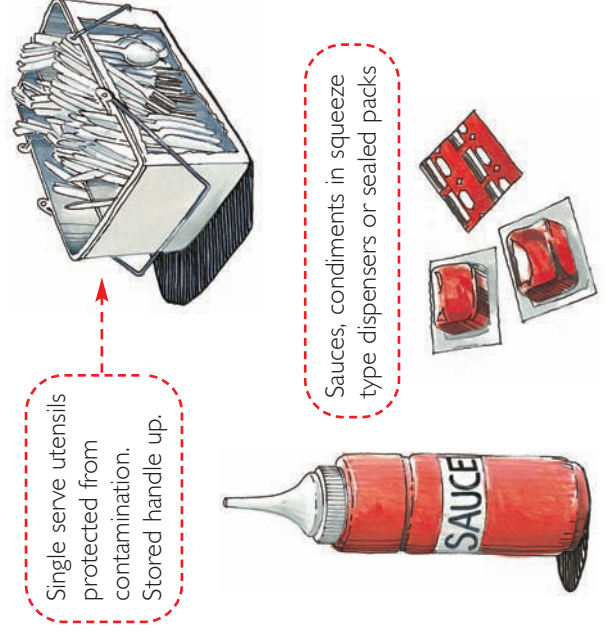
Food handlers



Food display, food protection, taste testing



Sauces, condiments and single serve utensils



Temperature control of potentially hazardous food



Food Handling and Hygiene Requirements

Temperature control

- All cold foods (including raw and cooked meats, prepared salads and dairy products) must be stored at or below 5°C.
- All hot foods must be stored at or above 60°C.
- All frozen food must be kept frozen solid.
- A food grade probe thermometer must be readily available for testing the temperature of food products. The thermometer must be accurate to +/- 1°C.
- All takeaway food prepared at the food stall must be served immediately unless there is a suitable food warmer or cold cabinet display.
- Pre-prepared food products or pre-cooked foods which promote bacterial growth must be stored and displayed at a temperature at or below 5°C.
- Ready-to-eat potentially hazardous food can be kept between 5°C and 60°C for a short amount of time using the two hour/four hour rule:
 - ~ For a total of less than two hours – refrigerate or use immediately.
 - ~ For a total of between two and four hours – use immediately.
 - ~ For a total of four hours – must be thrown out.

Note: if compliance with the two hour/four hour rule cannot be demonstrated, a Council EHO may require you to discard the product. To document compliance you must note the amount of time the product has been between 5°C and 60°C. For example, when displaying food you could write down the time the food came out of the refrigerator and the time it needs to be discarded.

Cooking, reheating and cooling food

- Where cooking is carried out adequate provisions must be made to protect the walls, floors and ceiling from heat, flame and splashing.
- All hot food must be re-heated to an internal temperature of 60°C before serving.
- When cooling cooked potentially hazardous foods, cool the food:
 - ~ within two hours – from 60°C to 21°C
 - ~ within a further four hours – from 21°C to 5°C.

Labelling

Pre-packaged food sold for commercial purposes must be labelled in accordance with the Australia New Zealand Food Standards Code.

A guide for food labelling (including community or charity organisations) can be viewed at: www.foodstandards.gov.au

Skills and knowledge

All food handlers must have appropriate skills and knowledge in food safety and hygiene matters relevant to their work activities. The proprietor of a temporary food stall may be required to demonstrate adequate food safety knowledge to a Council EHO as part of the registration process.

Health and hygiene of food handlers

- Hands must be washed regularly, including after:
 - ~ using the toilet
 - ~ blowing your nose
 - ~ taking breaks
 - ~ handling different types of food products
 - ~ any other activity that has the likelihood to contaminate hands, food or food contact surfaces.
- All food handlers must have good personal hygiene and clean clothing.
- All open wounds must be covered with a coloured waterproof dressing. If the wound is on the hand, the hand must also be covered with a disposable glove.
- Food handlers must not smoke in or around the food stall.
- Disposable gloves should be changed frequently and hands washed with liquid soap and water.
- When unpackaged food is handled aprons should preferably be worn and long hair should be tied back or held in a hair net.
- No person suffering gastro symptoms or has suffered gastro symptoms in the previous 48 hours is permitted to handle food.

Cleaning and sanitising of surfaces

All equipment and food contact surfaces in the food stall must be cleaned and sanitised both before and after use. Walls, floor and ceiling covering must be cleaned daily, or more frequently if they pose a risk of contamination to food or food contact surfaces.

The correct cleaning steps for food contact surfaces are as follows:

1. Wipe away any food scraps and rinse with water.
2. Wash with hot water and detergent to remove any grease.
3. Rinse off any loose dirt or detergent foam with clean water.
4. Sanitise using a food grade sanitiser.
5. If instructions require rinsing of the sanitiser, do so.

Please note: it is important to follow the manufacturer's instructions. All chemicals and cleaning equipment must be stored away from food and food contact surfaces.



Healthy Options

Thinking about making your menu healthier?

Here are some ideas to get you started:

- Provide wholegrain options where possible. For example, wholemeal bread at sausage sizzles.
- Consider ways of adding vegetables, like onion, tomato and lettuce to burgers, or try barbecuing vegies like corn on the cob, zucchini, mushroom, eggplant or capsicum.
- Work with your butcher to add grated vegies to meat products.
- Serve a selection of salads, such as pasta or potato salad.
- Provide plenty of water to drink rather than soft drinks.
- Choose lean cuts of meat – lean rump steak, skinless chicken or kangaroo fillets are great options.
- Offer vegie options, such as vegie burgers.
- Jacket potatoes are a popular favourite; offer fillings such as coleslaw.
- Consider ways to use low fat cooking such as steaming, baking or grilling.
- Offer lower fat mayonnaise and sauces.
- Rather than sugary ice-creams or confectionery, try fruit-based desserts such as fruit skewers or salad and low fat yoghurt.



Building Act 2000

Director's Determination

Exemptions from Temporary Occupancy Permit

Under Regulation 38 of the *Building Regulations 2004*, I determine that the following temporary structures, which are erected for not more than 10 days at one time, do not require a Temporary Occupancy Permit:

1. A booth, tent or gazebo with a maximum area of 20m², which-
 - (a) is open on at least one side when occupied; **and**
 - (b) does not contain an ignitable fuel source; **and**
 - (c) is at least 1.8 m from a mobile food premises.

2. A booth, tent or gazebo as described in clause 1, which is part of a group of such temporary structures, provided that –
 - (a) the area of the group does not exceed 80m²; **and**
 - (b) the group is located at least 1.8m from any other booth, tent, building, structure or mobile food premises.

3. A booth, tent or gazebo with a maximum area of 10m², which -
 - (a) contains an ignitable fuel source; **and**
 - (b) which is open on at least one side when occupied; **and**
 - (c) is located at least 1.8m from any other booth, tent, building, structure or mobile food premises.



L Mark Smith
DIRECTOR OF BUILDING CONTROL

20 December 2006



DEPARTMENT of JUSTICE
WORKPLACE STANDARDS TASMANIA

ADVISORY INFORMATION

DIRECTOR OF BUILDING CONTROL'S DETERMINATION – TEMPORARY OCCUPANCY PERMITS - 20 DECEMBER 2006

Under the *Building Act 2000* a general manager of a council is responsible for issuing Temporary Occupancy Permits (TOP). A general manager may issue a TOP if satisfied that the building or temporary structure is suitable for occupation. In 2006 the Director initiated an amendment to Regulation 38 of the *Building Regulations 2004* which provided for additional exemptions from the requirement for a TOP to be determined by the Director, for tents, other temporary structures or buildings, that are of a type or for a purpose or that meet other criteria.

It is proposed to introduce the Determination in stages, concentrating first on the smaller examples of temporary structures, which will ease the administrative burden where it is most needed. The temporary structures to be initially exempted are tents, booths and gazebos with a maximum area of 20m² and which satisfy certain other criteria such as separation distances from other structures.

- **Clause 1** of the Determination states that booths, tents and gazebos up to a maximum area of 20m² do not require a TOP. The reference to mobile food premises and the required separation distance of 1.8m is to protect temporary structures from the risk associated with fire occurring in a food van due to accidental gas or oil ignition.
- It is likely that in a market situation, a number of smaller stalls and gazebos may form a group, and **Clause 2** of the Determination recognises that safety is enhanced if group size is limited and that groups of temporary structures are separated by a defined distance from other temporary structures or groups.
- It is likely that at some events, a temporary structure may be used to house the making and serving of hot food, **Clause 3** of the Determination recognises the need to separate a structure containing an ignitable fuel source from adjacent structures, to minimise the risk of spread of flame in the event of a gas malfunction or flashover in hot fat. The smaller size limit on this structure is to ensure that it only houses the food preparation process and that passers-by do not occupy the space as well.

Regardless of the requirement or otherwise for a TOP, stall owners, stallholders and event managers need to be aware that the provisions of the Building Code of Australia still apply to temporary structures and that they have a duty to ensure compliance.

L. Mark Smith
DIRECTOR OF BUILDING CONTROL

More Information

For more information, contact a Council EHO or go to:

Department of Health and Human Services

www.dhhs.tas.gov.au/peh/food_safety

Food Act 2003

www.thelaw.tas.gov.au

Food Safety Standards

www.foodstandards.gov.au



Population Health

Department of Health and Human Services

www.dhhs.tas.gov.au/peh/food_safety

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