



Food legislation: What it means for schools

- Introduction
- Food safety requirements
- Food labelling requirements
- Useful resources
- Sources of information

Food safety requirements

INTRODUCTION

Schools need to be aware of legislation related to food and seek advice where appropriate. It may impact on food-handling in school canteens, catering classes, fundraising events, food stalls at school fetes and school boarding facilities.

FOOD SAFETY REQUIREMENTS

The following standards legally apply to all food businesses in Australia:

- Australia New Zealand Food Standards Code:
 - Food Safety Standard 3.1.1 Interpretation and Application
 - Food Safety Standard 3.2.1 Food Safety Programs* (see page 80)
 - Food Safety Standard 3.2.2 Food Safety Practices and General Requirements
 - Food Safety Standard 3.2.3 Food Premises and Equipment.

Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 apply to every Australian 'food business' that 'sells' food, with the exception of those involved solely in primary production. The definitions of 'food business' and the 'sale' determine whether the requirements apply to the school context. These terms are legally defined in Standard 3.1.1 Interpretation and Application and state or territory food acts. The following explanations are a guide only.

- A 'food business' includes school canteens, fundraising events (such as pie drives, cake stalls, multicultural festivals), school catering (such as providing lunch on excursions or camps) or anywhere food is 'sold'.
- The term 'sold' has a very broad meaning in the standards and includes:
 - food that is given away for the purpose of advertisement
 - food that is provided as part of a service or contract (such as meals provided in a boarding facility)
 - food for raffles or offered as a prize.

School activities subject to food safety legislation

School activities that may be subject to food safety legislation include:

- food that is sold or offered for sale, such as from a school canteen
- food supplied together with accommodation, service or entertainment, in consideration of an inclusive charge for the food, such as:
 - meals provided in a boarding facility
 - food provided as part of after-school child-minding or care services, where a fee is charged for such a service
 - catering at a school function where a fee is charged that incorporates the cost of the meal
- food provided as a meal to an employee in accordance with a term of an award governing the employment of the employee or employee's contract of service
- food sold or handled at fundraising events such as a school fete
- food for raffles or offered as a prize or reward.

School activities not likely to be covered by food safety legislation include:

- school lunches brought from home
- food provided by a family for their child to share at a school social event
- food prepared and consumed as a teaching activity (seek advice if the food prepared will be sold)
- food provided at a function for which there is no charge.

State and territory variations to food safety requirements

While the Food Safety Standards apply Australia-wide, there may be differences in the application of standards in each state or territory. Contact details are provided at the end of this chapter of agencies that can provide more information.

Regardless of legislated requirements, every school has a duty of care to provide safe food even if the food is not for sale or if the school is not subject to the standards. As such, the standards serve as useful guidelines.

Food labelling requirements

FOOD LABELLING REQUIREMENTS

Foods must be labelled in accordance with the requirements of the *Australia New Zealand Food Standards Code*. Under the code, the label on a package of food for sale is generally required to include the following information:

1. The prescribed name of the food, or, where no name is prescribed, a name or a description of the food to indicate the true nature of the food
2. Name and business address in Australia or New Zealand of the supplier (that is, manufacturer, packer, vendor or importer)
3. Ingredient listing
4. Date marking
5. Lot identification (date marking may suffice)
6. Mandatory warning and advisory statements and declarations specified in Standard 1.2.3 and any other warning and advisory statements specified elsewhere in the code
7. Nutrition information panel
8. Percentage labelling (characterising ingredient/s and component/s)
9. Directions for safe use and storage where appropriate
10. Country of origin on products sold in Australia, other than those imported from New Zealand.

However, there are exemptions from some of these requirements for foods that are:

- unpackaged
- made and packaged on the premises from which they are sold (such as in a canteen)
- packaged in the presence of the purchaser
- sold at a fundraising event
- whole or cut fresh fruit or vegetables (except sprouts) in packages that do not obscure the nature or quality of the food (for example, this would include a piece of cut fruit in clear plastic wrapping but fruit salad would not be exempt because it contains a number of food ingredients)
- delivered packaged and ready for consumption, at the express order of the purchaser (such as school lunch orders or home delivered pizza).

Food sold under the circumstances described above have some labelling requirements. For example, they must comply with requirements in relation to the mandatory advisory statements and declarations in Standard 1.2.3 of the *Australia New Zealand Food Standards Code*. Where the foods are unpackaged, any mandatory warning and advisory statements that apply must be either displayed in connection with the food or provided to the purchaser on request.

Generally, substances that are required to be declared are those known to be allergenic to some people, or that have a higher risk of causing food poisoning. Foods that require advisory statements include unpasteurised milk and unpasteurised egg products, food containing aspartame, cola-type beverages containing added caffeine, and food containing guarana or quinine. The presence of any of the following in a food, including their products, also needs to be declared: cereals containing gluten (such as wheat, rye, barley and oats), crustacea, egg, fish, milk, nuts, sesame seeds, peanuts and soybeans. The following also need to be declared: added sulphites (in concentrations of 10mg/kg or more), royal jelly products, propolis and bee pollen.

These requirements are detailed in Standards 1.2.1 and 1.2.3 of the *Australia New Zealand Food Standards Code*, which can be viewed at www.foodstandards.gov.au.

Food labels may also need to include the weight or volume of the food. The relevant enforcement agency for your area should be listed under 'weights and measures' in the government section of the Telstra White Pages telephone directory.

Legislation resources and information

USEFUL RESOURCES

Two video resources have been developed to assist people understand and comply with the food standards:

1. *Looking after our kids* (Commonwealth Department of Health and Ageing 2002) is a resource comprising a video and handbook developed for school canteens
2. *Food safety guidelines for community food events* (Victorian Department of Human Services 2002) contains a short video and mini-posters to assist with community or charitable food events. It is presented in 18 languages.

Assistance obtaining these resources may be provided by local governments, state/territory health departments and state/territory school canteens associations.

SOURCES OF INFORMATION

The Australia New Zealand Food Standards web site www.foodstandards.gov.au is a valuable source of information on legislative requirements including the Food Safety Standards and food composition and labelling requirements. The site includes legal standards, user guides, fact sheets (such as information for charities) and other supporting material.

The *Food safety matters* web site www.foodsafetymatters.gov.au includes links to a range of useful web sites.

Enforcement agencies

Food legislation enforcement agencies and state or territory government departments are a good source of information and advice on how to comply with food legislation. The administrative arrangements for food legislation vary between states and territories. Generally, local governments are responsible for enforcing food legislation, but there are exceptions. The following web sites provide contact information.

- *Australian Capital Territory*
www.health.act.gov.au
- *New South Wales*
www.health.nsw.gov.au/public-health/phus/phus.html
(Food inspectors in the NSW Department of Health public health units are responsible for enforcing food legislation
www.lgov.org.au
(Local governments have a discretionary role in NSW)
- *Northern Territory:*
www.nt.gov.au/health.
- *Queensland*
www.health.qld.gov.au/phs/
(Queensland Health public health units – information on food labelling, and food safety requirements in government schools)
www.lgaq.asn.au
- *South Australia*
www.lga.sa.gov.au
- *Tasmania*
www.lgat.tas.gov.au
- *Victoria*
www.mav.asn.au
- *Western Australia*
www.wama.wa.gov.au

* At the time of writing (September 2002), Food Safety Standard 3.2.1 had not been adopted as legislation in any state or territory, but may be called up as legislation by individual jurisdictions in the future. In Victoria, a similar requirement under the state's *Food Act 1984* makes food safety programs mandatory for most school-based food businesses. It is recommended that Victorian schools contact their local government for more information.