



Food Safety in

Queensland

Food safety in non-profit
organisations
Food Act 2006

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Queensland Health

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LOCAL GOVERNMENT
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Introduction

Non-profit organisations have a number of exemptions under the *Food Act 2006*. This guideline is intended to provide clarification to non-profit organisations supplying food as a fundraising activity.

These exemptions are provided so non-profit organisations can continue selling food at fundraising activities while ensuring they are handling food in a safe and suitable manner.

Defining a non-profit organisation

A non-profit organisation distributes all of the money raised to a charitable, cultural, educational, political, social welfare, sporting or recreational purpose and does not provide a benefit for any individual member or person.

A person may work for a non-profit organisation and recover any personal costs or costs of fundraising. No individual person undertaking the activity should receive any personal benefit, gain or profit.

Any organisation that wishes to publicly raise funds for a charitable or a community purpose in Queensland is also governed by the *Collections Act 1966*.

Handling food in the home and donating it to a non-profit organisation

Where the food is intended to be given away to a non-profit organisation, the handling of food at a person's home is exempt from compliance to the *Food Act 2006*.

The person's home is not subject to any structural, licensing, inspection, enforcement, penalty or compliance provisions. People preparing food in the home do have a common duty of care and should have 'due diligence' to provide safe food under the common law system.

It is recommended in the interest of food safety that when a person is producing food in the home to donate to a non-profit organisation they should have an awareness of the *Food Safety Standards*.

It is further recommended that high risk foods made in the home should only be donated in quantities that can be safely produced and transported to the non-profit organisation.

Queensland Health has developed several resources to assist private individuals and non-profit organisations become aware of the *Food Safety Standards*.

Example

Baking a cake at home to give to a junior football club committee for sale by the committee at a fundraising event.

Example

Preparing a meat dish in the home to give to the cultural festival to raise funds for the community hall, such as NAIDOC Day, Panayiri, Maltese Festival.

Non-profit organisations exemption from licensing and other requirements

Most non-profit fundraising activities involving the sale of food are exempt from licensing. Non-profit organisations must comply with the *Food Act 2006* and handle only safe and suitable food. This includes compliance with the *Food Standards Code* and *Food Safety Standards*.

Example

To comply with the *Food Safety Standards*, a non-profit organisation must check that food supplied from a home is received safely, under temperature control, if required, and the food is protected from contamination. Note: While a non-profit organisation may be exempt from licencing they are never exempt from the requirement of the *Food Act 2006*.

If an authorised person finds a non-profit organisation has unsafe practices, enforcement action may be undertaken by the authorised person.

A non-profit organisation does not require a food handler to have skills and knowledge when undertaking food handling at a fundraising event where the food is consumed immediately after thorough cooking or the handling of non-potentially hazardous foods is involved. All other food service situations require a person to have skills and knowledge about the food they are handling.

Example

A person handling a meat dish at a multicultural festival must know the correct storage temperature.

To receive information on how to produce 'safe' and 'suitable' food and where to get information about skills and knowledge, it is recommended that the advice of a Local Government authorised person is sought.

Where non-profit organisations are outside of the scope of licensing it is recommended that a system of information and administration is provided by Local Government. This will help ensure that the non-profit business can meet their due diligence obligations.

When deciding whether or not to undertake inspections of non-profit organisations, Local Government should have regard to their due diligence obligations to the community. Thus, the Local Government may consider meeting their due diligence obligations and assist non-profit organisations in providing safe food by undertaking training sessions or providing resources such as the 'Food Safety for Fundraising Events' pocket book.

Fees

Local Governments will be able to set their own fees and charges. Therefore, in the event that a non-profit organisation requires a licence, the Local Government may choose to issue the licence without charging a licence fee.

Non-profit activities not required to hold a licence***The sale of unpackaged food***

A non-profit organisation selling unpackaged food does not require a licence.

Example

A sausage sizzle (sausage on bread) or a cake stall.
Example events: Fairs and school fetes, raffles and pie drives.

The sale of pre-prepared meals

If the non-profit organisation is serving meals prepared by another organisation, where the food is served in accordance with directions of the meal's manufacturer, the organisation is exempt from licensing.

Example

Serving a frozen meal, after the meal is microwaved in accordance with the instructions on the meal's packaging, or a soup van using packet soup mix.

The sale of low-risk food

If the non-profit organisation sells food such as fruit, toast, cereal or food that is not potentially hazardous such as tea, coffee, soft drinks, biscuits, cakes, confectionary, or nuts the organisation is exempt from licensing.

The sale of food where the consumer helps to prepare it

Where the consumer assists in the preparation of the food, the non-profit organisation is exempt from licensing.

Example

Care providers in relief accommodation.

The sale of food as part of a training activity

A non-profit organisation that sells food as part of an educational activity or training activity conducted by the organisation and involving food preparation, hospitality or catering is exempt from licensing.

Example

A school's home economics students cater for the school's presentation evening as part of their assessment.

Non-profit activities required to hold a licence from Local Government

Non-profit organisations that sell meals on at least 12 days each financial year will be required to hold a licence from the Local Government. A meal is defined as food that is intended to be consumed sitting down with cutlery at a table or other fixed structure and is of adequate substance to be ordinarily considered a meal.

Where a non-profit organisation is required to hold a licence from a Local Government they will also be required to have a trained food safety supervisor.

Example

A sporting club operates a licensed restaurant to raise revenue for the club.

The sale of food from a licensed non-profit organisation that conducts catering

Where a licensed non-profit organisation conducts catering, the organisation must also operate under a food safety program. This requirement commences on 1 July 2007.

Example

A sporting club operates a licensed restaurant to raise revenue for the club but also has a dedicated function room to cater for wedding receptions.

Definitions

Off-site catering involves the sale of potentially hazardous food at a place other than the principal place of business. Off-site catering does not include merely delivering food to a consumer or the sale from mobile or temporary premises.

On-site catering involves the sale of potentially hazardous food from the principal place of business and involves the service of food of a predetermined type at a predetermined time to a fixed number of people for a predetermined cost. It does not include serving food at an eating establishment or preparing and displaying food for self service.

High risk food - high protein, moist foods that can support the growth of bacteria. This includes soup, gravies, meat, dairy, eggs.

Table 1 - A guide to licensing a non profit organisation

Situation	Requirement	Action required
Food is handled in a private home and intended to be given to a non-profit organisation	Exempt from the <i>Food Act 2006</i>	Awareness of the Food Safety Standards is recommended
The food is: <ul style="list-style-type: none"> • unpackaged food • a pre-prepared meal • a low risk food • partly prepared by the consumer • part of a training activity • a sit down meal conducted less than 12 times/year 	Non-profit organisation does not require a licence	Must comply with the Food Safety Standards
The food is a sit down meal conducted at least 12 times/year	Non-profit organisation requires a licence and a food safety supervisor	Comply with the <i>Food Act 2006</i> Obtain a licence from the Local Government Have a food safety supervisor
The food is a sit down meal conducted at least 12 times/year and the organisation conducts catering	Non-profit organisation requires a licence, food safety supervisor and food safety program	Comply with the <i>Food Act 2006</i> Obtain a licence, have a food safety supervisor and develop and comply with a food safety program