



# Compliance Strategy Temporary and Market Food Stalls

## Health, Environment & Waste

## Compliance Strategy for Temporary and Market Food Stalls

The Environmental Health Program identified consistency in decision making, and in particular the adoption of appropriate enforcement tools, as being critical to the work of the Program being seen as fair and transparent. In order to foster greater consistency between individual officers and ensure that products being sold at food stalls are safe and suitable, a standard enforcement strategy has been developed.

### Common Non-Compliances

Officers have identified that they are regularly finding the same issues when conducting routine inspections. In the past 12 months 38% of all inspections identified one or more of the following three serious non compliances:

- Food prepared at an unlicensed kitchen (usually at home);
- Inadequate hand washing facilities; and
- Inadequate temperature control.

Therefore in order to consistently and effectively regulate these issues, a standard strategy has been developed for enforcement action.

### Food Prepared at an Unlicensed Kitchen

Food that has not been prepared in a licensed kitchen presents an increased risk of illness because officers are not able to ensure that the place the food has been prepared at is safe and suitable. Stall operators are advised to either prepare all their food on site or at another licensed premises (e.g. a friend's restaurant)

If an officer finds that food for sale at a stall was not prepared in a licensed kitchen the officer will take the following actions:

- Direct that the food be removed from sale
- If the officer finds that this direction has not been complied with, the food will be seized/destroyed and the licensee will be issued a Penalty Infringement Notice (PIN) for \$652.
- The officer may also cancel the food licence if there is a poor history of compliance.

### Inadequate Hand Wash Facilities

Personal hygiene and in particular hand washing is an essential component of food safety. Proper hand washing limits the risk of cross contamination of foods and is critically important after going to the toilet, handling raw foods and handling money.

If an officer finds that the stall does not have adequate hand washing facilities or that staff are not washing their hands when appropriate, the officer will take the following actions:

- Direct that adequate hand wash facilities be set up at the stall. The operator will be directed to cease the sale of food until the hand wash facilities are set up.

- If the officer finds that this direction has not been complied with, the licensee will be issued a PIN for \$652.
- The officer may also cancel the food licence if there is a poor history of compliance or if the operator refuses to comply with the direction.

### Inadequate Temperature Control

Potentially hazardous foods must be stored under temperature control to limit the growth of potentially harmful pathogens. In essence this means that hot foods must be stored above 60°C and cold foods stored below 5°C. However potentially hazardous foods may also be stored outside of temperature control if they are to be sold within four (4) hours.

If an officer finds that potentially hazardous food for sale is not being stored at the correct temperature and no evidence can be provided of the time when the food was removed from temperature control, the officer will take the following actions:

- Direct that the food be removed from sale
- If the officer finds that this direction has not been complied with, the food will be seized/destroyed and the licensee will be issued a PIN for \$652.
- The officer may also cancel the food licence if there is a poor history of compliance.

In addition to the serious non-compliances above there are a number of less serious non-compliances that officers regularly encounter. These issues include but are not limited to:

- Being unlicensed
- Not having a working thermometer
- Staff eating at the stall
- No utensil washing facilities; and
- Displayed food not adequately protected

While these issues are still important, they do not pose as great a risk as other offences. Officers will generally provide verbal advice on remedying these minor non-compliances. However, if the licensee repeatedly fails to comply with the directions of the officers then further action may be taken that includes:

- Issuing a PIN for \$652; and/or
- Cancelling the food licence.