



Compliance Strategy Temporary and Market Food Stalls

Health, Environment & Waste

Compliance Strategy for Temporary and Market Food Stalls

Good food is an essential part of any successful event or market. Good planning and good food safety skills and knowledge are essential to delivering safe food at temporary events (this Compliance Strategy should be read in conjunction with the Logan City Council Compliance Strategy for the Food Act 2006).

The temporary nature of these events means that maintaining high standards of food safety can present challenges for organisers. These challenges can include:

- the temporary nature of food preparation structures
- lack of a constant supply of water for cleaning
- limited wash up and hand wash facilities
- lack of facilities to maintain food at the required temperature.
- limited control over the environmental conditions leading to an increased risk of food contamination from dust and flies.

The short duration of an event or market eg 4-6 hours means that in many circumstances defects need to be fixed immediately or 'on the spot'. For this reason, environmental health officers (EHOs) have to apply different compliance techniques when assessing food safety standards at temporary events than they would to a fixed food premises.

Compliance Objectives

The Environmental Health (EH) Services team is responsible for the effective implementation and administration of the Food Act on behalf of the Logan community.

The objectives of the Environmental Health food program are to:

- provide food stall operators with information on set up and operation,
- to regulate stall operators in a fair and effective way, and

- to support the transport, preparation and sale of safe food.

Strategy for Compliance Activities

To effectively achieve the compliance objectives the EH Services team will:

- establish and adequately resource inspection Service Levels
- be guided by established Compliance Principles
- establish and utilise defined Compliance Tools
- escalate enforcement action consistent with an Enforcement Matrix

Service levels

Suitably qualified staff are available to provide advice on the submission and completion of applications for temporary food licences for events and markets.

EHOs are assigned to conduct routine inspections of events and markets when in operation. This would usually require out of hours inspections. The EH Services Team investigates complaints relating to the general operation of market food stalls.

Compliance Principles

The EH Services team will be guided by the following compliance principles:

Proportionate - the enforcement action taken will be comparable to the seriousness of the breach.

Consistent - the law is fairly and equally applied to all persons.

Effective - the reason for the law and the reason for what we do is well explained and achieved.

Transparent - what we do and the way we do it are written down and open to review and discussion by decision makers and operators.

Accountable - officers working in the program are accountable for decisions made and actions taken.

To be effective given the short-term duration of events and markets, EHOs will engage with market organisers and stall holders to remedy defects immediately. Sometimes this may require stopping trading while a defect is resolved. *Eg. Trade may be stopped while additional hand wash facilities are obtained and set up.*

In some cases food may need to be discarded if directed by an EHO. *Eg food not prepared in a licensed kitchen or food not held at required temperatures.*

Logan City Council has developed information to educate market stall operators in [designing, getting approval and operating a food stall](#). This information explains stall operators legal requirements under the law.

Compliance Tools

EHOs can issue legal notices under The Food Act 2006 where there are non-compliances.

These include:

- improvement notice,
- prescribed infringement notice,
- show cause notice and
- prosecution.

In all situations EHO will firstly seek to resolve non compliances through discussion, education and verbal advice. Given often there is the need to provide an immediate resolution to a matter, a statutory notice like an improvement notice may be handwritten and given to a stall operator to confirm the verbal advice provided.

Enforcement Matrix

The Compliance Strategy for the Food Act 2006 contains an enforcement matrix for how compliance action will increase where food safety defects remain unresolved in fixed food premises. <https://www.logan.qld.gov.au/downloads/file/1616/compliance-strategy-food-act-2006>

The temporary nature of events and markets means that the enforcement matrix may not be directly applied. In all situations an assessment of the risk to human health and the likelihood of compliance will guide the compliance action.

EHOs will always discuss a matter with a stall operator before increasing compliance action. Where trade needs to be suspended or food removed from sale, a statutory notice (handwritten) will be given to the food stall operator following the verbal advice.

Where a food safety risk has been identified and communicated to a stall operator and NOT effectively resolved a statutory notice (handwritten) may be issued. *Eg. A request to install suitable hand wash facilities.*

In a situation where the human health risk is very high or critical and there is very low likelihood of compliance, food may be taken and destroyed and a prescribed infringement notice (a monetary fine) issued. *Eg. potentially hazardous food not stored at the correct temperature that has been identified as needing to be destroyed may be seized by the EHO and an infringement notice issued.*

Officers report the following common non compliances when inspecting market food stalls.

Common non compliances observed	Action needed to make compliant
Food prepared in unlicensed kitchen	Use a licenced kitchen or prepare all food within the food stall
Inadequate hand washing facilities	Provide 20 L water container labelled 'hand washing only' with soap and paper towels
Food not kept at correct temperature	Maintain food at either less than 5 or greater than 60 degrees
Inadequate utensil washing facilities	Provide a 20 L water container labelled 'utensil washing only'
Operating without a food licence	Apply for a licence prior to commencing the market stall.

