

# Food safety requirements for charitable and not-for-profit organisations

The *Food Act 2003* (NSW) and Food Standards Code apply to any community group or individual who sells food for charity or charitable causes.

Charitable and not-for-profit organisations include:

- registered charities, hospitals, disability support groups, welfare groups
- local clubs, eg Lions, Rotary, Apex, Country Women's Association
- youth organisations, eg YMCA, Scouts
- community schools, preschools and not-for-profit childcare centres.

## Groups considered to be a 'food businesses'

A charitable or not-for-profit organisation that sells food for fundraising purposes is a 'food businesses' under the *Food Act 2003* (NSW).

The food safety requirements in the Food Standards Code applies to their food activities, including the preparation and transport of food for sale.

## General requirements for selling food

Under the Food Standards Code and *Food Act 2003*, any group or individual that sells food (whether for charity or not) must follow good hygiene and food handling practices, including proper construction and maintenance of the food premises, so that food being served is as safe as possible.

The requirements include areas such as:

- temperature control
- protecting food from contaminants
- hand washing
- cleaning and sanitising
- pest control.

Factsheets on these topics are available at [www.foodauthority.nsw.gov.au/industry/resources](http://www.foodauthority.nsw.gov.au/industry/resources)

## Exemptions

While organisations that sell food for charity need to comply with the food safety requirements in the legislation, these organisations are **not** required to:

- notify their business/food activities to the local council if:
  - the food being sold is not potentially hazardous (requires temperature control), eg scones, or
  - the food will be consumed immediately after cooking, eg a sausage sizzle.
- appoint a Food Safety Supervisor.

## Scenarios

Below are two common scenarios involving organisations that sell food for charitable purposes.

### Scenario 1

A local community group runs a small café to service a primary school and preschool. They sell tea, coffee, muffins, biscuits, cakes and toast. They only operate 3–4 hours each morning. Are they a food business and do they need to notify?

Yes, they are a food business, even though they only sell smaller items. They do not need to notify because they are a not-for-profit organisation and the food is not potentially hazardous. However, they still need to follow basic hygiene and food safety requirements as outlined in the Food Standards Code.

### Scenario 2

A local community group runs a small canteen, including a barbeque at a childrens sporting event. Parents cook sausages and chicken throughout the morning. Cooked food is kept warm in a covered tray, occasionally for more than two hours. Are they a food business and do they need to notify?

Yes, they are a food business, even though they may not intend to make a profit, and may only operate for part of the year. They do need to notify because they are cooking potentially hazardous food which is not consumed immediately after cooking. They also need to follow the basic hygiene and food safety requirements outlined in the Food Standards Code.

## Labelling requirements

Food sold to raise money for charity is generally exempt from labelling requirements (except for declaring the presence of royal jelly).

However, if asked, the person who provides the food must be able to give accurate advice about the presence of allergens, the directions for storage and use, and the country of origin of the food (eg for seafood, pork products, and fresh fruit and vegetables).

Information about the eight common allergens that must be declared on labels can be found at [www.foodauthority.nsw.gov.au/consumers/problems-with-food/allergy-and-intolerance/](http://www.foodauthority.nsw.gov.au/consumers/problems-with-food/allergy-and-intolerance/)

## Donating food

Charitable and not-for-profit organisations that donate food (ie don't raise money or receive a benefit in return for providing the food) are not considered a 'food business' so *Food Act 2003* does not apply to them.

For more information on donating food, visit [www.foodauthority.nsw.gov.au/\\_Documents/industry\\_pdf/donating\\_food.pdf](http://www.foodauthority.nsw.gov.au/_Documents/industry_pdf/donating_food.pdf)

## More information

- visit the NSW Food Authority's website at [www.foodauthority.nsw.gov.au/industry](http://www.foodauthority.nsw.gov.au/industry)
- phone the helpline on 1300 552 406
- contact your local council

**About the NSW Food Authority:** The NSW Food Authority is the government organisation that helps ensure NSW food is safe and correctly labelled. It works with consumers, industry and other government organisations to minimise food poisoning by providing information about and regulating the safe production, storage, transport, promotion and preparation of food.

**Note:** This information is a general summary and cannot cover all situations. Food businesses are required to comply with all of the provisions of the Food Standards Code and the *Food Act 2003* (NSW).