



Victoria Government Gazette

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SPECIAL

Food Act 1984

SECTION 19C

DECLARATION OF CLASSES OF FOOD PREMISES AND FOOD VEHICLES

I, Warren McCann, Secretary to the Department of Human Services, acting under section 19C of the **Food Act 1984**-

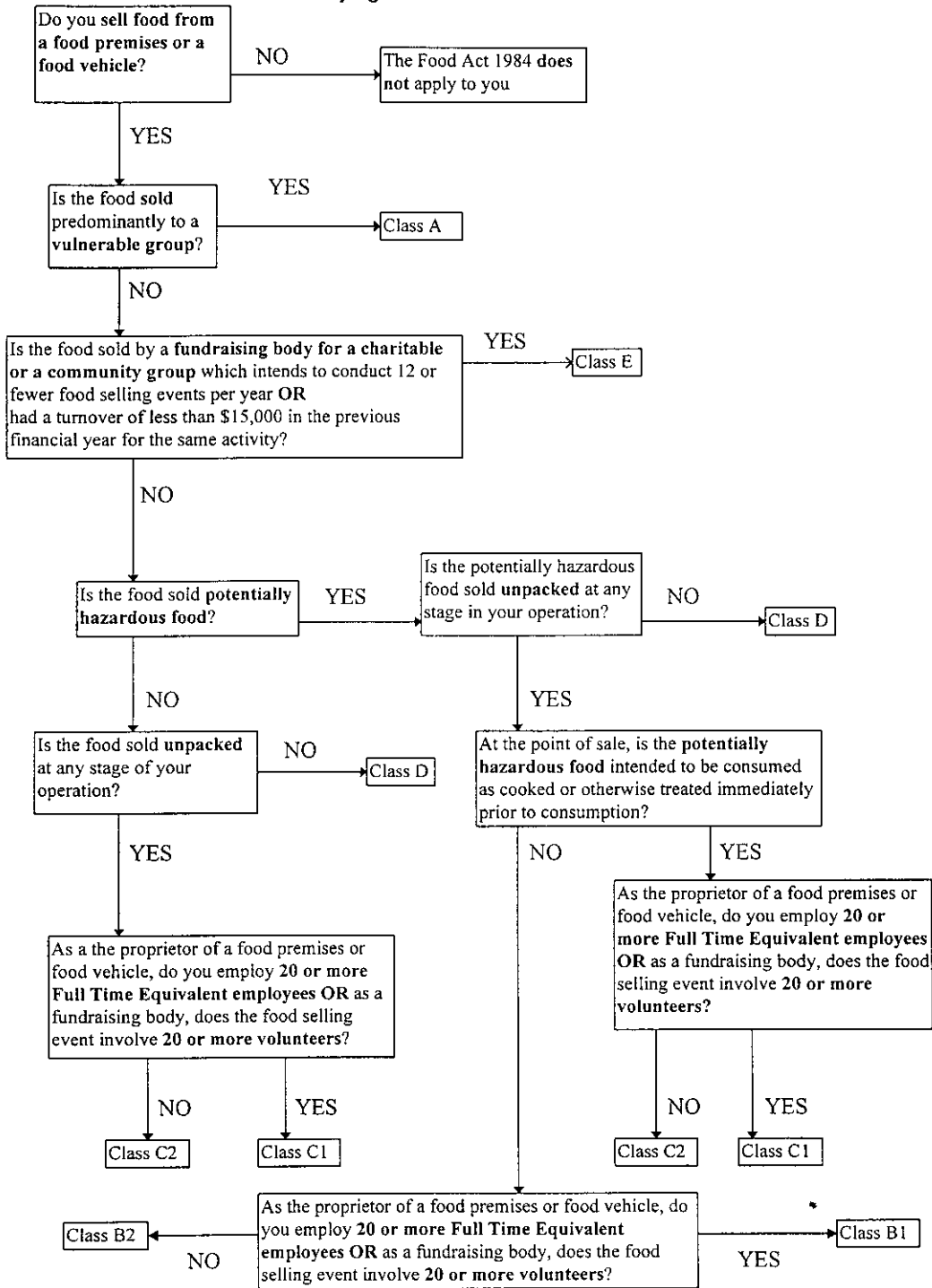
1. Revoke the declaration made by me and published in the Government Gazette on-
 - (a) 20 August 1998, in relation to the proprietors of Classes A, B, C and D food premises; and
 - (b) 1 October 1998, in relation to the proprietors of Classes A, B, C and D food vehicles.
2. Declare that food premises and food vehicles are to be classified according to the chart and definitions found in Attachment 1 of this Declaration.
3. Declare that food premises or food vehicles of Classes A, B1, B2, C1, C2, D and E food premises and food vehicles are to have food safety programs.
4. This declaration takes effect as of the date it appears in the Government Gazette.

Dated 22 June 1999

W J McCANN
Secretary to the Department of Human Services

ATTACHMENT 1

Decision Tree for Classifying Food Premises and Food Vehicles



By answering the questions in the above decision tree, a food premise or food vehicle may be classified into one of seven groups. The decision tree is designed to provide guiding principles about food premises and food vehicle classification based on the risk a business provides to public health and its inherent characteristics. If clarification is needed about the classification of a business, the local council where the business is located should be consulted. Local councils are responsible for determining the classification of food premises within their districts.

Definitions

‘charitable or community group’	means: a gathering of individuals whose collective association is for a purpose predominantly other than the selling of food and for whom the selling of food is primarily carried out as a fundraising activity which has a collective benefit for the group or a nominated beneficiary
‘Class A’	A food premises or food vehicle selling food predominantly to vulnerable groups
‘Class B1’	A food premises or food vehicle employing 20 or more Full Time Equivalent Employees and selling unpacked potentially hazardous foods which are not intended to be consumed as cooked or otherwise treated immediately prior to consumption OR a charitable or community group’s food selling events involving 20 or more volunteers
‘Class B2’	A food premises or food vehicle employing 19 or fewer Full Time Equivalent Employees and selling unpacked potentially hazardous foods which are not intended to be consumed as cooked or otherwise treated immediately prior to consumption OR a charitable or community group’s fund raising events involving 19 or fewer volunteers.
‘Class C1’	A food premises or food vehicle employing 20 or more Full Time Equivalent Employees and selling potentially hazardous foods which are intended to be consumed as cooked or otherwise treated immediately prior to consumption OR a charitable or a community group’s food selling events involving 20 or more volunteers OR a food premises or a food vehicle or a charitable or community group selling non-potentially hazardous food which is unpacked
‘Class C2’	A food premises or food vehicle employing 19 or fewer Full Time Equivalent Employees and selling potentially hazardous foods which are intended to be consumed as cooked or otherwise treated immediately prior to consumption OR a charitable or community group’s food selling events which involve 19 or fewer volunteers OR a food premises or a food vehicle or a charitable or community group selling non-potentially hazardous food which is unpacked
‘Class D’	A food premises or food vehicle OR a charitable or community group selling packaged foods only
‘Class E’	A fundraising body for a charitable or community group which: <ul style="list-style-type: none"> ● intends to conduct 12 or fewer food selling events per year OR ● had a turnover of less than \$15,000 in the previous financial year for the same activity

‘cooked or otherwise treated immediately prior to consumption’	means: food that is in a state where it has been appropriately washed, treated or cooked (or is intended to be cooked) so that any infectious or toxigenic micro-organisms that might be in or on the food have been minimised or eliminated
‘food premises’	means: any premises or part thereof or other place kept or used for the sale or the handling of any food, but does not include any premises or part thereof or other place for the time declared by an Order made under Section 5(3) not to be a food premises
‘food vehicle’	means: any vehicle kept or used for the sale or the handling for sale of any food
‘fundraising body’	means: a subgroup of a charitable or community group that sells food to raise funds to support the activities of the charitable or community group
‘handle’	in relation to food includes: the preparation, packing, storing, serving, supplying and conveying of that food
‘potentially hazardous food’	includes any perishable food which consists in part or whole of: <ul style="list-style-type: none"> ● milk or milk products; ● eggs; ● meat and meat products; ● poultry; ● fish, including opened shellfish; ● cereals; ● processed fruit and vegetables; or ● other ingredients capable of supporting rapid or progressive growth of infectious or toxigenic micro-organisms It does not include: <ul style="list-style-type: none"> ● raw egg in an intact shell; ● raw fruit and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption; ● dried milk in its original package; or ● hermetically sealed cans, jars or other containers of food which have been processed by heat to prevent spoilage
‘premises’	includes: <ul style="list-style-type: none"> ● a building or a part of a building ● a tent, stall or other structure whether permanent or temporary ● land whether or not appurtenant to a building
‘proprietor’	means: <ul style="list-style-type: none"> ● in relation to a food premises, the owner or, where the owner is not the occupier, the occupier of the food premises and includes the person in charge or apparently in charge of the food premises

	<ul style="list-style-type: none"> ● in relation to a food vehicle, where the vehicle is not the subject of a hire purchase agreement or otherwise hired or leased, the owner and includes a person in charge or apparently in charge of the vehicle ● in relation to a food vehicle, where the vehicle is the subject of a hire purchase agreement or is otherwise hired or leased, the hiree and includes the person in charge or apparently in charge of the hired or leased vehicle ● in relation to an appliance, where the appliance is in or at a food premises, the proprietor of the food premises or where the appliance is in or on or operated in connection with a food vehicle, the proprietor of that food vehicle
‘requirements of a food safety program’	<p>means:</p> <ul style="list-style-type: none"> ● hazard analysis in accordance with section 19D(a) of the Act; or ● hazard control procedures in accordance with section 19D(b), (c), (d) and (e) of the Act; or ● training plan in accordance with section 19D(f) of the Act; or ● food recall procedure in accordance with section 19D(g) of the Act
‘sell’	<p>in relation to food, includes:</p> <ul style="list-style-type: none"> ● barter, offer or attempt to sell, receive for sale, have in possession for sale, expose for sale, send, forward or deliver for sale, or cause or permit to be sold or offered for sale; ● sell for resale; or ● supply pursuant to a contract, together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment
‘unpacked’	<p>means:</p> <p>removal of food from a packaging which is intended to preserve the safety of the food over its intended shelf life, or exposing food</p>
‘vulnerable group’	<p>means:</p> <ul style="list-style-type: none"> ● meals on wheels recipients; ● the aged or immuno-compromised who reside in a facility that provides health care or assisted living services, such as hospital or nursing home; or ● preschool age children attending a facility such as a child care centre

Food Act 1984

SECTION 19V

EXEMPTIONS BY THE SECRETARY CONCERNING FOOD SAFETY PROGRAMS

I, Warren McCann, Secretary to the Department of Human Services, acting under section 19V of the **Food Act 1984**-

1. Revoke the exemptions granted by me and published in the Government Gazette on-
 - (a) 20 August 1998, in relation to the proprietors of Class B, C and D food premises and food vehicles; and
 - (b) 1 October 1998, in relation to the proprietors of Class B, C and D food vehicles.
2. Exempt the proprietors of Classes B1, B2, C1, C2, D and E food premises and food vehicles, being in the classes of declared food premises and food vehicles listed in the Table at Attachment 1 from the requirement to have a food safety program in accordance with Part IIIB of the **Food Act 1984** for the period up to and including the compliance date specified in the Table at Attachment 1 for the particular class of food premises or food vehicle.

Dated 22 June 1999

W J McCANN
Secretary to the Department of Human Services

ATTACHMENT 1
Food Business Timetable for Food Safety Program Compliance

Class	Business Profile	Compliance Date
B1	A food premises or food vehicle employing 20 or more Full Time Equivalent Employees and selling unpacked potentially hazardous foods which are not intended to be consumed as cooked or otherwise treated immediately prior to consumption OR a charitable or a community groups' food selling events involving 20 or more volunteers	31 December 1999
B2	A food premises or food vehicle employing 19 or fewer Full Time Equivalent Employees and selling unpacked potentially hazardous foods which are not intended to be consumed as cooked or otherwise treated immediately prior to consumption OR a charitable or a community group's fund raising events involving 19 or fewer volunteers	31 March 2000
C1	A food premises or food vehicle employing 20 or more Full Time Equivalent Employees and selling potentially hazardous foods which are intended to be consumed as cooked or otherwise treated immediately prior to consumption OR a charitable or a community group's food selling events involving 20 or more volunteers OR a food premises or a food vehicle or a charitable or a community group selling non-potentially hazardous food which is unpacked	30 June 2000
C2	A food premises or food vehicle employing 19 or fewer Full Time Equivalent Employees and selling potentially hazardous foods which are intended to be consumed as cooked or otherwise treated immediately prior to consumption OR a charitable or a community group's food selling events which involve 19 or fewer volunteers OR a food premises or a food vehicle or a charitable or a community group selling non-potentially hazardous food which is unpacked	30 September 2000
D	A food premises or food vehicle OR a charitable or community group selling packaged foods only	31 December 2000
E	A fundraising body for a charitable or community group which: <ul style="list-style-type: none"> ● intends to conduct 12 or fewer food selling events per year OR ● had a turnover of less than \$15,000 in the previous financial year for the same activity 	31 December 2000

Local Government Act 1989

APPROVAL OF AUTHORISED MANNER
OF INVESTMENTS FOR THE PURPOSES
OF SECTION 138(1) OF THE ACT

I, Robert Maclellan MLA, Minister for Planning and Local Government pursuant to section 138(1)(f) of the **Local Government Act 1989** authorise as an approved manner of investment for municipal councils, investment in managed investment schemes that:

- ◆ have a rating of AAm or a rating of AAF from Standard and Poors Australian Ratings;
- ◆ are registered under section 601EB of the Corporations Law; and
- ◆ are liquid within the meaning of section 601KA(4) of the Corporations Law and have a constitution that provides for members to withdraw from the scheme.

Dated 18 June 1999.

ROBERT MACLELLAN, MLA
Minister for Planning and
Local Government

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