



Victoria Government Gazette

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Food Act 1984

MINIMUM RECORD KEEPING – CLASS 3 FOOD PREMISES

Declaration

Explanatory memorandum

On 1 July 2010 amendments to the **Food Act 1984** (the Act) by Part 2 of the **Food Amendment (Regulation Reform) Act 2009** will commence operation.

On 18 June 2010 a declaration was made under section 19C of the Act to establish a new food premises classification system under the Act as it will apply from 1 July 2010.

That declaration was published in the Victoria Government Gazette No. S 232 on 22 June 2010.

The new classification system means that regulatory requirements can be better matched to the level of food safety risk associated with the food handling activities at different types of premises.

One main purpose of that declaration is to establish four separate classes of food premises. The general effect is as follows:

- class 1: hospitals, child care centres and listed facilities for the aged, at which ready to eat potentially hazardous food is served;
- class 2: other premises that handle potentially hazardous unpackaged foods;
- class 3: premises handling unpackaged low risk foods, selling potentially hazardous pre-packaged foods, or the warehousing or distribution of pre-packaged foods; and
- class 4: premises that only retail pre-packaged low risk foods, and certain other low risk or occasional activities.

That declaration also sets out a range of associated matters. This includes a requirement that class 3 food premises keep minimum records (clause 2(b)).

The following declaration under section 19CB of the Act specifies those minimum records. It takes effect on 1 July 2010.

SPECIAL

DECLARATION UNDER SECTION 19CB OF THE FOOD ACT 1984**Minimum record keeping – class 3 food premises**

Under section 19CB of the **Food Act 1984** (the Act), I, Fran Thorn, Secretary to the Department of Health –

- (a) noting that class 3 food premises are required by a declaration made under section 19C of the Act to keep minimum records;
- (b) declare that the record keeping requirements for class 3 food premises are as follows:

Supplies

1. the records that must be kept include the records specified in schedule 1 to this declaration;

Potentially hazardous foods – general requirements

2. the records that must be kept about the sale or handling of pre-packaged potentially hazardous food include the records specified in schedule 2 to this declaration;
3. clause 2 does not apply to the food handling activities referred to in clause 4;

Potentially hazardous foods – community groups

4. in the case of the sale or handling of potentially hazardous food by a community group where –
 - (a) the majority of persons involved in the handling of the food are volunteers; and
 - (b) the food handling activity takes place at the food premises for a maximum of two consecutive days at any one time –

the records that must be kept include the records specified in schedule 3 to this declaration;

Period for keeping records

5. a record referred to in clause 1, 2 or 4 must be kept for the following period:
 - (a) in the case of a record created at the food premises, 1 year from the date on which it was created; and
 - (b) in any other case, 1 year from the date on which it was received at the food premises.

Definitions

Words and phrases used in this declaration have the meaning specified in schedule 4 to this declaration.

Commencement

This declaration takes effect on 1 July 2010.

Dated 24 June 2010

FRAN THORN
Secretary

SCHEDULE 1
Supply Records

1. Subject to clause 2 of this schedule, the following records about the supply of food to a food premises –
 - (a) the type of food;
example
condiments, fresh fruit, fresh vegetables
 - (b) the trading name of the supplier;
 - (c) the address and telephone number of the supplier; and
 - (d) dockets or invoices received from the supplier.
2. Paragraphs (a), (b) and (c) of clause 1 of this schedule do not apply in the case of the supply of food to a community group where –
 - (a) the majority of persons involved in the handling of the food are volunteers; and
 - (b) the food handling activity takes place at the food premises for a maximum of two consecutive days at any one time.

SCHEDULE 2**Potentially Hazardous Food – General Requirements****Temperature of potentially hazardous food in cold storage**

1. The following records about a random check undertaken (as specified in clause 3 of this schedule) of the temperature of potentially hazardous food stored in each cold storage unit at a food premises:
 - (a) a description of the cold storage unit sufficient to identify the unit;
 - (b) the operating temperature set for that unit;
 - (c) the measured temperature of an item of such food stored in that unit;
 - (d) if that food is not at the correct temperature, the corrective action taken.

Temperature of potentially hazardous food heated prior to sale

2. The following records about a random check undertaken (as specified in clause 3 of this schedule) of the temperature of potentially hazardous food that is heated in a hot storage unit prior to sale at a food premises:
 - (a) a description of the hot storage unit sufficient to identify the unit;
 - (b) the operating temperature set for that unit;
 - (c) the measured temperature of an item of such food heated in that unit;
 - (d) if that food is not at the correct temperature, the corrective action taken.
3. Clauses 1 and 2 of this schedule apply as follows:
 - (a) in the case of a temporary food premises that operates for less than 7 days at any one time, to a random check undertaken once during each period of operation; and
 - (b) in any other case, to a random check undertaken once a week.

Temperature control of deliveries of potentially hazardous food

4. The records described in either clause 5 or 6 of this schedule about the temperature of potentially hazardous food supplied to the food premises.

Monthly check of procedures

5. The records for the purposes of clause 4 of this schedule are as follows –
 - (a) the current procedures applied at the food premises to ensure that potentially hazardous food delivered to the premises is at the correct temperature on receipt; and
 - (b) the following details about a random check undertaken once a month in relation to each supplier to verify whether the procedure was complied with and is adequate (if potentially hazardous food is received from that supplier in that month) –
 - i. the date on which the check was conducted;
 - ii. the result of that check;
 - iii. the trading name of the supplier; and
 - iv. in any case where the procedure was not complied with or any inadequacy is identified, the corrective action taken.

Monthly check of supplies

6. The alternative records for the purposes of clause 4 of this schedule are the following details about a check undertaken once a month of the temperature of one item of potentially hazardous food delivered to the food premises from each supplier in that month:
 - (a) the trading name of the supplier;
 - (b) the date of supply;
 - (c) a description of condition of the goods (such as ‘good’, ‘damaged’, ‘packaging broken’);
 - (d) the measured temperature of that item of food; and
 - (e) if that food is not at the correct temperature, the corrective action taken.

SCHEDULE 3**Event Records to be Kept by Community Groups – Potentially Hazardous Foods****Temperature of potentially hazardous food in cold storage**

1. If the food handling activities are to be undertaken for more than one day and potentially hazardous food is to be kept in cold storage overnight for use on the second day, the following records about a check undertaken of the temperature of an item of potentially hazardous food kept in each cold storage unit, which is taken when that food is left in cold storage overnight –
 - (a) a description of the cold storage unit sufficient to identify the unit;
 - (b) the measured temperature of an item of potentially hazardous food stored in that unit;
 - (c) if that food is not at the correct temperature, the corrective action taken.

Verification that food is thoroughly cooked

2. In the case of the sale of ready-to-eat, potentially hazardous food that is cooked on site with the intention of being served immediately –
 - (a) the results of a random check that was conducted to determine whether an item of such food has been thoroughly cooked before it is served; and
 - (b) if that food was not thoroughly cooked, the corrective action taken.

SCHEDULE 4**Definitions**

class 3 food premises means food premises declared to be class 3 food premises under section 19C of the Act;

community group means:

- (a) a not for profit body; or
- (b) a person or unincorporated group of persons undertaking a food handling activity solely for the purposes of raising funds for charitable purposes or for a not for profit body;

correct temperature means a temperature that is required to minimise the growth of any pathogenic micro-organisms in the food so that the microbiological safety of the food will not be adversely affected for the time that the food is at that temperature;

low risk food

means food that is unlikely to contain pathogenic micro-organisms and will not normally support their growth due to food characteristics;

examples

grains, cereals, carbonated beverages, jams, dried fruits, packaged pasteurised milk, icecream manufactured from pasteurised or heat treated milk, packaged pasteurised or heat treated soy milk, and cut fruit or vegetables (which are not subject to any further processing).

not for profit body means an incorporated or unincorporated body or association that is not carried on for the purposes of profit or gain to its individual members and is, by the terms of the constitution of the body or association, prohibited from making any distribution, whether in money, property or otherwise, to its members;

pathogenic micro-organisms means any bacteria, viruses, yeasts and moulds that are capable of causing disease;

potentially hazardous food –

- (a) means food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food, or to prevent the formation of toxins in the food; and
- (b) includes all food other than low risk food;

examples:

- raw and cooked meat (including poultry and game) or foods containing raw or cooked meat such as casseroles, curries and lasagne;
- smallgoods such as Strasbourg, ham and chicken loaf;
- dairy products such as custard, or dairy-based desserts such as cheesecakes and custard tarts, but not packaged pasteurised milk or ice cream manufactured from pasteurised or heat treated milk;
- seafood (excluding live seafood), including seafood salad, patties, fish balls, stews containing seafood and fish stock;
- processed fruits and vegetables such as fruit salads, fruit juices;
- cooked rice and pasta;
- foods containing eggs, beans, or other protein-rich foods such as quiche, fresh pasta and soy bean products; and
- foods such as sandwiches, rolls and cooked and uncooked pizza that contain the foods listed above;

pre-packaged food is food that has been sealed within a package prior to entering the business, and remains in that package until sale;

ready-to-eat-food is food that is ready for consumption, and includes food that may be re-heated, portioned or garnished or food that undergoes similar finishing prior to being served;

supply means the supply of food to a food premises from another food premises or another person, but does not include the transport to another food premises that is a temporary or mobile food premises where both food premises are operated by the same proprietor.

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