



Victoria Government Gazette

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Food Act 1984

SALE OF PACKAGED MEAT AT MARKETS

I, Pauline Ireland, as a delegate of the Secretary to the Department of Health under section 38(1) of the **Food Act 1984** (the Act) exempt a food premises that is a licensed meat transport vehicle from the requirement to be registered under Part VI of the Act subject to the following conditions:

1. packaged meat sold from or handled, stored or transported at or in the food premises is meat from a consumable animal that is for retail sale that –
 - (i) has been processed, packaged and labelled at and transported from a meat processing facility licensed under the **Meat Industry Act 1993** or at a facility for which there is a corresponding authority in force under a corresponding law of another State or Territory; and
 - (ii) is sealed in a robust, leak-proof container; and
 - (iii) is sold at a market; and
 - (iv) is stored in the licensed meat transport vehicle at the market until it is sold; and
2. if any other food is sold from the food premises, that food –
 - (i) is pre-packaged low risk food; and
 - (ii) is for retail sale at a market at which meat referred to in paragraph 1 is available for retail sale; and
 - (iii) is stored separately to meat referred to in paragraph 1.

Definitions

In this notice –

‘consumable animal’ has the same meaning as in the **Meat Industry Act 1993**;

‘edible offal’ has the same meaning as in the **Meat Industry Act 1993**;

‘licensed meat transport vehicle’ means a meat transport vehicle –

- (a) that is licensed under the regulations under the **Meat Industry Act 1993** (while that licence is in force); or
- (b) for which there is an equivalent licence in force under a corresponding law of another State or Territory;

‘market’ includes an open space or covered building where people meet for the selling and buying of food or other commodities, but does not include roadside trading;

‘meat’ means meat or edible offal;

‘meat processing facility’ has the same meaning as in the **Meat Industry Act 1993**;

‘meat transport vehicle’ has the same meaning as in the **Meat Industry Act 1993**;

‘pre-packaged low risk food’ means food that –

- (a) is unlikely to contain pathogenic micro-organisms and will not normally support their growth due to food characteristics; and
- (b) has been sealed within a package prior to being placed in the food premises, and remains in that package until after it is sold.

Commencement

This exemption takes effect on the date it is published in the Government Gazette.

Dated 10 October 2012

PAULINE IRELAND
Assistant Director
Food Safety and Regulation
Department of Health

SPECIAL

Food Act 1984

TEMPORARY AND MOBILE FOOD PREMISES

I, Pauline Ireland, as delegate of the Minister for Health under section 5(3A)(a) of the **Food Act 1984** (the Act) order that –

1. a temporary food premises or a mobile food premises is exempt from all of the provisions of Part VI of the Act if –
 - (a) the only food that is sold from the temporary food premises or mobile food premises is for the purposes of catering; and
 - (b) that food is handled prior to the catering at a fixed food premises that is registered or notified in accordance with Part VI of the Act in the name of the proprietor of the food business that operates the temporary food premises or mobile food premises; and
 - (c) in the case of a mobile food premises, the premises is hired or made available to the food business specifically for use in an occasional catering activity;

Example

A restaurant owner hires a food van to cater for a party. The vehicle is not usually operated by the business;

2. a class 4 temporary food premises is exempt from section 35A of the Act if –
 - (a) it is a permanent structure not owned or leased by a food business that operates the premises and in which food is handled for sale or from which food is sold by that business on an occasional basis only; and
 - (b) the proprietor of the food business has one or more other temporary food premises of this nature and at least one of these is notified by the proprietor in accordance with Part VI of the Act or is a class 2 temporary food premises or class 3 temporary food premises that is registered in accordance with Part VI of the Act in the name of the proprietor; and
 - (c) none of the premises referred to in this clause is operated at the same time;
3. a class 3 temporary food premises is exempt from section 35A of the Act if –
 - (a) it is a permanent structure not owned or leased by a food business that operates the premises and in which food is handled for sale or from which food is sold by that business on an occasional basis only; and
 - (b) the proprietor of the food business has one or more other temporary food premises of this nature and one of these is a class 2 temporary food premises or class 3 temporary food premises that is registered in accordance with Part VI of the Act in the name of the proprietor; and
 - (c) none of the premises referred to in this clause is operated at the same time;
4. a class 2 temporary food premises is exempt from section 35A of the Act if –
 - (a) it is a permanent structure not owned or leased by a food business that operates the premises and in which food is handled for sale or from which food is sold by that business on an occasional basis only; and
 - (b) the proprietor of the food business has one or more other temporary food premises of this nature and at least one of these is a class 2 temporary food premises that is registered in accordance with Part VI of the Act in the name of the proprietor; and
 - (c) none of the premises referred to in this clause is operated at the same time.

Definitions

5. In this order –

‘catering’ means:

- (a) an arrangement between the proprietor of a food business and a person who is paying for the business to serve food to persons who attend a function, whether or not the food is partly prepared at the function (but does not include merely delivering the food); or

Example

An arrangement made with the organiser of a wedding reception, a function for staff of a business, a dinner for club members, or a party or wake for guests, or for a community group activity. Usually it is arranged for a predetermined number of persons, but this is not essential;

- (b) a business or other body, whether incorporated or not, which serves food to its members, staff or guests;

Example

When food is supplied in the course of a craft activity for elderly citizens. The attendees may or may not pay a fee. The group may be using a hall, neighbourhood house or other similar site for the activity or a marquee;

‘class 2 temporary food premises’ means a temporary food premises that is declared to be a class 2 food premises under section 19C of the Act;

‘class 3 temporary food premises’ means a temporary food premises that is declared to be a class 3 food premises under section 19C of the Act;

‘class 4 temporary food premises’ means a temporary food premises that is declared to be a class 4 food premises under section 19C of the Act;

‘fixed food premises’ includes a food premises that is a building or other permanent structure that is not a temporary food premises;

Example

- a site that is used regularly such as a café or restaurant;
- a site that is used for an extended period of time, such as a school canteen; or
- a site owned or leased by a food business;

‘function’ includes an event or gathering;

‘the Act’ means the **Food Act 1984**.

Commencement

6. This order takes effect on the date it is published in the Government Gazette.

Dated 10 October 2012

PAULINE IRELAND
Assistant Director
Food Safety and Regulation
Department of Health

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