



# Victoria Government Gazette

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## Food Act 1984

### NOTICE OF INTENTION TO MAKE OR VARY DECLARATION OF CLASSES OF FOOD PREMISES

The Department of Health, under section 19CA of the **Food Act 1984**, hereby gives notice of the intention of the Secretary of the Department of Health or their delegate to make a declaration of classes of food premises (declaration).

The current declaration, under section 19C of the **Food Act 1984** (Act), was originally published in the Victoria Government Gazette on 22 June 2010 and took effect on 1 July 2010 (2010 declaration). The 2010 declaration was varied and published again in the Victoria Government Gazette on 18 November 2021 (2021 variation), with the 2021 variation to take effect on 1 July 2022.

It is proposed that the 2010 declaration, including the 2021 variation will be revoked and a new declaration be made. with four changes outlined below.

Proposed amendments:

**(1) Exempt the proprietors of class 2 food premises from the need to have a food safety program (Clause 10 of proposed new declaration)**

Pursuant to section 19V of the Act, it is proposed to exempt the proprietors of class 2 food services and retail food premises from the requirement to have a food safety program for the period of five years except if one or more of the following food handling activities is undertaken at the food premises:

- sous vide cooking where the food is cooked under controlled temperature and time conditions inside vacuum sealed packages in water baths or steam ovens;
- food that is known as sushi, and displayed/stored at a temperature greater than 5 degrees Celsius;
- any cooked meat that is stored/displayed out of temperature control (i.e. above 5 degrees Celsius and below 60 degrees Celsius) for more than 4 hours;
- acidified/fermented foods or drinks that are ready to eat and have a high level of acidity required to keep food safe. The acid may be naturally present or added or produced by the food (due to microbial activity);
- raw eggs (unpasteurised) used in foods where the food/drink has not been cooked;
- raw or rare meats where the food has not been cooked or only partially cooked (this does not include whole muscle meat);
- offsite catering where potentially hazardous food is prepared in advance in one location, transported to another location, where it is served;
- private drinking water supply used in a food premises for drinking, preparation of food, hand washing and/or cleaning that is from a non-reticulated supply;
- any other complex food process activity such as:
  - (i) pasteurisation, where food is heated to a certain temperature for a specified time, to kill harmful bacteria;
  - (ii) packaging food where the oxygen has been removed and/ or replaced with other gases for food safety reasons or to increase shelf life of the food;
  - (iii) any other food processes that do not have a long history of food safety. For example, aged meats, smoked foods.

**SPECIAL**

(2) **Exempt the proprietors of class 3 and class 3A food premises from the need to keep minimum records**

Pursuant to section 19V of the Act, it is proposed to exempt the proprietors of class 3 and class 3A food premises from the requirements to keep minimum records other than warehouse/ distributor food premises types that are required to keep the supplier's record.

(3) **Include family day care setting in Schedule 4 as a class 4 premises**

(4) **Include three further definitions in Schedule 7—Definitions**

*family day care setting* includes an approved family day care venue which provides an approved family day care service and includes a family day care residence, within the meaning of the Education and Care Services National Law (Victoria);

*food services sector* includes institutions and businesses responsible for any meal for immediate consumption on or in the vicinity of the premises. This includes restaurants, take away outlets, caterers, mobile vehicles, hospitals, aged care services;

*retail food premises* means food businesses that sell direct to the public. They may also process food products from raw ingredients, but only for sale within the immediate local area.

No other changes are proposed to be made to the regulatory requirements for classes of food premises in the current declaration.

**Further information:** Further information regarding the proposed changes, together with the complete text of the proposed declaration, including Schedules is available at [www2.health.vic.gov.au/public-health/food-safety/food-businesses/food-business-classification/classification-changes](http://www2.health.vic.gov.au/public-health/food-safety/food-businesses/food-business-classification/classification-changes)

Consultation on the proposed declaration is open for sixty days from the date of publication of this notice. Submissions regarding the proposed declaration can be made to [foodsafetyreforms@health.vic.gov.au](mailto:foodsafetyreforms@health.vic.gov.au)

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