

Food safety requirements for charitable, not-for-profit organisations

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

A charitable or not-for-profit organisation that sells food for fundraising purposes is a 'food business' under the Food Act 2003 (NSW). Most food safety requirements in the Food Standards Code apply to their food activities, including for the preparation and transport of food for sale.

Charitable and not-for-profit organisations include:

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

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 foodauthority.nsw.gov.au/resource-centre

Exemptions

While organisations that sell food for charity need to comply with the food safety requirements in the legislation, they are exempt from some requirements:

1. They do not need to notify their business/food activities to the relevant authorities provided the food:

- is not potentially hazardous (does not need to be kept hot or refrigerated to keep it safe), such as scones, preserves or plain cakes, OR
 - would need to be kept under temperature control, but will be eaten immediately after thorough cooking, such as at a sausage sizzle.
2. Food Safety Supervisor, food handler training and being able to show food is safe under Standard 3.2.2A of the Code do not apply to charities if the food is handled or sold for the purpose of raising funds solely for community or charitable causes.

Below are 2 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 children's sporting event. Parents cook sausages and chicken throughout the morning. Cooked food is kept warm in a covered tray, occasionally for more than 2 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.

Donating food

Charitable and not-for-profit organisations that donate food (that is, don't raise money or receive a benefit in return for providing the food) are not considered a 'food business' so the Food Act 2003 does not apply to them. However, it is recommended that best practice food safety standards are met.

For more information, see our [Donating food factsheet](#), available at foodauthority.nsw.gov.au

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, and the directions for storage and use of certain foods.

Information about food allergens that must be declared can be found under [Food allergen rules](#) at foodauthority.nsw.gov.au.

More information

- Visit [foodauthority.nsw.gov.au](https://www.foodauthority.nsw.gov.au)
- Phone the helpline on 1300 552 406
- Email food.contact@dpi.nsw.gov.au
- Contact your local council.

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