

Donating food to charities in Victoria

It's an unfortunate fact of modern life that some members of our society can't afford enough to eat.

Access to a regular food supply is one of our most basic human needs, and many charities have dedicated themselves to meeting this requirement for many years.

Many food businesses have generously supported the efforts of these charities, but others may have worried about whether they can give away food and what the legal consequences might be.

The Food Act does not prevent food businesses from giving away food, however the food that is given away must be safe.

The Food Act requires food businesses to throw away unsafe food, that is food that is likely to cause the person eating it physical harm must be thrown away.

Donated food

Usually, food donated to charities is either:

- Unused portions of food prepared by a food business and not served to customers, or
- Food bought by a food business that is excess to requirements.

What the law says

To support and encourage businesses to donate food, Victorian legislation provides indemnity for organisations that donate safe food to charitable organisations.

The Wrongs & Other Acts (Public Liability Insurance Reform) Act 2002, offers protection to food donors as long as certain pre-conditions are in place:

- The food is donated in good faith for a charitable or benevolent purpose,
- The food is donated with the intention that the receiver of the food does not have to pay for the food,
- The food is safe to eat when it leaves the possession or control of the donor, and
- The donor gives the charity any information it needs to have to ensure the ongoing safety of the food.

The donor should also check to ensure that the charity is doing everything to keep food safe.

Making sure the food given away is safe

Take the same precautions as for food that is sold:

- Take care when handling, storing packing and transporting food.
- Store donated food in clean, covered food-grade containers.

- Keep high-risk foods such as: meat, seafood, poultry, eggs, dairy products and small goods, or foods which contain these ingredients, such as sandwiches, quiches and prepared salads, below 5°C or above 60°C and out of the Temperature Danger Zone.
- Ensure that the food is collected by, or delivered to a charity in the shortest possible time.
- Where possible, keep high-risk foods out of the Temperature Danger Zone while being transported.
- Throw away any high-risk food left in the Temperature Danger Zone for more than 4 hours.
- Everyone involved in handling donated food should maintain the highest standard of personal hygiene and cleanliness.

For more information

Contact the Department of Human Services, Food Safety Unit on 1300 364 352.

Email: foodsafety@dhs.vic.gov.au

Website: www.health.vic.gov.au/foodsafety

or

Contact your local council

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